

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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February 26, 2024
Start: 2:00 p.m.
Recess: 3:46 p.m.

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

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

COUNCIL MEMBERS:

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

A P P E A R A N C E S

Eric Palatnik, on behalf of 88 Justice Avenue

Frank Lang, Deputy Executive Director for Housing
for St. Nick's Alliance

Charlie Stewart, Assistant Director of Real
Estate Development at St. Nick's Alliance

Crystal Ming (phonetic)

Judy Gallent

Richard Lobel of Sheldon Lobel PC

Leo Schaaf

Joe Hochberg (phonetic)

Elizabeth Rose, member of Community Board 8

Valerie Mason, Chair of Community Board 8

Joseph Hodkin (phonetic)

Benjamin Wetzler

Michael Beecham (phonetic)

Lo van der Valk, President of Carnegie Hill
Neighbors

Kevin Elkins, Political Director of the New York
City District Council of Carpenters

Andrew Ellis

Jeffrey Glave

Sara Penenberg, Political Coordinator with SEIU
32BJ

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

Jane Lindberg

Christopher Leon Johnson

2 SERGEANT-AT-ARMS: Check, check. This is
3 the Subcommittee on Zoning and Franchising, recorded
4 by Patrick K. on the 26th of February 2024 in the
5 14th Floor Committee Room. Check, check.

6 SERGEANT-AT-ARMS: Good afternoon and
7 welcome to the New York City Council hearing of the
8 Committee on Zoning and Franchise.

9 At this time, can everybody please
10 silence your cell phones.

11 If you wish to testify, please go up to
12 the Sergeant-at-Arms' desk to fill out a testimony
13 slip.

14 Written testimony can be emailed to
15 landusetestimony@Council.nyc.gov. Again, that is
16 landusetestimony@Council.nyc.gov.

17 At this time and going forward, no one is
18 to approach the dais. I repeat, no one is to approach
19 the dais.

20 Thank you for your cooperation.

21 Chair, we are ready to begin.

22 CHAIRPERSON RILEY: Just imagine this is a
23 gavel everyone. [GAVEL]

24 Good afternoon and welcome to a meeting
25 of the Subcommittee on Zoning and Franchise. I am

2 Council Member Riley, Chair of the Subcommittee. This
3 afternoon, I'm joined by Council Member Carr and
4 remotely by Council Member Schulman.

5 Today, we are scheduled to hear four
6 hearings. The first public hearing will be regarding
7 the termination of a restrictive declaration to
8 facilitate a mixed-use building with residential,
9 commercial, and community facility uses in Queens. We
10 will then hear a proposal for senior housing in
11 Brooklyn followed by a proposal for a mixed-use light
12 industrial and office building in Queens. The fourth
13 and last hearing concerns a residential project in
14 Manhattan, and I now turn it over to the Subcommittee
15 Counsel to review today's procedure.

16 COMMITTEE COUNSEL VIDAL: Today, we were
17 also scheduled to hold one vote in addition to the
18 four hearings. However, the vote which concerns 230
19 Kent Avenue Rezoning proposal, which consists of LUs
20 11 and 12 will not be taking place and will be laid
21 over until tomorrow due to a lack of quorum.

22 Moving on to the hearing procedure. I'm
23 William Vidal, Counsel to this Subcommittee. This
24 meeting is being held in hybrid format. Members of

2 the public who wish to testify may testify in person
3 or via Zoom.

4 Members of the public wishing to testify
5 remotely may register by visiting the New York City
6 Council website at www.council.nyc.gov/landuse to
7 sign up.

8 For those of you here in the Chambers,
9 please see one of the Sergeant-at-Arms to prepare and
10 submit a speaker card. In the speaker card, please
11 make sure you indicate the project name.

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

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

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

2 instead of appearing before the Subcommittee, please
3 email it to landusetestimony@council.nyc.gov. Please
4 indicate the LU number and or project name in the
5 subject line of your email.

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

9 Chair Riley will now continue with
10 today's agenda items.

11 CHAIRPERSON RILEY: Thank you, Counsel. I
12 will now open the first public hearing on LU 18
13 related to the 88-08 Justice Avenue and the
14 application to terminate a recorded restricted
15 declaration recorded against the property which is
16 located in Council Member Krishnan's District in
17 Elmhurst, Queens.

18 The cancellation of the restrictive
19 declaration will facilitate the development of an 18-
20 story mixed-use building, residential, commercial and
21 community facility uses pursuant to the existing C4-2
22 zone and district regulations.

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

2 visiting the Council's website
3 www.council.nyc.gov/landuse. Once again, for anyone
4 with us in person, please see one of the Sergeants
5 here to prepare and submit a speaker's card. If you
6 would prefer to submit written testimony, you can
7 always do so by emailing it to us at
8 landusetestimony@council.nyc.gov.

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

11 COMMITTEE COUNSEL VIDAL: The first panel
12 consists of Eric Palatnik.

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

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

17 ERIC PALATNIK: Eric Palatnik.

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

22 ERIC PALATNIK: I do.

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

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

4 Before we begin, I would just like to say
5 we've been joined by Chair Hanks.

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

10 ERIC PALATNIK: Good afternoon again, Eric
11 Palatnik, and I am here on behalf of 88 Justice
12 Avenue. Thank you very much to the Members of the
13 Committee that are here in attendance and those that
14 are on Zoom.

15 We're here today to ask your permission
16 to remove a restrictive declaration on the property
17 that prevents the development from containing any
18 commercial use. That restrictive declaration was put
19 in place in 1972, and I'll go through the details of
20 it. The building is already built. There's an 18-
21 story building, mixed-use building there with some
22 uses in it that include the Academy Charter School as
23 well as Advantage Physicians, which are all Use Group
24 4 uses, there's no Use Group 6 use. If you were to
25 agree to the removal of the restrictive declaration,

2 we would be able to occupy some of the space within
3 the building for commercial use, not much, but some
4 of it, and that's the reason why we're here. The
5 buildings that you see in the picture right now, the
6 building with its base is constructed already. Next
7 slide, please.

8 The right side of the slide is just some
9 salient information, which I'll tell you. The
10 building is 18 stories tall. It has 330,000 square
11 feet. Of that, 150,000 square feet is residential,
12 and about 133,000 is existing community facility. If
13 the approval was to be granted, it would free up
14 about 45,000 square feet for some commercial use.
15 I'll note that Academy Charter School that's in the
16 building right now is looking to take some of that
17 space so it may even be less commercial use put to
18 use. Next slide, please.

19 This gives you an image of the building
20 itself. As I said already, it's already built. It's
21 next to the Queen's Center Mall. It's on the site of
22 an iconic diner that was built many years ago, in
23 1972 actually, as a part of the restrictive
24 decoration, and that diner is no longer there, it's
25 called the Georgia Diner, so what the restrictive

1 declaration really did was allow for the Georgia
2 Diner to be constructed in the red area you see up on
3 Queens Boulevard, and it maintained that the
4 remainder of the property be developed upon with a
5 very specific use. Back in the '70s when City
6 Planning and the Council wanted to see a specific
7 development, they enacted a restrictive declaration on
8 the property that would guide that development. The
9 owner never built the rest of that development. The
10 only thing built at the time was the Georgia Diner in
11 the back top portion and the rest of the site was
12 left vacant. Next slide, please.

14 That was until our client purchased the
15 property, they demolished the Georgia Diner, and they
16 built what you see here in the image in front of you,
17 which I've been presenting to you already. Again, the
18 request to remove the restrictive declaration would
19 allow for some of the space in that three- or four-
20 story portion on the top image to be put to
21 commercial use, not much space, because some of the
22 space has been claimed already by the Queens Central
23 Academy Charter School, which is already within the
24 building. Next slide, please.

2 This slide gives you a good image of the
3 building from a sectional, and it shows you how it's
4 laid out. The most important part for this request is
5 that bottom purple part where it says commercial
6 floor area. That's not allowed right now under the
7 restrictive declaration.

8 Good afternoon. Thank you for joining us.
9 My name is Eric Palatnik. Sorry, you came in later
10 and I didn't get a chance to introduce myself.

11 The request is to allow that portion that
12 says commercial floor area, 45,000 square feet, to be
13 used as commercial floor area. Right now, under the
14 restrictive declaration, it's only allowed to be used
15 as community facility, but I will point out that as I
16 said already, Academy Charter School, which controls
17 the floor below it will be taking some of that space
18 and we hope that a little bit more, about 5,000 or
19 10,000 square feet will be left over for commercial
20 use. The remainder of the presentation is all about
21 just the location of the property and so forth and so
22 on so I'll skim through it rather quick because I
23 know you have a busy agenda. The crux of it is the
24 removal of the restrictive declaration. If you can
25 click back a few slides to the pictures of the

2 property, please. Forward, I meant, forward, there's
3 some ground shots just to give everybody an idea of
4 what it looks like, and we could save you some time.
5 There you go.

6 As I've been telling you, the building is
7 built already, and if you just click through a couple
8 of these, you'll see this is what's in place right
9 now. That essentially summarizes our application.
10 There's no reason for me to go too much further in
11 depth.

12 If you'd like me to answer any further
13 questions, I'd be happy to. I'd be happy to present
14 the plans in greater detail as well as to explain
15 anything else that you may want to see. Thank you.

16 CHAIRPERSON RILEY: Thank you. I just want
17 to note for the record, we've been joined by Council
18 Member Salaam.

19 I just have two questions and then I'll
20 see if any other Members of the Committee have any
21 questions.

22 Can you please describe what type of
23 commercial space you are looking to build out here?

24 ERIC PALATNIK: Yes, it's a split. Some of
25 the commercial space that's going to be left over

2 will be used for local retail, but we don't know
3 exactly what type of local retail. The remainder of
4 the commercial space would be made available to
5 professional offices, either lawyers, accountants,
6 things of that nature. We don't think much space will
7 be left over once the school expands.

8 CHAIRPERSON RILEY: You don't currently
9 have any tenants that are going to occupy any of
10 these spaces?

11 ERIC PALATNIK: Like I've been saying,
12 right now, Central Queens Academy Charter School that
13 occupies the community facility space is in talks to
14 take over some of the 45,000 square foot space that
15 we're allocating now for the commercial use. When
16 that's done, there'll be somewhere between 5,000 and
17 10,000 square feet. That's what I'm telling you right
18 now, is what they're thinking. Some of that space is
19 at the ground floor, so that'll be some local retail,
20 card shop, something like that, and upstairs,
21 there'll be some space too, and they're thinking
22 there'll be some professional offices, but we're
23 hoping the bulk of the space the school will take.

24 CHAIRPERSON RILEY: Thank you. Are there
25 any other Members who have questions for this panel?

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

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

6 Before we begin, I'm going to call out
7 four names. We don't know which hearing you want to
8 testify on so I'm going to call these names out and
9 just go to the Sergeant just to indicate. Andrew
10 Ellis, Jane Lindberg, Jeffrey Glave, and Christopher
11 Leon Johnson. If you could just go to the Sergeant-
12 at-Arms and indicate which hearing you want to
13 testify on.

14 Out of those names, does anyone want to
15 testify on this current applicant right now? No?
16 Okay.

17 COMMITTEE COUNSEL VIDAL: Chair, we also
18 don't have anyone signed up online to testify.

19 CHAIRPERSON RILEY: Thank you. Okay.
20 You're excused. Thank you so much.

21 We've also been joined remotely by
22 Council Member Moya.

23 There being no other members of the
24 public who wish to testify on LU 18 related to 88-08

2 Justice Avenue, this application is now closed and
3 the item is laid over.

4 I will now open the second public hearing
5 on Preconsidered LUs related to the Jennings Hall
6 Expansion rezoning proposal in Council Member
7 Gutiérrez's District in Flushing, Queens. The
8 proposal is a rezoning to develop 218 affordable
9 apartments for elderly households. This rezoning will
10 also involve mapping Mandatory Inclusionary Housing.

11 For anyone wishing to testify on these
12 items remotely, if you have not already done so, you
13 must register online and you may do that now by
14 visiting the Council's website at
15 www.council.nyc.gov/landuse.

16 Once again, for anyone with us in person,
17 please see one of the Sergeants to prepare a
18 speaker's card.

19 If you would prefer to submit a written
20 testimony, you may do that by emailing us at
21 landusetestimony@council.nyc.gov.

22 Council Member Gutierrez couldn't be
23 here, but she would like me to read a letter.

24 I express my wholehearted endorsement and
25 support for the proposed expansion of Jennings Hall,

which aims to provide amenity-rich, energy-efficient, and affordable senior housing in East Williamsburg.

As a community anchor since 1975, St. Nick's Alliance has demonstrated an unwavering commitment to serving the needs of our diverse community. Jennings Hall with its 150 units of low-income senior housing under the HUD Section 202 program refinanced with the NYC HDC in 2009 stands as a testament to their dedication to provide safe and affordable housing for our senior citizens. The proposed expansion, which involves the construction of a 14-story, 218-unit, 100 percent affordable senior housing building is a crucial step in addressing the pressing need for affordable housing for seniors in our neighborhood. With North Brooklyn facing soaring rent burdens and an alarming increase in housing costs, it is imperative that we prioritize affordable and senior housing initiatives to ensure that our seniors can age with dignity and security in the communities they call home. In North Brooklyn, 23 percent of the renters are severely rent burdened, and seniors are particularly vulnerable in displacement due to population growth and rent increases. The proposed expansion of Jennings Hall will not only provide much needed affordable housing

options but also help combat the displacement of our senior residents. Moreover, the project commitment to energy efficiency and sustainability aligns with our shared values of environmental stewardship and community resilience. The inclusion of amenities such as a library, community room, enhanced security measures, and a fitness center enhances the quality of life of our senior residents and fosters a sense of community and belonging. In conclusion, I urge the Subcommittee of Zoning and Franchises to support the proposed expansion of Jennings Hall. I have worked closely with St. Nick's Alliance on this project and it represents a critical opportunity to address the urgent need for affordable senior housing in our neighborhood and reaffirm our commitment to creating exclusive and vibrant communities for all residents. This letter was submitted by Council Member Gutiérrez.

Counsel, can you please call the first panel for this item?

COMMITTEE COUNSEL VIDAL: Yes. Our first panel consists of Judith Gallant, Charles Stewart, Frank Lang, and Crystal Ming.

2 CHAIRPERSON RILEY: Counsel, can you
3 please administer the affirmation?

4 COMMITTEE COUNSEL VIDAL: Please raise
5 your right hand and state your name for the record
6 starting from right to left.

7 JUDY GALLENT: Judy Gallent.

8 FRANK LANG: Frank Lang.

9 CHARLIE STEWART: Charlie Stewart.

10 CRYSTAL MING: Crystal Ming.

11 COMMITTEE COUNSEL VIDAL: Do you affirm to
12 tell the truth and nothing but the truth in your
13 testimony before the Subcommittee and in your answers
14 to all the questions that Council Members ask?

15 JUDY GALLENT: Yes.

16 FRANK LANG: Yes.

17 CHARLIE STEWART: Yes.

18 CRYSTAL MING: Yes.

19 CHAIRPERSON RILEY: Thank you. For the
20 viewer in public, if you need an accessible version
21 of this presentation, please send an email request to
22 landusetestimony@council.nyc.gov.

23 Now the applicant team may begin.
24 Panelists, before you begin, just state your name and
25 organization for the record. You may begin.

2 FRANK LANG: My name is Frank Lang. I'm
3 the Deputy Executive Director for Housing for St.
4 Nick's Alliance. The Council Member basically said a
5 lot of things that I had in my presentation. We're
6 delighted to be here to present to you a rezoning to
7 create 218 units of desperately needed affordable
8 housing in Williamsburg. Next slide, please.

9 As the Council Member mentioned, St.
10 Nick's Alliance was created in 1975 by local
11 residents and business people and it continues to
12 have a board primarily made up of local people. We
13 built Jennings Hall in 1980, 150 units, and we
14 refinanced it through the City's program, HDC, in
15 2009, and it's really been an anchor as she mentioned
16 for the community providing that affordable senior
17 housing. Next slide, please.

18 Community Board 1, like most of New York
19 City, is desperately in need of affordable housing,
20 and Community Board 1 in Williamsburg, Greenpoint has
21 put affordable senior housing as one of its
22 priorities. In particular, the elderly in the
23 neighborhood are being displaced because they live in
24 the two-family homes which have no rent regulation

1 protections, and so this kind of housing is really
2 valuable for residents. Next slide.

3 This site plan shows in white the
4 existing Jennings Hall. It's made up of two existing
5 buildings, one an old nurses' residence and the other
6 a new construction in 1980. We purchased the adjacent
7 property at 819 Grand Street on the corner, and the
8 proposal is to combine them together to make this the
9 third wing of Jennings Hall so it would operate like
10 three buildings but operate really as one building
11 together. It's on the intersection of two large
12 streets and across from the public high school in the
13 neighborhood. Next slide, please.

14 This is just some images of the
15 surrounding area and the different topographies,
16 typologies of the building. Next slide.

17 The development plan, St. Nick's Alliance
18 purchased the adjacent bank building which was
19 vacant. Chase had moved its branch, and the option
20 here was to leverage that property with Jennings Hall
21 and create one property. We want to be able to make
22 that building come over the parking area of Jennings
23 Hall, and so that way we can achieve that density. We
24 will also be able to leverage the existing social
25

2 services at Jennings Hall to be able to provide it
3 for all 368 residential units. Next slide.

4 The project itself will be, as the
5 Council Member noted, 100 percent affordable. It will
6 range from formerly homeless to residents incomes up
7 to 60 percent AMI. There will also be a ground floor
8 commercial because it's a corner site right at the
9 intersection of two commercial streets.

10 I'll let my colleague, Charles Stewart,
11 finish out the presentation.

12 CHARLIE STEWART: Hello. My name is
13 Charlie Stewart. I'm the Assistant Director of Real
14 Estate Development at St. Nick's Alliance. Next
15 slide, please.

16 We are proposing three zoning map
17 amendments and one text amendment as part of this
18 application, and the basic intent is to change the
19 zoning designations but leave the map boundaries and
20 the C2-4 commercial overlay intact. So here we're
21 proposing to change the R7A designations with a 4.6
22 FAR to R7X with a 6 FAR and change the R6B
23 designations with a 2.2 FAR along Powers Street to
24 R7A with a 4.6 FAR, and these changes will generate
25 the floor area needed to develop the third wing of

2 Jennings Hall and they will also fix an error from
3 the 2009 neighborhood rezoning that put the Powers
4 Street wing of Jennings Hall out of zoning
5 compliance. Finally, these changes would allow us to
6 put height and density in an appropriate location on
7 the corner of two wide streets next to a train
8 station with excellent transportation access. Next
9 slide, please.

10 The third wing of Jennings Hall will have
11 an equal mix of studios and one bedrooms, and we plan
12 to use HPD's SARA program, so the building will have
13 project-based Section 8 vouchers for all residents,
14 including formerly homeless. Next slide, please.

15 This is a view of the building facing
16 northeast from Grand Street. The building has
17 setbacks on the 7th and 11th floors, and its façade
18 tapers at a 3 percent angle along Grand Street above
19 the setbacks. It will be comprised of three different
20 materials, brick, metal panels, and EIFS. Next slide,
21 please.

22 This is a view facing northwest from
23 Grand Street, and this image shows the impact of the
24 different materials which help to break down that
25 long street wall. Next slide, please.

2 This view faces southeast from Power
3 Street and shows how the new building interacts with
4 the existing Jennings Hall building. Next slide.

5 Finally, this view shows the ground floor
6 commercial space at the corner of Bushwick and Grand.
7 One thing we're proposing here, which might be hard
8 to see, is a six-foot setback of the first-floor
9 storefront along Bushwick Avenue, which will create
10 more circulation space for pedestrians entering or
11 exiting the stairwell to Grand Street Station, which
12 is currently built right up to the existing..

13 CHAIRPERSON RILEY: I'm so sorry. Just
14 give me one second. I'm going to have to interrupt
15 you because we actually do have quorum for our vote,
16 and I just want to make sure we can do it real quick
17 because we have Council Members that have to leave.

18 CHARLIE STEWART: Sure.

19 COMMITTEE COUNSEL VIDAL: Just to be
20 clear, we will be returning back to you and you will
21 be able to start over if you would like to. Thank you
22 for pausing your hearing.

23 CHAIRPERSON RILEY: Good afternoon,
24 everyone. I am briefly interrupting this hearing to
25 hold a vote that was scheduled for today regarding

1 the 230 Kent Avenue. The vote is to approve with
2 modifications LUs 11 and 12. This development project
3 is located in Council Member Restler's District in
4 Williamsburg, Brooklyn, and seeks to build a mixed-
5 use residential building with approximately 40
6 apartments.
7

8 The first proposed action involves
9 rezoning a purely manufacturing district M1-4 to a
10 mixed-use district M1-4/R7X. The second proposed
11 action involves mapping mandatory inclusionary
12 housing over the rezoning area and adding the
13 proposed mixed-use district to the regulations in the
14 zoning resolution that governed mixed-use districts.
15 We are recommending two modifications. The first
16 modification is to reduce the rezoning area to only
17 include the development site. As currently proposed,
18 the rezoning would apply to applicant's lot and the
19 adjacent property owned by Con Edison. Upon
20 discussion with Con Edison, it was determined that
21 the future utility needs in this area remain
22 uncertain, and that Con Edison's property should be
23 reserved for potential future utility uses. As such,
24 Con Edison property should not be rezoned. The second
25 modification is to remove MIH Option 2 and require

2 that the proposed development comply with MIH Option
3 1. MIH Option 1 requires that 25 percent of the units
4 be provided to the households making an average of 60
5 percent AMI or less, which is approximately 60,000
6 for one person.

7 We also have been joined by Council
8 Member Abreu.

9 Members of the Subcommittee who have
10 questions or remarks about today's item should use
11 the raise hand function if you're online or just let
12 the Counsel know if you're here. Counsel will
13 announce members in the order that hands are raised.

14 Counsel, are there any members who have
15 questions at this time?

16 COMMITTEE COUNSEL VIDAL: There are no
17 Council Members with questions in person, and let me
18 just verify online, I don't believe so. We may
19 proceed with the vote.

20 CHAIRPERSON RILEY: Thank you. I will now
21 call for a vote to approve with modifications LUs 11
22 and 12 relating to the 230 Kent Avenue Rezoning
23 proposal. Counsel, please call the roll.

24 COMMITTEE COUNSEL VIDAL: Chair Riley.

25 CHAIRPERSON RILEY: Aye.

2 COMMITTEE COUNSEL VIDAL: Council Member
3 Moya.

4 COUNCIL MEMBER MOYA: I vote aye.

5 COMMITTEE COUNSEL VIDAL: Council Member
6 Abreu.

7 COUNCIL MEMBER ABREU: Aye.

8 COMMITTEE COUNSEL VIDAL: Chair Hanks.

9 CHAIR HANKS: Aye.

10 COMMITTEE COUNSEL VIDAL: Council Member
11 Schulman.

12 COUNCIL MEMBER SCHULMAN: Aye.

13 COMMITTEE COUNSEL VIDAL: Council Member
14 Salaam.

15 COUNCIL MEMBER SALAAM: I vote aye.

16 COMMITTEE COUNSEL VIDAL: We have six
17 votes in affirmative, no abstentions, and no Council
18 Member voted against it. Therefore, these two
19 resolutions are adopted.

20 CHAIRPERSON RILEY: Thank you, Counsel.

21 Now back to you guys. Thank you for your
22 patience.

23 COMMITTEE COUNSEL VIDAL: If I may, just
24 to be clear for the record, we are returning to the

2 hearing where we temporarily paused to take a vote,
3 and you may proceed.

4 CHARLIE STEWART: Yeah, so I was just
5 saying that in this view we set back the street wall
6 six feet to accommodate the stairwell, which is built
7 right up to the lot line, which is feedback that we
8 heard from the community that it's very tight as you
9 exit the stairwell so we took the community's
10 feedback into consideration in the design. Next
11 slide, please.

12 This building will be high performance
13 and energy efficient. It's being designed with
14 passive house principles. It will be 100 percent
15 electric with high efficiency heating and cooling and
16 ventilation, triple pane windows and rooftop solar.
17 These features will lower our operating costs, reduce
18 fossil fuel dependency and emissions, and create a
19 quiet, safe living environment for our senior
20 residents. Next slide.

21 It's hard to see here, but we're also
22 proposing landscape improvements as part of the
23 project. The interior courtyard of Jennings Hall will
24 be upgraded to provide more walking paths and seating
25 areas for residents, and we plan to renovate the

2 building entrance along Powers Street to create an
3 ADA-compliant ramp with a more attractive and
4 efficient entryway, and we also plan to add walking
5 paths and seating areas for residents along the
6 perimeter of Jennings Hall along Powers and Bushwick,
7 which is currently just underutilized grass. Finally,
8 we're planning a landscape terrace on the second
9 floor of the new building, 819 Grand, along with
10 green roofs at the setback floors. Next slide.

11 That concludes the presentation. We're
12 happy to take any questions.

13 CHAIRPERSON RILEY: Thank you so much.
14 Just a few questions. How many units will be
15 permanently affordable under the proposed MIH
16 mapping?

17 FRANK LANG: Permanent? I think it would
18 be 10 percent.

19 JUDY GALLEN: All of the units would be
20 affordable. They're AIRS units. To be AIRS, they have
21 to be available to those who are 62 years of age or
22 more and earning 60 percent of AMI maximum, and all
23 of the units will be available at that income level.

24 FRANK LANG: Chair, so you understand, all
25 of our units are permanently affordable even if

2 they're not required to be and we've done refinance
3 and done that to make sure all of them stay that way.

4 JUDY GALLEN: If I could just clarify,
5 MIH is being mapped in the event that this project is
6 destroyed by a casualty or something and it were
7 redeveloped then MIH would kick in, but because
8 they're AIRS, the MIH options don't actually apply.
9 AIRS has its own affordability requirements in
10 perpetuity.

11 CHAIRPERSON RILEY: Thank you. What
12 measures do you plan on taking to ensure that the
13 current senior housing within the residential complex
14 is not negatively impacted during construction by
15 noise or dust?

16 FRANK LANG: We have to submit a plan of
17 action so we have already started to look at how we
18 can maintain safety and accessibility. Part of the
19 plan was looking at that. We've been meeting with the
20 tenants and talking about the project and looking at
21 how we can mitigate that in terms of the overall
22 design. There will be protections on the existing
23 building. In terms of the dust, there will be netting
24 and other work impacts to make sure that doesn't come
25 out.

2 CHARLIE STEWART: We've been in contact, I
3 mean there are our residents, we've been in contact
4 with them throughout design planning and they helped
5 us develop the plan for the new building, the
6 amenities and so forth, and so that planning will
7 definitely occur and we intend to be in close contact
8 with residents as we develop that plan.

9 CHAIRPERSON RILEY: How long do you
10 anticipate the construction to take?

11 CHARLIE STEWART: 24 months.

12 CHAIRPERSON RILEY: Lastly, what type of
13 business do you plan on utilizing for the ground
14 floor retail space?

15 FRANK LANG: We're not sure right now. As
16 you're aware, retail is very in flux so the space is
17 about 5,000 square feet and it's a corner so it can
18 be subdivided into two or even three smaller spaces
19 so we're not sure what would be there. We have a
20 9,000 square foot space that we had vacant for three
21 years until we finally found a tenant, and it was a
22 midblock. We're seeing how Grand Street goes.

23 CHAIRPERSON RILEY: Okay. No more
24 questions. Just want to commend you because the
25 Council Member provided this letter and she wanted me

2 to read it and it looks like you have been doing your
3 due diligence with connecting with the community and
4 the stakeholders over there so just want to commend
5 you and thank you for what you're doing over there.
6 I'm looking forward for this project.

7 Are there any more Council Members with
8 any questions for this applicant panel?

9 COMMITTEE COUNSEL VIDAL: No, Chair.

10 CHAIRPERSON RILEY: There being no
11 questions, this applicant panel is excused.

12 Counsel, are there any members of the
13 public who wish to testify on Jennings Hall Rezoning
14 proposal?

15 COMMITTEE COUNSEL VIDAL: At this time,
16 there are no members that are signed up online to
17 testify regarding this proposal, and no one has
18 submitted a speaker card in order to testify, but
19 just confirming that no one in the audience would
20 like to testify regarding this proposal, Jennings
21 Hall.

22 CHAIRPERSON RILEY: Okay.

23 COMMITTEE COUNSEL VIDAL: Seeing no
24 questions.

2 CHAIRPERSON RILEY: There being no members
3 of the public who wish to testify on the
4 Preconsidered LUs relating to the Jennings Hall
5 Rezoning proposal, the public hearing is now closed
6 and the item is laid over.

7 I will now open the third public hearing
8 on Preconsidered LUs relating to the 21-17 37th
9 Avenue Rezoning proposal. This proposal seeks to
10 develop a new seven-story mixed-use light industrial
11 and office building in Council Member Won's District
12 in Ravenswood, Queens. The application consists of a
13 rezoning from an M1-1 manufacturing district to an
14 M1-5 manufacturing district.

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

20 Once again, for anyone with us in person,
21 please see one of the Sergeant-at-Arms to prepare
22 your speaker's card.

23 If you prefer to submit written
24 testimony, you can do so by emailing
25 landusetestimony@council.nyc.gov.

2 Counsel, please call the first panel for
3 this item.

4 COMMITTEE COUNSEL VIDAL: First panel
5 consists of Richard Lobel.

6 CHAIRPERSON RILEY: Richard, you got rid
7 of the beard, man. Counsel, please administer the
8 affirmation.

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

11 RICHARD LOBEL: Richard Lobel.

12 COMMITTEE COUNSEL VIDAL: Do you affirm to
13 tell the truth, the whole truth and nothing but the
14 truth in your testimony and response to questions?

15 RICHARD LOBEL: I do. Thank you.

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

20 Now the applicant team may begin.
21 Panelists, before you begin, please state your name
22 and organization for the record. You may begin.

23 RICHARD LOBEL: Thank you, Chair Riley.
24 Council Members. Richard Lobel of Sheldon Lobel PC
25 for the applicant. We're here today to discuss the

21-17 37th Avenue rezoning. I note that the current screenshot is of a different rezoning. I think we're changing that over. While that is loading, I'll briefly discuss our project description.

This rezoning consists primarily of two lots which front 37th Avenue in Long Island City, Queens. The current zoning, next slide, is an existing M1-1 district, which is proposed to be rezoned to an M1-5 district. This would allow for the development of a new seven-story mixed manufacturing and commercial building. The development site is roughly 17,000 square feet. The proposed building would be roughly 84,000 square feet with a total height of 113 feet and would set back about 82 feet from 37th Avenue and 22nd Street. The proposed uses at the building would be 21,000 square feet plus or minus for commercial use and 63,000 square feet for light manufacturing. We would also propose, although not required, 58 parking spaces which would service the occupants and visitors to the building.

The next slide shows the zoning map, and the zoning map really demonstrates here why this is entirely appropriate. Most of the zoning, tough to see, but in the circled portion to the north of 37th

2 Avenue is M1-1 which is a very limiting zoning
3 district. It has a low FAR, high parking requirement,
4 doesn't really contribute to development here within
5 the industrial business zone while to the south of
6 37th Avenue is an M1-3 district, which although
7 allowing building bulk at the same level as the M1-5
8 is proposed has an onerous parking requirement. The
9 proposal here would be to allow an M1-5, which would
10 allow for a 5 FAR and remove the parking requirement
11 to allow this building to be used in a productive
12 manner.

13 The next slide is a tax map demonstrating
14 the boundaries of the rezoning, again, coterminous
15 with both the rezoning area of the development site
16 as well as the adjacent gas station and fronting on
17 37th Avenue for a distance of roughly 191 feet.

18 Next slide, which is the area map, which
19 really well demonstrates why this rezoning is
20 entirely appropriate. As you can see from the map,
21 the area is heavily industrial with light
22 manufacturing and industrial uses. 37th Avenue here
23 is a wide street, which can easily handle the
24 proposed increase in bulk, and 21st Street to the
25 west of the site is also a wide street, so you have

2 the benefit of a corner lot with frontage on a wide
3 street and within 100 feet of another wide street. In
4 addition, you've got the Ravenswood Houses to the
5 north, roughly a block north of the site which
6 provides ample opportunity for walk to work job
7 creation, which is a goal of the City as well as of
8 the Community Board who voted 25 to nothing in favor
9 of this rezoning. Finally, there are abundant
10 transportation options at the site. The site is in
11 the transit zone and again would allow for a
12 productive use. The user of the site, Parts
13 Authority, a longstanding New York City business with
14 many locations throughout the city and, indeed, the
15 country, which would be able to consolidate many of
16 their operations within this proposed building. It's
17 an exciting opportunity for the applicant as well as
18 for the local area.

19 The next slide, an eagle eye view of the
20 surrounding area. You can see that currently the site
21 is underutilized. There are the dense Ravenswood
22 houses to the north, roughly 31 buildings at six
23 stories each, so there is density within the area and
24 within the surrounding one to two blocks.

2 The next several slides are the building
3 plans. The first, a rendering which was commented on
4 by the Community Board as being a potentially
5 attractive addition to the local neighborhood.

6 The next slide has the subcellar parking
7 and the cellar parking on the slide after, sorry, two
8 slides, including 58 parking spaces on the lower two
9 levels.

10 The next slide is the ground floor, which
11 contains both retail uses as well as a lobby for the
12 commercial uses above. In addition, 22nd Street here
13 has two loading docks off of 22nd Street from
14 existing curb cuts, and the entrance to the parking
15 area is on 37th Avenue.

16 The next slides are floors two through
17 five, which contain the roughly 63,000 square feet of
18 industrial uses at the site, primarily to be used by
19 Parts Authority for their manufacturing of kits,
20 which are shipped nationwide in order to allow for
21 local businesses to use them for repair of
22 transmissions, and then the top two floors, floors
23 six and seven, both contain office uses, again,
24 roughly 21,000 square feet.

2 That really concludes the majority of the
3 presentation. Again, we hope that the Council will
4 join in with the unanimous vote of Community Board 1,
5 the Queens Borough President, and City Planning and
6 approve what we find to be a meritorious application.
7 With that, Chair, we're happy to answer questions.

8 CHAIRPERSON RILEY: Thank you, Richard.
9 You didn't get a chance to go into it, but just
10 briefly, can you just outline the building's
11 incorporated sustainability features?

12 RICHARD LOBEL: Oh, sure. Actually, if you
13 can forward the slides past the building plans, ah,
14 sustainability measures. Great. Okay.

15 The next slide has the proposed
16 sustainability measures, which was a topic of the
17 community-based and Queens Borough President. We are
18 allowing for renewable energy at the site through the
19 use of solar panels atop the building. The building
20 envelope is triple insulated with full height windows
21 to allow for maximum natural lighting and to minimize
22 the use of artificial lighting. There are energy and
23 technology integration systems within the building,
24 high efficiency heating, LED lighting and such, and
25 we are including water effectiveness measures

2 including low-flow fixtures and rainwater retention
3 tanks. The building itself allows for an attractive
4 envelope and one which is also environmentally
5 sensitive.

6 CHAIRPERSON RILEY: How are you addressing
7 potential conflicts between the manufacturing uses
8 and the commercial uses?

9 RICHARD LOBEL: Yeah, so there are
10 separate entrances for the lobby, for the offices
11 above as well as the manufacturing uses. There's a
12 separate elevator bank, which allows for freight
13 elevators coming off of 22nd Street. In addition, the
14 local area while this is an upzoning would allow more
15 bulk, the existing M1-1 district would allow for this
16 mix of commercial and retail uses. The retail is
17 really a small part of the project, which is intended
18 to be for a local food store in order to service the
19 building occupants and the surrounding area while the
20 uses above are generally centered on the operator,
21 Parts Authority, who is going to be operating light
22 manufacturing and some of the office space.

23 CHAIRPERSON RILEY: Is there an idea or a
24 sense of how many employees would be located in this
25 building?

2 RICHARD LOBEL: I think the last
3 conversation, I'm happy to answer supplementally, but
4 my understanding was that there would be a minimum
5 of, I believe, 70 employees at the site, and I can
6 correct the record and provide that to the Council
7 supplementally. I know also we have people on the
8 phone with us right now, the applicant themselves,
9 who would be able to weigh in on total employees.

10 CHAIRPERSON RILEY: Thank you.

11 RICHARD LOBEL: Sure.

12 CHAIRPERSON RILEY: Are there any more
13 Council Members with questions for this panel?

14 COMMITTEE COUNSEL VIDAL: No, Chair.

15 There being no questions, this applicant
16 panel is excused.

17 Counsel, are there any members of the
18 public who wish to testify on 21-17 37th Avenue
19 Rezoning proposal?

20 COMMITTEE COUNSEL VIDAL: No, Chair. There
21 is no one signed up in person or online to testify
22 regarding this application.

23 However, I just want to make sure there's
24 no one in the room. If you would like to testify

2 regarding this proposal, please see one of Sergeant-
3 at-Arms.

4 Not seeing any. Chair, we can proceed
5 with closing this hearing.

6 CHAIRPERSON RILEY: Thank you, Counsel.
7 There being no members of the public who wish to
8 testify on Preconsidered LUs related to the 21-17
9 37th Avenue Rezoning proposal, the public hearing is
10 now closed and the item is laid over.

11 I will now open the fourth and last
12 public hearing on the Preconsidered LUs relating to
13 the East 94th Street Rezoning proposal in Council
14 Member Menin's District in Manhattan. This proposal
15 consists of a rezoning from a manufacturing district,
16 M1-4, to a commercial district, C4-6, to develop a
17 mixed-use residential development in Yorkville. The
18 proposal includes mapping Mandatory Inclusionary
19 Housing over the rezoning area, which will require
20 applicants to include affordable housing in the
21 proposed development.

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

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

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

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

10 I would now like to give the floor to
11 Council Member Menin to give her remarks.

12 COUNCIL MEMBER MENIN: Thank you so much,
13 Chair Riley, for holding today's important hearing.

14 The East 94th Street Rezoning has the
15 possibility to be the first Mandatory Inclusionary
16 Housing project for the East Side of Manhattan and
17 could bring upwards of 450 units of housing and 100
18 vitally important affordable housing units.

19 New York City is in the midst of an
20 ongoing affordability crisis. Our city is neither
21 building nor preserving enough affordable housing to
22 keep up with demand. Very few units of affordable
23 housing have been created in my District in recent
24 years, which is totally and wholly unacceptable. In
25 fact, over half of all Council Districts, 26 out of

2 51 Council Districts to be precise, created less than
3 100 units of affordable housing in 2022. This is a
4 paltry level of production and we must change this.

5 Community Board 8 of Manhattan approved this rezoning
6 by a vote of 32 in favor, 4 opposed, and 3

7 abstentions, but with conditions that included that

8 the proportion of affordable units be increased to 30

9 percent, that open space be incorporated into the

10 site, that the height of the building be reduced to a

11 maximum of 355 feet, that construction use all union

12 labor or pay prevailing wages among other conditions.

13 It's my understanding that the applicant

14 has reached preliminary agreements with 32 BJ, and I

15 urge the applicant to continue conversations with the

16 Carpenters' union and other labor unions in regard to

17 this proposal so that project labor agreements can be

18 executed.

19 At today's hearing, I look forward to the

20 applicant answering the Committee's questions to

21 determine which, if any, recommendations from

22 Community Board 8 and the City Planning Commission

23 have been incorporated.

24 Lastly, I've asked the Department of

25 Housing and Preservation to commit resources to this

2 project, and I'm hopeful that the Administration can
3 support the East Side of Manhattan's affordable
4 housing needs.

5 I want to once again thank the Chair for
6 allowing me to speak, and I look forward to today's
7 hearing. Thank you.

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

10 Counsel, please call the first panel for
11 this item.

12 COMMITTEE COUNSEL VIDAL: The first panel
13 consists of Eric Knowles and Jerry Johnson.

14 CHAIRPERSON RILEY: Thank you. Counsel,
15 please administer the affirmation.

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

18 JERRY JOHNSON: Jerry Johnson.

19 ERIC KNOWLES: Eric Knowles.

20 COMMITTEE COUNSEL VIDAL: Do you swear to
21 tell the truth, the whole truth, and nothing but the
22 truth in your statement and in response to questions?

23 ERIC KNOWLES: Yes.

24 JERRY JOHNSON: Yes.

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.

6 Now the applicant team may begin.
7 Panelists, before you begin, just please state your
8 name and organization for the record.

9 JERRY JOHNSON: Hi. My name is Jerry
10 Johnson. I'm with Fox Rothschild, and we're a land
11 use Council to the applicant.

12 ERIC KNOWLES: Eric Knowles, Fox
13 Rothschild as well.

14 JERRY JOHNSON: Thanks. Next slide. The
15 applicant here is LM East 94 LLC, which is a venture
16 between Friedland Properties and the Chapman Group,
17 both entities with deep roots in New York City and
18 the Upper East Side. Should this rezoning be
19 approved, the proposed building would be a 385,000
20 square foot building with approximately 452 units of
21 housing, 113 of which will be permanently affordable
22 pursuant to Option 1 of the MIH program. Next slide.

23 This is a land use map showing the area
24 around the site. The area in question is an M1-4
25 zoning district on the north side of East 94th Street

midway between 2nd Avenue and 3rd Avenue. The site itself is a vestige of the former industrial past of the Yorkville neighborhood, and as you can see surrounding the shaded area which is the rezoning area, all the land use is mixed use and some minor commercial, and we believe that the proposed change to a mixed-use district is appropriate in this location. I wanted to just talk about the development site and the rezoning area itself. If you're going from west to east, there are six properties. The first three, which are on the west side, are occupied currently by a five-story commercial building, a four-story community facility building which is a gym for a local parochial school, and a five-story walk-up apartment building that's occupied and I believe rent-regulated then you get to the three sites that are owned by our client, which is a vacant five-story walk-up apartment building and two parking garages, one three- and one four-story with some automotive uses as well as parking. Those three sites will be redeveloped for the base of the new building, utilizing air rights hopefully from the three other buildings that are to remain. Next slide.

2 We believe this rezoning, both in terms
3 of density and the use, is appropriate for this
4 transit-rich area. We have two subway lines and
5 multiple bus lines operating near the site, and it's
6 also going to provide 450 potential new housing units
7 for the area, which has had low production recently
8 and high-income rents compared to the rest of the
9 city as well as a low incidence of new affordable
10 units. Next slide, please.

11 I'd like to talk about basically the
12 building form in this location. This slide shows an
13 aerial looking from north, south, west across the
14 site from 97th Street on the right side to East 90th
15 Street on the left side and, as you can see, this
16 area of the Upper East Side is characteristic of
17 towers located both on the avenues and midblock, and
18 so our proposed building, we believe in this area, is
19 an appropriate building form and density for the
20 area. You can see it, a little bit hard, but the area
21 to be rezoned is outlined in yellow, the area that
22 will contain the new building is outlined in red, and
23 the area that is not outlined in red will actually
24 have light and air easements over it, which will
25 preserve the open space above those existing

2 buildings to remain in perpetuity for the benefit of
3 all the surrounding properties. Next slide.

4 This is another image just showing you
5 the towers located between 90th Street and 97th
6 Street and 2nd and 3rd Avenues. I'd like to point out
7 that the area, it's number 17 on the upper right, is
8 the Avalon Bay development, which has been approved,
9 but has not yet been constructed. Next slide.

10 This is another image looking from the
11 south looking north showing the proposed building
12 superimposed within the existing built environment,
13 and again, we believe that the building form is
14 appropriate in this location as well as the uses. We
15 believe it will provide a number of new residential
16 units as well as affordable units, and we believe
17 it's appropriate due to the transit-rich nature of
18 the area. Next slide.

19 I'd like to turn it over to my colleague,
20 Eric Knowles, to finish the presentation.

21 ERIC KNOWLES: Thanks, Jerry. So just to
22 continue on, the development itself will contain a
23 mix of studios, one bedrooms, two bedrooms, and three
24 bedroom apartments. While that mix is not solidified
25 yet as we're still early in the design process, we do

1 believe that about 50 to 55 percent will be one
2 bedrooms with the remainder being studios, twos, and
3 threes. The building will be ADA compliant. It's
4 going to have a ground floor. Cellar uses will be
5 retail and/or community facility. Again, it's quite
6 early in the process in terms of design, but we have
7 been in discussions with daycare and potential child
8 service tenants and they've been very good
9 conversations so far and we hope to continue those
10 conversations and think that it's a potentially
11 viable option in a portion of the ground floor. The
12 new development will result in a new streetscape, new
13 street trees, the elimination of the garages and the
14 curb cuts, and the applicant is also continuing to
15 consider green measures such as green roof,
16 vegetative planters, or underground detention for
17 stormwater retention, and again, early in the design
18 process, but we think some of those, or some
19 combination can be viable but it's still something
20 that we're working through to nail down. Finally, as
21 was mentioned earlier by the Council Member, we do
22 have a signed agreement with their 32BJ for when the
23 building is operational. Next slide.

2 Just going back to what Jerry was saying
3 about the light and air easements, the shaded area to
4 the left of the building will be open and
5 unobstructed in perpetuity so the three existing
6 buildings will be capped as part of this agreement
7 with the owners to transfer the floor area and grant
8 those light and air easements at about 61 feet, I
9 think is what it's showing there. Above there will be
10 no future development, which is a consistent kind of
11 makeup between the towers and lower scale buildings
12 in this area. A larger tower next to a smaller scale
13 building, preserving that air back towards 95th
14 Street. Next slide, please.

15 Here's just an illustrative ground floor
16 plan. Again, have not come to any agreements or
17 leases with any potential tenants, but we do think
18 community facility uses and service providers are
19 viable here, and we want to continue those
20 negotiations in full to full potential. Next slide,
21 please.

22 Here's just the sections of the building
23 and elevation looking north. Next slide.

24 Just to recap what the actions are, first
25 seeking the zoning map change from an M1-4 district,

1 as Jerry mentioned, a vestige of the old
2 manufacturing history of the area, to a C2-8, which
3 would encompass the development site, and a C4-6,
4 which would encompass the air rights parcels, and the
5 rationale for the two different districts is that the
6 C4-6 would be mapped over the air rights parcels, and
7 that has a higher commercial FAR of 3.4 so it
8 maintains a more compliant condition in terms of bulk
9 of the three buildings that are going to remain while
10 the C2-8 would be mapped over the development site
11 that has a lower commercial FAR of only 2 so it
12 prevents the ability to build a commercial tower in
13 that location, but they do have the same maximum
14 residential FARs, so zoning allows you to transfer
15 floor area from one site to the other for residential
16 purposes. Then the other action would be the zoning
17 text amendment to MIH. The proposal would be MIH
18 Option 1 so 25 percent of the residential floor area
19 would be affordable and that's an average AMI of 6
20 percent and that's about 113 apartments are going to
21 be affordable.
22

23 With that, we will take any questions
24 from the Council.
25

2 CHAIRPERSON RILEY: Thank you, Eric. You
3 just answered my first question with the rationale
4 with proposing a commercial and residential so thank
5 you for that. I just have two questions then I'm
6 going to see if Council Member Menin has any
7 questions.

8 Is there a precedent in the neighborhood
9 for proposing a rezoning on adjacent lots just to
10 purchase the additional air rights from those lots
11 created by the rezoning?

12 JERRY JOHNSON: There are examples of air
13 rights parcels all around the area. In New York City,
14 this is a standard form, but in terms of zoning per
15 se, only rezoning the M1-4 across the development
16 site would also strand those other three parcels as
17 an M1 and it would just leave them out with any
18 potential for future development other than what they
19 are today, and this allows them to merge with us and
20 get income from the additional air rights which will
21 preserve and help them renovate and keep those
22 existing on-buildings going in the future, which is
23 one of the benefits of mergers and air rate
24 transfers.

2 CHAIRPERSON RILEY: At the City Planning
3 Commission, the Commission noted that the baseline 25
4 percent affordability should be reconsidered given
5 that a rezoning is being requested not only for the
6 development site but also a neighboring site,
7 allowing for larger development. Are you ready to
8 commit to the level of affordability yet?

9 JERRY JOHNSON: I know our clients are
10 thinking about it and they are, but right now we're
11 committed to 25 percent at 60 percent MIH. They're
12 looking at the other options under MIH.

13 CHAIRPERSON RILEY: Thank you. Council
14 Member Menin.

15 COUNCIL MEMBER MENIN: Thank you so much,
16 Chair. To be clear, just to follow up on the Chair's
17 question, we've been very clear, both Community Board
18 8 and my office, about the 30 percent so I want to
19 make sure I'm on the record saying that.

20 A number of different questions. We're
21 still in conversations about this, of course, but at
22 this point, how confident do you feel that you can
23 address the concerns that have been raised by
24 Community Board 8 about the height and yet preserve
25

2 the amount of affordable housing that is sorely
3 needed?

4 JERRY JOHNSON: Yeah. When we looked at
5 this proposed building and we designed it, we
6 designed it with standard floor to ceiling heights as
7 well as a shape and a sculpture to the building that
8 would provide an A class apartment building in this
9 area of New York City. Within those constraints,
10 there are some ways, potentially, to modify the floor
11 to ceiling heights and potentially the widths of the
12 building and bring it down, and we're in the midst of
13 studying that to determine what can be done that
14 would still preserve the design, intent, and the unit
15 layouts, and the efficiency as well as the floor-to-
16 floor heights to some extent, and we'll be able to
17 respond shortly.

18 COUNCIL MEMBER MENIN: Okay. I know you
19 mentioned a little bit about sustainable design in
20 your opening comments, but can you be more specific?
21 Are you going to be able to incorporate sustainable
22 design features, a green roof, vegetated planters,
23 rain gardens in the site design? Are there
24 specifically storm water mitigation measures that are
25 being incorporated into the project?

2 JERRY JOHNSON: So right now it's very
3 early in the process, mainly because for the
4 development to go forward, we need other city or
5 state programs like 421A, but those have been looked
6 at and they will be incorporated to the extent
7 practical and feasible. There will be stormwater
8 retention. Per Code, we're required to do that and
9 there are a number of ways to accommodate that, and
10 these are all things that we will look at and we will
11 incorporate into the project. As you know,
12 sustainable measures over the of the last number of
13 years have been proven to be both environmentally
14 helpful and economically sustainable and beneficial,
15 and we will be looking at all of those as we move
16 forward and formally finalize the design of the
17 building.

18 COUNCIL MEMBER MENIN: Okay. We have a
19 child care crisis in the city and it's been a top
20 priority of the Council. I know the Chair has made
21 this a top priority as well. Last year, the Council
22 passed five of my bills focused on increasing access
23 to affordable, accessible child care. Community Board
24 8 talked about it in their conditional approval, the
25 importance of child care. We've had conversations

2 about this. I've mentioned specifically the
3 importance of trying to incorporate child care
4 facilities on the site. You mentioned it briefly. Can
5 you talk a little bit more about what specifically
6 you are thinking in that regard?

7 JERRY JOHNSON: Yeah. Over the course of
8 going through this preapplication process and
9 community review, we've had numerous conversations
10 with service providers in the area, of which some of
11 them are daycare providers, also senior centers, and
12 we understand the parameters of what they would be
13 looking at for those types of facilities in terms of
14 size, location within the building, and the space
15 that has been identified within the proposed
16 building, as shown, meet all of those criteria for
17 those users, and we've reached out to some very
18 specific ones and, while it's early to negotiate with
19 them and finalize deals, we do have space that would
20 be appropriate for them and that's been included in
21 the tentative design.

22 COUNCIL MEMBER MENIN: Okay. You mentioned
23 in your presentation you've reached an agreement with
24 32BJ so I'm happy to hear that. I wanted to get a
25 sense of the status of your negotiations with other

2 labor unions. I see we've got members of the
3 Carpenters Union here. We may have other labor here.
4 I'm not sure. There's a big column that's preventing,
5 so if I'm not mentioning someone, I apologize. Could
6 you just give a sense of where those other
7 negotiations stand?

8 JERRY JOHNSON: Yeah, we've had a couple
9 of meetings, I believe, with the Carpenters Union,
10 and we are looking forward to continuing that
11 dialogue with future meetings in the near future.

12 COUNCIL MEMBER MENIN: Okay. I'm just
13 going to urge that you continue those conversations.
14 I think it's very important to continue those
15 conversations and absolutely prioritize them.

16 JERRY JOHNSON: We understand.

17 COUNCIL MEMBER MENIN: Thank you. If the
18 rezoning is approved as proposed and circumstances
19 change in the next few years, such that the
20 residential building that's proposed is not built,
21 what is preventing you from building a commercial
22 tower on the C4-6 portion of the site?

23 JERRY JOHNSON: Yeah. First, those
24 properties aren't under our control. We don't own
25 those. We're just going to be merging with them in

2 the future so if the site fell apart, those owners
3 would be subject to the zoning, but we wouldn't have
4 anything to do with that. Having said that, the C4-6
5 district is a low-density commercial district. The
6 FAR is only 3.4. Further, the bulk regulations of the
7 C4-6 district would require then commercial tower
8 regs, which are different than residential tower
9 regs, and those commercial tower regs have a huge
10 encroachment requirement or setback for any
11 commercial tower, which basically means that the
12 tower would be squeezed, and so it becomes an
13 uneconomic development opportunity for commercial
14 buildings, especially on a narrow street because the
15 encroachment requirements are so strict, and so we
16 believe that in the future there wouldn't be a
17 commercial tower, there wouldn't be an impetus for
18 it, and the FAR for a commercial tower would only be
19 3.4 in that location.

20 COUNCIL MEMBER MENIN: Have you identified
21 the mix of units that would be created from studios
22 to three bedrooms, etc.?

23 JERRY JOHNSON: We've identified a sample
24 set and, in the slide, I believe it's slide 16.

2 ERIC KNOWLES: It's in the appendix if
3 they want to bring it up.

4 JERRY JOHNSON: The sample that we have as
5 a breakdown out of the total 452 units, 92, or 20
6 percent, would be studios, 248, or 55 percent, would
7 be roughly one bedrooms, 91, or 20 percent, would be
8 two bedrooms, and then 5 percent, or 21 units, would
9 be three bedrooms. Again, those would be proportional
10 to both the affordable units as well as the market
11 rate so it would be the same proportion of units
12 within both programs.

13 COUNCIL MEMBER MENIN: All right. Question
14 that was conveyed to me recently by Community Board
15 8. They mentioned that the parking study in the
16 projects EAS is from May 2019 so they have raised a
17 concern with me that that is outdated. The study
18 demonstrates that within a quarter mile there were 21
19 garages operating at a weekday average of 71 to 86
20 percent of capacity. A question is have you performed
21 any additional assessments on any parking related
22 needs since the EAS was done in 2019, which is
23 obviously pre COVID so circumstances have clearly
24 changed in terms of some of those needs.

2 JERRY JOHNSON: Yeah, actually the study
3 was completed later in 2022 or early 2023, but we
4 used 2019 studies for the parking study because
5 indeed they were pre-COVID, and that was accepted by
6 City Planning as being the last valid numbers based
7 on not a skewed situation that we encountered under
8 COVID, and that's why it's 2019.

9 COUNCIL MEMBER MENIN: But are there any
10 plans to do any updates to that is what they're
11 asking?

12 JERRY JOHNSON: There aren't, but we can
13 go back and talk to our consultants and see if there
14 are any updated studies recently and see if we can
15 update the numbers for you.

16 COUNCIL MEMBER MENIN: Okay. Thank you.
17 Have you considered any other community benefits that
18 the general public would receive as part of the
19 proposed rezoning? Obviously, our office is in
20 conversation with you about needs within the
21 community so we are laser like focused on that.

22 JERRY JOHNSON: Yeah, we believe that the
23 building itself is going to be a huge community
24 benefit in terms of enhanced streetscape, new
25 sidewalks, street plantings, affordable units, a

2 number of new units. Of course, we would be very
3 interested in seeing if there's anything else that we
4 can do for the community in terms of enhanced
5 benefits within reason.

6 COUNCIL MEMBER MENIN: Okay. Thank you.
7 Those are my questions, Chair. Thank you very much.

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

10 Council Member Salaam, do you have any
11 questions?

12 Counsel, do we have any Members online
13 who have any questions?

14 COMMITTEE COUNSEL VIDAL: No, we do not
15 have other Council Members who have questions.

16 CHAIRPERSON RILEY: All right. There being
17 no further questions, this applicant panel is
18 excused.

19 Counsel did say we have members of the
20 public who wish to testify so we're going to start
21 with on-line testimonies and then we're going to go
22 to in-person, okay? I'm going to turn it over to the
23 Counsel.

24 COMMITTEE COUNSEL VIDAL: Let me repeat
25 that. Apparently, my microphone was not on. Thank you

2 for letting me know. As I was saying, we have a
3 number of individuals who are signed up online and
4 in-person, and some are signed up in opposition and
5 in support of a project. We're going to start with
6 people who have signed up online in opposition and
7 then we will go back and forth between people who are
8 online and in person.

9 Starting with the first online panel
10 which consists of Leo Schaaf, Joe Hochberg, Elizabeth
11 Rose.

12 CHAIRPERSON RILEY: Members of the public
13 will be given two minutes to speak. Please do not
14 begin until the Sergeant-at-Arms has started the
15 clock. We are going to start first with Leo Schaff.

16 SERGEANT-AT-ARMS: You may begin.

17 LEO SCHAFF: Okay, am I on?

18 CHAIRPERSON RILEY: Yep, you're on, Leo.
19 Go ahead.

20 LEO SCHAFF: Very good. Good afternoon. My
21 name is Leo Schaff. I've lived in Yorkville for 45
22 years, longer than Normandy Court. This rezoning is
23 simply a bad deal for the city and the neighborhood,
24 does not do enough for truly affordable housing. 30
25 percent is good, but not enough, gives up too much in

2 return. Community Board 8 agrees that this is a bad
3 deal, despite the yes vote on November 8th. In fact,
4 as an attendee to that meeting, I was astonished to
5 see how rushed this vote was even after board members
6 asked about deferring the vote to allow for
7 additional review. That meeting lasted 2 hours 45
8 minutes after a lengthy and misleading presentation,
9 if I may say, by the developer and his spokesperson,
10 almost exactly what I just heard earlier, community
11 members were given our two minutes to speak. It was
12 noted several times that a resolution needed to be
13 passed that evening as the building was going to
14 close soon, and option to defer to a subsequent full
15 board meeting was unavailable due to upcoming
16 holidays. In other words, members felt pressured to
17 act on and vote for an application that was not fully
18 understood. Concerns over the proceedings being
19 rushed were voiced by several board members at the
20 time. Valerie Mason said why do we have to approve
21 this tonight, I feel like we're really rushing to
22 which the chair responded, we do have to wrap this up
23 and this is our part of the process. After this,
24 we'll have some kind of peripheral involvement
25 perhaps but basically it's out of our hands, so this

2 is our chance to ask for what we want, said Russell
3 Squire, the board chair. To reiterate, the resolution
4 was originally no unless which failed 14 to 24 to 1.
5 A subsequent resolution of yes with conditions with
6 the same exact conditions passed 32 to 4 to 3 while
7 we community members looked on in disbelief, no
8 longer allowed to even contribute to the conversation
9 because other conditions could surely have been
10 added. If all the chair could say was that after
11 this, we would have some kind of peripheral
12 involvement but basically it's out of our hands, then
13 whose hands is it in? These proceedings implied with
14 the conditions as part of the yes with conditions
15 vote would be acknowledged and listened to by
16 downstream...

17 SERGEANT-AT-ARMS: Time has expired.

18 LEO SCHAFF: Excuse me?

19 CHAIRPERSON RILEY: Time has expired. You
20 could wrap it up, Leo.

21 LEO SCHAFF: Yeah, I'm going to wrap it
22 up. Okay. So we were astounded to learn that the
23 Borough President waived his 30 day review time and
24 did it in five days. We've had a chance to meet with
25 Councilwoman Menin, great to see you. She made no

2 commitment one way or the other but implying that
3 this was approved because the board said yes. She
4 didn't listen to any of our conditions and concerns
5 of our community members. It was a recorded meeting.
6 If you haven't already, I urge you all, Chair Riley.
7 I'm from Longfellow Avenue originally, Members Abreu,
8 Salaam, Moya, Schulman, Hanks, Carr to clear the room
9 and view the Zoom. I believe that had CB8 members
10 truly known...

11 CHAIRPERSON RILEY: Leo, you have 10 more
12 seconds.

13 LEO SCHAFF: Mostly cast aside, the
14 outcome would have been no so speaking for our group,
15 ours would have been no as well. Thank you so much
16 for (INAUDIBLE).

17 CHAIRPERSON RILEY: No problem.

18 LEO SCHAFF: Yeah.

19 CHAIRPERSON RILEY: Next, we have Joe
20 Hochberg. Joe?

21 JOE HOCHBERG: Yep. Can you hear me all
22 right? Can you hear me okay?

23 CHAIRPERSON RILEY: Yes.

24 JOE HOCHBERG: Okay, great. Hi, my name is
25 Joe Hochberg. I've lived in the Yorkville area on and

2 off for about 15 years, and I actually just recently
3 purchased my first home right on the backyard of the
4 new proposed development site. In general, I just
5 want to reiterate that this rezoning is a bad deal
6 for the city and the neighborhood. It just doesn't do
7 enough as far as any of the Council or community's
8 priorities and imposes too much hardship on the
9 residents in the area. There were many concerns
10 raised in the Community Board 8 meeting about the
11 height of the building, specifically just a couple of
12 quotes. John McClements commented that I'm very
13 concerned about the height of this building at 484
14 feet, are we really accepting your answer as we have
15 a lot of them, why not one more as far as skyscrapers
16 go. There were are other concerns such as Elizabeth
17 Rose saying this is a midblock building and every
18 building cited, which they continue to say today, is
19 an avenue building or a wide street building. I'm
20 having a hard time overcoming what I can only
21 describe as intellectual dishonesty on how we upzone
22 this area. Another Yorkville resident said the shadow
23 is going to ruin what are right now family zones
24 where we enjoy the beauty and nature of the Upper
25 East Side and, yeah, this will impact several

2 buildings and hundreds and hundreds of residents, and
3 there were also some concerns raised about the
4 contents of the EAS, and I quote EAS is paid for in
5 every case, not just this one by the developers so
6 bear in mind when you're taking that information,
7 which is a Michelle Jane Birnbaum. Just in general,
8 as a resident who lives directly in the backyard, my
9 unit is right up against where they will be building.
10 I will be in kind of permanent darkness. The entire
11 length of the street on the south side of 95th
12 Street, all of the residents have very small
13 backyards, which is pretty unique to the area. Some
14 buildings are private. Some buildings let the entire
15 building use it, but just there are maybe tens or
16 hundreds of residents who are going to be severely
17 negatively impacted by the height and just live in
18 darkness year-round. Every other high rise in the
19 Upper East Side is either on a through block or an
20 avenue...

21 SERGEANT-AT-ARMS: Your time is expired.

22 JOE HOCHBERG: Or a four-lane street so
23 that fewer residents are impacted or has a park,
24 which benefits people, so they just pushed it on each
25 one of those dimensions by building halfway in the

2 midblock and they're also trying to push it by
3 building the tallest building in the Upper East Side
4 so just on all those dimensions, I think they're
5 pushing it very hard and not giving very much to the
6 city. Thanks.

7 CHAIRPERSON RILEY: Thank you. The last
8 person on this panel is Valerie Mason.

9 COMMITTEE COUNSEL VIDAL: You may begin.

10 CHAIRPERSON RILEY: I'm sorry, Elizabeth
11 Rose. Elizabeth Rose, if you can hear me, you may
12 begin.

13 ELIZABETH ROSE: Thank you very much,
14 Chair. I'm Elizabeth Rose. I am a member of Community
15 Board 8 although I am speaking in my personal
16 capacity. I'd like to first say that I am listed, the
17 form only allowed us a binary choice of in favor or
18 opposed to this proposal. I would like to say I agree
19 with Community Board 8's resolution, which is yes
20 with conditions. There's a lot that we do agree with,
21 and we completely agree that this parcel should be
22 rezoned for residential use. In fact, I happen to co-
23 chair, and I have the honor of co-chairing a task
24 force for the community board, in which we are
25 looking at all of the remaining manufacturing and

2 commercial-only lots and blocks that remain on the
3 Upper East Side in order to propose zoning to
4 residential use so we see that as an incredibly
5 important way to help build and address the housing
6 units that we need by rezoning all of these lots in a
7 way that include Mandatory Inclusionary Housing so we
8 agree with many of the things that are being
9 proposed. Where I disagree and where I think the
10 Community Board's conditions are important is this
11 applicant has continuously cited all of the other
12 towers on the Upper East Side as justification for
13 the height of this building. As was mentioned by the
14 previous applicant, and I still believe this, every
15 building that the applicant has cited for you is in
16 fact on an avenue or on a wide street. The Avalon Bay
17 site and proposal that they specifically cited for
18 you today in their presentation fronts First Avenue.
19 It is an avenue-fronting building. What they
20 literally talked about doing is bending the avenue
21 around the corner to build an avenue-style building
22 on a side street midblock...

23 SERGEANT-AT-ARMS: Your time is expired.

24 ELIZABETH ROSE: And I think all Council
25 Members know what a side street, midblock, narrow

2 block looks like, and they are different than avenues
3 so the height is an enormous issue here. The lack of
4 a rear yard setback is an issue here. The use of
5 commercial space on the ground floor is not
6 characteristic of the Upper East Side on the midblock
7 on a narrow street so they're doing a lot of things
8 here claiming it is characteristic of the
9 neighborhood..

10 CHAIRPERSON RILEY: You could start
11 wrapping up, Miss Rose.

12 ELIZABETH ROSE: When it is not. Again, I
13 support rezoning this for residential. We are
14 delighted for Mandatory Inclusionary Housing. The
15 height here is a problem and we would like to see
16 modifications from the applicant. Thank you.

17 CHAIRPERSON RILEY: Thank you, Miss Rose.
18 Do we have any Council Members with any questions for
19 this panel?

20 We can move on to the next panel.

21 COMMITTEE COUNSEL VIDAL: The next online
22 panel will be in support of this project and consists
23 of Valerie Mason, Joseph Hodkin, and Benjamin
24 Wetzler.

2 We'll begin with Valerie Mason. Miss
3 Mason, if you can hear me, you may begin.

4 Valerie Mason, if you can hear me, you
5 may begin.

6 Ms. Mason? Okay, we'll move to Mr. Joe...

7 VALERIE MASON: Can you hear me?

8 CHAIRPERSON RILEY: Yes, we can hear you.

9 VALERIE MASON: Okay, thank you so much.

10 I'm about six hours away so I apologize. I am the
11 Chair of Community Board 8 right now. I just wanted
12 to reiterate the concerns expressed by my fellow
13 board member, Elizabeth Rose. I wanted to assure the
14 community that this was a conditional approval and
15 that we have many of the concerns that the community
16 has about the height of this building, about its
17 efficacy and efficiency for a midblock. This
18 community is desperate for affordable housing, and so
19 we are really looking forward to working with our
20 Council Member and the developer to see if we can do
21 something here. We are not forgetting about the
22 height. As Elizabeth mentioned, this building in its
23 scope and height is not anything like what should be
24 in a midblock. That needs to be worked out. Our
25 approval is conditional on meeting most of our

1 conditions, height being the most important to us. We
2 think we can get a lower height. We're hoping that we
3 can have a reasonable negotiation with the developer,
4 and we're hoping that whatever we come to agreement
5 with our Council Member, that that will be
6 acknowledged and agreed to by the City Council.

7 There's just one other point I wanted to raise and
8 that has to do with the destruction of parking. One
9 of the buildings that's part of this development has
10 400 parking spaces that will be gone, and their
11 parking study was done in 2019. We don't think that
12 it's a valid parking survey, especially with perhaps
13 us going into congestion pricing mode. That's 400
14 spaces that are going to be lost to the community. We
15 had disabled community members come to our meeting
16 who were very concerned about the loss of parking.
17 That represents over 10 percent of the parking in
18 that particular area. Again, I just I look forward to
19 working with our Council Member and the very
20 interested members of our community to see if we can
21 get something done here. Again, I would hope that the
22 City Council will keep us involved and would
23 accommodate us, help us get to a transaction that
24 will put much-needed affordable housing in our
25

2 neighborhood with a reasonable height that is
3 befitting a midblock in a residential neighborhood.
4 Thank you very much.

5 COMMITTEE COUNSEL VIDAL: Thank you. Next,
6 we'll have Joseph Hodkin. Joseph, if you can hear me,
7 you may begin.

8 JOSEPH HODKIN: Yes. Can you hear me okay.

9 CHAIRPERSON RILEY: Yes, we can hear you.

10 JOSEPH HODKIN: Okay, I just wanted to say
11 that I agree that housing is needed, but the removal
12 of this parking garage, which I am one of those
13 disabled people that use it, going to other garages
14 in the neighborhood, they're vastly more expensive. I
15 don't know why this building can't, with over 400
16 apartments or whatever the final number may be, be
17 required to provide parking because not everybody in
18 New York City takes the subway or taxis. People like
19 myself. My car is the wheelchair I get around New
20 York City in. Also, another major concern that I
21 personally have is for the Fire Department to access
22 a building that's going to eventually be over 500
23 feet tall on a single lane one-way street with trees
24 in front of the building area on all sides. I don't
25 understand how the Fire Department can properly

2 protect the citizens of the area and especially the
3 residents of the building. The building itself may be
4 made out of concrete and be fireproof, but unless
5 there are sprinklers throughout the entire structure,
6 the contents is what burns. Also, the street parking
7 itself, to just try to imagine people moving in with
8 trucks, over 400 moving trucks coming in when people
9 enter every month, and that's going to start, as the
10 building is there, it's going to be total gridlock on
11 the street if it's not blocked entirely by moving
12 vans or delivery trucks. We haven't heard anything
13 about loading docks, off-street storage of their
14 waste from the building. How is that going to be
15 taken care of..

16 SERGEANT-AT-ARMS: Time has expired. Thank
17 you.

18 JOSEPH HODKIN: Thank you very much.

19 CHAIRPERSON RILEY: Thank you, Joseph.

20 Lastly on this panel is Benjamin Wetzler. Benjamin,
21 if you can hear me, you may begin.

22 BENJAMIN WETZLER: Can you hear me?

23 CHAIRPERSON RILEY: Yes, we can hear you.

24 BENJAMIN WETZLER: Okay, great, thank you.

25 I just want to express my support for the proposed

1 zoning change. This was one of the parcels that was
2 included in Borough President Mark Levine's plan to
3 build more mixed-income and particularly more low-
4 income affordable housing in New York City, and I
5 really commend all of the great work that Council
6 Member Menin has been doing to ensure that this is an
7 appropriate project that moves forward with fair
8 wages and the maximum amount of affordable housing
9 that is feasible so I really want to just express how
10 grateful I am to see that that happen. My two
11 concerns that I want to voice are, first of all, I
12 hope that the Council will not impose any conditions
13 on the project that would make it infeasible for them
14 to have the light and air easement over the
15 surrounding buildings, which is important for the
16 environmental health of the neighborhood and then
17 also, I'm surprised nobody mentioned this, but would
18 also make it so that the rent-stabilized apartment
19 building next door would not be a viable development
20 site from now into the future. I was surprised that
21 nobody mentioned that, but it does seem like an
22 extremely good benefit of this project that building
23 would no longer be under threat of being torn down.
24 The second and the main thing that I am frustrated

2 with, and I know that this is not really something
3 that the Council alone can do, this has to start with
4 the City Planning Commission, is that this happened
5 in just this one zoning district as a developer-led
6 private application when there are at least two other
7 industrial districts, C8-something, I'm not sure
8 what's after the dash, but there are two industrial
9 automotive districts in the East 90s between First
10 Avenue and York Avenue that also, I think, should be
11 looked at as MIH developments where the community
12 would really have...

13 SERGEANT-AT-ARMS: Time has expired. Thank
14 you.

15 BENJAMIN WETZLER: Get ahead of these of
16 its potential concerns. I used to live on 90th
17 Street, and we had an extremely disruptive commercial
18 development that happened there because of the
19 outdated commercial zoning and residential zoning
20 that would include affordable housing would have been
21 much, much better for the neighborhood. Thank you.

22 CHAIRPERSON RILEY: All right. Thank you.
23 Are there any Council Members with questions for this
24 panel?

25 This panel is now excused.

2 We have one last panel online and then
3 we're going to go to in-person.

4 COMMITTEE COUNSEL VIDAL: This final panel
5 online consists of Michael Beecham and Lo van der
6 Valk.

7 CHAIRPERSON RILEY: Michael, if you can
8 hear me, please unmute and you may begin.

9 MICHAEL BEECHAM: Hi, this is Michael
10 Beecham. Hopefully you can hear me. Thanks for taking
11 the time to hear my views. I've lived in Yorkville
12 for almost a decade across the street from this
13 planned development for almost seven years, and I
14 just wanted to drill down on one topic that was
15 mentioned in passing, and that's just the impact that
16 it has on the green space in the area. Just to make
17 it real for everybody, I have two young children, a
18 three year old and a six month old, and they go to a
19 daycare a block and a half away. If you look at the
20 applicant's environmental impact study and just the
21 map of the shadows that this as everyone's touched on
22 inordinately large building will cast, it effectively
23 means that the one green area playground that my
24 children go to during the day, their only time
25 outside in New York City would be covered in shadow

2 during the key parts of the working day and would
3 effectively mean that my children don't get exposure
4 to sun at all, and I think that it's just worth
5 mentioning that impact is very (INAUDIBLE) to me, but
6 impacts everyone in the area who has children who
7 relies on that key green space as an area in the
8 neighborhood and is something that goes against some
9 of the testimony on how they're looking to bring in
10 child care. What we need in the area is not another
11 space for daycare providers. What we need is green
12 space for our children to be able to not just grow up
13 in shadows all day so that's a major impact for me as
14 well. One thing I would mention as well is that there
15 is a large mosque on 96 and 3rd that will also be
16 cast into the shadow, and it has some pretty severe
17 religious implications as well that they will not be
18 able to necessarily have access to the sky in the
19 same way for some of their practices. I just really
20 encourage the Committee to take all these
21 considerations into effect in context of this rushed
22 process.

23 CHAIRPERSON RILEY: Thank you. Next, we
24 will hear from Lo van der Valk.

2 Lo van, if you can hear me, please unmute
3 and you may begin.

4 LO VAN DER VALK: Thank you. Am I on?

5 CHAIRPERSON RILEY: Yes, you're on.

6 LO VAN DER VALK: Okay. Thank you. My name
7 is Lo van der Valk, and I am president and speaking
8 on behalf of Carnegie Hill Neighbors. The blockfront
9 in question faces a four-block development that arose
10 out of the conversion of the Rupert Brewery into
11 residential buildings and while there are tall
12 buildings in that four-block area, they are
13 interspersed with a lot of open space, which was the
14 intent so that is one of the frameworks. The other
15 concerns are threefold, which is that the massing in
16 New York City has long observed low buildings in the
17 side streets and tall buildings on the avenues, and
18 that principle is being violated here and grossly so.
19 Also, the project seeks not just a zoning change from
20 M1-4, but it moves up the ladder to surpassing R8B,
21 R8, R9, and landing at R10 with a 20 percent bonus.
22 It then masses all the bulk it has in a way to keep
23 the buildings for half its zoning lot low, but
24 bunches the massing so that we get in the eastern
25 half a building that is 484 feet tall, probably the

2 tallest building in a 10-block radius. Further, it
3 provides no usable public open space as mentioned and
4 this is contrary to a recent example in 2016 at 205
5 East 92nd Street, where an equally tall building was
6 added along near the avenue..

7 SERGEANT-AT-ARMS: Time has expired. Thank
8 you.

9 LO VAN DER VALK: And with an open space.
10 Thank you.

11 CHAIRPERSON RILEY: Thank you so much. Are
12 there any questions for this applicant panel?

13 Okay, this panel is now excused.

14 We're going to go to in-person testimony.

15 The first panel I'm going to call up is
16 Kevin Elkins, Andrew Ellis, and Jeffrey Glave. Excuse
17 me if I mispronounce your name.

18 We'll begin first with Kevin Elkins.

19 KEVIN ELKINS: Good afternoon, Council
20 Members. On behalf of the 20,000 members of the New
21 York City District Council of Carpenters, I'm
22 testifying about today's rezoning in Council Member
23 Julie Menin's District. Despite our best efforts to
24 have a productive conversation with the developer
25 about the construction standards on this project, we

2 cannot in good conscience voice our support for this
3 project at this time. Our union has been ignored and
4 brushed off at almost every turn. While that conduct
5 is clearly unprofessional, what matters most is the
6 disregard it shows for the people who could build
7 this project if it's approved without safeguards in
8 place. We've seen what happens when the labor
9 standards of construction workers on affordable
10 housing are out of sight and out of mind for the
11 developer. Income inequality widens, housing costs
12 rise, and your constituents, who are members, can't
13 afford to call this city home any longer. You have
14 the ability to change this paradigm, and thankfully,
15 you have done so in many other rezonings. It's a
16 testament to this Council's commitment to workers,
17 and I know especially Council Member Julie Menin has
18 a deep-seated commitment to workers, and we've seen
19 that here and elsewhere. Despite the applicant's lack
20 of engagement, we have put forward a proposal that
21 incorporates their concerns. After all, a project
22 that does not pencil out does not serve anyone, my
23 members won't go to work, the housing crisis doesn't
24 get any better, and of course the applicant does not
25 get to profit. We strongly urge you to hold off on

2 supporting this project until we can all agree that
3 those building this project will be safe and paid a
4 family-sustaining wage. Thank you for your time.

5 CHAIRPERSON RILEY: Thank you, Kevin.

6 Next, we will have Andrew Ellis.

7 ANDREW ELLIS: Thank you and good
8 afternoon. My name is Andrew Ellis and I have lived
9 in Yorkville for 12 years now. I would like to be
10 clear that I support rezoning of this lot. It is
11 overdue as a manufacture district. However, I'm
12 addressing you this afternoon in opposition to the
13 rezoning as the application is seeking a C2-8 and a
14 C4-6 zoning to enable a completely out of character
15 484-foot, 46-story luxury rental tower in the
16 midblock with only a 25 percent affordability
17 component where more appropriate, R8X or C1-8X zoning
18 for the whole block would provide for the same much-
19 needed housing benefits while still being
20 characteristic with neighborhood. In other words,
21 this rezoning is simply a bad deal for the city and
22 the neighborhood. It does not do enough for
23 affordable housing and gives too much up in return.
24 First, it does not do enough for affordable housing.
25 25 percent at 60 percent AMI produces 113 units or

2 the negotiated 30 percent at 80 percent AMI produces
3 only 135 units. These are the bare minimums required
4 to build. We are in a dire situation. Why are we not
5 fighting for a higher percentage? This is a bad deal
6 for affordable housing. Second, what are we giving up
7 for this minimum amount of affordable housing? We are
8 giving up our light and our air. This 484-foot, 46-
9 story luxury tower in the midblock is simply
10 unprecedented, and it will be surrounded by low-rise
11 five- to six-story buildings. You will be receiving
12 written testimony that includes an analysis of all
13 the buildings in the neighborhood, which will show
14 you what a bad deal this is for the midblock and that
15 a building of this type belongs on an avenue. Third,
16 what are we giving up for our light and air? There
17 has historically always been a trade-off between
18 height, affordable housing, and open space. In this
19 instance, there is absolutely no open space or green
20 space being created for the neighborhood in return.
21 Unlike other developments, why are we allowing such a
22 bad deal to happen in this city? In conclusion, if I
23 may, you will also receive written testimony that
24 includes a proposal that puts the neighborhood into
25 context and outlines a proposal for how an R8X or a

2 C18X could meet the same affordable housing goals
3 while fitting into the neighborhood alleviating
4 Community Board 8's concerns. I urge the City Council
5 to review this proposal and turn a bad deal into a
6 good deal, and I look forward to the opportunity to
7 work together on making this happen. Thank you.

8 CHAIRPERSON RILEY: Thank you, Mr. Ellis.
9 Last is Jeffrey Glave.

10 JEFFREY GLAVE: Thank you. My name's
11 Jeffrey Glave. I've been a resident of Yorkville for
12 45 years. I'm listening to the developer regurgitate
13 the exact same presentation that they gave to
14 Community Board 8. Despite all the concerns raised by
15 Community Board 8, I didn't hear any one of these
16 concerns being given concrete answers in this
17 presentation. The exact same words were used, and the
18 concerns about light and air, height, density, green
19 space, parking, none of them have been given more
20 than the slightest suggestion that they're being
21 talked about, and I can't believe they're coming to
22 the City Council to seek approval with these vapid
23 promises of nothing but profit for themselves at the
24 neighborhood expense. Thank you.

2 CHAIRPERSON RILEY: Thank you, Jeffrey.
3 One quick question than I'll see if the Members have
4 any.

5 Mr. Elkins, so you said in good faith you
6 cannot say that you've had good conversations with
7 the developer. When was the last conversation you had
8 with them, and do you have a future conversation
9 scheduled?

10 KEVIN ELKINS: We do not have one
11 scheduled, Council Member. There was one, I believe,
12 January 10th. That took many months of scheduling.
13 We're hopeful that, based off the proposal we sent
14 over, after being again brushed off for quite a long
15 time, that incorporated the concerns they reiterated
16 previously that maybe that will be the kickstart
17 these conversations because obviously we want to make
18 sure before it gets down to the wire that we can all
19 guarantee that those workers are going to be safe on
20 that project.

21 CHAIRPERSON RILEY: Thank you. Mr. Ellis,
22 I would love if you submitted all of that testimony.
23 You said that this would be better if they rezoned
24 the entire block and technically this would be a
25

2 better rezoning on an avenue. I just want to get
3 clarification.

4 ANDREW ELLIS: Two clarifications there.
5 This type of a building belongs on an avenue. This is
6 unprecedented for a midblock development, and the
7 second point is that there's an opportunity to rezone
8 the entire block that leaves open for other
9 developers to come in and build developments in that
10 area that would meet the affordable guidelines so
11 that instead of having everything in one tall tower
12 that's unprecedented, it would be spread out over
13 that zoning lot, and I believe that might have been
14 mentioned earlier and the developers had explained
15 that they did not control that lot, which is
16 certainly a valid point, but if that whole area had
17 been rezoned to a more appropriate zoning, it would
18 incentivize others to redevelop that area, thus
19 spreading out that bulk of the building.

20 CHAIRPERSON RILEY: Thank you. Do any
21 Council Members have any questions for this panel?

22 There being no questions, this applicant
23 panel is now excused. Thank you so much.

24

25

2 The last panel I'm going to call up is
3 Sara Penenberg, Jane Lindberg, and Christopher Leon
4 Johnson.

5 Did Christopher Leon Johnson leave? Okay.

6 All right, we will begin with Ms. Sara
7 Penenberg. I'm so sorry if I mispronounced your name.

8 SARA PENENBERG: Good afternoon. Thank
9 you, Chairman Riley and the Members of the
10 Subcommittee on Zoning and Franchising. I'm Sara
11 Penenberg and I'm a Political Coordinator with SEIU
12 32BJ. 32BJ is dedicated to representing the interests
13 of 175,000 members across 11 states and Washington,
14 D.C. Our union members are the pillar of property
15 service sector here in New York City, performing
16 crucial roles in commercial residential buildings,
17 stadiums, airports, and a multitude of other
18 locations. Our diverse membership shares a common
19 goal to elevate employment standards throughout our
20 industry. 32BJ has gained a critical commitment from
21 Friedland Properties and Chapman Group in the
22 creation of good and permanent jobs at 231 East 94th
23 Street. These are jobs that adhere to prevailing wage
24 and benefit standards that 32BJ members have worked
25 tirelessly to establish and uphold in our industry. I

2 urge you to support the project, because supporting a
3 project like this would supply good service jobs.

4 Thank you so much for your time and consideration.

5 CHAIRPERSON RILEY: Thank you. Last, I
6 will have Jane Lindberg.

7 JANE LINDBERG: Good afternoon. I am Jane
8 Lindberg, and I have lived in Yorkville for 44 years.
9 This rezoning is simply a bad deal for the city and
10 the neighborhood. It does not do enough for
11 affordable housing, and it gives up too much in
12 return. I attended the Community Board 8 November
13 meeting, and I was astonished to hear the severity of
14 the concerns around affordable housing. We all agree
15 that the city is in need of affordable housing, but
16 in this case, the developer is only offering 25
17 percent affordable at 60 percent AMI, the absolute
18 minimum. The City is being asked to give up so much,
19 so why wouldn't the developer be a good neighbor and
20 offer more, such as 40 percent affordable? CB8 agrees
21 concerns about affordable housing is a ruse for the
22 developer to build, and I quote, "it's the minimum
23 you are required to do to build something. I don't
24 think this is actually anything that the neighborhood
25 wants." That was from Alida Camp of CB8. I quote from

2 another CB8 member, "I am just shocked by this and by
3 our pretended innocence about what a real estate
4 developer is really after in our neighborhood, and,
5 believe me, those other rental units are going to be
6 at market rate, which is only going to go up and up
7 and up and up," Jane Parsall, CB8. Further cementing
8 the fact that this project will do very little to
9 address the problem, I quote, "it will increase the
10 stock of unaffordable apartments," Anthony Cohn, CB8.
11 I urge the City Council to reflect upon the voices
12 and concerns of Community Board 8 and act upon the
13 most serious conditions, such as increasing the
14 affordable housing component in a meaningful way to
15 make this a good deal for the City. Thank you.

16 CHAIRPERSON RILEY: Right on time. Thank
17 you so much.

18 I just want to give one last call for
19 Christopher Leon Johnson. Christopher Leon Johnson.

20 Okay, does anyone have any questions for
21 this applicant panel? This applicant panel is now
22 excuse.

23 Oh, there he is, all right. All right,
24 Mr. Johnson, you have two minutes. You may begin.

2 CHRISTOPHER LEON JOHNSON: All right. Hi,
3 my name is Christopher Leon Johnson. I know that this
4 is about Zoning and Franchises, and I want to say
5 this right now to the Chairman, Mr. Riley, I don't
6 know what's your power with the situation with Saint
7 Vitus Bar. I hope that you come out and support the
8 Saint Vitus Bar because they got indefinitely closed
9 down because the Department of Buildings, which is a
10 bureaucratic agency that's ran by a corrupt
11 Department of Buildings Commissioner named Jimmy
12 Oddo, he closed it down. It's a heavy metal rock
13 institution that is, I know it's...

14 CHAIRPERSON RILEY: Yeah, Mr. Johnson, we
15 can talk about that after.

16 CHRISTOPHER LEON JOHNSON: Yeah, I know,
17 but that's what you need to do. One more, and another
18 thing about zoning. Miss Menin, the Chair of the
19 Committee on Human Worker Protection. People want to
20 know what is your opinion about this radical bill
21 that Carmen De La Rosa is putting about allowing
22 these street vendors to park with open shop in the
23 middle of the sidewalks.

24 CHAIRPERSON RILEY: Mr. Johnson.

2 CHRISTOPHER LEON JOHNSON: Yeah, but I
3 know...

4 CHAIRPERSON RILEY: One last time.

5 CHRISTOPHER LEON JOHNSON: Yeah.

6 CHAIRPERSON RILEY: We're just going to
7 speak about this. If you have any questions for any
8 Council Members, we can talk about this after. Do you
9 have anything related to this current project?

10 CHRISTOPHER LEON JOHNSON: Oh yeah, the
11 project that she's supporting. Yeah, I support the
12 project. It needs to be built. I support the
13 carpenters. Carpenters rise. The guys and gals need a
14 lot of jobs. Carpenters rise. I'm wearing pink. Shout
15 out to the guys wearing orange. Shout out to Kevin
16 Elkins for supporting the bill. All the men and women
17 need jobs. I don't know why people against a project
18 where you live in the Upper East Side where the rents
19 are like, if you people can afford it in the Upper
20 East Side, why you have a big issue with a building
21 being built. These people in the Upper East Side will
22 never fight for the people that live in Fulton
23 Chelsea that's being displaced for NYCHA, but they
24 have a problem building being leveled up in their
25 neighborhood? Come on, get out of here. This is the

2 thing. These people have no problem with their
3 building getting leveled up and no problem with RAD
4 and PACT, which is going to displace a lot of people,
5 for the carpenters, in Fulton Chelsea, but they have
6 a problem with carpenters building something in their
7 district? Get out of here with that. I'm going to say
8 it right now, like I said, Julie, on the record, you
9 need to make an opinion about that radical bill,
10 about the zonings like that with the vendors..

11 CHAIRPERSON RILEY: Thank you, Mr.
12 Johnson.

13 CHRISTOPHER LEON JOHNSON: Yeah, sorry
14 about that.

15 CHAIRPERSON RILEY: Thank you.

16 CHRISTOPHER LEON JOHNSON: Appreciate it.

17 CHAIRPERSON RILEY: Are there any
18 questions for, oh, you can stay, Mr. Johnson. I don't
19 know if anyone got any questions for you. Just wait
20 one second.

21 CHRISTOPHER LEON JOHNSON: Yeah.

22 CHAIRPERSON RILEY: Are there any
23 questions for this applicant panel?

24 All right, now you're excused. Thank
25 you.

2 Counsel, are there any more members of
3 the public who wish to testify on East 94th Street
4 Rezoning Proposal?

5 SUBCOMMITTEE COUNSEL VIDAL: No, there are
6 no more members who have signed up online to testify,
7 and there are no more members in the room to testify.
8 Therefore, we can proceed to closing this hearing.

9 CHAIRPERSON RILEY: All right. Thank you.
10 There being no members of the public who wish to
11 testify on Preconsidered LUs to East 94th Street
12 Rezoning proposal, the public hearing is now closed
13 and the item is 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.

19 This meeting is hereby adjourned. [GAVEL]
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C E R T I F I C A T E

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



Date March 2, 2024