

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LAND USE

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October 7, 2008
Start: 10:00am
Recess: N/A

HELD AT: Council Chambers
City Hall

B E F O R E:
MELINDA R. KATZ
Chairperson

COUNCIL MEMBERS:
Melissa Mark-Viverito
Joel Rivera
Tony Avella
Maria Baez
Charles Barron
Leroy G. Comrie, Jr.
Daniel R. Garodnick
Eric N. Gioia
Robert Jackson
John C. Liu
Michael E. McMahon
Larry B. Seabrook

A P P E A R A N C E S

COUNCIL MEMBERS:

Helen Sears
Annabel Palma
Inez E. Dickens
Vincent Ignizio
James S. Oddo
Sara M. Gonzalez
Jessica S. Lappin
Miguel Martinez
Rosie Mendez
Maria del Carmen Arroyo
Simcha Felder

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2 CHAIRPERSON KATZ: Yeah. Okay. We
3 only have one project, so this should be very
4 quick. Hi everyone, thank you for coming in
5 again. We are sorry that we had to have an
6 additional meeting today, but things got worked
7 out for an item on 125th Street. [Pause] Things
8 got worked out for an item on 125th Street, we want
9 to congratulate council member Mark-Viverito and
10 the administration for reaching an agreement and
11 the community with which they worked.

12 [Off mic]

13 CHAIRPERSON KATZ: LU numbers 870
14 through 873.

15 [Off mic]

16 [Pause]

17 CHAIRPERSON KATZ: LU number 870
18 through 873.

19 [Off mic]

20 CLERK: Quiet, please.

21 [Pause]

22 CHAIRPERSON KATZ: In council member
23 Mark-Viverito's district. Are formulated
24 applications to facilitate the development of a
25 mixed-use project. It includes a UDAP, it

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2 includes an amendment to the Urban Renewal Plan,
3 it includes an amendment to the zoning map, and it
4 also includes an amendment to the Urban Renewal
5 Designation area. Any discussion? Call the roll.

6 CLERK: Council member Katz.

7 COUNCIL MEMBER KATZ: Aye.

8 CLERK: Rivera.

9 COUNCIL MEMBER RIVERA: I vote aye.

10 CLERK: Avella.

11 COUNCIL MEMBER AVELLA: No.

12 [Pause]

13 CLERK: Baez.

14 COUNCIL MEMBER BAEZ: Aye.

15 CLERK: Barron.

16 COUNCIL MEMBER BARRON: [Off mic]

17 [Pause]

18 CHAIRPERSON KATZ: Yes.

19 [Pause]

20 COUNCIL MEMBER BARRON: I'm going to
21 continue to vote no on 125th Street stuff 'cause I
22 do believe that our community, we're concerned
23 about the--what happens with the expansion, we're
24 concerned about what happens to businesses and
25 people, and we're concerned about Harlem overall

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2 and the gentrification process. So I'm going to
3 vote no on this and hopefully we'll continue to
4 monitor Harlem more carefully so that when
5 developers do come into our communities, it's for
6 the benefit of the community and not for the
7 benefit of development. Not from top-down, but
8 from bottom-up.

9 [Pause]

10 CLERK: Comrie.

11 [Off mic]

12 CHAIRPERSON KATZ: I am going to say
13 this only once. There won't be any applause,
14 there won't be any boos, either one will not be
15 allowed in here and so we are going to continue
16 the business at hand. I actually did not give
17 council member Mark-Viverito the opportunity to
18 say anything and I apologize for that. Would you
19 like to make a comment?

20 [Pause]

21 COUNCIL MEMBER MARK-VIVERITO: Yes,
22 thank you, Madam Chair, and I know a lot of my
23 colleagues were in the room, some of them were
24 not, but this process has been a community-based
25 planning process that has happened for two and a

1
2 half years in this community. There has been a
3 task force that is comprised of community members,
4 very diverse representation from East Harlem that
5 has engaged in a dialogue and has shaped this
6 development project. So it has been a project
7 that has been shaped from the ground up and it is
8 very much reflective of a lot of community
9 dialogue and discussion. So I'm very proud of the
10 community-based planning process, I'm very proud
11 of the extensive dialogue that has resulted in a
12 project that has community benefits that are far
13 beyond, I think, the--what we've seen in other
14 developments and I'm very thankful for all the
15 work that has been laid by previous colleagues in
16 their negotiations, but I truly believe that this
17 will be an asset to East Harlem on the front of
18 job creation, of solid job creation that are going
19 to be union jobs with benefits and a lot of them
20 that's going to create affordable housing, that's
21 going to create community space, that's going to
22 really be something that is--we can--something a
23 project that we can be proud of. So I really want
24 to thank again the Land Use Committee and the
25 subcommittees, my colleagues Dan Garodnick,

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2 Melinda Katz, the land use staff for really
3 helping us through this process and I would
4 encourage everyone to vote aye. Thanks.

5 CHAIRPERSON KATZ: All right.
6 Please continue the roll.

7 CLERK: Comrie.

8 COUNCIL MEMBER COMRIE: Aye.

9 CLERK: Gioia.

10 [off mic]

11 COUNCIL MEMBER GIOIA: Did you just
12 vote?

13 COUNCIL MEMBER BARRON: I was going
14 to vote for you.

15 [Off mic]

16 COUNCIL MEMBER GIOIA: Charles
17 Barron wanted my proxy to vote and I've declined
18 to give it to him. A moment to explain my vote?

19 [Pause]

20 COUNCIL MEMBER GIOIA: Just a
21 second, would you mind?

22 [Off mic]

23 COUNCIL MEMBER GIOIA: I want to
24 thank council member Viverito, who I know has
25 worked very hard on this rezoning. My objection

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2 is not specifically to this rezoning, but a larger
3 objection, which is the use of eminent domain by
4 the city. I think eminent domain is inappropriate
5 for economic development, I've talked about it in
6 the past and will be voting no. So I vote no.
7 Thank you.

8 [Pause]

9 CLERK: Jackson.

10 COUNCIL MEMBER JACKSON: Aye on all.

11 CLERK: Liu.

12 COUNCIL MEMBER LIU: Madam Chair,
13 can I be excused to explain my vote?

14 CHAIRPERSON KATZ: Yes.

15 COUNCIL MEMBER LIU: I think that in
16 this case, I know that council member Melissa
17 Mark-Viverito has worked very hard on this for a
18 long time and that it is in her strong opinion
19 that this is in the best interest of the overall
20 community and therefore I will vote yes, but I do
21 want to register a significant opposition and
22 disagreement with the way in which this
23 administration has carried out the concept of
24 eminent domain. This will continue to be a
25 subject for much discussion as it applies to other

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2 areas in the city, but in deference to council
3 member Mark-Viverito, I will vote yes.

4 CLERK: McMahon.

5 COUNCIL MEMBER MCMAHON: Aye.

6 [Pause]

7 CLERK: Seabrook.

8 COUNCIL MEMBER SEABROOK: Aye on
9 all.

10 [Off mic]

11 CLERK: Sears.

12 COUNCIL MEMBER SEARS: Aye.

13 CLERK: Palma.

14 COUNCIL MEMBER PALMA: Aye.

15 CLERK: Dickens.

16 COUNCIL MEMBER DICKENS: [Off mic]

17 CLERK: Garodnick.

18 COUNCIL MEMBER GARODNICK: Aye.

19 CLERK: Ignizio.

20 COUNCIL MEMBER IGNIZIO: If I may be
21 temporarily excused to explain my vote. I do want
22 to commend the council members and negotiations
23 that went forward regarding this application.
24 However, my opposition--

25 [Off mic]

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2 CHAIRPERSON KATZ: Can we please,
3 yeah, if you have a cell phone, please turn it on
4 vibrate, that's a reminder to all of us, actually.

5 COUNCIL MEMBER IGNIZIO: However, I
6 was asked and then supported the notion of
7 bringing this to the full Land Use Committee, so I
8 voted yes on the application to bring it up to
9 full Land Use. That being said, I do not support
10 the utilization--any utilization of eminent domain
11 for public property or for issues relating to
12 development and, therefore, I need to register a
13 no on all. Thank you.

14 [Pause]

15 CLERK: Oddo.

16 COUNCIL MEMBER ODDO: Yes, I'd like
17 to associate myself with the comments of council
18 member Liu and vote yes and wish Charles Barron a
19 Happy Birthday.

20 FEMALE VOICE: That's right, Happy
21 Birthday.

22 [Pause]

23 COUNCIL MEMBER ODDO: Wow.

24 MALE VOICE 1: We're preparing it.

25 [Pause]

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MALE VOICE 1: Have a tester.

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MALE VOICE 2: T-N-T.

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MALE VOICE 3: You get the first

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bite, Charles.

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[Off mic]

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[Pause]

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FEMALE VOICE 1: It's like, don't

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eat the cake.

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[Off mic]

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MALE VOICE 4: To bring it up to

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Land Use, yeah.

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[Pause]

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[Off mic]

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MALE VOICE 5: ...Dismissed.

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[Off mic]

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CHAIRPERSON KATZ: I'm sorry, we're

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going to leave the vote open for 20 minutes, thank

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you.

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MALE VOICE 6: What's the vote so

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far?

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[Off mic]

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MALE VOICE 3: Can we--is that

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necessary?

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CHAIRPERSON KATZ: What's the vote?

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[Off mic]

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CLERK: By a vote of 13 in the affirmative, 0 in the negative, and no abstentions, all items have been adopted--no, excuse me, by a vote of 13 in the affirm--

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[Off mic]

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MALE VOICE 3: Do it again--

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[Off mic]

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[Pause]

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CLERK: By a vote of, by a vote of 13 in the affirmative, four in the negative--

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[Off mic]

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CLERK: Council member Gonzalez.

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[Pause]

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COUNCIL MEMBER GONZALEZ: [Off mic]

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CLERK: By a vote of 14 in the affirmative, 4 in the negative and no abstentions, all items have been adopted.

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[Pause]

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MALE VOICE 7: [Off mic] How are they going to do the mediation? Is it mandatory mediation or is it--

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[Pause]

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[Off mic]

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2 COUNCIL MEMBER LIU: Go to binding
3 arbitration.

4 [Off mic]

5 [Pause]

6 MALE VOICE 7: Why are you doing
7 this? What kind of business is it you've [Off
8 mic]--

9 [Pause]

10 CLERK: Council member Lappin.

11 [Pause]

12 COUNCIL MEMBER LAPPIN: Aye.

13 [Pause]

14 CHAIRPERSON KATZ: Council member
15 Martinez.

16 [Pause]

17 COUNCIL MEMBER MARTINEZ: I vote aye
18 on all.

19 CHAIRPERSON KATZ: Thank you.

20 MALE VOICE 8: Madam Chair? Was
21 there language yesterday?

22 FEMALE VOICE 2: Yeah.

23 CHAIRPERSON KATZ: Huh?

24 MALE VOICE 8: Can I be--

25 CHAIRPERSON KATZ: We closed the

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other meeting, we had to in order to send it to--

MALE VOICE 8: What'd you do that for?

CHAIRPERSON KATZ: --City Planning. We had to do it to send it to City Planning for today's vote.

MALE VOICE 8: All right.

[Pause]

FEMALE VOICE 3: Council member Mendez.

[Off mic]

[Pause]

COUNCIL MEMBER MENDEZ: Aye on all.

[Pause]

[Off mic]

CLERK: Council member Arroyo.

[Pause]

COUNCIL MEMBER ARROYO: Aye.

[Pause]

CLERK: Council member Felder.

COUNCIL MEMBER FELDER: Yes.

[Pause]

[Off mic]

CLERK: Final vote on the Committee

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on Land Use now stands at 18 in the affirmative, 4
in the negative, no abstentions. Thank you.

CHAIRPERSON KATZ: Meeting is
closed.

CLERK: Correction, final vote on
the Committee on Land Use is 19 in the
affirmative, 4 in the negative, 0 abstentions.

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Tammy Wittman

Date October 17, 2008