

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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June 15, 2010  
Start: 9:46 am  
Recess: 10:41 am

HELD AT: Council Chambers  
City Hall

B E F O R E:  
MARK S. WEPRIN  
Chairperson

COUNCIL MEMBERS:  
Council Member Leroy G. Comrie, Jr.  
Council Member Daniel R. Garodnick  
Council Member Vincent M. Ignizio  
Council Member Jessica S. Lappin  
Council Member Diana Reyna  
Council Member James Vacca  
Council Member Albert Vann

## A P P E A R A N C E S [CONTINUED]

Mark S. Weprin  
Opening Statement  
Chairperson  
Subcommittee on Zoning and Franchises

Guy Kohn  
Architect of record  
Kohn Architecture  
Representing applicant  
Nasser Ghorchian  
Café Buon Gusto

Nasser Ghorchian  
Owner  
Café Buon Gusto

Robert Perris  
District Manager  
Brooklyn Community Board 2

John Fireman  
Partner  
Fireman Hospitality Group  
Trattoria Dell'Arte

Alan Rubin  
Attorney  
Buchanan, Ingersoll and Rooney  
Representing  
Trattoria Dell'Arte

Michael Kelly  
Representing  
Bar Giacosa, Inc.

Shlomo Steve Wygoda  
Architect  
Representing  
Vita Mexicana, Inc. d/b/a Papasito

## A P P E A R A N C E S [CONTINUED]

Marjorie Perlmutter  
Land Use Counsel  
Shahin Daneshvar

Shahin Daneshvar  
Owner  
Medalliance Medical Health  
625 East Fordham Road

Tom Largo  
Director  
Zoning Division  
Department of City Planning

Frank Ruchala  
Urban Designer  
Manhattan Office  
Department of City Planning

Burton Leon  
New York City Housing Authority

Robert Ezrapour  
Development team  
Vice President  
Artemis Construction

Evan Kashanian  
Artemis Construction

Joe Restuccia  
Co-Chair  
Housing, Health and Human Service Community  
Manhattan Community Board 4

1  
2 CHAIRPERSON WEPRIN: Good morning  
3 everyone.

4 SERGEANT AT ARMS: Quiet please.

5 CHAIRPERSON WEPRIN: Thank you.  
6 Good morning. My name is Mark Weprin. I'm the  
7 Chair of the Zoning and Franchises Subcommittee.  
8 And I'm delighted this morning to be joined by  
9 colleagues: to my left Leroy Comrie, Jimmy Vacca  
10 and Al Vann; and to my right Diana Reyna, Dan  
11 Garodnick. Did I miss anybody? And I know other  
12 people are on their way.

13 We're going to start with the  
14 sidewalk cafes. We'd like to have the applicant  
15 come up for Land Use Number 116, Café Buon Gusto  
16 in Councilman Levin's District and that is  
17 20105441 TCK, if the applicants can come forward.  
18 Please state your name for the record and describe  
19 your application. Yeah, at the mics. Yeah, okay,  
20 go ahead.

21 MR. GUY KOHN: I'm Guy Kohn. I'm  
22 the architect of record and representing the  
23 applicant, Mr. Nasser Ghorchian. I'm from Kohn  
24 Architecture, K-O-H-N.

25 MR. NASSER GHORCHIAN: Good

1  
2 morning. My name is Nasser Ghorchian. I'm the  
3 owner of Café Buon Gusto, located on 151 Montague  
4 Street. And that's it.

5 CHAIRPERSON WEPRIN: Can you  
6 describe what it is you're asking for?

7 MR. KOHN: Okay. Very briefly. We  
8 have an existing restaurant, Café Buon Gusto which  
9 has a private areaway in front of it which has  
10 always had a sidewalk café, that is allowable to  
11 have a sidewalk café on private property. We are  
12 now asking to extend the sidewalk café very  
13 slightly, 3 feet, 2 inches from the property line  
14 and adding 3 tables to the sidewalk café.

15 CHAIRPERSON WEPRIN: Who's Leonardo  
16 Altube [phonetic]?

17 MR. GHORCHIAN: He's my manager.

18 MR. KOHN: He's the manager of the  
19 restaurant.

20 CHAIRPERSON WEPRIN: Okay. And I  
21 had a letter here from him also that says that as  
22 manager of this establishment, you agree to keep  
23 the entrance of 151 Montague Street clear of any  
24 obstructions and free to access in and out of the  
25 building during our service hours. You agree with

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that statement?

MR. KOHN: Yes we do.

CHAIRPERSON WEPRIN: Okay. That's great. Do any members of the panel have any questions for this group? I understand Councilman Levin is okay with the application. Correct? Yes it is. Well thank you. I guess that's it. We're okay. Thank you very much. I appreciate you coming down.

MR. KOHN: Thank you very much

MR. GHORCHIAN: Thank you.

[Pause]

CHAIRPERSON WEPRIN: Okay. We actually... is Mr. Robert Perris here? Did you want to testify on this matter? Okay, great. All right. Robert Perris is here to testify I believe in favor of this same item.

MR. ROBERT PERRIS: My name is Robert Perris. I'm the District Manager of Brooklyn Community Board 2. And since the Community Board ultimately voted in favor this application I will summarize and cut to the bottom line. The applicant has a history in Community District 2 of association with restaurants where

1  
2 sidewalk cafes have been operated improperly. And  
3 so although we support the approval of this  
4 application, we do so with the expectation of full  
5 compliance with the license and a zero tolerance  
6 enforcement on the part of the Department of  
7 Consumer Affairs. And I have prepared testimony  
8 but I'll leave that.

9 CHAIRPERSON WEPRIN: Thank you very  
10 much. And no one has a question here. Oh okay,  
11 thank you very much. Okay we're going to close  
12 this item and move onto the next one.

13 The next one is in Speaker Quinn's  
14 District. It's Land Use Number 117, Trattoria  
15 Dell'Arte, and that's 20105393 TCM. And I believe  
16 this is John Fireman and Alan Rubin. If you can  
17 restate that for the record I'd appreciate it.  
18 There you go. That's why I have these things to  
19 read this.

20 [Pause]

21 MR. JOHN FIREMAN: I'm on? Okay,  
22 great. Hi, how are you--

23 CHAIRPERSON WEPRIN: [Interposing]  
24 I'm well thanks, how are you?

25 MR. FIREMAN: --my name's John

1  
2 Fireman. I'm appearing, I'm a partner in the  
3 Fireman Hospitality Group, the owner of Trattoria  
4 Dell'Arte. I'm appearing on behalf of the  
5 applicant.

6 MR. ALAN RUBIN: My name is Alan  
7 Rubin. I'm with Buchanan, Ingersoll and Rooney,  
8 and I'm here along with him.

9 CHAIRPERSON WEPRIN: Great. And if  
10 you could just describe what it is you're  
11 requesting.

12 MR. FIREMAN: Well we encountered  
13 some violations with the Department of Sanitation,  
14 learned that we were doing some things slightly  
15 improperly in the setup of our outdoor café. And  
16 I'm here to stipulate that we're going to cure  
17 those violations and make sure that all the rules  
18 are adhered to in the future.

19 [Pause]

20 CHAIRPERSON WEPRIN: Could you  
21 just, the sanitation violations, could you just  
22 describe what those were?

23 MR. FIREMAN: Yeah. I mean I'll  
24 ask Mr. Rubin to fill in any details that I'm  
25 missing but my basic understanding is there's a

1  
2 problem with the degree to which we're extending  
3 from our storefront. That we're exceeding, I  
4 believe, the 7-foot 6-inch maximum allowance for  
5 how far we can come out from our storefront--

6 CHAIRPERSON WEPRIN: [Interposing]  
7 Okay.

8 MR. FIREMAN: --there is,  
9 essentially, there is a grating on the curb and  
10 the question is the walkway allowed between the  
11 end of our café planters and the grating. We  
12 don't want to push it too tight to make it  
13 difficult for pedestrians to pass. The other  
14 primarily issue, I believe, is umbrellas that we  
15 have to shield the tables from the sun; they were  
16 extending slightly beyond the planters which  
17 marked the perimeter of the café.

18 CHAIRPERSON WEPRIN: Right.

19 MR. FIREMAN: And that those two  
20 issues need to be addressed.

21 CHAIRPERSON WEPRIN: And is it your  
22 intention to address all these issues.

23 MR. FIREMAN: Absolutely.

24 CHAIRPERSON WEPRIN: I have a  
25 letter here also from John Fireman to Speaker

2 Quinn. And I'll just state where it says you will  
3 commit to the following: the café will be designed  
4 according to the submitted plans; the café will  
5 allow the proper clearance from the subway  
6 grating; the café will remove all planters and  
7 umbrellas not allowed under code; and the café  
8 will cure the Sanitation Department violations  
9 issues which is what you just stated. Right? We  
10 didn't miss anything on that. Any questions from  
11 the panel? Is there an issue with heaters as  
12 well?

13 MR. FIREMAN: Yeah. There is an  
14 issue with the heaters where we're getting rid of  
15 them.

16 CHAIRPERSON WEPRIN: Okay. That  
17 seemed to be what the birdie in my ear was telling  
18 me. Yes, okay. Okay. And if you could just  
19 please give us in writing an updated letter  
20 stating that the heaters will be going--

21 MR. FIREMAN: [Interposing] Right,  
22 absolutely.

23 CHAIRPERSON WEPRIN: --that would  
24 be--

25 MR. RUBIN: [Interposing] You'll

1  
2 have that today.

3 CHAIRPERSON WEPRIN: --solve all  
4 our problems and stop the buzzing in my ear, I  
5 believe. I'm not sure but yeah, that would be  
6 great. Speaker Quinn I understand is okay this  
7 application. With these things taken into  
8 account. No other questions from the panel,  
9 right? Thank you very much.

10 MR. FIREMAN: Thank you.

11 CHAIRPERSON WEPRIN: Let me close  
12 this item. We're going to move now to another  
13 item in Speaker Quinn's District first, right?  
14 Got to wait. I think we've got to wait. We're  
15 going to move quick on these Leroy.

16 Next is Bar Pitti, number 119,  
17 20105495 TCM, as I mentioned in Council District  
18 3, Community Board 2, if you could please--how are  
19 you, state your name for the record and the  
20 application.

21 MR. MICHAEL KELLY: I know. It's  
22 the first thing I usually go for. Good morning  
23 Chairman, members of the Council. My name is  
24 Michael Kelly. I'm representing Bar Giacosa, Inc.  
25 We've come to an agreement with Speaker Quinn's

Office. I'd like to read it into the record.

We will have no waiter service from outside the café area. We will commit to keeping the passageway in front of the residential entrance which is to the south of us clear. We have planters on the southern border of the café which prevent tables and chairs from blocking the residential pathway. We will have our outside wait staff continuously monitor the residential passageway to ensure that no one is blocking it. We will make sure that no alcohol is served to patrons that are waiting for tables. No patrons are drinking alcohol outside the café area. And we will mark the outer boundaries of the café.

CHAIRPERSON WEPRIN: Great. I think that's it. Speaker Quinn's Office is good to go, right? On this now, with these changes? We're joined by Council Member Jessica Lappin by the way. Any other questions from the panel? No? Seeing none, we're going to move to close this item and thank you very much for--

MR. KELLY: [Interposing] Thank you.

CHAIRPERSON WEPRIN: --for coming.

1  
2 Okay our last café item is going to be Land Use  
3 Number 118, Papasito in Council Member Jackson's  
4 District. That's in Community Board 12. We have  
5 some one here from Papasito? Yes? Okay. Great,  
6 if you'd please, once again, state your name for  
7 the record and describe the application.

8 [Pause]

9 [Witness getting settled]

10 CHAIRPERSON WEPRIN: Okay, you can-  
11 -we can start. State your name and describe the  
12 application.

13 MR. SHLOMO STEVE WYGODA: Hello.  
14 My name is Shlomo Steve Wygoda. The application  
15 is for Vita Mexicana, Inc., Papasito at 223  
16 Dyckman Street. And this is a letter that we  
17 would like to read into the record also. And this  
18 is addressed to Dear Council Member Jackson.

19 SWA Architects is an authorized  
20 representative of Vita Mexicana, Inc. submit this  
21 letter as an agreement with the Chair Council  
22 Member Mark Weprin and the encompassing members of  
23 the Subcommittee on Zoning and Franchises that we  
24 will commit to the following. Number one; reduce  
25 the number of seats from 44 to 36 seats and 22 to

2 18 tables. Number two, sidewalk café will have a  
3 last seating at 10:00 PM from Sunday to Thursday  
4 and 11:00 PM on Friday and Saturday. Number  
5 three, a flush metal grating will be installed at  
6 the tree pit directly in front of the sidewalk  
7 café. Number four, security personnel will be  
8 provided. Number five, a sign will be posted  
9 saying "Please respect your neighbors at all  
10 times". And I might add that this sign will be  
11 done in Spanish as well. And that's not in the  
12 letter. If there's any questions, please call my  
13 office. Sincerely Shlomo Steve Wygoda.

14 CHAIRPERSON WEPRIN: I just have  
15 been advised--

16 MR. WYGODA: [Interposing] [Phone  
17 ringing] I'm sorry.

18 CHAIRPERSON WEPRIN: No problem, a  
19 little musical interlude is always nice.

20 MR. WYGODA: It's actually the  
21 Speaker's representative.

22 CHAIRPERSON WEPRIN: Name dropping  
23 will do you no good at all.

24 [Chuckling]

25 CHAIRPERSON WEPRIN: You shouldn't

1  
2 help yourself like that. You should know that  
3 this, because you're in such a busy area there  
4 that there's been some complaints in the area  
5 about the other cafes. And from what I understand  
6 there's going to be a clamp down on hours to make  
7 sure that everybody is being very good as far as  
8 keeping to the hours of operation and not going  
9 over.

10 [Pause]

11 CHAIRPERSON WEPRIN: Okay. And  
12 that may change in the future if it doesn't work  
13 out properly. Okay. 'cause they are, you know,  
14 being strict in the whole area.

15 MR. WYGODA: I might add also that  
16 there are several cafes there. I represent a few  
17 of them. And there's an organization that's being  
18 created to bring them all together and then as  
19 such, we've been talking about it. We're going to  
20 start our own meetings to hire security that the  
21 restaurateurs will pay for to walk up and down and  
22 monitor the situation so that, you know,  
23 everything is maintained as per the agreements.

24 CHAIRPERSON WEPRIN: I'm advised  
25 the Councilman Jackson's Office has signed off on

1  
2 this but I do know he was greatly concerned about  
3 the behavior so I'm sure he'll be encouraged by  
4 the fact that you're all working together and in  
5 unity there is strength. Any other questions?  
6 Street Visio has joined us, Vincent Ignizio from  
7 Staten Island. Okay. Well thank you very much.  
8 We're going to move to close this item.

9 MR. WYGODA: Thank you.

10 [Pause]

11 CHAIRPERSON WEPRIN: Okay I'd like  
12 to call on Marjorie Perlmutter; this is for Land  
13 Use Number 120, C 090143 ZMX, East Fordham Road in  
14 Council Member Koppell's District. And can, I  
15 don't--the gentleman with you as well, state your  
16 name for the record and describe the application.

17 [Off mic]

18 MR. SHAHIN DANESHVAR: Good, it's--  
19 yeah. Good morning. My name is Shahin Daneshvar;  
20 I'm the owner of the 625 East Fordham property.

21 MS. MARJORIE PERLMUTTER: Hi. Good  
22 morning. My name is Marjorie Perlmutter and I'm  
23 Land Use Counsel to Mr. Daneshvar. I'm handing  
24 out packets for you. I also have boards but given  
25 the size of our group, maybe the packets will be

1  
2 fine. [Off mic] [pause] So this is an  
3 application for a rezoning to rezone the site  
4 that's marked in red from a C-8-A zoning district  
5 which does not allow residential use. It's  
6 actually an automotive use zoning district to a C-  
7 2-4 overlay and over an R-6, there's an existing  
8 R-6 everywhere around there and a C-8-1 below.

9           There is a C-2-3 for a parking  
10 garage that's just across the street. This  
11 rezoning facilitates the development of the  
12 building that you see on the front page which is a  
13 [off mic] story building. It's a 10-story tower  
14 sitting on top of a 3-story base. Mr. Daneshvar  
15 owns a business called Medalliance. And  
16 Medalliance is a medical facility that provides  
17 all ranges of medical care to the people in the  
18 Bronx. It's rather an extraordinary facility. It  
19 takes every imaginable form of insurance and no  
20 insurance and provides much needed medical care  
21 and there's a need to expand this facility. So  
22 the first three floors of the building will be  
23 related to the medical facility both ground floor  
24 commercial, cellar parking and medical offices on  
25 the first floor and the second floor and a portion

1  
2 of the third.

3           The upper floors will be  
4 residential, rental probably, that's the plan  
5 anyway, market rate housing. The rest of the  
6 packet includes information about the layouts. If  
7 you'd like, I can respond to your questions about  
8 layouts.

9           In terms of neighborhood context,  
10 it's a very, very mixed neighborhood with a lot of  
11 very underdeveloped lots. That's the thing about  
12 the C-8-A's now; it's at the edge of Fordham Road.  
13 There's no development that's gone on there since  
14 Fordham Plaza which was built over here in the mid  
15 -1980s. This is an area that's been neglected  
16 partly because the rezoning doesn't allow  
17 development. And it doesn't allow kind of  
18 profitable development. And so you can see that  
19 there's--this is a 14-story building related to  
20 Fordham University. There's 7, 8 and buildings of  
21 different ranges and that's our site.

22                           [Pause]

23           MS. PERLMUTTER: And that's the  
24 building in context. With respect to the context,  
25 the 3-story base and the tower above relates to a

2 very, very wide Fordham Road. It's more than 100  
3 feet wide at this portion. Because there's an  
4 opening for the service road to Southern  
5 Boulevard. The lower buildings around it towards  
6 the back, towards the north, to respond to that,  
7 the building steps down from 3 stories to 2  
8 stories. So actually it's very sensitive to the  
9 neighborhood to the north.

10 And if you have any other  
11 questions, I'm happy to help respond.

12 CHAIRPERSON WEPRIN: Council Member  
13 Vacca who represents the neighboring district.

14 COUNCIL MEMBER VACCA: Let me ask a  
15 couple of questions. First of all you're giving  
16 an assurance today or you're making a statement  
17 that this will be market rate housing.

18 MS. PERLMUTTER: Yes. This is  
19 something that was very important to the Community  
20 Board and market rate housing as we've discussed  
21 with a lot of people in this neighborhood, if you  
22 were to compare it to some other neighborhood and  
23 not in this part of the Bronx ends up being  
24 affordable housing, the rates are so low. But the  
25 target is market, not to do affordable.

1  
2 COUNCIL MEMBER VACCA: So a 1-  
3 bedroom, for example, what range are we talking  
4 about?

5 MS. PERLMUTTER: In terms of  
6 prices? Do you know?

7 MR. DANESHVAR: These are going to  
8 be 2-bedroom and a range of like around \$1,300 to  
9 \$1,400 a month. I have been in that area for over  
10 25 years and I have several medical centers and  
11 several other properties. And I'm very familiar  
12 with the area. And the market rate right now, a  
13 good 2-bedroom condo goes around \$1,200, \$1,300.

14 COUNCIL MEMBER VACCA: And you will  
15 have commercial on the first three floors  
16 basically?

17 MR. DANESHVAR: No, on the first--  
18 right now, Phase 1 is being built at the present,  
19 as of right. And the first floor is commercial  
20 retail. A pharmacy has been rented and several  
21 other stores. And the second and third floor is  
22 going to be the expansion of the medical center.  
23 It's a licensed Article 20 by the Department of  
24 Health on the second and third floors. It's going  
25 to be a medical center.

2 COUNCIL MEMBER VACCA: You are  
3 building on, I'm trying to describe it, you are  
4 building on the side of Fordham University--you're  
5 building on the side of Fordham Road adjacent to  
6 Fordham University--

7 MR. DANESHVAR: [Interposing] That  
8 is correct Sir.

9 COUNCIL MEMBER VACCA: -- -- -- to  
10 Fordham University.

11 MR. DANESHVAR: That is correct  
12 Sir.

13 COUNCIL MEMBER VACCA: Now I know  
14 you're shown pictures here of Keith Towers and  
15 some of the other buildings in that area.

16 MR. DANESHVAR: Right.

17 COUNCIL MEMBER VACCA: But on the  
18 side of Fordham Road you're building on, I have to  
19 believe there was a reason to keep the zoning that  
20 now exists there in place.

21 MS. PERLMUTTER: If I could speak  
22 to that. The R-6 zoning district is the same as  
23 the C-2-4 overlay district. So the only thing  
24 that this proposal is doing is allowing  
25 residential development on the strip on Fordham

1  
2 Road. At the moment the C-8 does not permit  
3 anything really other than automotive type uses.  
4 So essentially what we're doing is pulling down  
5 the C-2--sorry the R-6 zoning onto Fordham Road.

6 COUNCIL MEMBER VACCA: But wouldn't  
7 you say that what I see here is not in context  
8 with what is on that side of Fordham Road in the  
9 immediate vicinity from where you're located? It  
10 does not appear to be in context.

11 MS. PERLMUTTER: But the--okay so--

12 COUNCIL MEMBER VACCA:  
13 [Interposing] It's tall.

14 MS. PERLMUTTER: --so there is--

15 COUNCIL MEMBER VACCA: --very tall,  
16 Keith Towers--

17 MS. PERLMUTTER: --it's certainly--

18 COUNCIL MEMBER VACCA: --the other  
19 side of Fordham Road, that's a big difference  
20 because we have a senior citizen high rise there.  
21 We have Keith Plaza there. We have several high  
22 rises on that side, on the other side of Fordham.  
23 But on your side of Fordham Road it's--

24 MS. PERLMUTTER: [Interposing]  
25 Right.

2 COUNCIL MEMBER VACCA: --a lower  
3 density development.

4 MS. PERLMUTTER: So historically  
5 what's happened in this part of the Bronx is  
6 there's been sort of under development. It was at  
7 the time that Fordham Plaza was built which is a  
8 20-something story, whatever the height is, 22-  
9 story building. Fordham Plaza was the first  
10 building to be built just a few blocks to the west  
11 of there, right? Fordham University has slowly  
12 started to build and fill in, in this  
13 neighborhood. So for example, this site here was  
14 rezoned for Fordham University to build a parking  
15 garage and it actually has a higher density that  
16 what we're proposing. It's a C-2-3 overlay which  
17 is a much higher parking requirement than we have.  
18 And it permits Fordham University to build a  
19 building much taller than what we're proposing.  
20 The other thing is this building here, I'm sorry,  
21 the one that's--no this one right here, is  
22 actually the same height. It's 14 stories.

23 COUNCIL MEMBER VACCA: But it  
24 permits Fordham University to do so but they have  
25 not elected to do so. I mean when your building

1  
2 goes up, your building will be the tallest  
3 building on that landscape, on that side of  
4 Fordham Road.

5 MS. PERLMUTTER: No, actually no.  
6 It won't. The Fordham University building, this  
7 one, is here. That's 14 stories. I'm sorry..  
8 Sorry, this is 14 stories on this side of Fordham  
9 Road. And just over there is our site. So we're  
10 on the same side of Fordham Road and that's a  
11 Fordham University building built some time ago.

12 COUNCIL MEMBER VACCA: Go into your  
13 parking for me. How many parking spaces are you  
14 going to have?

15 MS. PERLMUTTER: We have 134  
16 spaces, only 98 of which are required.

17 COUNCIL MEMBER VACCA: Okay and  
18 where will they be?

19 MS. PERLMUTTER: They will be in  
20 the cellar.

21 COUNCIL MEMBER VACCA: Underground.

22 MS. PERLMUTTER: Underground, yes.

23 COUNCIL MEMBER VACCA: That's going  
24 to raise the price of your construction though.  
25 Am I correct?

2 MS. PERLMUTTER: OH I suppose, yes.

3 COUNCIL MEMBER VACCA: Underground  
4 parking is usually--have you anticipated the cost-  
5 -

6 MR. DANESHVAR: [Interposing] We,  
7 yes. This project has been in design for the last  
8 4.5 years. I'm an engineer by trade. And I have  
9 been working with a very famous firm,  
10 architectural firm in Manhattan. And for about  
11 4.5 years we have been trying to develop a project  
12 that financially is feasible. And we have put  
13 into account the cost of the underground parking.  
14 As a matter of fact, in the Phase 1 already, we  
15 have started building all the columns that is  
16 going to go to the third phase in anticipation of  
17 building this 10-story building.

18 COUNCIL MEMBER VACCA: One last  
19 question. I was curious. Why did you elect--when  
20 you elected to do mostly 2-bedroom apartments--

21 MR. DANESHVAR: [Interposing] Um-  
22 hum.

23 COUNCIL MEMBER VACCA: --are you  
24 anticipating that the Fordham University students  
25 will use most of the--will be renters--

MR. DANESHVAR: [Interposing] Yeah-

COUNCIL MEMBER VACCA: --in there  
predominantly or?

MR. DANESHVAR: No--

COUNCIL MEMBER VACCA:  
[Interposing] To a degree?

MR. DANESHVAR: To be honest with  
you, in the beginning about 4 years go, a, in 2002  
when I purchased the building before I purchased  
the property, I approached the Fordham University.  
I said I can build a dormitory for you. And they  
said no we are not interested. And after that I  
started designing for the 2-bedroom or possibly  
few apartments, 3-bedroom, for that area. Since  
my business is in medical and we have a lot of  
patients. Last year we served over 100,000  
patients. We are a very busy medical center.  
I've been in that business over 22 years. And I  
found a need from a lot of patients, a lot of  
people that they have come to us that right now in  
the entire area is the population, all these 2-  
family houses, 3-family houses are being rented to  
the Fordham students.

1  
2 I decided to have families there  
3 instead of the students because that's what that  
4 area needs, especially for what I'm bringing to  
5 the community. And I discussed this with the  
6 Borough President, with the Community Board. We  
7 got a unanimous vote from Community Board Number  
8 6. Borough President, all in hearings, got a  
9 unanimous vote from City Planning. And this is a  
10 project that it has a lot of goods for the  
11 community and for the Borough that I'm in.

12 MS. PERLMUTTER: Yeah. I wanted to  
13 correct, it wasn't unanimous at the Community  
14 Board. I think there were 5 opposed.

15 COUNCIL MEMBER VACCA: Right. I  
16 believe it was 17-5 and 2 abstentions.

17 MS. PERLMUTTER: Thank you. It's  
18 the euphoria of the moment. [Chuckling]

19 COUNCIL MEMBER VACCA: Thank you.

20 MS. PERLMUTTER: Thank you.

21 CHAIRPERSON WEPRIN: Actually as  
22 long as you brought up the Community Board, they  
23 did approve it. And you did mention their desire  
24 not to have a low income part of this. But they  
25 also had some other suggestions. I don't know if

1  
2 these are things you've been working with them on.

3 MS. PERLMUTTER: Um-hum.

4 CHAIRPERSON WEPRIN: Local vendors  
5 and on the--can you describe what it is that  
6 you've been working with the Community Board on?

7 Ms. PERLMUTTER: I just, let me  
8 just as an intro, so just as an introduction, the  
9 construction on this project has already started.  
10 So there's two things that Mr. Daneshvar will  
11 address. One is how many people from the  
12 community he already hires for his business and  
13 then the fact that there's construction already  
14 going on so there's already a track record in  
15 play.

16 MR. DANESHVAR: The construction  
17 that has started is only for the Phase 1 and has  
18 nothing to do with the tower, as of right, that we  
19 are doing. When I discussed the issue with the  
20 Community Board, I showed them that at the present  
21 time we have 175 employees in the company. Out of  
22 the 175, more than 140 are from the Bronx, from  
23 the zip code of 10458 where I am, mostly single  
24 moms.

25 And I said this project that I'm

2 going to, the rezoning and so forth, is going to  
3 create another 200 jobs. And they are all going  
4 to come from the Bronx. The Bronx Community  
5 Board, they are very familiar with some of the  
6 participants, some of the employees that are in  
7 the company. And as far as the construction jobs,  
8 we are going to create about 400 construction jobs  
9 also.

10 CHAIRPERSON WEPRIN: You've met, I  
11 assume, extensively or at least met with Council  
12 Member G. Oliver Koppell.

13 MR. DANESHVAR: Yes.

14 CHAIRPERSON WEPRIN: Can you  
15 describe your discussions with him?

16 MR. DANESHVAR: Yes. Mr. Koppell  
17 came to the facility with his staff. And I gave  
18 him a tour of the facility. I told him what I'm  
19 building, what I'm doing and what the project is  
20 all about. And at the end of it he says that he  
21 has the full support and he thinks that this  
22 project is great for the community.

23 CHAIRPERSON WEPRIN: Okay. Thank  
24 you. Any other panelists want to comment? Okay.  
25 Thank you. We're going to close this hearing.

1  
2 Appreciate it.

3 MS. PERLMUTTER: Thank you.

4 CHAIRPERSON WEPRIN: And we are  
5 going to move on. [Off mic] We're going to move  
6 on to Land Use Number 121 and call on Frank  
7 Ruchala, Tom Largo and Edith Sue Chin. And this  
8 is on the Hudson Yards Garment Center text  
9 amendment, Speaker Quinn's District, Council  
10 District 3, Community Board 4. And, oh here's the  
11 number, I was looking for that. 100217 ZRM.  
12 That's what I get for using my glasses. Please  
13 state your names for the record and then describe  
14 the application.

15 MR. TOM LARGO: Good morning  
16 Council Members. My name is Tom Largo, I'm the  
17 Director of the Zoning Division at the Department  
18 of City Planning and with me is Frank Ruchala  
19 who's an urban designer with the Manhattan Office  
20 of the Department of City Planning and Edith Sue  
21 Chin is not available this morning.

22 We're here to present to you a text  
23 amendment to the Special Garment Center District  
24 and the special Hudson Yards District. The text  
25 amendment would ensure that there are appropriate

1  
2 height and setback regulations related to street  
3 wall location and minimum base heights of  
4 buildings in areas that currently lack such  
5 regulations.

6                   These areas are in the Garment  
7 Center, west of 8<sup>th</sup> Avenue and in certain sub-areas  
8 of the Hudson Yards Special District. The  
9 amendment is in response to inappropriate out of  
10 context development that has happened in these  
11 areas recently and is in response to a request  
12 from Community Board 4 that the Department of City  
13 Planning undertake a study and establish  
14 appropriate height and setback regulations for  
15 these areas. So Frank Ruchala will now walk you  
16 through the details of the proposal. Thank you.

17                   MR. FRANK RUCHALA: So we, the  
18 drawing that I provided just before, it might be  
19 helpful to go through them as we go through it.  
20 So the first image is the area map that shows the  
21 locations where the text amendment, right, would  
22 apply. It is as Tom was saying, Garment Center  
23 Preservation P-2 which is the part of the Garment  
24 Center west of 8<sup>th</sup> Avenue. And two sub districts  
25 in Hudson Yards, E, which is just in the north,

1  
2 and C which is just at the south. These areas are  
3 basically in between the Port Authority Bus  
4 Terminal which is up on 40<sup>th</sup> Street and the Farley  
5 Post Office Building which is down on 33<sup>rd</sup> Street.

6 The neighborhood itself is  
7 encompassed by these sub districts, is  
8 distinguished by numerous loft buildings as shown  
9 on the next page, Garment Center buildings. These  
10 buildings are located on the side streets and  
11 typically have street walls which are basically  
12 walls along the full property line with minimum  
13 heights of 80 or more feet.

14 Recently buildings as shown on the  
15 next page, recent construction, some buildings  
16 that have been constructed in the area have  
17 matched this existing context by providing street  
18 walls along the entire property line up to these  
19 heights. However as shown on the next page, some  
20 buildings have not. And instead have provided  
21 street walls with only 1 or 2 stories with towers  
22 beyond that significantly set back from the  
23 street.

24 This is because, as shown on the  
25 next page, these are the regulations in Garment

Center P-2. There is a requirement for a street wall with a maximum base height of 90 feet.

However no minimum base height is currently listed in the zoning text. So the text amendment would, as shown on the bottom in red, require a minimum base height of 80 feet in this area.

In addition for narrow lots, these are lots that are 25 feet or less, the text amendment would allow lower street walls, down to a minimum base height of 60 feet, if a building is adjacent to lower buildings. This is to, because there are a series of previously built residential buildings in the area that actually pre-date the bigger loft buildings that were built after this, or after these buildings.

In addition, in sub district C and E which are the two just to the north of the Garment Center area, there are currently no street wall requirements however if a street wall is provided it must have a maximum height of 90 feet. The text amendment would require similar street wall requirements as in the P-2 area of the Garment Center. It would require a street wall up to a minimum base height of 80 feet, a maximum of

90 and allow for taller street walls depending on the height of adjacent buildings.

The text amendment also clarifies and corrects a series of other parts of the text dealing with street walls in both Garment Center and in Hudson Yards Districts. Probably most importantly as part of an action that would brought up to the Council in 2009, there was a corrective action for Hudson Yards, there was an allowance for recesses above certain heights on both 10<sup>th</sup> Avenue and 34<sup>th</sup> Street. However the text mistakenly did not include an allowance for recesses on 10<sup>th</sup> Avenue in a certain sub district. And so to allow for the intent of the text we would allow the recesses along 10<sup>th</sup> Avenue.

The Community Board 4 recommended approval of the text amendment with conditions which were met by changes to the amendment by the Commission, by the City Planning. And the Borough President recommended approval.

CHAIRPERSON WEPRIN: And Speaker Quinn I understand is also in favor of it, is that correct?

MR. RUCHALA: That's correct.

2 CHAIRPERSON WEPRIN: Ms Reyna, Mr.  
3 Ignizio, any comments or questions? Common sense.  
4 Look at that. Well thank you very much. We have  
5 no one else on this, right? Well thank you.  
6 We're going to close this hearing.

7 MR. LARGO: Thank you.

8 MR. RUCHALA: Thank you.

9 CHAIRPERSON WEPRIN: And we're  
10 going to move to what will be the last item on our  
11 agenda, the last, the one after that will be put  
12 off until next meeting, again. We are going to  
13 now do Land Use 122, Elliott Chelsea Housing. The  
14 applicants can come up and I will attempt to read  
15 their names. Evan Kashanian, Robert Ezrapour and  
16 Burton Leon. And I apologize for any poor  
17 pronunciations. And that, I'm sorry, is N 100252  
18 ZRM.

19 [Witnesses getting settled]

20 CHAIRPERSON WEPRIN: Please, all of  
21 you state your name for the record and then  
22 describe what you need to describe.

23 MR. BURTON LEON: Okay. Burton  
24 Leon, I'm with the New York City Housing  
25 Development, I'm sorry, Housing Authority.

1  
2 MR. ROBERT EZRAPOUR: Robert  
3 Ezrapour, I'm with the development team at Artemis  
4 Construction.

5 MR. EVAN KASHANIAN: I'm Evan  
6 Kashanian with Artemis Construction.

7 MR. LEON: Okay. I have a prepared  
8 statement and I would read it quickly. I've  
9 circulated the testimony to members of the  
10 Committee. In order to facilitate development of  
11 an affordable housing project at the northwest  
12 corner of 9<sup>th</sup> Avenue and West 25<sup>th</sup> Street in  
13 Manhattan, Community District 4, the Housing  
14 Authority seeks your approval of a zoning text  
15 amendment by the Department of City Planning which  
16 will serve as the basis for CPC authorization of a  
17 companion application from the Authority and the  
18 developer for height and setback modification as  
19 far as reduction of replacement parking currently  
20 on the site.

21 The proposed 22-story, 168-unit  
22 building with ground floor commercial and  
23 underground parking on the subject site within a  
24 1.93 acre property of Chelsea Houses, is the 1<sup>st</sup> of  
25 3 developments on Manhattan's West Side to provide

1  
2 primarily moderate and middle income housing in  
3 accordance with City Council's points of agreement  
4 in 2005 for rezoning of Hudson Yard in West  
5 Chelsea.

6           The project is the result of HPD  
7 and NYCHA collaboration with extensive community  
8 consultation following a Request for Proposal in  
9 2006 and developer selection in 2007. The project  
10 cost of \$65.3 million will be financed upon  
11 issuance by Housing Development Corporation,  
12 subsidies from HPD and Reso-A funds from the  
13 Speaker Quinn's Office.

14           Land disposition approval is  
15 expected shortly from the US Department of Housing  
16 and Urban Development and the site with additional  
17 development rights will be conveyed by the  
18 Authority to West 25<sup>th</sup> Street of Chelsea Equities,  
19 LLC, I'm sorry, an affiliate of Artemis  
20 Construction by July 1<sup>st</sup>.

21           The project site at 9,985 square  
22 feet is relatively small and through zoning  
23 analysis and massing studies with DCP in 2005, it  
24 was determined that modification of both the base  
25 height and the sky exposure plane would be needed

1  
2 to support an economical and financially viable  
3 building within an R-8 district for moderate and  
4 middle income households.

5 In return for disposition at a  
6 price that is significantly below fair market  
7 value, NYCHA residents in Community District 4  
8 will be given rental preference for 20% of the 168  
9 units or 34 units. Extensive marketing outreach  
10 to other NYCHA residents will be made including  
11 credit counseling for prospective applicants.

12 The project site is currently used  
13 as a parking lot and a compactor facility for both  
14 Chelsea Houses and Elliott Houses. NYCHA will  
15 relocate the compactors from the south side of the  
16 private Hayward Building to its west side on the  
17 adjoining parking area of Chelsea Houses for  
18 operation initially as a compactor yard. As  
19 recommended by Community Board 4 a building will  
20 be constructed by Artemis around 2012 to house the  
21 two compactors as a means of addressing neighbor's  
22 concerns with noise and odor of garbage handling  
23 for 7 NYCHA buildings.

24 In order to meet operating safety  
25 standards for Authority workers and to provide a

1 safe distance from the Hayward Building, for the  
2 Department of Sanitation trucks that back into the  
3 compactor yard to pick up and drop off the  
4 compactors, a wider building will be provided than  
5 the one previously designed by the developer. The  
6 question of minimum distance between buildings  
7 within the Chelsea parcel will be resolved by the  
8 Authority in consultation with DEP and Department  
9 of Buildings.  
10

11 Following loan closing for the  
12 housing project a brief will be prepared by a  
13 Zoning attorney for submission to DOB by October  
14 to apply for a parking loading area on a separate  
15 zoning lot to accommodate the compactor, dumpster  
16 and Authority vehicles. The Authority will work  
17 closely with DCP and Department of buildings for  
18 zoning compliance solutions by this year-end,  
19 before construction of a garage for the compactors  
20 and a carport for the dumpsters.

21 The existing 42 parking spaces as  
22 required by the certificate of occupancy for  
23 Chelsea Houses will be reduced to 30 spaces  
24 including 26 spaces to be provided within the  
25 cellar of the proposed building for use by NYCHA

1  
2 residents. Currently there are 22 residents with  
3 parking permits and they will reach receive \$100  
4 monthly stipend as subsidy for alternate parking  
5 arrangement during construction of the proposed  
6 buildings. These residents will have rental  
7 priority for an indoor attended parking space upon  
8 completion of the development by the end of 2012.

9           The proposed zoning text amendment  
10 and the height setback and parking modification  
11 application have been recommended for approval by  
12 the Community Board 4, Manhattan Borough President  
13 and the City Planning Commission. Your  
14 endorsement of the zoning text would facilitate  
15 the creation of 168 affordable housing units,  
16 towards meeting the Authority's housing target of  
17 6,000 units in Mayor Bloomberg's new Housing  
18 Marketplace Plan. And I will be available to  
19 answer questions. Thank you.

20           MR. EZRAPOUR: Good morning. I'm  
21 from Artemis Construction. My name is Robert  
22 Ezrapour. Just to add to what Burton so  
23 eloquently pointed out, we were awarded an RFP on  
24 the Elliott-Chelsea site and our intent is to put  
25 up a 22-story building with 169 affordable

1 dwelling units. We've been very fortunate to have  
2 the support of Community Board 4, NYCHA, HPD, HDC.  
3 And Speaker Quinn's Office has been kind enough to  
4 provide some Reso-A grant to make this project  
5 economically viable.  
6

7 We're looking forward to this  
8 challenge. We feel the community is eagerly  
9 awaiting affordable housing. And we've been  
10 welcomed into this community. And I think once  
11 this is all finished and done, God willing, you  
12 will all be proud of this structure. And I thank  
13 you for the opportunity to speak here today.

14 CHAIRPERSON WEPRIN: Okay. Council  
15 Member Reyna has some questions.

16 COUNCIL MEMBER REYNA: Good  
17 morning. I just wanted to understand, Mr. Burton,  
18 the land that the Housing Authority is going to be  
19 making available for this construction, is it  
20 going to be a land lease?

21 MR. LEON: It's going to be sold.

22 COUNCIL MEMBER REYNA: It's going  
23 to be sold. And the price for that?

24 MR. LEON: It will be \$4 million.

25 COUNCIL MEMBER REYNA: What is the

market rate for that price, for that land?

MR. LEON: It's approximately \$19 million.

COUNCIL MEMBER REYNA: And so there's a loss...?

MR. LEON: We don't consider it as a loss because of the fact that we will be getting a 20% set aside of units for income eligible NYCHA residents.

COUNCIL MEMBER REYNA: There's going to be a what?

MR. LEON: Because of the fact that we will be obtaining a 20% of the units to be set aside with rental preference given to NYCHA residents, meaning that we have over income residents who might wish to move out of public housing into private housing, but affordable housing, and that we may have households with grown up children who have completed university education and currently holding a job that could allow them to afford an apartment in this building.

COUNCIL MEMBER REYNA: And these apartments are going to be in perpetuity?

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Affordable?

MR. LEON: Yes. With respect to the moderate and middle income units, yes the affordability will be secured for a long term.

COUNCIL MEMBER REYNA: And how is that regulatory agreement achieved?

MR. LEON: Both HDC and HPD have made that as a requirement for this project. That the units will remain affordable for the life of the building.

COUNCIL MEMBER REYNA: And as far as the residents moving out of public housing with an affordable housing rental being provided in the outside of the Chelsea Houses because this won't be considered part of the Chelsea Houses--

MR. LEON: [Interposing] Right.

COUNCIL MEMBER REYNA: -- portfolio.

MR. LEON: Right.

COUNCIL MEMBER REYNA: This will be a standalone project.

MR. LEON: Right.

COUNCIL MEMBER REYNA: And the preferencing for the families is through a lottery

anyway.

MR. LEON: Correct.

COUNCIL MEMBER REYNA: And so the families are going to be paying 30% of their income?

MR. LEON: Families are expected to pay no more than 30% of their income for rent but, you know, it would be up to the individual resident to determine if in fact it would be better for them to remain in public housing or to move out of public housing into affordable housing in the marketplace. And so the rents have been set, based on 30% of income. And I would point out that for a family of 4; the qualifying income ranges from approximately \$31,700 to \$154,000.

COUNCIL MEMBER REYNA: So a family of 4 would qualify for--what's the distribution of the units? It's studios--

MR. LEON: [Interposing] Yes.

COUNCIL MEMBER REYNA: Primarily studios.

MR. LEON: No. the building has a unit mix of 40 studios, 39 1-bedroom, 84 2-bedroom and 5 3-bedroom units. And the income mix will

1  
2 encompass 34 units or 20% of the households with  
3 income below 50% AMI. 20 unites for household  
4 with income up to 125% AMI. 57 unites for up to  
5 165% AMI and then 56 units up to 195% AMI.

6 COUNCIL MEMBER REYNA: And the 20%  
7 or the 34 units reserved for NYCHA residents, are  
8 those equal distributions amongst the same  
9 household bedrooms that you just described? So  
10 it'll range from studio to 3 bedrooms?

11 MR. LEON: Yes in fact there's a--

12 COUNCIL MEMBER REYNA:  
13 [Interposing] Amongst the 20%.

14 MR. LEON: Yeah. There's a 3-  
15 bedroom that would be set aside for low income  
16 family.

17 COUNCIL MEMBER REYNA: Thank you  
18 very much.

19 CHAIRPERSON WEPRIN: Okay. Well I  
20 don't have any more questions. So I want to thank  
21 this panel. And we do have someone else from the  
22 Community Board who's going to testify in favor.

23 MR. EZRAPOUR: Thank you.

24 CHAIRPERSON WEPRIN: You may want  
25 to leave your charts out just in case they want a

1  
2 prop. This is, I believe, Joe Restuccia. And  
3 he's testifying in favor of this project. Please  
4 state your name again for the record and your  
5 statement.

6 MR. JOE RESTUCCIA: My name is Joe  
7 Restuccia. I'm the Co-Chair of the Housing,  
8 Health and Human Services Committee in Manhattan  
9 Community Board 4 testifying in behalf of this  
10 project, the Elliott-Chelsea project. The Board  
11 has worked for over 5 years since the West Chelsea  
12 points of agreement to bring this project to  
13 conclusion. We have made a series of compromises  
14 to make it work. It has been extremely difficult.  
15 And I will say that in the context of working with  
16 the Elliott-Chelsea Houses public tenant  
17 association, the Haywood Condo adjacent, broader  
18 community stakeholders, it has been a very, very  
19 difficult road. And I'm very happy to report that  
20 we're here to support it.

21 And to address Council Member  
22 Reyna, our real issue here was moderate and middle  
23 income housing. That in West Chelsea, we found  
24 that the zoning would create only low income  
25 housing and we wanted a broader range. And one of

1  
2 the biggest things we heard from the tenants of  
3 public housing is what happens when the kids who  
4 are many of them doubled up, they are better  
5 educated a little bit, they're making more, yet  
6 they don't qualify for public housing and they  
7 don't qualify for those 80/20's, they just make  
8 too much.

9           So our push was how can we get  
10 units at 125% of AMI to 165% of AMI. And we're  
11 really proud that we were able to get this to  
12 happen. We had to make a compromise. We had to  
13 bring some units in at 195% of AMI, higher, to  
14 that \$154,000 a year to make the project work  
15 financially. But our issue was we wanted it to be  
16 primarily a family building so it's mostly 2  
17 bedrooms. And we wanted it to be moderate and  
18 middle income. And we really, in working with the  
19 entire community have felt that this is going to  
20 satisfy a huge need because the 1 bedrooms in  
21 Chelsea today start at \$3,100. The highest income  
22 level for a 3-bedroom here will be a rent of  
23 \$3,200 for a 3-bedroom. So relative to the market  
24 in the neighborhood, to have this range of incomes  
25 from 50% of AMI, the lowest income up to 195%

1  
2 really brings us a project that will address  
3 finally that big band in the middle that just  
4 doesn't have any opportunity to get into  
5 affordable housing.

6 The other issue is permanence for  
7 us. As part of the rezoning we said this had to  
8 be permanent, period. And so in fact this will be  
9 permanently affordable through a regulatory  
10 agreement and there will be a tax exemption, of  
11 course, the normal, you know, for this kind of  
12 affordable housing.

13 So we really want to speak in favor  
14 of this because it has really been tough to make  
15 it happen. And it's the hardest thing possible to  
16 get that middle income and moderate income  
17 constructed. Thank you.

18 CHAIRPERSON WEPRIN: Council Member  
19 Reyna, do you have anything you wanted to add?

20 COUNCIL MEMBER REYNA: I just  
21 wanted to thank, you know, the Community Board for  
22 coming and giving face behind the project because,  
23 you know, I appreciate the 5-year ongoing  
24 discussion and dealing with--we're going through  
25 the same issues within Williamsburg where we're

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trying to meet the kids of the generation--

MR. RESTUCCIA: [Interposing]

Exactly.

COUNCIL MEMBER REYNA: --that was able to raise their children and now find very little options in the market. And so the in perpetuity was addressed and I was happy to hear that in the regulatory agreement and obviously the Community Board is going to have its role in making sure that there's major oversight in making sure that there is in perpetuity revision to the regulatory agreement that will allow for this to be affordable housing for the community. And I just wanted to thank you for your participation.

MR. RESTUCCIA: Thank you.

CHAIRPERSON WEPRIN: Thank you. We appreciate your coming down and we love happy endings too, so.

MR. RESTUCCIA: [Chuckling]

CHAIRPERSON WEPRIN: Thank you. All right. We're going to close this hearing. And then I am going to [off mic] move to couple all of the items on today's agenda, the cafes, as well as the Land Use items. We are going to

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SUBCOMMITTEE ON ZONING AND FRANCHISES 50

recess the meeting until Thursday morning, before the Land Use meeting, so 9:30 on Thursday morning in this very room, we will then take up the votes at that time. So I think the Committee now stands a recess until Thursday at 9:30. Thank you very much.

[Gavel banging]

[END Zoning\_6-15-2010\_part\_2.mp3]

C E R T I F I C A T E

I, Laura L. Springate 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.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature \_\_\_\_\_Laura L. Springate\_\_\_\_\_

Date \_\_\_\_\_April 2, 2010\_\_\_\_\_