

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUB COMMITTEE ON ZONING AND FRANCHISES

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January 11, 2011

Start: 9:55am

Recess: 10:40am

HELD AT: Council Chambers
City Hall

B E F O R E:
MARK WEPRIN
Chairperson

COUNCIL MEMBERS:

Leroy G. Comrie, Jr.
Daniel R. Garodnick
Daniel J. Halloran
Vincent Ignizio
Jessica S. Lappin
Diana Reyna
Joel Rivera
Larry B. Seabrook
James Vacca
Albert Vann

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

Leonard Garcia-Duran
Director
Staten Island City Planning Office

James Miraglia
Deputy Director

Ryan Singer
Bronx Borough Deputy Director

Jeffrey Chester
Attorney
Lucille Roberts

Dan Siegel
AE Com

Jenny Pollack
Queens District Manager
Lucille Roberts

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2 CHAIRPERSON WEPRIN: Good morning
3 everyone, my name is Mark Weprin. I am the Chair
4 of the Zoning and Franchises sub committee. I am
5 joined by other members of the Committee; on my
6 far left Chair of the Land Use Committee, Leroy
7 Comrie.

8 COUNCIL MEMBER VANN: He's not far
9 left. I am.

10 CHAIRPERSON WEPRIN: I take it
11 back. Al Vann is even further left there. I'm
12 sorry, I didn't see you. Al Vann from Brooklyn,
13 Leroy Comrie from Queens, Dan Garodnick from
14 Manhattan, Joel Rivera from the Bronx, Diana Reyna
15 from the Queens and the Bronx.

16 COUNCIL MEMBER REYNA: Brooklyn.

17 CHAIRPERSON WEPRIN: And Brooklyn I
18 mean, I'm sorry. I was being on the the's, you
19 know, from Brooklyn and Queens. And then also,
20 who has an item in his district but is not a
21 member of this sub committee but we're delighted
22 to have him here today, Dan Halloran, my neighbor
23 from Queens. And I'm sure we'll be joined by
24 others.

25 We're going to start right in on

1
2 the Land Use number 278 and 279. This is in
3 Richmond County. They are numbers C110069 and
4 N110070 and we're going to call upon members of
5 the city, Department of City Planning to come up,
6 Len Garcia-Duran, James Miraglia and Ryan Singer,
7 I believe. Come on up. Okay, please reintroduce
8 yourselves for the record and make a presentation
9 when you're ready.

10 LEONARD GARCIA-DURAN: Good
11 morning. My name is Len Garcia-Duran, Director of
12 Staten Island City Planning Office. I am here
13 with [pause] Thank you. I'm here with my Deputy
14 Director James Miraglia and the Bronx Borough
15 Deputy Director, Ryan Singer. This past April our
16 chair, Department of City Planning Chair Amanda
17 Burden, reconvened Mayor Bloomberg's Staten Island
18 Growth Management Task Force to present several
19 proposals for text amendments and rezonings.
20 These were the result of a year long effort of our
21 agency working in coordination with
22 representatives of Staten Island Borough President
23 James Molinaro and all three Staten Island City
24 Council Members, practitioners and civic
25 representatives, all members of the task force, to

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2 address several issues that the Staten Island
3 community boards, residents and business owners
4 have brought to our attention.

5 Mayor Bloomberg's task force was
6 first convened in 2003 and since that time the
7 City Planning Commission has adopted several
8 proposals for rule changes and rezonings to ensure
9 that the borough's future development respects
10 existing lower density neighborhood context, which
11 is based upon limited mass transit, the resulting
12 high auto ownership and a lack of a regular street
13 grid. Other parts of the city share these same
14 challenges and we have adopted similar rule
15 changes in Throgs Neck and community board
16 district 10 in the Bronx and tackled their
17 specific concerns.

18 These earlier task force efforts
19 resulted in designating all of Staten Island and
20 the Bronx community district 10 as lower density
21 growth management areas. Our ongoing efforts in
22 working with these communities have culminated in
23 today's proposal to amend the zoning rules of both
24 Staten Island and the Bronx community district 10
25 and to rezone commercial corridors of Staten

1
2 Island.

3 The proposed text amendments will
4 tackle an issue raised by many civic groups
5 throughout Staten Island. While everyone agrees
6 there is a need for easy access to medical
7 services and day care providers in our lower
8 density neighborhoods until now it has often come
9 at the cost of oversized buildings in residential
10 neighborhoods with little or no parking spaces
11 provided for staff or customers.

12 Over the past two years, Agency
13 staff has been meeting with the task force members
14 to craft this proposal that we are presenting to
15 you today to ensure that future medical offices
16 and day care providers have sound rules for their
17 future buildings and incentives to locate them in
18 commercial areas where these services have better
19 access to roads and existing transit. I should
20 point out that while these rules were crafted by
21 the Staten Island task force, many of these same
22 issues are found at Throgs Neck and Council Member
23 Vacca requested that community district 10 be
24 included in the proposal. We were happy to
25 oblige.

1
2 In addition, we have crafted
3 several amendments to the commercial rules on
4 Staten Island. These are based on the input we
5 have heard from practitioners and staff regarding
6 the earlier lower density rules we adopted several
7 years ago. While we want to ensure that rules
8 remain in place, manage growth and preserve
9 neighborhoods, we also want them to be fair and
10 easy to implement.

11 Also in our efforts to update our
12 commercial rules it was pointed out by Staten
13 Island elected officials that due to outdated
14 zoning or BSA cases, many commercial businesses
15 were located in residential districts and did not
16 have to abide by our new lower density commercial
17 rules and our parking design guidelines. We
18 believe it is appropriate that the new commercial
19 rules should be applied to these commercial areas
20 to provide predictability to property owners,
21 which will encourage them to reinvest with
22 certainty about their futures.

23 City Planning staff has been
24 working diligently since the task force met in
25 April to present these recommendations to

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2 community boards, local practitioners, and the
3 Department of Buildings to incorporate suggestions
4 and insights to ensure that their future
5 implementation be smooth. Thanks to Council
6 Members Oddo, Ignizio, Vacca, their staff members.
7 I'd like to thank all of them for their support
8 and advice in our coming effort to provide better
9 planning for these neighborhoods. And with that
10 I'd like to introduce James Miraglia to walk you
11 through those proposals.

12 JAMES MIRAGLIA: Thank you.

13 [Pause]

14 CHAIRPERSON WEPRIN: We can't see
15 anything, maybe the lights also maybe Jerry might
16 help, I don't know. Is that a problem? I don't
17 know.

18 MR. MIRAGLIA: It's got to reboot.

19 CHAIRPERSON WEPRIN: Okay, we're--
20 okay. We're waiting to reboot. Uh-oh, that's not
21 going to stand.

22 MR. MIRAGLIA: I'll go check the
23 plug was kicked out.

24 CHAIRPERSON WEPRIN: That was an
25 impressive job of.

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MR. MIRAGLIA: Just one moment.

This is coming on now.

[Pause]

MR. MIRAGLIA: Okay, thank you.

Sorry for the delay. There are three main goals of the text amendment. One was to provide adequate parking and prevent out of scale medical facilities in lower density areas of Staten Island and CD10 Bronx. Another goal was to prevent the out of scale day care centers in lower density growth management areas and finally we need an area to accommodate the additional medical facilities and day care centers in appropriate configurations. For those of you who don't know, the lower density areas are all--almost all of the residential areas in Staten Island, as we noted in the Staten Island map with all the colors and CD10 in the Bronx is Throgs Neck, Pelham Bay and City Island on the lower, on the right hand corner.

So let's first talk about the medical facilities in residence districts. The current rules limit your medical facilities to 1,500 square feet of floor area however cellars are not included so what we get are these strange

1 excavated front yards in the middle of residential
2 districts. And of course that's problematic for
3 people who live there. Secondly, medical
4 facilities can waive all of their parking and
5 there are no parking design guidelines when there
6 is a parking lot and there's no screening or
7 buffering as well. And eventually, obviously,
8 what happens is all the cars are parked in the
9 street and again, this is, this causes a big
10 impact in the residential neighborhoods with these
11 lower density areas.

13 Medical facilities in commercial
14 districts have their own set of challenges.
15 Although they're allowed a 1.0 floor area, which
16 is pretty high for a lower density area, the
17 parking requirements and the 30 foot front wall
18 requirement maximum size creates a situation where
19 the buildings only get to about as half as big as
20 they are allowed to be. So this creates a
21 disincentive to going in commercial districts
22 where as the residential rules incentivize these
23 medical facilities to go into the residential
24 district. We'd like to try and reverse that.

25 So our proposal is to limit a

1
2 medical facility, as you can see it in the blue
3 there on the bottom of the building, to 1,500
4 square foot for the entire building including the
5 cellar space therefore the excavation of the front
6 yards and that kind of thing won't occur. There
7 will be for the first time a 60 foot minimum lot
8 width and a 5,700 square foot minimum lot area for
9 this medical facilities which creates a hurdle in
10 a residential district to get to. There is no
11 minimum today. And finally, the buildings
12 themselves would be limited to whatever the
13 residential district sizes are so if your houses
14 can go to a 35 foot peak, like most of Staten
15 Island is, then so will be the medical facility.
16 And we would keep these side yard regs in the
17 community facility as well, which are bigger.

18 And finally there's an existing BSA
19 special permit to allow these facilities to be
20 larger, however we're going to severely like
21 strengthen and beefen up the special permit by
22 creating neighborhood findings and to say that you
23 have to start at the 5,700 square foot minimum lot
24 area to even begin with so it creates more of a
25 threshold to even begin to ask for this special

1 permit. And then the neighborhood findings, of
2 course, the BSA would have to meet those, find
3 that those findings are appropriate.
4

5 In plan, we're looking at our
6 proposal here. What we would do is to eliminate
7 the parking waiver so you have to have parking.
8 Secondly we would keep the 1 per 400 ratio, which
9 is a good ratio and we'd have four foot planting
10 buffers required, no parking in the front yard.
11 So from the street you're going to look at a
12 medical facility that will be the same size as a
13 house and it will be a fully planted front yard.
14 So if they want to do this, you have to find a
15 5,700 square foot lot. You have to put the
16 parking in the rear and from the front the
17 building looks more like a regular residential
18 building as opposed to a large commercial building
19 in the middle of a residential neighborhood. And
20 finally we would say that no parking lot lighting
21 would be directed at residents is part of the
22 enforcement.

23 In the commercial districts, now
24 that we've restricted--these proposals restricted
25 residential districts, in the commercial districts

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2 we'd like to incentivize. So first of all we
3 would go to a 1 per 400 parking requirement, which
4 is a reduction from the allowable there today. We
5 would say that you can have a parking waiver for a
6 lot smaller than 4,000 square foot. We would
7 increase the FAR to 1.2 and increase the maximum
8 front wall to 35 feet. And the combination of all
9 of those allows a building that almost gets
10 completely to its allowable floor area of .9 with
11 parking to the side.

12 The day care centers have a similar
13 set of issues. That was the medical facilities.
14 The day care centers are built to what they call
15 the sky exposure plane so they could be much
16 bigger than their surrounding residential
17 buildings. So we often on Staten Island could
18 have a day care center that's 45 to 50 feet tall
19 next to a, you know, a 15 foot high ranch house or
20 a 35 foot peak, you know, four square houses which
21 we show there. So these day care centers could be
22 much, much larger. They have a much larger FAR,
23 too so they're bulkier, they're longer and they're
24 bigger.

25 There is no parking requirement as

1 well, getting to that now. So obviously all the
2 parking and drop offs, everything that's going to
3 occur with this day care center will be in the
4 street. If you have a day care center serving 60
5 children the first thing in the morning with no
6 parking available in your residential
7 neighborhood, of course that's going to be an
8 impact for the people of the neighborhood. And if
9 there is parking, again, there is no buffering
10 required.
11

12 So under our proposal what we would
13 do is create a 10,000 square foot minimum lot area
14 to create a day care center. That's a, you know,
15 close to a quarter acre and there's a reason for
16 that. Because we would want there to be onsite
17 parking and we would also want area for children
18 to have a play area. Although our zoning doesn't
19 require a play area, it'd be nice that there is
20 space to have a green playground as well some
21 parking on the lot. Also, we would have a 60 foot
22 minimum lot width to accommodate a mandatory drop
23 off, and that's what we're showing there. So this
24 is a significant difference.

25 Finally or also, the building

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2 itself again would have to be built to the
3 residential bulk of its particular district. In
4 Staten Island and CD 210 that's mostly R3 so again
5 you'd have a 35 foot peak and a .6. So instead of
6 having a 50 foot building next to you, you have a
7 building with a parking lot, a play area and it
8 would look like the same size as the buildings
9 around it. We would have to change some of the
10 current LDDM rules to accommodate that drop off
11 area. And again, the side door rules would remain
12 for community facilities, which are larger than
13 the residential so there'd be more space between
14 the buildings.

15 So in plan, you could see that
16 there's a drop off area. You go to a 1 per 1,000
17 parking requirement. There's, we have to loosen
18 some of the rules about paving, four foot planting
19 buffering requiring, no accessory parking spaces
20 in the front yard and no lighting directed at
21 residences. So a 10,000 square foot lot shown at
22 60 foot minimum gives you sufficient space to have
23 an outdoor play space plus your parking.

24 So by restricting in the
25 residential districts, again in the commercial

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2 districts we want to try to encourage them so it's
3 the same set of rules that we are doing for the
4 medical, except for the parking. We'd go to 1
5 1,000 for the parking. You could waive out of
6 your parking at 4,000 square foot because you
7 can't fit the parking on a tiny lot. But the big
8 thing is we would increase the FAR to 1.2 and
9 increase that perimeter wall to 35 foot so you can
10 get three full floors accommodating all of your
11 floor area at once and getting your parking next
12 door. And potentially of course you could have
13 outdoor play space on the roof and we've seen that
14 in Staten Island several times.

15 Okay, well, those are the proposed
16 text amendments for community facilities. We're
17 also tweaking some of what we call the lower
18 density growth management commercial rules. There
19 was some unintended consequences when we enacted
20 these back in 2005. One of them is that we
21 mandate that the ground floor on all these
22 commercial buildings has to be commercial.
23 Elsewhere in the city these can be residential in
24 a commercial district, this is the commercial
25 overlay. However there are existing houses today

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2 that were there since the 1920s and 1930s and
3 because of our rules that saying that the first
4 floor has to be commercial, they can not expand on
5 the first floor because that would be increasing
6 in non-conformance.

7 So we're simply going to change the
8 rules that said for an existing house like this,
9 if one wants to do an expansion on their own
10 property and meet all the side art rules, they
11 can. It's just something to give relief to
12 several hundred homeowners in Staten Island where
13 this rule applies today.

14 We also have an unintended
15 consequences from the rules of 2005 in our
16 historic town centers of Staten Island, which are
17 R5 and R4 districts. This is your Port Richmond,
18 your Saint George, your State Bolton. You know,
19 they're traditional old town centers thriving,
20 they're great. You have, you know, apartments
21 above stores and things like that. Unfortunately,
22 on narrow lots, lots maybe less than 60 feet down
23 to 50, 40 feet, the current rules as written would
24 not allow there to be a second story because of
25 limitations and I'll explain those limitations.

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2 Basically this would be the old style, you know,
3 stores with some apartments above.

4 Currently, you can't waive
5 residential parking so if you wanted to do
6 residences above your store where would you put
7 the parking. Right? On top of that we said that
8 only 25% of the façade could be devoted to a door
9 and a garage. So on a 60 foot lot you can do a 15
10 foot entrance there but as soon as you get down to
11 25 or 35 foot there's no room under the current
12 rules to get that entrance to parking in the rear.
13 And so basically what we get in these old town
14 centers are just single story concrete block
15 commercial buildings as opposed to the mixed use
16 that would provide valuable housing.

17 So our regulations would say that
18 on small lots, less than 4,000 square foot in lot
19 area, you can waive residential parking. So a
20 couple of units above, you know, this would be one
21 unit here, this could be two. You just wouldn't
22 have to provide parking just like it is in the old
23 town centers. Now this is only in the R4s and R5s
24 in Staten Island, which is a very limited area but
25 it is our historic town centers and we don't want

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2 to see the town centers, you know, taken up with
3 parking lots. And we would relax that façade rule
4 to allow more of your façade to be used for the
5 parking, if you did want to provide parking in
6 your backyard or inside the building.

7 Another unintended consequence is
8 that, again, as I mentioned that there are
9 regulations in Staten Island in the lower density
10 areas that the entire ground floors in the
11 commercial overlay has to be commercial or
12 community facility. What we found that is during
13 these hard economic times in the last couple of
14 years that developers were saying how about on the
15 side street. I mean, if we're providing all of
16 this commercial space here, we're having a great
17 difficulty in getting tenants on side street
18 commercial and we're mandating it; it's not giving
19 a choice. So what we'd like to do is to allow
20 beyond 30 feet of the primary commercial street, a
21 developer to have the choice in a single building
22 of whether or not they want to do the residential
23 on the first floor. And it's kind of a transition
24 to the rest of the residential district that
25 continues on down the block but it is a choice;

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2 it's not mandated. However the primary commercial
3 street and 30 feet from the corner still would
4 have our mandatory commercial rule. And that
5 explains what I just said.

6 And finally one little tweak we
7 have with our Hillside district. The Hillside
8 district, if you're not familiar, is a special
9 district on Staten Island that is created to
10 protect our Hillside. In our Hillside, however,
11 the actual mapping of it goes down to very flat
12 areas in our old town centers as well. It's just
13 the way it was mapped. Our commercial rules, as I
14 said, say you have to do commercial on the first
15 floor however the Hillside requires that you ask
16 for discretionary approval by the City Planning
17 Commission to do that commercial on the first
18 floor. And this creates a conflict in which a
19 mandated use requires a CPC authorization and also
20 it triggers an environmental review for an old
21 building that's been there since the 1920s. We
22 want to, like, pretty much clean that up and make
23 it very efficient.

24 All the other Hillside protections
25 would come into play. For instance, if this

1 building actually was on a hillside, all the other
2 regulations would go into play. We would still
3 have review. If there were trees on this site,
4 they wouldn't be able to remove the trees without
5 our authorization so this is basically just to
6 clean up some--to make it more efficient for
7 someone to redevelop some of our old town centers,
8 which need some economic help.
9

10 And finally the third piece of this
11 proposals was to take three areas of Staten Island
12 which are intensively built up with commercial
13 uses over the years through BSA cases and simply
14 map commercial districts on them. They're over
15 98% commercial use today and it's just pretty much
16 creating de facto, they're de facto commercial
17 districts today and the idea here is just to map
18 the commercial districts to make them comply and
19 conform and to use the new landscaping guidelines.

20 So the areas are on Richmond Avenue
21 and Victory Boulevard. The red signifies all the
22 commercial uses here that are not in the overlay
23 but these are the hatch marks and the overlays.
24 And this is just representative of the very large
25 commercial establishments due to BSA cases that

1
2 are there. So it behooves us to actually create a
3 real regulatory framework for these. So the
4 proposal in this area is, as you can see, all that
5 red that got filled in is going over where all the
6 existing commercial is today.

7 Another area, again you can see all
8 the commercial overlays here in the black hatched
9 and then two large developments. One is a huge
10 Staples, another is a big strip mall, that just
11 never had the overlay put on it and they were
12 created via BSA cases. So the idea here is to,
13 again, create a regulatory framework that's
14 consistent and moving into the future. And the
15 last area, and I'm sorry, and this is where we
16 would fill in the overlays here. Again, just
17 continuing the continuous strip.

18 Finally, there's a large strip
19 along Highland Boulevard and Richmond Avenue,
20 again all that red and blue signifies commercial
21 and community facilities uses that were done via
22 BSA cases. And again, these are just indicative
23 of these very large establishments here. And the
24 idea again is just to fill in with the red, that's
25 the proposed districts, next to the existing black

1 commercial overlays. And again, these are areas
2 that are already built out with commercial uses.

3 So that concludes my presentation
4 and I thank you for your time.

5 CHAIRPERSON WEPRIN: Thank you very
6 much. Impressive presentation. We have been
7 joined by Council Member Seabrook, Council Member
8 Vacca and Council Member Ignizio and I'm going to
9 turn to Council Member Ignizio now who wanted to
10 make a comment and statement about this particular
11 application.

12 COUNCIL MEMBER IGNIZIO: Thank you
13 Mr. Chairman and thank you to my colleagues. I
14 know that was a lengthy presentation but it's the
15 culmination of several years worth of work and one
16 in which every elected official, every community
17 board, the borough board, the borough president,
18 the mayor and City Planning really have all come
19 to an agreement with. I just want to single out,
20 thank James Miraglia for all the work you put into
21 it and our very own Len Garcia-Duran of Staten
22 Island has really done Yelman's [phonetic] work in
23 meshing all the interests together.

24 Our goal was to create a situation
25

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2 whereby we maintain the character, integrity of
3 communities while allowing growth and allowing
4 commercial districts to expand and overall have an
5 improved quality of life with day care centers. A
6 lot of it came out of issues that we have seen in
7 our local communities with the day care centers,
8 with the medical facilities. And this truly is--I
9 will criticize this administration when warranted
10 and praise it when warranted it. And this truly
11 was a great working relationship and I want to
12 thank the mayor for allowing us to work so much
13 with City Planning and Amanda Burden and Len and
14 James and really building a better mouse trap.
15 And I think that this is what we did today. So I
16 thank you and I apologize to my colleagues but it
17 really was a lot of work and that's why it was a
18 lengthy presentation. Thank you very much.

19 CHAIRPERSON WEPRIN: No apology
20 necessary. It was a very interesting
21 presentation. Does anyone else have any comments
22 or questions regarding this proposal? Seeing
23 none, I want to thank you all very much. And
24 you're excused.

25 MR. GARCIA-DURAN: Thank you.

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MR. MIRAGLIA: Thank you.

[Pause]

CHAIRPERSON WEPRIN: Okay, okay.

COUNCIL MEMBER VACCA: Excuse me,
Mr. Chair.

CHAIRPERSON WEPRIN: Okay, we close
the hearing on that item.

COUNCIL MEMBER VACCA: Excuse me.

CHAIRPERSON WEPRIN: Yes, Mr.
Vacca.

COUNCIL MEMBER VACCA: 279?

CHAIRPERSON WEPRIN: They are,
these were both items together, Mr. Vacca, 278 and
279.

COUNCIL MEMBER VACCA: Don't leave.

CHAIRPERSON WEPRIN: Oh, okay.

COUNCIL MEMBER VACCA: Don't leave.

CHAIRPERSON WEPRIN: We'd like to
bring you back.

COUNCIL MEMBER VACCA: Thank you
Ryan.

CHAIRPERSON WEPRIN: You don't need
the slide show though, right?

COUNCIL MEMBER VACCA: No, I don't

1
2 need the slide show. I thank you very much. This
3 includes this community board district 10 in my
4 Council district so I thought you were only on
5 Staten Island. Okay, I know. We exist too in the
6 Bronx; I want you to know. I want to thank City
7 Planning also and when we originally had the
8 presentation on Staten Island and I heard lower
9 growth management I chimed up and I says wait a
10 minute, I have lower growth management in my
11 district too and we managed to include board 10 in
12 my Council district. I'm glad that we had that
13 opportunity so I thank you and I thank the mayor
14 as well and City Planning.

15 Let me ask you two questions. The
16 community board voted in favor of this
17 application, my old board, but let me ask you
18 something. They mentioned about including houses
19 of worship and group homes. What was your
20 response to that request?

21 MR. MIRAGLIA: Yeah, my
22 understanding from the issues as we discussed them
23 at the community board with the group homes, they
24 had some specific set of concerns and I think what
25 we want to do is take a look at those as a

1
2 separate study because they sound like they had
3 slightly different issues. It was more about
4 parking and the way that--and less about the size
5 of the facilities so we didn't want to just, you
6 know, apply these rules to that just wholesale.
7 And also at that point that would have been
8 outside the scope of this project. So we're going
9 to take a look at those, of course, pending our
10 work program.

11 On the houses of worship, that's a
12 particularly thorny issue because of federal law
13 for us to regulate. I'd like to have more
14 conversations. One with the community board about
15 what their issues are with the houses of worship
16 and then two also with our attorneys to see what
17 we could actually do for them.

18 COUNCIL MEMBER VACCA: I thank you.
19 I wanted your statements for the record and I'm
20 sure the board will look forward to working with
21 you, again. But I thank you, as always Ryan and I
22 thank the Bronx office and I thank City Planning
23 and Amanda Burden. This is a great win for my
24 district. Thank you.

25 CHAIRPERSON WEPRIN: Nice to see

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2 everybody getting along so well. Very
3 encouraging. All right, thank you. Now we're
4 going to move to close this hearing, thank you.

5 COUNCIL MEMBER IGNIZIO: Big
6 difference from yesterday, right?

7 CHAIRPERSON WEPRIN: Ha, touché.
8 The next item, Land Use number 280 is going to be
9 off the agenda for now and it'll be coming back at
10 a later date, the sidewalk café in Council Member
11 Reyna's district. And we are going to move on to
12 Land Use number 286, known as the Bell Boulevard
13 rezoning, 20080293COUNCIL MEMBER Q, in Council
14 Member Halloran's district. And we'd like to ask
15 Daniel Siegel and Jeffrey Chester, attorney for
16 the applicant, to please come up. I want to, uh-
17 oh. We have an easel for them? Yeah, can you get
18 them? Pete, can you get them the easel? And just
19 make sure introduce yourself for the record and as
20 soon as you're ready. Oh, also we've been joined
21 by Council Member Lappin here today.

22 [Pause]

23 JEFFREY CHESTER: Good morning
24 Chair Weprin, Council Members, my name is Jeffrey
25 Chester, I am the attorney for Lucille Roberts.

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2 With me today is Dan Siegel of the planning firm
3 of AE Com. In addition--

4 CHAIRPERSON WEPRIN: [] Hold on one
5 second, Mr. Chester. We want to make sure that
6 you get full view on television so...

7 MR. CHESTER: Okay, excellent.

8 CHAIRPERSON WEPRIN: Okay. Good.
9 Good to go.

10 MR. CHESTER: Okay, in addition to
11 Mr. Siegel I have with me, behind me, is Jenny
12 Pollack who is the Queens district manager for
13 Lucille Roberts, which has several clubs in the
14 borough of Queens. I think initially what I'm
15 going to do is I'm going to have Dan take you
16 through some of the board so you can see
17 physically what the rezoning consists of, which is
18 five lots south on the east side of Bell
19 Boulevard, south of the Long Island Railroad
20 tracks and then I'll go into a little bit of the
21 history and the reason why we're here and why we
22 need this approval. But I want Dan to take you
23 through it, sort of physically, what's involved
24 here.

25 DAN SIEGEL: Thank you, Jeff. Good

1 morning Council Members.

2 [Pause]

3 MR. SIEGEL: Yes, thank you for
4 having us today. This is a rezoning, as Jeff
5 said, on the east side of Bell Boulevard between
6 the Long Island Railroad tracks and 42nd Avenue,
7 42nd Avenue or Street. It consists of five lots,
8 all developed with one to three story buildings,
9 approximately 13,500 square feet of land area
10 developed with approximately 26,000 square feet of
11 floor area. The underlying zoning is R6B, which
12 allows a 2.0 FAR and the contextual district is
13 currently C12 and the proposed rezoning is to take
14 the--I'm sorry, the commercial district is C12 and
15 the proposed rezoning is the commercial overlay to
16 C22.
17

18 Of note, the community was
19 concerned with some spot zoning, however this is
20 not one property but five properties and this
21 rezoning will allow the applicant to forgo back to
22 the Board of Standards and Appeals, which Mr.
23 Chester will review in a moment, to obtain a
24 special permit to legalize the existing physical
25 culpers [phonetic] establishment. The rezoning

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2 will also bring into conformance a couple of
3 existing driving school uses on the upper floors
4 of the other existing buildings on the rezoning
5 area. We worked with City Planning on the
6 boundaries of the rezoning area to make sure that
7 these other lots were brought into conformance.

8 The other issue the community
9 brought up was, there were concerns was upzoning.
10 However, as Department of City Planning correctly
11 noted at their hearing as well, this is not an
12 upzoning application. The FAR will remain 2.0
13 allowing the same amount of floor area as existing
14 as proposed. The difference is the allowable
15 uses. In addition to the applicant going forward,
16 being able to obtain the special permit with the
17 BSA some additional uses in C2 districts are
18 allowed further in C1 consisting of use group 7,
19 8, 9 and 14, which are some additional, more
20 limited commercial uses such as home maintenance
21 and repair and some other uses that really would
22 not occur here, such as bowling alleys or
23 waterfront activities.

24 With that, I'm going to hand this
25 back to Jeffrey Chester unless you have any

1
2 questions for me.

3 [off mic]

4 CHAIRPERSON WEPRIN: ...to Chester?

5 MR. CHESTER: Sure. I just wanted
6 to talk a little bit about the history and why
7 we're here. Lucille Roberts originally released a
8 site in 1993, which is 17 years ago. It's quite a
9 long time. I believe as most of you know, you
10 can't do a gym, what we colloquially refer to as a
11 gym or fitness club in the city without a special
12 permit. It defines a physical culture
13 establishment and you need a special permit from
14 the Board of Standards and Appeals. At the time
15 they came in in 1993 they did apply for a special
16 permit from the Board of Standards and Appeals.
17 While that application was pending at the BSA,
18 that section of Bell Boulevard was downzoned from
19 C4 to C1 and for whatever reason, through a quirk
20 of the zoning resolution, special permits of
21 physical culture establishments are not allowed in
22 C1 districts, which BSA dismissed the case for
23 lack of jurisdiction and we were stuck. Nothing
24 happened for several years except that the site
25 continued to collect violations, ECB violations,

1 criminal court summonses and fines.

2
3 In the earlier part of this decade
4 an application was made for a variance at the BSA
5 and we were told that that application had no real
6 chance of approval because we would never make the
7 B finding of 7221 of the zoning resolution, which
8 requires that you can't, but for the zoning change
9 you can't have a reasonable return and that just
10 wasn't a realistic argument to make on Bell
11 Boulevard, which is a very active retail
12 commercial strip. So that application was thrown.

13 We weren't left with many options
14 except this final last option to legalize this
15 business. And I guess one of the questions that
16 may come up is, you know, why that just try
17 somewhere else. And the truth is we did. Lucille
18 Roberts did look for others space in the areas but
19 there was nothing in size that could meet their
20 needs at a price point that they felt could work.
21 And this is one of their most, if not the most,
22 successful club in Queens. It benefits
23 approximately 250 women every day. And it's a
24 very active club and one of their more profitable
25 clubs. So we've been trying to do everything we

1
2 can to get this legalized. And as I said this is
3 really the last chance. And if this gets approved
4 by the Council and rezoned, we'll be able to then
5 go back to the BSA, apply for the special permit
6 for physical culture establishment, finally get
7 our certificate of occupancy and public assembly
8 permit and have a fully legal business 17 years
9 after the fact.

10 That's basically why we're here
11 today. But as Dan mentioned, there area couple of
12 other existing businesses within the five lots
13 that are actually operating illegally. One is a
14 trade school, which is not permitted in a C1 zone
15 and the other is a spa salon, a Reiny's [phonetic]
16 spa salon, that's also a physical culture
17 establishment and would require a permit to be
18 operating legally. That's our hope that we can
19 eventually get this business legalized and operate
20 as the good citizens we'd like to be.

21 I think the people in the community
22 are happy with Lucille Roberts in general and the
23 service we provide. The local Bayside Business
24 Improvement District was a very enthusiastic
25 supporter. One of the reasons being we're one of

1
2 the few businesses that draw street retail traffic
3 during the day, which is a problem for Bell
4 Boulevard. But basically that's the essence of my
5 presentation. Any questions I would be glad to...

6 CHAIRPERSON WEPRIN: Thank you very
7 much. I'm going to call on Council Member
8 Halloran who represents the site. I know he's
9 familiar with the location although obviously
10 neither he nor I are members of Lucille Roberts.

11 COUNCIL MEMBER HALLORAN: Thank you
12 for pointing that out Mr. Chairman, I appreciate
13 it, although I could certainly use a little more
14 time in the gym. I am very familiar with this
15 area. This is one of the most active of our
16 shopping districts that are left. It's still low,
17 quite quaint and the community board expressed
18 some reservation. This business has been there
19 for a very long time. In fact, this business was
20 here when I owned a bar up the block from it on
21 Bell Boulevard so I'm well aware of the
22 constituents that it serves. And in this
23 particular instance the community board requested
24 that a restrictive declaration be put into effect.
25 This is going to be benefiting three of the five

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2 lots there directly which have non-conforming
3 businesses because of the zoning alterations that
4 have been made. Necessary zoning alterations for
5 the rest of the community, but for this, a
6 definite oversight.

7 I have a letter from the Bayside
8 Village Business Improvement District, which is
9 the supervising group there, as well as the
10 Bayside Business Association. They have written
11 on behalf of this applicant Lucille Roberts to
12 indicate that they would support this change. And
13 so my position has been and will continue to be
14 that they are a business that the city can be
15 proud of. They are good neighbors. They take
16 care of what they need to and so long as they
17 comply with the request of the community board to
18 file that restrictive declaration then I have no
19 reason not to support them going forward. And I
20 would hope that they are in contact with the
21 councils for the other two non-conforming
22 businesses and that they will inform them that
23 they should be reaching out to me because only
24 Lucille Roberts has actually done that. Lucile
25 Roberts was good enough to meet with me early on

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2 in process when I came into office but the other
3 two businesses did not and so certainly I'm not
4 going to hold Lucille Roberts up for that but they
5 should strongly recommend that the other two
6 businesses come see me.

7 CHAIRPERSON WEPRIN: Thank you, Mr.
8 Halloran. Ms. Reyna.

9 COUNCIL MEMBER REYNA: Thank you,
10 Mr. Chair. I just wanted to associate myself with
11 the comments of Council Member Halloran and just,
12 you know, congratulate the Lucille Roberts
13 establishment for not only finally after 16, 17
14 years you mentioned? Seeing an obstacle and
15 achieving the goal of legalizing their status in
16 the neighborhood and being a good neighbor and
17 bringing on to other businesses in the best
18 interest of doing business with the city. It's a
19 shame that it's taking this long and these are
20 some of the obstacles that we have to look into
21 for small businesses in the City of New York to
22 get through are these hurdles and how do we
23 shorten that timeframe.

24 I think it's atrocious that it's
25 taken 17 years for something as simple as a

1 certificate of occupancy and obviously you're not
2 dealing with one agency but multiple agencies.

3 And so, you know, I as Chair of the Small Business
4 Committee, I'm glad to hear this type of situation
5 so that we could further look into perhaps seeing
6 how we can begin to tackle some of these issues.
7

8 Thank you.

9 CHAIRPERSON WEPRIN: Thank you,
10 Council Member Reyna. Anybody else have any
11 comments or questions? Okay, seeing--yup, Mr.
12 Comrie. Council Member Leroy Comrie.

13 COUNCIL MEMBER COMRIE: Yes, good
14 morning. I just was curious. What else is on
15 that block, that particular block.

16 MR. CHESTER: In that section, Dan,
17 you want to take them through the specific uses?

18 MR. SIEGEL: Yes, thank you.
19 Within the five lots the corner has a ground floor
20 McDonalds with SAP prep at the second story and a
21 New York Academy office. The next lot over has, I
22 believe is that the...

23 MR. CHESTER: Parker's Hardware.

24 MR. SIEGEL: Yes, Parker's Hardware
25 Store with a second story yoga studio and a

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driving school. The next lot over is--

COUNCIL MEMBER HALLORAN: [] Liquor store.

MR. CHESTER: Liquor store.

MR. SIEGEL: Is it a liquor store or is it a Benjamin Moore Paints?

MR. CHESTER: Benjamin Moore Paints and then the liquor store.

MR. SIEGEL: Yeah, the paint store with the driving school above. The next lot over is Lucille Roberts Health Club, which occupies the entire building. And the final lot over next to the railroad tracks I believe is the...

MR. CHESTER: Spa, Rainey's Spa.

CHAIRPERSON WEPRIN: Mr. Halloran.

COUNCIL MEMBER HALLORAN: And then there's the Long Island Rail Road, which it sits on top of. That is the Bayside station of the Long Island Rail Road which meets there at that intersection and is the Passover to the other buildings.

MR. SIEGEL: No, though, this rezoning does not include that--

COUNCIL MEMBER HALLORAN: [] Does

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not include that side.

MR. CHESTER: But having the train station there has been a big help for Lucille Roberts from a business perspective because you, you know, women can show up in the morning and get in their exercise class or whatever and then jump on the train. So it's an additional appeal for that location.

COUNCIL MEMBER COMRIE: And where do they do all the parking now for all of this?

MR. CHESTER: There's a couple of municipal lots behind.

MR. SIEGEL: Yes, there is a municipal lot. If you'd like to look at the map. As you go north of the rezoning and then east over on 41st, right on the rezoning where the CA1 is located, that is the municipal lot.

COUNCIL MEMBER COMRIE: Okay.

MR. CHESTER: In addition, Bell Boulevard has muni meters up and down and depending on the time of day--

COUNCIL MEMBER HALLORAN: [] One to two hour meters.

MR. CHESTER: Yeah, particularly in

1
2 the morning, I think parking's not that big of an
3 issue. That's morning is their heavy time anyway
4 to getting street parking at that point in time is
5 not that difficult, I don't believe, on the
6 street.

7 COUNCIL MEMBER COMRIE: I don't
8 know that I would agree with that but I won't
9 argue that. I know that we have a lot of activity
10 on Bell Boulevard overall but I was just curious
11 to know what they're doing. Is there a long term
12 parking plan for that commercial areas so they can
13 be viable.

14 COUNCIL MEMBER HALLORAN: [] Mr.
15 Chairman, if Mr. Halloran could jump in. We've
16 actually been fighting with two different groups,
17 the MTA being one of them, which has the property
18 behind the municipal lot on 41st, which we're
19 attempting to expand out. Remember we discussed
20 that so we're still pushing for them to continue
21 to expand it. We just got the DOT, thanks to work
22 I did with Council Member Ignizio, to remove the
23 parking restrictions, alternate side. You know,
24 we haven't had a street cleaner for 20 years but
25 somehow we had the alternate side parking

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2 regulations there. So we just got that removed
3 about a month ago. And as they're expanding and
4 improving the Business Improvement District, they
5 are also looking to continue to develop the
6 parking, both municipal and potentially private,
7 in the area so that's actually stuff that is
8 underway.

9 COUNCIL MEMBER COMRIE: Okay, I was
10 just curious to see where that is.

11 COUNCIL MEMBER HALLORAN: Thank
12 you.

13 CHAIRPERSON WEPRIN: Thank you, Mr.
14 Halloran. The tour of Bell Boulevard is over?
15 Good. Good, well thank you gentlemen very much.
16 We're going to move to close this hearing. Now
17 we'll move to couple the items before us today.
18 That is Land Use numbers 278, 279, remember 280 is
19 off the agenda and we're going to add 286. So
20 those three items; 278, 279 and 286 are coupled.
21 I'm going to call on the counsel Carol Shine to
22 please read the roll.

23 COUNSEL: Chair Weprin.

24 CHAIRPERSON WEPRIN: Aye.

25 COUNSEL: Council Member Rivera.

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COUNCIL MEMBER RIVERA: I vote aye.

COUNSEL: Council Member Reyna.

COUNCIL MEMBER REYNA: I vote aye.

COUNSEL: Council Member Comrie.

COUNCIL MEMBER COMRIE: Aye.

COUNSEL: Council Member Seabrook.

COUNCIL MEMBER SEABROOK: Aye.

COUNSEL: Council Member Vann.

[off mic]

COUNSEL: Council Member Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

COUNSEL: Council Member Lappin.

COUNCIL MEMBER LAPPIN: Aye.

COUNSEL: Council Member Vacca.

COUNCIL MEMBER VACCA: Aye.

[Pause]

COUNCIL MEMBER COMRIE: While we're waiting on a vote total, just to let members know.

CHAIRPERSON WEPRIN: Mr. Comrie with a public service announcement.

COUNCIL MEMBER COMRIE: Yeah, I'm sorry to interrupt. Just to let members know, we are not going to hold the Land Use meeting tomorrow. We're going to defer until Tuesday due

1
2 to the impending snow storm, just to be on the
3 safe side with everyone. So you don't have to
4 schlep from Staten Island.

5 [off mic]

6 COUNCIL MEMBER COMRIE: So we can
7 all man our plows tomorrow so it will be 10:00 on
8 Tuesday.

9 CHAIRPERSON WEPRIN: Thank you, Mr.
10 Comrie. Back to the roll.

11 COUNSEL: Council Member Ignizio.

12 COUNCIL MEMBER IGNIZIO: I vote
13 aye.

14 COUNSEL: By a vote of ten in the
15 affirmative, none in the negative and no
16 abstentions, the aforementioned items are approved
17 and referred to the full committee.

18 CHAIRPERSON WEPRIN: Thank you, Ms.
19 Shine. We appreciate that. Thank you members of
20 the Committee, this meeting is now adjourned.

21 [Bangs gavel]

C E R T I F I C A T E

I, Amber Gibson, 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



Date

January 26, 2011