

CITY COUNCIL  
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ZONING & FRANCHISES

-----X

June 2, 2011  
Start: 10:22 am  
Recess: 12:13 pm

HELD AT: Committee Room - 14<sup>th</sup> Floor  
250 Broadway

B E F O R E:

MARK S. WEPRIN  
Chairperson

COUNCIL MEMBERS:

Leroy G. Comrie, Jr.  
Daniel J. Halloran III  
Vincent Ignizio  
Robert Jackson  
Jessica S. Lappin  
Diana Reyna  
Joel Rivera  
James Vacca

## A P P E A R A N C E S

Edwin Marshall  
Associate City Planner  
Department of City Planning

John P. Kaiteris  
Executive Director and CEO  
HANAC Inc.

Jessica Loeser  
Attorney & Lobbyist  
Allerman Senterfitt LLP

Chris Papa  
Project Architect  
10-24 Associates

Ed Fleming  
Representative  
State Senator Tony Avella

Brian Garry  
Resident and Homeowner  
154<sup>th</sup> Street

Paul Graziano  
Urban Planning Consultant & 1<sup>st</sup> Vice President  
Historic Districts Council

Erika Sellke  
Planner Community District 4  
Department of City Planning

Edith Hsu Chen  
Director of Manhattan Office  
Department of City Planning

Rachel Stein  
Representative  
Assembly Member Linda Rosenthal

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

Robert Befatto  
District Manager  
Manhattan Community Board #4

Jean-Daniel Noland  
Former Chairman  
Manhattan Community Board #4

Sarah Desmond  
Co-Chair Housing, Health & Human Services Committee  
Manhattan Community Board #4

J.W. Strouss  
Resident  
418 W. 46<sup>th</sup> Street NYC

Dahlia DuPerroir  
Resident  
790 11<sup>th</sup> Avenue NYC

Andrea McCullough  
Resident  
West Clinton District

Nico Boccio  
Resident  
400 W. 43<sup>rd</sup> Street

Robert Gereke  
Resident  
723 11<sup>th</sup> Avenue

Dr. Murray Kiok  
Resident  
555 West 52<sup>nd</sup> Street

Robert Kalin  
Tenant Organizer  
Housing Conservation Coordinators

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

Diane Cowles  
Resident  
360 West 55<sup>th</sup> Street

Joe Restuccia  
Co-Chair Clinton Hell's Kitchen Land Use Committee  
Manhattan Community Board #4

1  
2 CHAIRPERSON WEPRIN: Good morning  
3 everyone, my name is Mark Weprin, and I see we're  
4 joined by Council Member Jimmy Vacca, who is  
5 currently chairing a hearing on Transportation  
6 that's caused some logistical problems here, and  
7 we're joined by Diana Reyna from the subcommittee,  
8 Joel Rivera, Leroy Comrie and Vincent Ignizio. We  
9 are also joined by Council Member Dan Halloran,  
10 who has an item on this agenda, and we are now  
11 going to start right in. Just for the record,  
12 Land Use #405, which was OPM Restaurant and Club,  
13 has been laid over and is not on this agenda  
14 today. We are now going to start with Land Use  
15 #395, which is in the special 125<sup>th</sup> Street District  
16 text amendment, and I'd like to call on Edwin  
17 Marshall from City Planning's Manhattan office to  
18 please come up. Mr. Marshall, you should know the  
19 drill. Please state your name for the record and  
20 describe the 125<sup>th</sup> amendment. I know we heard from  
21 Council Member Dickens' office whom you've been  
22 speaking to, and they're in support of this as  
23 well. Okay, whenever you're ready, Mr. Marshall.  
24 Please state your name again.

25 MR. MARSHALL: Can you hear me now?

1  
2 Excellent. Good morning, Chair Weprin, and good  
3 morning, members of the Committee and City Council  
4 staff. My name is Edwin Marshall and I work for  
5 the Department of City Planning, and on behalf of  
6 the Department I want to thank the Committee for  
7 giving us the opportunity to present the 125<sup>th</sup>  
8 Street Sidewalk Café text amendment. This text  
9 amendment is a follow-up action that responds to  
10 concerns that we've heard during the 125<sup>th</sup> Street  
11 rezoning in 2008, regarding the placement of  
12 sidewalk cafes within the special 125<sup>th</sup> Street  
13 district, especially within areas that have high  
14 pedestrian traffic. Now summarily the 125<sup>th</sup> Street  
15 district is located ... is bounded by 124<sup>th</sup> and 126<sup>th</sup>  
16 Streets, between Broadway and Second Avenue. It  
17 comprises 24 blocks and includes community  
18 districts 9,10,11, which is East Harlem, Central  
19 Harlem and West Harlem, and includes the districts  
20 represented by Council Member Dickens, Council  
21 Member Jackson and Council Member Melissa Mark-  
22 Viverito. The district intended to do two things,  
23 one was to basically support 125<sup>th</sup> Street's role as  
24 an arts and entertainment corridor as well as a  
25 regional business district. It proposed, and was

1  
2 approved, to have increases in density along areas  
3 that could take it, New York transit nodes. And  
4 in the map that you see behind me, it shows the  
5 125<sup>th</sup> Street district, again bounded by 124<sup>th</sup> and  
6 126<sup>th</sup> Streets, Second Avenue and Broadway, and the  
7 areas shown in the purple and the blue basically  
8 indicate areas where we've increased the density  
9 to incentivize mixed-use development. The plan  
10 also had provisions to provide better protection  
11 for those neighborhoods, those blocks, that had a  
12 very strong row house and brownstone character,  
13 and those are indicated in the salmon and in the  
14 yellow colors as well. We've downzoned those  
15 blocks, again, to provide a better match between  
16 the existing land use and underlying zoning. Now  
17 as I said in my opening remarks, what really drove  
18 the 125<sup>th</sup> Street sidewalk café text amendment was  
19 congestion on the sidewalks within the 125<sup>th</sup> Street  
20 corridor. This graphic shows the existing  
21 conditions along two parts of 125<sup>th</sup> Street, the top  
22 graphic shows the south side of 125<sup>th</sup> Street,  
23 roughly between Madison and Fifth Avenues; the  
24 graphic on the bottom shows 125<sup>th</sup> Street roughly  
25 between Lennox ... actually between Frederick

1  
2 Douglass Blvd. and Adam Powell Blvd., and you can  
3 see that the sidewalk is congested, and this is  
4 true during many parts of the day, and during most  
5 of the year. What you also see are sidewalk  
6 vendors, which also occupy large sections of the  
7 sidewalk. So the Council members representing the  
8 district had concerns about the district's ability  
9 to handle large pedestrian traffic volumes, also  
10 with the sidewalk vendors, they are also providing  
11 some impeding pedestrian movement as well. So,  
12 under the existing regulations, the special 125<sup>th</sup>  
13 Street district allows all three types of sidewalk  
14 cafes: enclosed, unenclosed large, and unenclosed  
15 small cafes. Unenclosed cafes are basically an  
16 extension of the building. They can be made of  
17 metal or glass, and are basically a permanent  
18 fixture on the sidewalk. An unenclosed large café  
19 basically consists of two rows of moveable tables  
20 and chairs, and can have a retractable awning or  
21 umbrella covering it. An unenclosed small café  
22 basically consists of one row of tables and  
23 chairs, and also can have a retractable awning or  
24 umbrella covering that as well. The graphic that  
25 you see offered to my left shows the two different



1 types of unenclosed cafes, the graphic at the top  
2 shows the unenclosed large cafes, and again you  
3 can see the two rows of tables and chairs  
4 occupying the sidewalk, and the graphic on the  
5 bottom shows an unenclosed small café, again it  
6 cannot comprise more than four and a half feet on  
7 the sidewalk, and again, it can also have a  
8 retractable umbrella or awning. Now, this graphic  
9 shows, under the current zoning regulations, that  
10 sidewalk cafes are permitted throughout the  
11 special 125<sup>th</sup> Street district, and basically  
12 sidewalk cafes are allowed in the areas that are  
13 commercially zoned, and that's shown in the sort  
14 of salmon pinkish color, and as you can see, under  
15 the current regulations, sidewalk cafes are  
16 currently allowed. And residentially-zoned areas,  
17 and those are indicated in the yellow, sidewalk  
18 cafes are not allowed. So, the proposed text  
19 amendment endeavors to do three basic things: one,  
20 to ban sidewalk cafes along areas within the  
21 corridor that have high pedestrian traffic  
22 volumes, and that's basically within the core sub-  
23 district, and I'll walk the Committee through the  
24 map as I finish this. The second is to ban  
25

1 sidewalk cafes along 124<sup>th</sup> and 126<sup>th</sup> Streets, which  
2 are predominantly residential in character, and  
3 basically you don't want to have sidewalk cafes on  
4 those streets. And third, the text would allow  
5 for sidewalk cafes to be placed along portions of  
6 the corridor that could accommodate sidewalk cafes  
7 and where the pedestrian traffic volumes are not  
8 that high. So, looking at the graphic, the colors  
9 mean different things. The areas indicated in the  
10 black are places where sidewalk cafes are proposed  
11 not to be allowed, and again, that's along 124<sup>th</sup>  
12 Street, 126<sup>th</sup> Street, as well as within the core  
13 sub-district, which is bounded by St. Nicholas  
14 Avenue and a point 545 feet east of Malcolm X  
15 Blvd., also known as Lennox Avenue. We're also  
16 banning sidewalk cafes along Park Avenue, which is  
17 defined by the Metro North elevated railroad  
18 viaduct, and you really don't want to have  
19 sidewalk cafes there, as well as along the  
20 portions of Broadway. We do allow sidewalk cafes  
21 along portions of 125<sup>th</sup> Street, that's indicated in  
22 the orange, east of Fifth Avenue, as well as in  
23 Council Member Jackson's district, which is west  
24 of St. Nicholas Avenue. Now the City Planning  
25

1  
2 Commission approved this text in April of this  
3 year, and since that time we have met with Council  
4 Member Viverito as well as Council Member Dickens,  
5 and in discussions with their offices, we have  
6 modified the proposal, and this map includes those  
7 modifications, and I'll walk you through those  
8 modifications right now. originally we did not  
9 include unenclosed sidewalk cafes, those are the  
10 large sidewalk cafes that have two rows of tables  
11 and chairs, and speaking with Council Member  
12 Dickens we have modified the proposal to allow for  
13 large unenclosed cafes, and those will be placed  
14 along Malcolm X Blvd., those are indicated in the  
15 red, roughly from 124<sup>th</sup> to 125<sup>th</sup> Street on the west  
16 side, from 125<sup>th</sup> to 126<sup>th</sup> Street on the east side.  
17 These are sidewalks that are very, very wide,  
18 they're 35 feet wide, and they can accommodate  
19 large unenclosed cafes. Also we're allowing large  
20 unenclosed cafes on the east side of Fifth Avenue,  
21 between 126<sup>th</sup> and 125<sup>th</sup> Street as well, that also  
22 has a wide sidewalk.

23 CHAIRPERSON WEPRIN: Mr. Marshall,  
24 just speak up, make sure we get you on the mic,  
25 that's all.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. MARSHALL: Okay.

CHAIRPERSON WEPRIN: All right.

MR. MARSHALL: We've also, in consultation with Council Member Viverito, modified the proposal to allow for small unenclosed cafes along 125<sup>th</sup> Street between Third Avenue and Park Avenue, as well as along Lexington, the east side of Lexington between 125<sup>th</sup> and 126<sup>th</sup> Street. Those are the major changes, again, those were done in concert with Council Member Viverito and Council Member Dickens.

CHAIRPERSON WEPRIN: Okay, thank you very much. We've heard from all these members who are in support of this text change. Does anyone have any questions on the panel? Seeing none, Mr. Marshall, I thank you very much, we're going to close this hearing.

MR. MARSHALL: Thank you.

CHAIRPERSON WEPRIN: And you'll be excused. We're going to move on, I just want to explain what we're doing, we're taking the least controversial first, we're going to move our way. I want to apologize in advance to the West Clinton people, I know you're here in large number, we're

1  
2 going to put you on the back end of this thing,  
3 we're going to move as quickly as we possibly can.  
4 I know you've all been very patient today, but  
5 we're going to move on to the next item, which is  
6 Land Use #398, in Council Member Vallone's  
7 district, the HANAC parking garage. I'd like to  
8 call on John Kaiteris, HANAC Inc., to testify.  
9 Mr. Kaiteris, please state your name for the  
10 record, and speak clearly into the microphone.  
11 The reason I'm such a stickler on that is that  
12 we're trying to establish a record, and if you  
13 don't say who you are, we don't know who's  
14 speaking when you read it on ... in the record, so  
15 that's why it all has to be there. So whenever  
16 you're ready.

17 MR. KAITERIS: Good morning, I'm  
18 John Kaiteris, the Executive Director of HANAC,  
19 and I'm here to testify on items 398 and 399,  
20 concerning the HANAC parking garage. With this  
21 ULURP application, HANAC seeks approval for  
22 special permit and site-specific rezoning to allow  
23 for a public parking garage located at 2503 29<sup>th</sup>  
24 Street in Queens. The application calls for the  
25 garage to be built on the same zoning lot, a

1  
2 former municipal parking lot, as a fifteen-story,  
3 184-unit residence that we constructed for low-  
4 income seniors, completed in July, 2009, and  
5 occupied since January, 2010. The design of the  
6 garage accommodates the maximum number of public  
7 parking spaces at the site and applicable zoning  
8 allows. Our proposal calls for the development of  
9 a 29,044 square foot, two-level garage that  
10 accommodates 59 public parking spaces, 41 spaces  
11 at the first floor at grade level, and 18 at the  
12 cellar floor level. The first floor level  
13 consists of 33 short-term parking spaces and eight  
14 permit spaces. The cellar level consists of 18  
15 permit spaces. The garage will also provide  
16 fifteen of the required 41 accessory parking  
17 spaces for the senior residents. We note that the  
18 rezoning and special permit applications have  
19 received approvals from Queens Community Board #1,  
20 Borough President Marshall and the City Planning  
21 Commission. The proposal is responsive to the  
22 concerns of Community Board #1 raised in the  
23 approval with recommendations specifically, and  
24 I'll just summarize here, that there will be no  
25 car-share businesses on the location, no Zip cars;

1  
2 secondly, no more than the required 41 senior  
3 housing parking spaces will be provided as  
4 proposed, that's required under zoning. On the  
5 apportioning between short-term and long-term  
6 parking spaces, HANAC seeks to responsibly balance  
7 legitimate needs of local business owners and  
8 their employees, who require permit spaces, with  
9 the equally valid needs of shoppers and  
10 neighborhood residents who prefer short-term  
11 spaces. HANAC believes that the 33 short-term  
12 parking spaces and eight permit spaces at grade,  
13 with 18 permit spaces on the lower level, will  
14 adequately manage short-term parking traffic and  
15 help to insure the economic viability of the  
16 operation. There is no subsidy for maintenance  
17 and operations of the garage. HANAC agrees to be  
18 flexible and responsive to actual community needs,  
19 and agrees to revisit the apportionment as needed  
20 in consultation with the community planning board.  
21 With respect to the esthetics, the City Planning  
22 Commission has already approved the elevations  
23 submitted by the architect, which unfortunately I  
24 don't have available with me today. But it will  
25 meet their requirements that there be a finished

1  
2 brick veneer wall with a railing or fence that  
3 will be wrought iron. Thank you for the  
4 opportunity to present.

5 CHAIRPERSON WEPRIN: Thank you very  
6 much, we've been in contact with Council Member  
7 Vallone's office, who says that you have been  
8 cooperative in working all these agreements out,  
9 and he is fine with this project as well. Any  
10 questions or comments? Mr. Comrie. Oh Mr.  
11 Comrie, let me interrupt one second, I just want  
12 to acknowledge that we were joined at one point by  
13 Council Member Lappin, who I didn't mention, and  
14 I'm Mark Weprin, I don't think I said that, from  
15 Queens County.

16 COUNCIL MEMBER COMRIE, JR.: I'm  
17 curious as to why there was a decision not to  
18 include car-sharing, car-sharing opportunities for  
19 the parking garage.

20 MR. KAITERIS: I'm sorry- -

21 CHAIRPERSON WEPRIN: (Interposing)  
22 He's asking why you didn't- -

23 COUNCIL MEMBER COMRIE, JR.:  
24 (Interposing) Why ... what was the reasoning behind  
25 not including the opportunity to house car-



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

sharing, the Zip cars?

MR. KAITERIS: I'm still not ... I'm sorry, I just don't understand.

CHAIRPERSON WEPRIN: I believe it was the community board, he just wants to know why they decided ... why are we not using car-sharing in the proposal.

MR. KAITERIS: Oh, oh.

CHAIRPERSON WEPRIN: I think it was the community board who wanted not to.

MR. KAITERIS: We have no idea ... you know what, I have no idea.

CHAIRPERSON WEPRIN: But it was the community board who suggested not do it.

MR. KAITERIS: Yes, yes. Yes, we hadn't considered it. We do think it's a good idea.

COUNCIL MEMBER COMRIE, JR.: Okay.

MR. KAITERIS: But the chair of the zoning committee of Community Planning Board #1 apparently has a bias against car-sharing.

COUNCIL MEMBER COMRIE, JR.: I see, okay.

MR. KAITERIS: Yes.

1  
2 COUNCIL MEMBER COMRIE, JR.: All  
3 right, we'll have to work on that, thank you.

4 CHAIRPERSON WEPRIN: Thank you, Mr.  
5 Comrie. Anybody else have a question or comment?  
6 Seeing none, I want to thank you very much, sir.  
7 We're going to close this hearing, and move on to  
8 ... we're going to move on to the Whitestone item,  
9 are we good with that? Okay, we're going to move  
10 on to Land Use #400, which is the C 100457 ZMQ in  
11 Whitestone. I'd like to call on, on behalf of the  
12 applicants, Jessica Loeser and Chris Papa. And  
13 then I know we have a number of people who want to  
14 testify in opposition to this, we're going to try  
15 to bring them all up in one panel, and we'll have  
16 a time limit on each person, so if you could try  
17 to consolidate your remarks as much as possible.  
18 Whenever you're ready, Ms. Loeser, if you could  
19 just state, both of you, whenever you speak, state  
20 your name for the record beforehand, so we know  
21 who's speaking. Whenever you're ready.

22 MS. LOESER: Thank you, Mr. Chair.  
23 My name is Jessica Loeser and I'm here on behalf  
24 of the applicant to speak in favor of this  
25 rezoning application, and as was mentioned, with

1  
2 me is Chris Papa, who is the architect on the  
3 project. We are here to speak about the rezoning  
4 for the western block front on 154<sup>th</sup> Street between  
5 10<sup>th</sup> Avenue and 11<sup>th</sup> Avenue in the Whitestone  
6 neighborhood. The applicant is proposing to  
7 rezone this block front from an R2A and R3-1, to  
8 an R3-1 with a C2-2 overlay over a portion of the  
9 block front. This would allow for the  
10 reconfiguration, modernization and expansion of  
11 the existing Whitehouse restaurant and catering  
12 hall building. The restaurant and catering  
13 facility has been in location since 1956. The  
14 proposed changes would allow the applicant to  
15 relocate the existing catering use from the cellar  
16 to an expanded second floor. It would also permit  
17 the applicant to update and modernize all the  
18 building's systems, and provide much-needed  
19 handicap accessibility. The ground floor will be  
20 expanded by approximately 650 square feet, and the  
21 partial second floor will be expanded by 4,800  
22 square feet. The current facility only has eight  
23 off-street parking spaces, leaving many patrons to  
24 park on the street, which has been a burden to the  
25 surrounding community. Under the proposal, the

1  
2 applicant would provide 110 attended off-street  
3 parking spaces through the acquisition of an  
4 adjoining property. Twenty spaces will be at-  
5 grade and 90 underground. The area proposed for  
6 rezoning is predominantly commercial in use. Of  
7 the five tax lots on 154<sup>th</sup> Street frontage, three  
8 of the lots are in commercial use. These three  
9 lots occupy 62% of the frontage, with the  
10 remaining 38% occupied by two single-family  
11 houses. Immediately north of this block front is  
12 a super-block occupied by a shopping center with  
13 retail stores, a large supermarket with a surface  
14 parking lot fronting on 154<sup>th</sup> Street, and two large  
15 industrial buildings. The block front immediately  
16 to the south of the rezoning area, there are a  
17 vacant lot and one- and two-story buildings in  
18 either retail or retail-residential use. Thus the  
19 existing use and proposed expansion are consistent  
20 with the land use pattern along 154<sup>th</sup> Street.

21 We've received support from Community Board #7, of  
22 various property owners in the immediate area, the  
23 Welcome to Whitestone civic organization, the  
24 Queens Chamber of Commerce, the Queens borough  
25 president and the City Planning Commission. In

1  
2 conclusion, the proposal is consistent with the  
3 mixed nature of the area, which while having  
4 residential uses also has a large and very  
5 prominent retail commercial component. Approval  
6 of the rezoning will result in a block front that  
7 is both complying in use and in bulk, and finally  
8 it will allow for the continued use of a property  
9 for its historical use, it will also create new  
10 jobs for local residents at a time when our  
11 economy is struggling to rebound. We hope that  
12 you come to the same conclusion as many others  
13 have had in supporting this rezoning. And I just  
14 wanted to add that we received very late  
15 notification of this hearing, and the residents,  
16 business owners, and organizations who would have  
17 come to speak in support of this application were  
18 unable to come this morning. We've submitted for  
19 your review and for the record their letters of  
20 support. Thank you.

21 CHAIRPERSON WEPRIN: Okay, and we  
22 have these letters here just handed to us. Mr.  
23 Papa, are you speaking as well, or are you just  
24 here in case we need you?

25 MR. PAPA: Yeah, I'll answer any

1  
2 questions you might have. My name is Chris Papa,  
3 I'm the architect, and I just wanted to also just  
4 add a little bit to that, we're providing the  
5 parking ingress and egress from a side driveway.  
6 Again, I apologize for the crudeness of some of  
7 these drawings, but this is a site plan, and we  
8 are proposing to come in and out with enough cubic  
9 space so that some of the vehicles don't back up  
10 onto 154<sup>th</sup> Street, and just a little bit, another  
11 technical item, the existing C of O (certificate  
12 of occupancy) for this building has an occupancy  
13 of 564 people, which, you know, our proposed  
14 establishment is not going to come near that ...  
15 those occupancy numbers, so we're looking to kind  
16 of reduce that. There is an existing catering use  
17 in the cellar, which we're looking to remove from  
18 the cellar and basically re-locate it to the  
19 proposed second floor of this building, and you  
20 know, the building is in disrepair, and I think it  
21 needs a good renovation.

22 CHAIRPERSON WEPRIN: What is the  
23 occupancy that will be of the new establishment,  
24 if you got your change?

25 MR. PAPA: The proposed restaurant,

1  
2 you know, we haven't come to our final designs,  
3 but the proposed, there will be a restaurant,  
4 continued the same use as what's there now.  
5 that's approximately going to be about a 100, I  
6 would say, and then the catering hall may be  
7 about, you know, 250 or something like that.

8 MS. LOESER: There were questions,  
9 just to address that point, there were questions  
10 at the Commission about if we would exceed our  
11 current C of O and the occupancy on the existing C  
12 of O, which were not going to come anywhere close  
13 to it with the expansion.

14 MR. PAPA: Right.

15 CHAIRPERSON WEPRIN: Thank you, Ms.  
16 Loeser.

17 MS. LOESER: Oh, sorry.

18 CHAIRPERSON WEPRIN: Mr. Halloran,  
19 speak. All right, I'm going to first call on  
20 Council Member Halloran, who represents this  
21 neighborhood. He has a statement and some  
22 comments he wants to make.

23 COUNCIL MEMBER HALLORAN III: Thank  
24 you, Mr. Chair. First, I will say, and I want to  
25 say for the record, that this application has

1 divided my Whitestone community roughly 50-50. My  
2 office received 29 letters in support, in addition  
3 to a set of petitions that contained 60 some odd  
4 signatures from people within a three-block  
5 radius, including the other commercial businesses  
6 there. We received about 40 or so letters in  
7 opposition. The Whitestone Taxpayers, which  
8 represents a large portion of the area, initially  
9 came out in favor of this proposal, and then their  
10 board rescinded that endorsement. The community  
11 board was rather dispositive, it was 29 to 6 in  
12 favor of this proposal, and has been mentioned,  
13 the borough president and the Chamber of Commerce  
14 has all given their approval to this going  
15 forward. This particular location is an  
16 interesting mix of properties, however, what is  
17 important to note is that the block immediately  
18 north of it is an M1-1, the entire block it's on  
19 except for this portion is an R3-1, and the entire  
20 corridor south of this is a C1 C2 overlaid R3-1  
21 zone. This catering hall and restaurant has been  
22 there, as has been indicated, since the 1950's.  
23 When zoning came in, this property was originally  
24 designated an R2 and there was no commercial  
25



1  
2 overlay put on this particular property, despite  
3 C1 C2's throughout the rest of the corridor. For  
4 reasons that I cannot explain, and I want to  
5 reference my statement to the Planning Commission,  
6 in 2006 this area was downzoned, and made an R2A.  
7 This took the property further out of compliance  
8 than it was in the original designation, and  
9 according to the rules that have been established  
10 and promulgated with regards to zoning, it is an  
11 impermissible zoning to downzone and take further  
12 out of compliance a pre-existing structure. I do  
13 not know how that happened, I was not the Council  
14 member at the time, but it clearly took a long-  
15 existing business further out of compliance. It  
16 certainly didn't achieve the mission of the  
17 rezoning, which was to take existing properties  
18 and make them compliant, it did just the opposite.  
19 In this particular case, there is a ... there are  
20 two commercial buildings of two stories, next door  
21 to the south, and then there are two residential  
22 properties to the north, followed by a bank,  
23 another commercial property, to the further north,  
24 to 10<sup>th</sup> Avenue, which then joins the M1 district,  
25 which is the Whitestone Shopping Center, followed

1  
2 by the Tropicana production facility. So while  
3 there are R2A properties on the east side of 154<sup>th</sup>  
4 Street, behind the commercial corridor, there  
5 aren't on the block that this property exists on.  
6 In fact, this was in a sense fractured zoning,  
7 because the entire block was redesignated R3-1 in  
8 that zoning, except for the portion on 154<sup>th</sup>  
9 Street, which again also violates the principles  
10 of the zoning plan, which says that we are to make  
11 consistent and non-fractured zoning designations.  
12 So at that point I had asked the architect to come  
13 back with some proposals, to modify, to give some  
14 degree of assistance to the property owners who  
15 are adjacent. They've agreed to scale back in  
16 terms of the second-story reach, it will not go  
17 over the carport area. And there will be no deck  
18 or patio that would overlook the properties that  
19 are adjacent to it. The owners are also willing  
20 to do a significant amount of greenscaping around  
21 it. Up until this point, this restaurant had been  
22 in disrepair. The owner has spent the last 15  
23 years trying to find a buyer, and was unable to  
24 find a buyer. He bought the property and actually  
25 20 years ago did not do a single piece of

1  
2 renovation over the 20 years he owned it. He let  
3 it run down into the ground, and it's unfortunate  
4 that that's the case. In addition, on this block,  
5 the 154<sup>th</sup> Street corridor, there are a total of 18  
6 different commercial businesses, six of which are  
7 closed, and have been closed for at least six  
8 months. This is a possible opportunity for us to  
9 renovate this commercial corridor, which I think  
10 is important. And the other ... the argument that  
11 has been made by some of my constituents, that  
12 this property is going to be far larger in  
13 population density than it had previously been, is  
14 just not true. There was a catering facility in  
15 the basement level, it is a disaster, I have been  
16 in it. That occupancy is 150, the restaurant's  
17 occupancy is, I believe, 125, and they're looking  
18 for a total occupancy of 300, which is 25 more  
19 people than the current existing C of O has.  
20 Actually the C of O might have a larger, but it's  
21 broken up slightly differently. So I'm in support  
22 of this, with the modifications that have been  
23 discussed. The borough president and I have  
24 spoken about this extensively, she made some  
25 recommendations, which the builder is willing to

1  
2 consider, and it is my opinion that this ... that  
3 this overall plan is good. The architect had  
4 originally wanted a C2 overlay over the entire  
5 block, because there is two existing businesses to  
6 the north, to the south, and one to the north, but  
7 I had promised the homeowners that if they did not  
8 want their property upzoned to a commercial  
9 overlay, that I would not permit that to happen.  
10 That is their opinion, that's their prerogative, I  
11 gave them that promise, and so it was my  
12 recommendation that the C1-2 overlay only exist on  
13 the southernmost portion of the block from the  
14 Whitehouse to the corner, encompassing those two  
15 other commercial establishments, and not including  
16 the two one-family homes which are adjacent to it.  
17 So those are going to be my recommendations, I'm  
18 just going to ask Mr. Chair, in looking at the  
19 recommendation of the City Planning Board, scale  
20 the C1-C2 overlay back to an area that is  
21 coordinate with the larger property behind, that  
22 extends behind it, and run that in an even square  
23 to the 154<sup>th</sup> Street, and I can give him a specific  
24 drawing on that, just to make sure that it is  
25 coordinate. That's it, thank you, Mr. Chair.

1  
2 CHAIRPERSON WEPRIN: Thank you,  
3 Council Member Halloran. Council Member Comrie I  
4 know had some questions.

5 COUNCIL MEMBER COMRIE, JR.: Okay,  
6 what kind of ... explain that you're asking for ...  
7 you're, so once this is granted, you're asking for  
8 less occupancy than you presently have now, as far  
9 as capability for ... are you still going to have a  
10 catering facility in the basement? Are you still  
11 going to do catering in the basement, or what's  
12 the layout of the facility going to be?

13 MR. PAPA: No, with the cellar- -

14 MS. LOESER: (Interposing) Do you  
15 want to see the site plan?

16 MR. PAPA: Okay. I think I should  
17 answer that question.

18 MS. LOESER: Okay.

19 MR. PAPA: In the cellar we're just  
20 looking to do accessory uses in terms of food  
21 prep, some offices. The first floor would remain  
22 a restaurant, and the catering facility would be  
23 relocated out of the cellar out to the second  
24 floor.

25 COUNCIL MEMBER COMRIE, JR.: Up to

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

the second floor.

MR. PAPA: Right.

COUNCIL MEMBER COMRIE, JR.: And you're going to build a new second floor.

MR. PAPA: We're going to build a new second floor, yeah. There's an existing small ... actually residential use there that we plan on removing, it's about 3,000 square feet, a total floor area on the second would be about 9,000 with the catering.

COUNCIL MEMBER COMRIE, JR.: And how many people you expect to have there? On the second floor?

MR. PAPA: In the catering hall?

COUNCIL MEMBER COMRIE, JR.: Yes.

MR. PAPA: Between ... like 200, 250.

COUNCIL MEMBER COMRIE, JR.: Two hundred fifty people, okay. And how many car spaces are you creating?

MR. PAPA: We're creating 110. And it would be all valeted, attended parking.

COUNCIL MEMBER COMRIE, JR.: And where is this space that you're acquiring? Is it behind the facility or?

1  
2 MR. PAPA: Yeah, I'll show you on  
3 the site plan.

4 COUNCIL MEMBER COMRIE, JR.: So how  
5 would cars access that?

6 MR. PAPA: This driveway on this  
7 side here. And they would pull up, and a valet  
8 would take your car, and then these two, this  
9 property wraps around the existing White House  
10 structure. Thank you. Sorry.

11 COUNCIL MEMBER COMRIE, JR.: So  
12 just above that ... just above the valet parking  
13 area is where the two private homes are?

14 MR. PAPA: Yes, on this side,  
15 that's correct.

16 COUNCIL MEMBER COMRIE, JR.: Okay.

17 MR. PAPA: This is the corner  
18 property with the two buildings that is going to  
19 remain unchanged, and they have a large open area  
20 in the back that would ... that was acquired to  
21 provide that off-street parking.

22 COUNCIL MEMBER COMRIE, JR.: And  
23 what kind of buffer is going to be done to,  
24 between the private homes and the valet parking?

25 MR. PAPA: Well, we originally

1  
2 proposed a four-foot planting buffer between our  
3 property and the neighboring properties, but then  
4 based on some of the opposition and in  
5 coordination with Councilman Halloran's office, we  
6 decided that we would, you know, additionally, in  
7 addition to putting the planting, that they would  
8 also respect the building, not to be all the way  
9 to the property line, just to provide a colonnade  
10 and some kind of planting and buffering between  
11 the neighbors, the adjacent residential building.

12 COUNCIL MEMBER COMRIE, JR.: And  
13 how high would that be?

14 MR. PAPA: How high would the  
15 shrubbery be? It's- -

16 COUNCIL MEMBER COMRIE, JR.:  
17 (Interposing) It's just going to be planting  
18 involved in it?

19 MR. PAPA: Yes.

20 COUNCIL MEMBER COMRIE, JR.: Or is  
21 it- -

22 MR. PAPA: (Interposing) Not ... no,  
23 we didn't want to propose a wall to kind of create  
24 a very, you know, cumbersome structure. We were  
25 going to put, you know, six-foot-high planting all



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

the way around along that property line.

COUNCIL MEMBER COMRIE, JR.: All right. But people are going to be queuing up their cars and standing outside waiting for cars while they go back and forth, correct?

MR. PAPA: Yes, underneath, underneath this overhang there's a drop-off area, and we propose that we probably would have about eight cars that could wait there while the valets take the cars and park them.

COUNCIL MEMBER COMRIE, JR.: But there won't be any parking allowed right there in that area, there will just be standing, or?

MR. PAPA: Right, you would pull in and someone would take your car immediately and park it, yeah.

COUNCIL MEMBER COMRIE, JR.: But they would be idling there.

MR. PAPA: Yeah, they would be idling, yes.

COUNCIL MEMBER COMRIE, JR.: And people would be congregating there during and throughout the event, or throughout the hours of operation that the hall is open, correct?

1  
2 MR. PAPA: Yeah, I would say the  
3 most amount of congregation would be upon leaving,  
4 you know, and waiting for their vehicle to arrive.  
5 But you know, upon arriving they would just pull  
6 up and go right in.

7 COUNCIL MEMBER COMRIE, JR.: Okay.  
8 And so this ... this would give you the autonomy to  
9 be open from when to when? Is there a time limit  
10 on operation of the catering hall that has been  
11 proposed?

12 MR. PAPA: I'm not exactly sure of  
13 the hours of operation, but I would assume from ...  
14 the restaurant would be open from 5:00, you know,  
15 until about the midnight, the catering  
16 establishment, you know, somewhere around that  
17 time.

18 COUNCIL MEMBER HALLORAN III: Mr.  
19 Chair, just a point of information. The current  
20 White House, the way it was opened, I mean, it was  
21 a bar and restaurant, and a catering hall. They  
22 have a cabaret license, they're also willing to  
23 surrender that in this plan if they need to. And  
24 the cabaret, as you know, is certainly a whole  
25 different can of worms for issues in a community,

1  
2 so you know, the owners are being very cognizant  
3 of that. In fact, DOT is redoing the one-way  
4 street on the block of the public school that is  
5 further to the east of this location ... west of  
6 this location, and their parking system was  
7 redesigned to accommodate those changes made by  
8 DOT. So on that front they've actually gone over  
9 and beyond in that regard.

10 COUNCIL MEMBER COMRIE, JR.: Okay.

11 And ... okay, so, and the parking lot itself would  
12 be given buffers and planting as well, along the  
13 lot?

14 MR. PAPA: Yes, around the entire  
15 lot. Most of the parking is proposed to be  
16 underground, and like Councilman Halloran said,  
17 there isn't going to be any egress from the  
18 parking lot onto 11<sup>th</sup> Avenue, which is smaller, and  
19 is proposed to be, I think, one-way ... I don't know  
20 which way it's proposed, but we're basically  
21 providing our in and out from the main 154<sup>th</sup>  
22 Street.

23 COUNCIL MEMBER COMRIE, JR.: Okay.

24 All right, I don't have any further questions,  
25 thank you.

1  
2 CHAIRPERSON WEPRIN: Council Member  
3 Reyna from Brooklyn-Queens, that's Brooklyn and  
4 Queens.

5 COUNCIL MEMBER REYNA: Thank you  
6 very much, Mr. Chair. I just wanted to get some  
7 understanding as to the property for the zoning  
8 application, it's just one property, this one  
9 property. For the rezoning.

10 MR. PAPA: The actual ... the current  
11 building is this one lot. The owner purchased the  
12 corner lot, which has two buildings on it, they're  
13 going to remain as they are. It was primarily  
14 acquired because it has a large open space in the  
15 back to provide the parking for the existing  
16 establishment.

17 COUNCIL MEMBER REYNA: And the  
18 property once assembled with the new purchase of  
19 two lots, two adjacent lots, is not requiring this  
20 rezoning to accommodate what would be a future  
21 build-out and upgrade of the establishment,  
22 correct?

23 MS. LOESER: Correct.

24 COUNCIL MEMBER REYNA: And is this  
25 a ... was this the only option, or did, had the

1  
2 property owner, was there an attempt to go through  
3 the BSA for a variance? Or was the variance ... was  
4 not a likely option, based on the fact that you  
5 couldn't substantiate the five findings of  
6 hardship?

7 MR. PAPA: That's correct.

8 COUNCIL MEMBER REYNA: I don't want  
9 to put words in your mouth, I just want to make  
10 sure I'm understanding.

11 MS. LOESER: Correct.

12 MR. PAPA: Well, yes, and again, if  
13 you want to, you know, expand on that point, I'm  
14 not 100% sure of the technicalities with the  
15 variance case, but I know there are a number of  
16 findings that you need to find, one of them being  
17 having the uniqueness of the site, and you have to  
18 present some kind of economic hardship, you know,  
19 but I'm sure Jessica can- -

20 MS. LOESER: (Interposing) Right.

21 MR. PAPA: ... elaborate on that a  
22 little bit.

23 MS. LOESER: Thank you. Jessica  
24 Loeser, attorney for the project. We do not meet  
25 the findings for a BSA variance, and as the

1  
2 Councilman mentioned earlier, different changes to  
3 the zoning in the last couple of years made a  
4 rezoning of this application, the scope of this  
5 application, the most logical place to go forward.  
6 Just to address your point of changes in zoning,  
7 we are asking for an R3-1 overlay over the entire  
8 block, and the commercial overlay on ... just on our  
9 property lots.

10 COUNCIL MEMBER REYNA: So that you  
11 can conform to the uses of having the  
12 establishments exist, and not lose value of what  
13 the use is, with the options of- -

14 MS. LOESER: (Interposing) Well, to  
15 bring our property lot into compliance and into  
16 conformity with the zoning resolution, and also to  
17 insure that ... and in truth to speak to the R3 the  
18 rest of the block, that this is not spot zoning.  
19 That the entire area will get some benefit from  
20 this application.

21 COUNCIL MEMBER REYNA: Right. So I  
22 just wanted to get clarity on why the rezoning, as  
23 opposed to a BSA variance, and just making sure  
24 that we understand there's been a lot of  
25 accommodations on behalf of the property owner to

1  
2 work with the adjacent homeowners who have  
3 expressed concerns of their own. And so having  
4 said that, I just wanted to lend my support, and  
5 as Chair of the Small Business Committee, I wanted  
6 to just, you know, advise that the property owner  
7 seeks services from the Department of Small  
8 Business Services, on making sure that there's  
9 programs out there that would be beneficial for  
10 the upgrade and build-out and workforce potential  
11 that he can have on this site. Thank you.

12 MS. LOESER: Thank you for your  
13 comments and your support.

14 CHAIRPERSON WEPRIN: Okay, we are  
15 going to finish with you right now. please stick  
16 around just in case we have to call you back for  
17 something, but we are going to move on to a panel  
18 of people who have some concerns with this matter.

19 MS. LOESER: Thank you, Mr. Chair.

20 CHAIRPERSON WEPRIN: So if you want  
21 to leave the chart there for now, that may be  
22 beneficial as well.

23 MS. LOESER: Sure.

24 CHAIRPERSON WEPRIN: Okay. What  
25 I'm going to do now is call up three people who

1  
2 are here in opposition to this. We're going to  
3 put a three-minute clock on this, if you can do  
4 that within three minutes, you know, otherwise I  
5 could ask you a question or two. But I'd like to  
6 call on Ed Fleming from Senator Tony Avella's  
7 office, Brian Garry, a homeowner, and Paul  
8 Graziano, who is here, and gentlemen, if you all  
9 would please come up to the mics, we have two, so  
10 you will take your turns. Thank you, sir, yes, I  
11 just got this, thank you. Why don't you have a  
12 seat, Mr. Fleming, do you want to go first? Are  
13 you going to read the letter?

14 MR. FLEMING: Sure.

15 CHAIRPERSON WEPRIN: Is that your  
16 plan?

17 MR. FLEMING: I'm not sure.

18 CHAIRPERSON WEPRIN: I know we have  
19 a letter here from former Council member, now  
20 State Senator, Tony Avella. Mr. Fleming, is it  
21 your intention just to read this letter?

22 MR. FLEMING: Just to read the  
23 letter.

24 CHAIRPERSON WEPRIN: Okay. I want  
25 you to make sure you give Tony a good report, so



1  
2 I'll have you read it out, you can do that into  
3 the record. So please say your name, and who you  
4 represent, and read whatever you would prefer to  
5 read.

6 MR. FLEMING: My name is Ed  
7 Fleming, I'm representing State Senator Tony  
8 Avella, and I'm reading into the record his letter  
9 of opposition. "I'm writing to you to express my  
10 strong opposition to Land Use application C 100457  
11 ZMQ, which would amend the zoning map to upzone an  
12 R2A district to R3-1/C2-2, 154<sup>th</sup> Street between 10<sup>th</sup>  
13 and 11<sup>th</sup> Avenues in Whitestone Queens. The primary  
14 focus of the proposal is the former Whitestone  
15 Restaurant, located at 10-24 154<sup>th</sup> Street. While I  
16 understand that this application was approved by  
17 the City Planning Commission on May 11<sup>th</sup>, the  
18 approval was in direct contradiction to the wishes  
19 of the community residents and the members of the  
20 local civic association. The application not only  
21 involves upzoning the residential component, but  
22 would also create a commercial overlay where none  
23 has existed before. Once the zoning change is  
24 enacted, the neighborhood will never be the same  
25 again. It will have an immediate impact on the

1  
2 lives of the two neighboring homeowners who do not  
3 want their homes to be upzoned. This quiet  
4 residential area will be plagued by a significant  
5 increase in traffic, noise, pollution and other  
6 nuisances that are being prevented through the R2A  
7 zoning. With a public school only a block away,  
8 this change may result in dangerous cross streets  
9 for children, and additional difficulty for  
10 parents picking up and dropping off their  
11 children. In addition, and equally as important,  
12 the applicant was defaulted on a city park  
13 concession as the former owner of Café on the  
14 Green. I understand that he failed to properly ...  
15 to keep proper records, and as a result owed the  
16 city over \$120,000. To date he has not paid the  
17 city. I find it unconscionable that the city  
18 would approve an upzoning application which will  
19 financially reward an applicant who owes the city  
20 such a large amount of money. For the reasons I  
21 mention above, I strongly urge you to disapprove  
22 this application. For your information, I have  
23 enclosed several newspaper articles about the  
24 application and/or the applicant. I cannot over-  
25 emphasize the need to disapprove this

1  
2 application." Signed Senator Tony Avella, 11<sup>th</sup>  
3 Senatorial district.

4 COUNCIL MEMBER HALLORAN III: Mr.  
5 Chairman, point of information. The Senator can  
6 use newspapers all he likes, I spoke with  
7 Commissioner Lewandowski this morning, and my  
8 office had sent her a letter as soon as those  
9 allegations were made. The Department of Parks  
10 states unequivocally that the predecessor-in-  
11 interest at the Café on the Green does not owe any  
12 money to the City of New York, that there was a  
13 \$120,000 under-tally from one quarter that didn't  
14 carry into the next quarter, and so according to  
15 the city records of the Parks Department, he  
16 doesn't owe anything. So I would appreciate the  
17 Senator not relying on newspapers, when he's  
18 making spurious allegations, but actually go to  
19 the horse's mouth and ask the agency for which he  
20 claims money is owed, because when I spoke to the  
21 Commissioner this morning, she assured me that's  
22 not the case.

23 CHAIRPERSON WEPRIN: Thank you, Mr.  
24 Halloran. For the record, Dorothy Lewandowski is  
25 the Queens Borough Commissioner, and I don't

1  
2 believe she thinks that the Council member was  
3 saying that she is indeed a horse, so that's okay.  
4 But anyway.

5 COUNCIL MEMBER HALLORAN III:

6 Thanks, Mr. Chair.

7 CHAIRPERSON WEPRIN: You're

8 welcome. But thank you. No need to respond to  
9 that, Mr. Fleming. Next, do you want to go, Mr.  
10 Garry? Okay.

11 MR. GARRY: Good morning, my name  
12 is Brian Garry. I am the homeowner directly to  
13 the north of the White House Restaurant. I oppose  
14 the upzoning of my block, including my residential  
15 property, I feel that the applicant is the only  
16 person that stands to gain from this, and it can  
17 only be detrimental to the residents of the block  
18 and the surrounding neighborhood, who are  
19 currently protected from this type of  
20 overdevelopment. We have been opposing this  
21 upzoning through every stage of the applicant's  
22 process, and felt that the odds have been stacked  
23 against us. I have had several meetings with my  
24 Councilperson, who seems to be acting as a  
25 lobbyist for this overdeveloper, rather than an

1  
2 advocate for the people, who have nothing to gain,  
3 but only to hold on to their current rights.

4 Please deny this application, so that an  
5 application that is fair to the community and the  
6 developer can be put forth through a variance  
7 rather than a rezoning. Thank you. And if you  
8 have any questions, I'm willing to answer them.

9 CHAIRPERSON WEPRIN: Okay. Mr.  
10 Graziano, please, I'm sorry.

11 MR. GRAZIANO: I'm here as an urban  
12 planning consultant. I have something, actually  
13 Brian was supposed to submit this, but- -

14 CHAIRPERSON WEPRIN: (Interposing)  
15 Just state your name again, for the record.

16 MR. GRAZIANO: I'm sorry. Paul  
17 Graziano, I'm an urban planning consultant.  
18 There's actually a written testimony from Greater  
19 Whitestone Taxpayers Civic Association, which  
20 spells out a lot of the things that came up prior.  
21 I just want to touch base on some of the stuff  
22 that's come up. Greater Whitestone Taxpayers  
23 initially was in favor of the proposal when it was  
24 first promoted in early 2010, when the statement  
25 was that it was based on a restaurant and an

1  
2 outdoor eatery, not a catering hall and large  
3 restaurant application for the site. No one -  
4 let's make it clear, no one is against a  
5 restaurant at this site, but they're ... it's a  
6 question of the scale of the project. Also the  
7 issue of catering, which I think Mr. Papa brought  
8 up, the C of O for the basement room is actually  
9 for a party room, it's not for a catering  
10 facility, so that's the current C of O, which is  
11 different from a catering hall. I want to respond  
12 to some of the statements that Councilman Halloran  
13 made. I was the consultant who actually designed  
14 the rezoning with City Planning and the former  
15 Councilman Avella and the community and the  
16 Greater Whitestone Taxpayers, and Community Board  
17 #7, and the borough president's office, and the  
18 City Planning Commission. Legal non-conforming  
19 uses are scattered throughout the city, there's  
20 never been a problem with it. The idea of  
21 creating the zoning that was there was to protect  
22 the community as it stands, but to allow the  
23 businesses that are there to continue operating  
24 under their C of O's, legal non-conforming use.  
25 The idea that this violates principles of zoning,

1  
2 and that this whole area was rezoned in violation  
3 of these principles, that would mean the 100,000  
4 properties that I was involved in rezoning in the  
5 City of New York over the last seven years, all of  
6 them violated the principles of zoning, because  
7 all of them had these situations where areas were  
8 downzoned or upzoned. It's based on a general  
9 scale, when you're talking about rezoning six or  
10 ten or fifteen thousand properties at a time,  
11 you're going to be obviously including properties  
12 that are going in one direction or another when  
13 you're talking about downzoning or upzoning. So  
14 that I am, you know, this is something that I saw  
15 in his previous testimony, which puzzled me. One  
16 of the things I think everyone is concerned is  
17 that, having sat at a number of meetings with  
18 Councilman Halloran, the first thing that was  
19 stated was that the north half of the block was  
20 off the table. Removing the commercial overlay  
21 off the north part of the block is great, but  
22 removing the R2A to R3-1 is also supposed to be  
23 off the table, and we have a letter to your  
24 office, actually, that states this, which is then  
25 contradicting in the letter that was sent a month

1  
2 later to the City Planning Commission. So there's  
3 a problem with that. If I could just tie up- -

4 CHAIRPERSON WEPRIN: (Interposing)

5 If you could just finish up, Mr. Graziano?

6 MR. GRAZIANO: Yes, I will, thank  
7 you. There was also something about ... something  
8 that was brought up, which I think is great, if  
9 it's the truth, about the deck or patio or second-  
10 floor expansion to the property line, that that's  
11 been removed. Now, if that's the case, this is a  
12 major plus in the right direction. It is of  
13 course not shown in these plans, which, every time  
14 the plans have been shown, the architect has  
15 apologized for the shoddy condition of the plans,  
16 which, unless you're showing a true version of  
17 what's actually being seen, they can be described  
18 as misleading. So I just want clarification, if  
19 this piece is actually being removed, which is a  
20 great concern. And just finally, the one thing  
21 that I want to say, is that this long-lived  
22 another rezoning that's being proposed, the TD  
23 Bank rezoning, which is also coming to your  
24 Committee, as well as one in CBA, there are now  
25 three precedent-setting rezonings that are



1  
2 essentially overturning the previous rezonings  
3 that we've just done in the last five years, and  
4 people are very concerned about it, a lot of civic  
5 associations and residents are concerned about it.

6 CHAIRPERSON WEPRIN: Thank you, Mr.  
7 Graziano. I'm going to ask Mr. Halloran if he  
8 wanted to make a statement.

9 COUNCIL MEMBER HALLORAN III: Mr.  
10 Chairman, I appreciate Paul's work, he has done ...  
11 and I'll be the first to give him credit, he's  
12 done a tremendous job protecting the character of  
13 my communities. He has worked, and my senator and  
14 former Council member, worked very hard rezoning.  
15 However, in looking at the guidelines for zoning,  
16 there are two ... there are many, many directives.  
17 Two of the directives are not to take a building  
18 further out of compliance, and to try ... to try to  
19 make buildings compliant in the rezoning. The  
20 entire block that we're talking about was rezoned  
21 R3-1, except for the portion on 154<sup>th</sup> Street.  
22 Paul, you're certainly not going to disagree with  
23 me when I say that there are commercial  
24 establishments on the block south of this  
25 location. You're not going to disagree with me

1  
2 when I tell you there's a manufacturing district  
3 that sits north of this, including the Tropicana  
4 plant and the Whitestone Shopping Center. And I  
5 know you're not going to disagree with me when I  
6 say that there are six storefronts, including the  
7 large farmer's market, which have been fallow and  
8 vacant and become an eyesore, because they've  
9 become overrun with graffiti in that community  
10 over the last six or eight months, right? Do you  
11 agree with me there?

12 MR. GRAZIANO: Sure.

13 COUNCIL MEMBER HALLORAN III: Okay,  
14 so I have fought with ... and I know you guys don't  
15 believe this, but I've fought with Mr. Franco to  
16 scale back what he is doing. He has agreed with  
17 me, that he will remove the portion adjacent to  
18 the homeowner. There will be no second floor  
19 there, there will be no patio deck there. There  
20 will be the carport and that's it. He is willing  
21 to do this in a phased operation, to make it  
22 easier on the community. And while a party room  
23 is certainly different under zoning ... under  
24 building rules, we know what the effect of that  
25 occupancy was. They had catering downstairs, and

1  
2 we know that's what happened, and the numbers are  
3 not going to go up. Now, I gave you my word I  
4 would not allow upzoning to the two properties  
5 adjacent. I understand you feel that not the C2,  
6 the R3-1 is an upzoning, I understand that. And  
7 for that I apologize. I would hope Mr. Garry  
8 would agree.

9 MR. GARRY: Yes.

10 COUNCIL MEMBER HALLORAN III: Mr.  
11 Garry, that I had six meetings with you guys,  
12 including Friday night late meetings to do, to  
13 have discussions about this. And I resent the  
14 fact that you said that I'm acting as a lobbyist.

15 MR. GARRY: Well, I'm asking you so  
16 passionate ... well, you've just been describing ...  
17 defending Mr. Franco on whether or not he owes the  
18 city so much money, I mean, we can go back to the  
19 videotape, because there was some real passion  
20 there that was not presented to the homeowners or  
21 any of the members of the community that were  
22 against it.

23 COUNCIL MEMBER HALLORAN III: Mr.  
24 Garry, I appreciate that, but I don't like people  
25 coming to a hearing making statements on the

1  
2 record that are actually not only not true, but  
3 not even researched. And I would hope you would  
4 appreciate the fact that quoting a newspaper is  
5 one thing, talking to the city agency you're  
6 alleging something that is nefarious took place  
7 with is another thing. And I would hope that a  
8 state senator would not rely on a newspaper  
9 article saying somebody owed money, but rather  
10 talk to the city agency to do that. And I know  
11 there was some confusion, and I appreciate that.  
12 That's all I have to say.

13 CHAIRPERSON WEPRIN: I'd like to  
14 wrap this up as soon as possible. I will say, Mr.  
15 Garry, that passion from Mr. Halloran is not  
16 unusual.

17 MR. GARRY: If I can just- -

18 CHAIRPERSON WEPRIN: (Interposing)  
19 Yes, go ahead, I just want to wrap it, but go  
20 ahead, Mr. Garry.

21 MR. GARRY: Absolutely. Again, I  
22 do want to say something on the record, which was  
23 said at these meetings, which you said, which was,  
24 the north half of the block is off the table.  
25 It's not even in discussion, it's not part of the

1  
2 negotiations. That to me, and I think everybody  
3 else in the room that was there that night,  
4 actually the multiple nights that we had, that the  
5 north part of the block was not to be rezoned,  
6 from R2A to R3-1. So we looked to you, as the  
7 Councilperson who was to negotiate this, at the  
8 end of the day, to remove the north part of the  
9 block, not just the commercial overlay, but the  
10 two houses and the bank, from the R3-1 zoning.

11 CHAIRPERSON WEPRIN: Okay.

12 MR. GARRY: We would appreciate it,  
13 Mr. Halloran.

14 CHAIRPERSON WEPRIN: Mr. Comrie,  
15 did you have a question or a comment? No. Okay,  
16 gentlemen, thank you very much.

17 MR. GARRY: Thank you.

18 MR. GRAZIANO: Thank you.

19 CHAIRPERSON WEPRIN: Okay, what  
20 we're going to do on this item is we're going to  
21 close this hearing, we are going to hold off on  
22 this vote.

23 MR. GRAZIANO: I'm sorry, I have  
24 one thing to submit to you.

25 CHAIRPERSON WEPRIN: Okay, please,

1  
2 just you can hand it to me, I'm going to have the  
3 sergeant-at-arms come and ... thank you. We're  
4 going to hold off on this vote until Tuesday  
5 before the Land Use meeting, there's a couple of  
6 discussions that have to take place before we  
7 decide on the vote. So this one item is going to  
8 be held off until Tuesday as of now. All right,  
9 now I'm going to move on to my very patient  
10 friends over in the West Clinton rezoning. This  
11 is the Land Use #396 and the related item, 397,  
12 this is in Speaker Quinn's office ... district,  
13 excuse me. Do we have ... is someone speaking on  
14 behalf of the applicant? City Planning? Okay.  
15 On behalf of City Planning, we have ... boy, my eyes  
16 are going, Erika and Edith.

17 MS. CHEN: Yes.

18 CHAIRPERSON WEPRIN: Pardon for the  
19 informality, but my eyes can't read your last  
20 names, so I'll ... Edith Hsu Chen and then Erika,  
21 your last name?

22 MS. SELLKE: Sellke.

23 CHAIRPERSON WEPRIN: Sellke, okay.

24 MS. CHEN: That should be last  
25 names, yes.

1  
2 CHAIRPERSON WEPRIN: Okay, I'm so  
3 tricky, it just made my eyes ... so when you get a  
4 chance, you know, please state your name for the  
5 record.

6 MS. CHEN: Sure.

7 CHAIRPERSON WEPRIN: Describe the  
8 application, and then we will go to the group of  
9 people I know who are testifying. Afterwards  
10 we're going to try to do you in panel order, like  
11 three or four at a time, and three minutes, so if  
12 in your mind you can try to get your remarks down  
13 to the three minutes, I would appreciate it.  
14 Ladies, I'm sorry, go ahead.

15 MS. CHEN: Thank you. Good  
16 morning, Council members, my name is Edith Hsu  
17 Chen, I am the Director of the Manhattan Office at  
18 the Department of City Planning, and I am truly  
19 delighted to be here with you today, as we are  
20 nearing the end of a very long road, a road that  
21 began several years ago, at the conclusion of the  
22 Hudson Yards rezoning. At that time we at City  
23 Planning were betrothed to Community Board #4 as  
24 co-applicants on a rezoning study of West Clinton,  
25 basically the area west of 10<sup>th</sup> Avenue between 43<sup>rd</sup>

1  
2 Street and 55<sup>th</sup> Street. I want to thank Community  
3 Board #4 today, I haven't thanked them for a long  
4 time now, but especially today, for their  
5 incredible partnership that has led to this  
6 consensus plan that we are all happy and proud of.  
7 The goals of the rezoning are very simply three of  
8 them, it expands areas for residential  
9 development, it includes an incentive for the  
10 delivery of affordable housing through the  
11 expansion of inclusionary housing program, to  
12 allow for the continued thriving growth of  
13 manufacturing-compatible uses west of 11<sup>th</sup> Avenue,  
14 and third, the rezoning introduces important bulk  
15 and use controls, to make sure that new  
16 development is respectful of the existing  
17 character. In particular, I want to take a moment  
18 to thank certain people from Community Board #4  
19 who spent many, many nights and days with us,  
20 shaping this proposal, in particular Elisa  
21 Gerontianos, Sarah Desmond, Joe Restuccia, J.D.  
22 Noland, Bob Infato, and former CB4 member Anita  
23 Anna Levin. My colleague, Erika Sellke, will walk  
24 you through the rezoning, and we are here for any  
25 questions as well. Thank you.



1  
2 MS. SELLKE: Thank you. My name is  
3 Erika Sellke, I work at the Department of City  
4 Planning as a planner for Community District 4.  
5 Looking at the handout we can walk through, first  
6 of all, the existing zoning, it's on the back of  
7 the first page. This map shows the existing  
8 zoning and the land uses within the area. The  
9 rezoning area is outlined in the green dashed  
10 line, as Edith said, it's between West 43<sup>rd</sup> Street,  
11 West 55<sup>th</sup> Street, 12<sup>th</sup> Avenue and then a variable  
12 line between 10<sup>th</sup> and 11<sup>th</sup> Avenue to the east. The  
13 zoning is predominantly M1-5 and M2-3 today, these  
14 are manufacturing districts, they do not permit  
15 residential uses. You can see the different land  
16 uses within the area, there's a wide variety.  
17 There are commercial office buildings, FedEx has a  
18 facility, UPS has a facility in the area, Verizon,  
19 Con Ed also have facilities in this area. So  
20 there's a real mix of uses. The next page shows  
21 the Special Clinton District, the rezoning is  
22 located within the Special Clinton District, which  
23 gives special zoning regulations on top of the  
24 underlying zoning. So we'll talk a little bit  
25 about this too as we walk through the rezoning

1  
2 area. Looking at the following page, it is a  
3 photograph of the area, and you can see there's a  
4 real mix of different building types. There's  
5 large loft buildings, there's single-story auto  
6 dealerships and auto repair, there's very large  
7 block-size utility uses and vehicle distribution  
8 uses, all within the rezoning area. Turning to  
9 the next page is the proposed zoning for the area,  
10 going from east to west, the purple and the pink  
11 color show the extension of the existing R8  
12 district to 100 feet of 11<sup>th</sup> Avenue, and the R8  
13 here is a bit different because of a Special  
14 Clinton District regulation, it has a maximum  
15 floor area ratio of 4.2 and a maximum building  
16 height of 66 feet. Along the east side of 11<sup>th</sup>  
17 Avenue, in the light blue, is a proposed R8A  
18 zoning district, with a C2-5 commercial overlay.  
19 We're also proposing a text amendment that would  
20 make inclusionary housing bonus available in this  
21 district. Moving south to the block between West  
22 44<sup>th</sup> and West 43<sup>rd</sup> Street, we're proposing an R9  
23 district with a C2-5 commercial overlay on the  
24 avenue. Again, we're also proposing a text  
25 amendment to make the inclusionary housing bonus

1 regulations applicable in this zoning district.  
2 Looking between 11<sup>th</sup> and 12<sup>th</sup> Avenue, and then this  
3 one cutout between 46<sup>th</sup> and 47<sup>th</sup> Streets, we're  
4 proposing an M2-4 district. This district would  
5 replace M1-5, M2-3 and M3-2 districts, it has an  
6 FAR of 5, and we're also proposing height limits  
7 to cap height at 135 feet. And we think this area  
8 currently is home to a lot of commercial uses that  
9 are very important to the neighborhood and also to  
10 the city as a whole. Turning the page, we can  
11 start talking about some of the text amendments  
12 that are also part of this application. As I  
13 said, we would propose to make the inclusionary  
14 housing program applicable in the R8A and the R9  
15 zoning districts. Turning the page, this is the  
16 special ... the map of the Special Clinton District  
17 before and after, so we're moving the preservation  
18 area and other area of zoning lines. The  
19 following page shows us some of the bulk  
20 regulations that we're proposing for the R9  
21 district, which would place a height limit on the  
22 buildings and then also, as I said, an M2-4  
23 district, which would have a maximum height limit  
24 of 135 feet. The next page shows that we would  
25

1  
2 require preservation ... or we would require street  
3 walls in the preservation area and other area of  
4 the Special Clinton District, so that any new  
5 development closely matches the strong street wall  
6 character within West Clinton. And we're also  
7 proposing a text amendment where sidewalk cafes ...  
8 enclosed sidewalk cafes would not be permitted in  
9 the Special Clinton District. Unenclosed tables  
10 on the sidewalk would still be permitted. The  
11 City Planning Commission made three modifications  
12 during their review. First of all, they said that  
13 affordable units generated by the inclusionary  
14 housing bonus in this area must be located in the  
15 Special Clinton District. The following page also  
16 shows a map of two other modifications, the first  
17 is a new Con Ed facility was built between 49<sup>th</sup> and  
18 50<sup>th</sup> Streets on the east side of 11<sup>th</sup> Avenue, and  
19 we're proposing an R8A zoning district here, and  
20 that would make the use here non-conforming. So  
21 we're proposing a text amendment to say that this  
22 Con Ed facility would be a conforming use in the  
23 future as long as the site does not overreach the  
24 R8A bulk regulations. And then the other is just  
25 a technical matter for property that was rezoned

1  
2 in 2008, to keep a portion of that property in the  
3 other area. Any questions? Thank you.

4 CHAIRPERSON WEPRIN: Sorry, I  
5 looked to my panel and I realized I should have  
6 worn deodorant. No, no, it's a crazy day today in  
7 the Council. there's budget hearings going on at  
8 the same time as we're having this, so a lot of  
9 people have been filing in and out. I know we're  
10 going to be hearing from a lot of people, because  
11 Speaker Quinn, I know, has been working with you  
12 on this and has been very supportive, and any  
13 issues that have come up regarding any changes in  
14 the future, might be done in the future, follow-  
15 up, corrective action if it's necessary, but as of  
16 now we're good on this, so thank you very much,  
17 ladies. I'm going to call up panels of people in  
18 favor, and they have some issues. I'd like to  
19 start off, I'm going to call up ... how many chairs  
20 have we got there? We've got four chairs there,  
21 sergeant-at-arms? Okay, I'm going to call up four  
22 people at a time, we're going to try to limit  
23 people to three minutes. I'd like to have Rachel  
24 Stein who's here for Assembly member Linda  
25 Rosenthal, who is in Albany, for her, Robert

1  
2 Benfatto, Jean Daniel Noland and Sarah Desmond.  
3 If all four of those people could come up. How  
4 are you, Mr. Benfatto?

5 MR. BENFATTO: Good.

6 CHAIRPERSON WEPRIN: Long time no  
7 see. Ms. Stein, do you want to start us off? And  
8 then, please each of you, as you speak, please  
9 state your name for the record.

10 MS. STEIN: Hi, good morning, my  
11 name is Rachel Stein, and I'm here on behalf of  
12 Assembly Member Linda B. Rosenthal, I'll be  
13 reading this testimony for her. "I am here today  
14 to support the West Clinton rezoning plan. The  
15 rezoning area includes centuries-old tenements, a  
16 burgeoning arts industry housed in old industrial  
17 buildings and residents from all walks of life.  
18 If we do not act now, this vibrant community could  
19 soon fall prey to developers intent on  
20 constructing buildings incongruous with the area,  
21 and would displace lower- and middle-income  
22 families. Unfortunately, this phenomenon has  
23 already begun and it must be stopped. The  
24 rezoning was spurred by members of the Clinton  
25 Hell's Kitchen Land Use Committee on Community

1  
2 Board #4 who were concerned that the region was  
3 developing without a comprehensive plan. The  
4 members took it upon themselves to hold dozens of  
5 meetings on the subject, and collaborated with the  
6 Department of City Planning to create a proposal  
7 that includes affordable housing provisions.

8 However, in accordance with the community's  
9 wishes, I want to insure that the final includes  
10 extension of the preservation area, including the  
11 anti-harassment zone and demolition restrictions,  
12 and the promotion of mixed uses and diversified  
13 units. West Clinton is one of the few  
14 neighborhoods in mid-town Manhattan that has not  
15 fallen victim to over-development. Its mix of  
16 residential, light industrial and commercial uses  
17 is unfortunately unique in the city. The rezoning  
18 plan seeks to preserve and protect the mixed uses  
19 and heterogeneous population, but also insure a  
20 cohesive esthetic. An integral part of West  
21 Clinton rezoning is the preservation of its  
22 endangered socio-economic diversity. Affordable  
23 housing provisions are front and center in this  
24 proposal. To maintain a vibrant West Clinton  
25 community, the area should remain a neighborhood

1  
2 that is both diverse economically and diverse in  
3 household composition. Therefore, I'm excited  
4 that all new developments in the preservation area  
5 have at least 20% of their units containing two  
6 bedrooms or more. This neighborhood in particular  
7 has seen a decreased household size, indicating  
8 the need for new developments that include family-  
9 sized units, I am pleased that the current  
10 exclusion of hotel uses will also maintain the  
11 sense of community in West Clinton and prevent the  
12 displacement of long-term residents and essential  
13 business uses. I wholeheartedly agree with CB4's  
14 assessment that the anti-harassment zones and  
15 demolition restrictions of the preservation area  
16 must be extended to the entire western  
17 subterranean (phonetic) C2 zone and the other  
18 area. Omitting these would be detrimental to the  
19 neighborhood, and would go against the wishes of  
20 the community that spearheaded these rezoning  
21 efforts. Landlord harassment is a pervasive  
22 problem, and current rent-regulated residents fear  
23 that their landlords will harass them so that they  
24 can demolish buildings to take advantage of the  
25 new, more-favorable FAR. Furthermore, the EAS



1  
2 indicates that the increase in rental sale prices  
3 in the area over the years has created a  
4 disincentive to establish rent-stabilized housing.  
5 I have met with countless rent-regulated tenants  
6 who have been harassed by landlords so that their  
7 units could be converted to market-rate and owner-  
8 occupied apartments. It is likely that much of  
9 the increase in housing prices comes at the  
10 expense of tenants in rent-regulated apartments  
11 who are harassed by their landlords. These  
12 provisions have been in existence since 1973 and  
13 have been included in the Hudson Yards Special  
14 District and the West Chelsea Special District,  
15 and also in parts of the proposed ..." should I  
16 finish? Okay.

17 CHAIRPERSON WEPRIN: Just finish it  
18 up.

19 MS. STEIN: All right, I'm just  
20 going to go ahead a little, I'll submit the full  
21 comments to the Committee. "The preservation area  
22 is integral to maintaining the overall esthetic  
23 and architectural stylings of the district. The  
24 proposed zoning amendments include important  
25 height and street wall requirements. West Clinton

1  
2 tells the tale of our immigrant ancestors in the  
3 late 19<sup>th</sup> century tenements and the warehouses and  
4 factories that come out of the Industrial  
5 Revolution in the early 20<sup>th</sup> century. Lastly, the  
6 requisite agencies should take into account the  
7 need for different community facilities in this  
8 new district, corresponding with the intended  
9 growth in residential use. Mass transit must be  
10 improved in the area, we must examine 11<sup>th</sup> Avenue  
11 to make it safer for the current and expected  
12 influx of pedestrians, new and existing families  
13 need to be able to send their children to schools  
14 within the community. Because of new luxury  
15 developments, the Department of Education  
16 estimates that there will be 900 additional  
17 elementary school children in the area, which is  
18 more than double the population within point miles  
19 (sic) of PS51. I look forward to the approval of  
20 the West Clinton rezoning plan, with the inclusion  
21 of extended anti-harassment zones and demolition  
22 restrictions, along with integrated affordable  
23 housing and provisions for family-sized units.  
24 Thank you for your consideration."

25 CHAIRPERSON WEPRIN: Thank you, Ms.

1  
2 Stein, and I'd appreciate it if you could please  
3 send my personal regards to Assembly Member  
4 Rosenthal.

5 MS. STEIN: Of course, thank you  
6 very much.

7 CHAIRPERSON WEPRIN: Tell her I  
8 miss her, but I'm not coming back to Albany. Mr.  
9 Benfatto.

10 MR. BENFATTO: Thank you. I'm  
11 Robert Benfatto, I'm the District Manager for  
12 Community Board #4 Manhattan. When I started as  
13 the district manager in 2006, one of the first  
14 things I did was actually we had an intern, an  
15 urban fellow that we got of the borough  
16 president's office, I had him work actually with  
17 housing conservation coordinator, Sarah Desmond  
18 here, on looking at the 11<sup>th</sup> Avenue and doing a  
19 study. And when he started it, he actually  
20 followed an old study that was done on 11<sup>th</sup> Avenue  
21 to rezone it that I think was at least two or  
22 three years old from there. Ultimately, out of  
23 the Hudson Yards thing, we had a commitment to go  
24 ahead with the 11<sup>th</sup> Avenue rezoning where we were,  
25 as Edith said, betrothed to City Planning. I want

1  
2 to thank Erika and Edith, it's been a wonderful  
3 betrothal, I hate to see it end. But out of all  
4 those meetings, though, with City Planning, which  
5 all went very well, and a number of public forums  
6 where we had many, many people, there were over a  
7 hundred numerous times, the issue even became  
8 probably the number one zoning question that the  
9 Board would get at the office was when we would  
10 get calls, anything from residents there,  
11 businesses, property owners, even real estate  
12 brokers, wanting to know, developers. So we put  
13 all this together and we came up with a host of  
14 goals that we tried to see occur throughout the  
15 rezoning. And predominantly most of those goals  
16 have been met, I think, to a large extent, which  
17 is why the Board is a supporter of the proposal  
18 and a part of it. There were height limits that  
19 were put on it that we saw, hotels were moved,  
20 actually even enclosed sidewalk cafes, which was  
21 an issue, independent of this the 11<sup>th</sup> Avenue was  
22 put in. the 11<sup>th</sup> Avenue is going to be more of a  
23 residential corridor, there is inclusionary  
24 housing, although there are certain things that,  
25 you know, quality of life and transit

1  
2 infrastructure that were concerns, those are  
3 things that have to be worked on as we go forward.  
4 And one of the things I know that the community  
5 very strongly wanted was the anti-harassment and  
6 demolition restrictions. Those unfortunately did  
7 not make the proposal as of now, although we're  
8 hopeful that they'll make a follow-up corrective  
9 action, perhaps, agree to. And that's really what  
10 I have to say. That we support it, and thank you.

11 CHAIRPERSON WEPRIN: Thank you very  
12 much. Okay, all right, we're going to move on, I  
13 guess, to Mr. Noland.

14 MR. NOLAND: Yes sir, thank you,  
15 Mr. Chair and members of the Committee.

16 CHAIRPERSON WEPRIN: Just please  
17 state your name, although I said it.

18 MR. NOLAND: My name is Jean-Daniel  
19 Noland, I'm the immediate past Chair of Community  
20 Board #4 in Manhattan, and I want to thank you for  
21 the opportunity to speak on this 11<sup>th</sup> Avenue  
22 rezoning. I'll try to be brief, but I need to say  
23 for about eight years this has been an important  
24 concern in the Clinton community on the West Side  
25 from the block associations to the tenant

1  
2 organizations, right up to the community board  
3 committee, which was chaired by Anna Levin at the  
4 time, I'm sorry she's not here today with us,  
5 because she deserves an immense credit for all of  
6 this. It went to our Council Member, Christine  
7 Quinn, and it went to City Planning. On January  
8 28<sup>th</sup>, 2009, when I was Chair of the Community  
9 Board, the rezoning proposal was presented back to  
10 our community by Edith Hsu Chen and Erika Sellke,  
11 and I want to thank them, they have been just  
12 tremendously engaged with this process, and very  
13 helpful. And since then, the Clinton community  
14 and the board has held several large public forums  
15 and many smaller meetings, and once again we've  
16 come downtown to ask for your help. This is a  
17 happy occasion, I think, for everybody here. This  
18 community in Clinton and City Planning have come  
19 up with a plan that the city can support, and we  
20 hope you will support, but, and I have to say  
21 this, while we are satisfied that the core  
22 features of the proposal go a very long way  
23 towards addressing the community's central  
24 concerns, and will lay the groundwork for good  
25 future development consistent with our goals, we

1  
2 still have some work to do specifically protecting  
3 tenants in those areas, through the extension of  
4 the preservation area's provisions against tenant  
5 harassment and demolition of residential  
6 buildings. Now, after all the talk, and after all  
7 the planning, and after all the studies, we come  
8 before you and ask your help for these tenants.  
9 There are about 300 units we're talking about,  
10 fifteen buildings. All you've got to do is extend  
11 those protections that we have in the Special  
12 Clinton District. It's very important, and only  
13 you, Council members, can do that for us, you're  
14 our elected officials, we look to you for that  
15 help. I don't want to pull your heart strings,  
16 because I've been told Council members really  
17 don't have any hearts for strings to pull.

18 CHAIRPERSON WEPRIN: That's true.

19 MR. NOLAND: That's what I hear,  
20 that's what they told me. But I have to say,  
21 you'd have to imagine if it was your mother, your  
22 sister, your friend, living in one of those  
23 buildings, where rezoning is coming down the pike,  
24 good rezoning, good development, what would you do  
25 for them, do it for these tenants who can't speak

1  
2 for themselves today. Extending provisions  
3 against tenant harassments will not hamper  
4 development - I have one more sentence.

5 CHAIRPERSON WEPRIN: I'm heartless,  
6 next. No, quick, one more sentence.

7 MR. NOLAND: And will provide a  
8 full measure of protection and security to tenants  
9 who most need it. Thank you so much for this  
10 opportunity.

11 CHAIRPERSON WEPRIN: Thank you, and  
12 I just want to say, it wouldn't be the West Side  
13 if it wasn't for a 'but' in there somewhere.

14 MR. NOLAND: Yes.

15 CHAIRPERSON WEPRIN: Okay. So,  
16 next is Ms. Desmond.

17 MS. DESMOND: Good morning, Chair  
18 Weprin and Council Member Comrie. My name is  
19 Sarah Desmond, I'm the co-Chair of Manhattan  
20 Community Board #4's Housing, Health and Human  
21 Services Committee and the Executive Director of  
22 Housing Conservation Coordinators to the Tenant  
23 Advocacy and Legal Services Organization in Hell's  
24 Kitchen. We're delighted to be here today to act  
25 as a co-applicant with the Department of City



1  
2 Planning to rezone the 11<sup>th</sup> Avenue corridor. It's  
3 rare for a community board to take this step and  
4 co-apply with City Planning and we're extremely  
5 pleased to testify in favor of the proposed  
6 rezoning. It's the result of a multi-year  
7 engagement, as you've heard. Edith and Erika in  
8 particular have been very responsive to the  
9 community, they've attended countless meetings  
10 with us, and a number of public forums, which they  
11 got a share of being yelled at and applauded, and  
12 they adjusted the proposal accordingly. We're  
13 really thrilled to be here today, namely because  
14 it now permits residential development on the east  
15 side of 11<sup>th</sup> Avenue. We now have an inclusionary  
16 housing-designated area to incentivize new  
17 affordable housing, we have maximum building  
18 heights that are within context of the low  
19 residential community to the east, we have a  
20 prohibition against hotel use in the remaining  
21 manufacturing districts to the west of 11<sup>th</sup> Avenue,  
22 and we, in the proposed rezoning, prohibit  
23 enclosed sidewalk cafes in the Special Clinton  
24 District. However, as with any collaborative  
25 process, there are items that we would have liked

1  
2 to see put in the rezoning, as you have heard, and  
3 you will hear in other speakers after me, which  
4 were not, and which we hope the Council will  
5 include as a follow-up corrective action. In  
6 particular, the Special Clinton District's tenant  
7 protections of anti-harassment, alteration and no  
8 demolition, and as it currently is proposed, 100  
9 feet east of 11<sup>th</sup> Avenue, we would like to see them  
10 extended to include the 315 units in the 15  
11 buildings that go throughout the rezoning area.  
12 Without the requested modification, this area, 11<sup>th</sup>  
13 Avenue and west, will be the only area in a  
14 recently-rezoned ... in a recent residential  
15 rezoning in our community district that does not  
16 have these protections. We've found them, in the  
17 Special Clinton District, this is why we have a  
18 low-rise community, this is why we have less  
19 turnover, because we have these kinds of  
20 protections that have been critical to us, and  
21 speaking as a housing advocate, they've been  
22 incredibly valuable as a resource in protecting  
23 tenants and keeping people in place. In addition  
24 ... and you'll hear it from a number of residents  
25 and West Side members who live in the rezoning

1  
2 area, or in and around it. So we therefore ask  
3 that those three provisions be extended throughout  
4 the rezoning area. We also ask that other  
5 provisions in the Special Clinton District, namely  
6 that the requirement that the inclusionary units  
7 be located within the boundaries of the Special  
8 Clinton District, be modified. We also ask that  
9 the two-bed ... the 20% two-bedroom requirement  
10 currently existing be included, and finally that  
11 community facilities in the M2-4 zone ... be  
12 permitted in the M2-4 zone. Thank you.

13 CHAIRPERSON WEPRIN: All right,  
14 well thank you all very much, we're going to move  
15 on to the next panel of people, J. Watkins Strouss  
16 ... I guess that's Wadi Strauss, Dahlia DePerroir.

17 MS. DuPERROIR: You got it.

18 CHAIRPERSON WEPRIN: Close? Andrea  
19 McCullough and Nico Boccio.

20 MR. BOCCIO: That's me.

21 CHAIRPERSON WEPRIN: We have a  
22 number of people left, so I hesitate to comment on  
23 how cooperative everyone is, and how happy  
24 everyone seems to be. I feel like we should all  
25 go out for lunch after this, but I'll wait till

1  
2 they all testify before I make any statements. I  
3 think Mr. Comrie is buying, isn't he? Okay, and  
4 again if you could each please state your name for  
5 the record before you speak.

6 MR. STROUSS: I'm Wadi Strouss, and  
7 I reside at 418 West 46<sup>th</sup> Street. I'm a member of  
8 the West Side Neighborhood Alliance since its  
9 inception, a board member of HCC and I'm on the  
10 board of the Laymen's Club of St. John the Divine,  
11 and I'm a former member of CB4. I've lived in  
12 Clinton for 44 years, 17 in a five-floor walkup,  
13 rent-controlled in the 500 block of West 46<sup>th</sup>  
14 Street and in a sweat-equity HDOC co-op in the 400  
15 block. My bathroom window overlooked liners  
16 coming and going from Pier 86, the Salvation Army  
17 and the building currently occupied by Ogilvy &  
18 Mather completed my view westward. When I came to  
19 this neighborhood from Pittsburgh, I participated  
20 in the very heated discussions about the Clinton  
21 Special District, which generated many well-  
22 attended meetings. At that time the Special  
23 District went from 8<sup>th</sup> Avenue to 10<sup>th</sup> Avenue only.  
24 I made the argument that the Special District  
25 should include the residential properties west of

1  
2 11<sup>th</sup> Avenue. The powers-that-be in the community  
3 didn't want to raise this issue, as negotiations  
4 at the time were very sensitive. At some later  
5 point the Special District did include all the  
6 property to 11<sup>th</sup> Avenue, we're suggesting a  
7 prohibition against demolition as well as a  
8 provision to prohibit harassment be included in  
9 the bill. It is to your credit in keeping a  
10 lower-rise profile and preserving some of the  
11 monumental architecture which is to be found in  
12 this part of Clinton, and I thank you.

13 CHAIRPERSON WEPRIN: Thank you,  
14 sir.

15 MS. DuPERROIR: Good morning, my  
16 name is Dahlia DePerroir, and I live at 790 11<sup>th</sup>  
17 Avenue, that's on the corner of 54<sup>th</sup> and 55<sup>th</sup>. My  
18 life started in Chelsea and this makes me a native  
19 West Sider. I attended high school, college and  
20 worked in the community back in 1968, I worked for  
21 the Community Corporation of the Lower West Side  
22 as a block worker, as we were called back then.  
23 Tenant harassment and torching the buildings to  
24 collect insurance money was prevalent back then.  
25 Still to this day, tenant harassment is still a

1  
2 very prevalent problem. These laws of anti-  
3 harassment and no demolition protection that the  
4 Clinton Special District has been afforded should  
5 and must be expanded to the 11<sup>th</sup> Avenue corridor  
6 west to the river, to protect our environment,  
7 also the ecology of our waterways and clean air.  
8 We as a community do not need a wall of high rise  
9 buildings along our riverfront due to the West  
10 Side Highway environment, with the heavy flow of  
11 traffic, which would block the circulation of air.  
12 Traffic lights must also be re-timed to allow  
13 seniors, children and parents to afford them a  
14 safe right of passage crossing the West Side  
15 Highway to reach the green recreational areas  
16 along the waterfront. We want more family-  
17 oriented affordability in housing and less  
18 transient dwellings. This community always was,  
19 and still is, of mixed income. This area, people  
20 lived and worked in the community, and we had the  
21 shipping industry, printing, along with other  
22 industries that provided a lot of employment in  
23 our community. These businesses have since moved  
24 out, due to the high volume of traffic,  
25 congestion, and lack of parking, that interfered

1  
2 with the ability to conduct their day-to-day  
3 business. From 55<sup>th</sup> Street and 10<sup>th</sup> Avenue mid-  
4 block to 51<sup>st</sup> Street to the river, which is 12<sup>th</sup>  
5 Avenue, there are approximately about 7,300  
6 residents, not including the anti-harassment and  
7 no-demolition provisions in the rezoning could be  
8 devastating to thousands of residents in the area,  
9 and the proposed rezoning. Hundreds of families  
10 could be at risk of losing their housing. More  
11 green areas, many dog runs, a very large  
12 affordable supermarket that caters to the ethnic  
13 diversity of our community. Last but not least, a  
14 collective follow-up action should be taken on  
15 anti-harassment and no demolition in the rest of  
16 the rezoning district. Thank you.

17 MS. McCULLOUGH: Good morning, Mr.  
18 Weprin, my name is Andrea McCullough, and I want  
19 to thank you and the other two gentlemen for  
20 reassuring us that it's not something we did or  
21 said for their vacating their seats today. In  
22 addition everyone else, I've lived in Hell's  
23 Kitchen for 31 years. I'm one of the many faces  
24 in this community that's being harassed by my  
25 landlord, because a building empty of tenants

1 becomes a demolished and rezoned property.

2  
3 Ironically, this is a very human community that  
4 has nurtured the very factors that make West  
5 Clinton so attractive to developers, such as lower  
6 height restrictions, which this very Committee  
7 helped us to maintain. Regarding land use in  
8 Manhattan, there are only two places left with  
9 lower heights, that's Hell's Kitchen and Central  
10 Park, and I think the developers will be after  
11 Central Park if we fall. Imagine no security in  
12 your home and your neighborhood, I see hospitals,  
13 schools, churches, fire houses and libraries  
14 closed and torn down, only to be replaced by many  
15 bars and nail salons. What do we all desire in  
16 our neighborhoods? To be able to buy a quart of  
17 milk, to send our children to school, to use the  
18 computer at the library. How many bars and nail  
19 salons do you need, and how many times do you have  
20 to have your nails done or have to have an  
21 alcoholic beverage in order to live? Unchecked  
22 development and demolition is not conducive to  
23 profitable community zoning, because they tear  
24 down and restructure and then abandon the  
25 neighborhoods that they make money off of. As



1  
2 public servants, gentlemen, I ask you to plan  
3 wisely and in the public interest. Please  
4 encourage your City Council to add the no-  
5 demolition, anti-harassment requirements as a  
6 follow-up corrective action. Thank you, and I  
7 have almost a minute to spare. Take it.

8 CHAIRPERSON WEPRIN: Thank you, we  
9 will all use that wisely.

10 MR. BOCCIO: Hello. Good day.

11 CHAIRPERSON WEPRIN: Good day.

12 MR. BOCCIO: My name is Nico Boccio  
13 and I live at 400 West 43<sup>rd</sup> Street, Manhattan  
14 Plaza. As a member of Westville, I'm pleased to  
15 add my voice to this Committee. No doubt what I  
16 shall say would have been repeated again, it bears  
17 repetition. New York is not the city of the  
18 wealthy, as some would have us believe. Rather,  
19 it is the city of everyday people. We don't just  
20 visit here, we live here. I'm glad that our needs  
21 are being listened to. Our neighborhood is  
22 covered by anti-harassment and no-demolition  
23 protections 96%, it should include the other 4%,  
24 and even extend itself to 12<sup>th</sup> Avenue. We need  
25 more permanent, affordable housing, more than 20%

1  
2 on both sides of 11<sup>th</sup> Avenue. We need more family-  
3 friendly large apartments, 40% new residential  
4 units, with two bedrooms and 10% studio units. We  
5 propose that the height restrictions extend to the  
6 west side of 11<sup>th</sup> Avenue. We should like to see  
7 family-friendly uses, such as grocery stores,  
8 banks, drugstores, bakeries, hardware stores, just  
9 to name a few, in the proposed zoning area. The  
10 Department of Planning must take into account one,  
11 the needs of the schools and the community, two,  
12 more open greenspace for public use, three, safe  
13 and convenient transportation, four, a plan to  
14 reduce pollution, and finally, a survey should be  
15 done of all historical buildings that are  
16 important parts of the city, they should be  
17 preserved. If it were not for Mitchell-Lama  
18 section 8, I would not be standing, or rather  
19 sitting, here before you. Thank you.

20 CHAIRPERSON WEPRIN: Thank you,  
21 Nico. Could you just tell me, what is the sticker  
22 you guys are all wearing say?

23 MR. BOCCIO: In my hat?

24 CHAIRPERSON WEPRIN: No, the  
25 sticker. It says West- -

1  
2 MS. DuPERROIR: (Interposing) West  
3 Side Neighborhood Alliance.

4 CHAIRPERSON WEPRIN: One at a time,  
5 oh, it just says West Side Neighborhood Alliance,  
6 all right.

7 MR. BOCCIO: We stick together.

8 CHAIRPERSON WEPRIN: Thank you very  
9 much.

10 MR. BOCCIO: Anti-demolition  
11 housing conservation coordination.

12 CHAIRPERSON WEPRIN: Okay, good,  
13 don't all speak at once, I'll need a drink and get  
14 my nails done.

15 MR. BOCCIO: Anti-demolition, no  
16 harassment.

17 CHAIRPERSON WEPRIN: Okay.

18 MR. BOCCIO: I'll say it again.

19 CHAIRPERSON WEPRIN: Thank you.

20 MR. BOCCIO: Anti-demolition, no  
21 harassment, thank you.

22 CHAIRPERSON WEPRIN: Thank you all  
23 very much.

24 MR. BOCCIO: You're welcome.

25 CHAIRPERSON WEPRIN: We're going to

1  
2 move on to the next panel, Robert Gereke, Murray  
3 Kiok, Robert Kalin, Diane Cowles, I only have one  
4 more here, I'm going to have them come in like the  
5 stand-by seat up front here, how's that, and  
6 they'll go also at the same time, Joe Restuccia.  
7 Is there anyone else who wanted to testify who  
8 didn't ... who hasn't filled out the ... Joe, if you  
9 could just sit in the front and then we'll have  
10 you go after the panel goes, so you don't have to  
11 be completely by yourself. Okay, whoever wants to  
12 go first, again, state your name, start when you  
13 want.

14 MR. GEREKE: Hi, I'm Bob Gereke, I  
15 happen to be one of the few people it seems who  
16 lives on the west side of 11<sup>th</sup> Avenue in Hell's  
17 Kitchen, I own a business on 10<sup>th</sup> Avenue, and that  
18 doesn't seem to be threatened, so I'm happy with  
19 that. But, by living on the west side of 11<sup>th</sup>  
20 Avenue, it seems like I'm going to have no  
21 protections. I'm here to represent a few people.  
22 I live at 723 11<sup>th</sup> Avenue, between 51<sup>st</sup> and 52<sup>nd</sup>  
23 Street, on the west side, as I said. I moved to  
24 Hell's Kitchen in 1972, and into my building in  
25 1976, so I've been there a long time. It was then

1  
2 owned by a businessman who also owned a vinyl  
3 record factory, actually pressing records in what  
4 is now the Prada Building, so things have changed  
5 quite a bit. I have two elderly neighbors in my  
6 building who can't get out any more, and so I'm  
7 here representing them as well, Julia McDonald,  
8 she raised a large family in the building with a  
9 stevedore husband, who worked on the docks right  
10 down the street on West 51<sup>st</sup> Street, also Ann  
11 Suburlja (phonetic) who has lived there since  
12 young adulthood and whom I recently brought home  
13 from Roosevelt Hospital where she was treated for  
14 heart and diabetes issues. We have real people  
15 that live in this area. At 725 11<sup>th</sup> Avenue, just  
16 one building up, lives Joann, who always decorates  
17 her fire escape for Christmas, it's something, and  
18 whose husband was a New York City fire fighter.  
19 And there's other families at 725 11<sup>th</sup> Avenue, also  
20 west of 11<sup>th</sup> Avenue, whose kids have grown into  
21 working adults and continue to live here as  
22 neighbors. We've all lived through the 70's, we  
23 didn't have protections, we had break-ins,  
24 beatings in our apartments, heatless winters,  
25 unclean hallways and more, and we're still here.

1  
2 So we are now faced with an investor landlord who  
3 would really like to dispossess all of us. Many  
4 other apartments in the buildings have groups of  
5 rotating young tenants that we don't know and who  
6 don't speak to us in the hallways, so we don't  
7 know what's going on now. We intend to live out  
8 our lives in our current homes with respect and  
9 dignity, we ask that you include a no-dispossess,  
10 no-demolition protection, with any decisions to  
11 rezone the land under and around our homes. There  
12 needs also to be a follow-up corrective action to  
13 add to the anti-harassment, no-demolition  
14 provision in the zoning resolution. We hope the  
15 City Council will make this recommendation.

16 CHAIRPERSON WEPRIN: Thank you very  
17 much. Sir?

18 DR. KIOK: Hi, my name is Dr.  
19 Murray Kiok, I'll be very brief, because so much  
20 of what is said I would just be repeating. My  
21 doctorate is in urban planning. I live at 555  
22 West 52<sup>nd</sup> Street in Hell's Kitchen, which is a real  
23 neighborhood, filled with multi-ethnic families.  
24 Developers often try to cover up their activities  
25 with expressions, gentrification. The definition

1  
2 is all minorities out, replaced by middle-class  
3 whites who can pay higher rent. The purpose is  
4 purely personal profit. I have personally been  
5 involved in fighting their attempts at housing and  
6 harassing tenants. I have seen red tape placed on  
7 windows of empty apartments to scare tenants into  
8 feeling that they must move. This is why we need  
9 to add the correcting of anti-harassment  
10 provisions in the 11<sup>th</sup> Avenue development plan. I  
11 just think that the profit motive is very strong,  
12 and without these two corrective ... without these  
13 two corrections, the population in the area will  
14 dramatically change to resemble a white suburb.  
15 Thank you.

16 CHAIRPERSON WEPRIN: Thank you.

17 Sir?

18 MR. KALIN: Good morning, members  
19 of the City Council, my name is Bob Kalin, I'm a  
20 member of the West Side Neighborhood Alliance,  
21 I've lived in Hell's Kitchen since 1978, and I've  
22 been a tenant organizer at Housing Conservation  
23 Coordinators for 32 years. We love this zoning  
24 resolution, except we have to say there's one huge  
25 hole right in the middle of it, and you might know

1  
2 what that is. I'm going to talk about, just very  
3 briefly, about one building in the proposed  
4 rezoning area, 735 11<sup>th</sup> Avenue, AKA 600 West 52<sup>nd</sup>  
5 Street. It's currently owned by the second  
6 generation of slumlords, two brothers named Marvin  
7 and Milton Davis. They inherited the building  
8 from their father, Jack Davis, and that I'm aware  
9 of, they're the only two generations of slumlords  
10 who both have been named to the Village Voice's  
11 "Ten Worst Landlords". Marvin and Milton Davis  
12 spent most of the 1980's and 1990's getting out  
13 eight of the permanent tenants in this ten-unit  
14 building. Things got so bad in this building that  
15 the courts appointed a 7A administrator, and  
16 they're very reluctant to do this, and they only  
17 do this when there's threats to the life, health  
18 and safety of the tenants. Right now, as much as  
19 we love this resolution, the way it's written, if  
20 Marvin and Milton applied to get a permit from the  
21 Department of Buildings to substantially alter  
22 this building, they could do it. If they got this  
23 building update, they could conceivably demolish  
24 it. And the other 96% of our neighborhood, they  
25 would have to apply for a certificate of no-



1 harassment, and if there was a finding of  
2 harassment against them, 28% of the residential  
3 floor area of their building would have to be set  
4 aside for permanent low-income use. Real  
5 enforcement teeth are what are missing from this  
6 resolution. As the Chair of this Committee has  
7 said, we need a follow-up correction action here,  
8 and we really need your help to push forward that  
9 we need a follow-up correction action, because we  
10 would have 100% of what this community needs if we  
11 could get these anti-harassment and no-demolition  
12 provisions put into this resolution. Thanks.

13  
14 CHAIRPERSON WEPRIN: Thank you.

15 Ms. Cowles?

16 MS. COWLES: My name is Diane  
17 Cowles, I'm a member of the West Side Neighborhood  
18 Alliance, and I've lived in the area, especially  
19 at 360 West 55<sup>th</sup> Street, for approximately 40  
20 years. I like to think of it as my neighborhood,  
21 but when we speak of Clinton, we're talking about  
22 45,000 people, which is pretty big. It's a mixed-  
23 income neighborhood, and we need at least 40% of  
24 the new units to be two bedrooms or larger, only  
25 10% of the new units to be studios. We need other

1 things, like retail stores, a large supermarket, a  
2 drugstore, non-fast food establishments, a bakery,  
3 and better bus service. There's an opportunity  
4 here to wisely shape and influence the future for  
5 Clinton. It's a family place, and for the  
6 families, the children become adults and they're  
7 also their place. In the economic environment we  
8 often forget to speak about our senior citizens  
9 and the disabled. There's a fear that kind of  
10 grows about not having a place to live and not  
11 having enough food to eat. One other thing, which  
12 I feel redundant about at this point, but it's  
13 very important, regulating traffic lights. There  
14 is so much heavy commercial service on 9<sup>th</sup> to 12<sup>th</sup>  
15 Avenues, day and night, and those of us who must  
16 use walkers or crutches or wheelchairs, we're  
17 senior citizens, and we need more time to cross  
18 the street. I need more time to cross the street.  
19 Even shoppers need more time and parents with  
20 children, bicyclists, horse-drawn carriages, etc.  
21 Most important that I would ask of you today is  
22 the anti-harassment and no-demolition protections  
23 be included for this additional property. Without  
24 them, I think it would be very easy to just fall  
25

1  
2 into chaos. These protections to the expanding  
3 Clinton rezoning areas, and include all of 11<sup>th</sup> and  
4 12<sup>th</sup> Avenues' land, they really are critical to the  
5 future. We already do, and have been giving our  
6 support to long-term residents in all of Clinton.  
7 The West Side Alliance needs your help more than  
8 ever, please allow us to get the rezoning done  
9 with the addition of the harassment and  
10 demolitions. Thank you.

11 CHAIRPERSON WEPRIN: Thank you very  
12 much. Joe, do you want to, if someone would just  
13 give up a seat, or, I think you got it, that's  
14 fine.

15 MR. RESTUCCIA: Okay.

16 CHAIRPERSON WEPRIN: That works.

17 MR. RESTUCCIA: My name is Joe  
18 Restuccia, I'm the co-Chair of the Clinton Hell's  
19 Kitchen Land Use Committee, Community Board #4,  
20 and we are part of the co-applicants in this  
21 application. For the bigger committees that are  
22 here, I just want you to know that this is our  
23 tenth year of major rezonings on the West Side.  
24 We have handled over 55 rezonings and special  
25 permits, and we are very proud to be part of this

1  
2 one, but again, we are specifically requesting,  
3 with all the help of City Planning that we have  
4 had, we made a decision early on that certain  
5 things couldn't be agreed to, so we would try to  
6 pursue them later, that's where we are today. We  
7 seek a follow-up corrective action to insert the  
8 demolition restrictions, the anti-harassment  
9 provisions, and the 20% two-bedroom requirement.  
10 We believe it is key to preserving the feel of our  
11 community, what our community is about, and I  
12 think the members of the West Side Neighborhood  
13 Alliance have spoke very eloquently. I just want  
14 to thank you on behalf of the Board and our entire  
15 community for your time today.

16 CHAIRPERSON WEPRIN: I want to  
17 thank you very much. I want to thank all of you  
18 for your patience today, I know you've been  
19 sitting around a long time, and you have been  
20 nothing but very pleasant, so when my term is up  
21 and I move out of Queens, I'll come live with you  
22 guys. Just kidding, wherever my wife, just in  
23 case she's listening. I'm not leaving yet. Hi  
24 honey. Anyway, thank you very much, we're going  
25 to now ... anyone else want to testify on this that

1  
2 we missed? I'm getting a little punchy, I  
3 apologize. All right then, we're going to move to  
4 close this hearing, and we're going to now seek to  
5 try to get everyone back here for a vote. We will  
6 be combining, coupling the following items, and  
7 voting on them today. I do want to just  
8 acknowledge to the group of people here from the  
9 West Side that I know Council Member Quinn is very  
10 aware of all these issues, and you know,  
11 statements to the press and she's very ... she's got  
12 a big heart and she knows the issue and there's  
13 some discussions going on about hopefully doing a  
14 follow-up action. So now we are going to combine  
15 the Land Use #395, which was the 125<sup>th</sup> Street  
16 District Café text, the West Clinton rezoning that  
17 we just heard, #396 and #397, Land Use #398, the  
18 HANAC parking garage, and #399, the related  
19 application to the HANAC parking garage. We are  
20 not going to be voting today on Land Use #400,  
21 that was Council Member Halloran's Whitestone 154<sup>th</sup>  
22 Street, that will be put off till Tuesday, there  
23 will be a meeting on Tuesday, before the Land Use  
24 meeting, and there was another item on a café that  
25 has been taken off the agenda. We are now going

1  
2 to ask the counsel, Christian Hylton, to please  
3 call the roll, the Chair will recommend an aye  
4 vote, and Mr. Hylton, when you are ready. All  
5 right, we're going to wait two minutes here to  
6 start the voting, we're waiting on a person.

7 (pause)

8 COMMITTEE COUNSEL HYLTON:

9 Christian Hylton, counsel to Committee. Chair  
10 Weprin.

11 CHAIRPERSON WEPRIN: Aye on all.

12 COMMITTEE COUNSEL HYLTON: Council  
13 Member Rivera.

14 COUNCIL MEMBER RIVERA: I vote aye.

15 COMMITTEE COUNSEL HYLTON: Council  
16 Member Reyna.

17 COUNCIL MEMBER REYNA: I vote aye.

18 COMMITTEE COUNSEL HYLTON: Council  
19 Member Comrie.

20 COUNCIL MEMBER COMRIE, JR.: I vote  
21 aye.

22 COMMITTEE COUNSEL HYLTON: Council  
23 Member Jackson.

24 COUNCIL MEMBER JACKSON: Aye on  
25 all.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE COUNSEL HYLTON: Council  
Member Lappin.

COUNCIL MEMBER LAPPIN: Aye.

COMMITTEE COUNSEL HYLTON: Council  
Member Vacca.

COUNCIL MEMBER VACCA: Yes, aye.

COMMITTEE COUNSEL HYLTON: Council  
Member Ignizio.

COUNCIL MEMBER IGNIZIO: Yes.

COMMITTEE COUNSEL HYLTON: By a  
vote of eight in the affirmative, none in the  
negative, no abstentions, LU 396, 397, 398 and 399  
are approved and referred to the full Land Use  
Committee, LU 395 is approved with modifications,  
and referred to the City Planning Commission.

CHAIRPERSON WEPRIN: Thank you.

COMMITTEE COUNSEL HYLTON: And we ...  
and LU 405 is laid over.

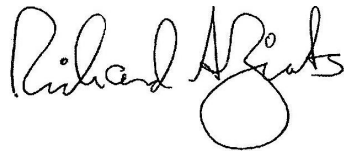
CHAIRPERSON WEPRIN: 400, Tuesday.  
Just a reminder, on Tuesday before the Land Use  
meeting, there will be another meeting of the  
Subcommittee, so will the members of the  
Subcommittee try to be here early, with that in  
mind? Okay, again, Land Use #400 is laid over

1  
2 until Tuesday, everything else has been closed and  
3 voted on, I will now adjourn the meeting, recess  
4 the meeting, because Tuesday we will be meeting on  
5 #400, I apologize, recess the meeting. Mr.  
6 Hylton's blood pressure goes back down and we are  
7 now adjourned until Tuesday. Recessed until  
8 Tuesday, goodbye.



C E R T I F I C A T E

I, Richard A. Ziats, 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 June 20, 2011