

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND  
CONCESSIONS

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May 4, 2010  
Start: 01:18pm  
Recess: 01:45pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
STEPHEN LEVIN  
Chairperson

COUNCIL MEMBERS:  
Charles Barron  
Inez E. Dickens  
Peter Koo

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

Carol Shine  
Counsel to the Committee  
City Council

Carol Clark  
Asst. Commissioner  
Housing Preservation and Development

Victor Hernandez  
Executive Director TIL and 7A Programs  
HPD

Ted Weinstein  
Director of Bronx Planning  
HPD

Terry Arroyo  
Director of Land Use  
HPD

Doris Lawson  
President  
Tenants Association 167 W. 129<sup>th</sup> St.

Ora Lee Hill  
Representative  
Tenants Association 167 W. 129<sup>th</sup> St.

CHAIRPERSON LEVIN: Good afternoon, welcome to the Subcommittee On Planning, Dispositions & Concessions. My name is Council Member Stephen Levin, Chair. I'm joined today on my right by Council Member Inez Dickens, and to her right ... of Manhattan, and Council Member Peter Koo of Queens. We have three items on the agenda this afternoon. The first one we'll get to is Land Use item 74-20105420 HAM, 167 West 129<sup>th</sup> Street in Manhattan. It is a tenant interim lease program in the district of Council Member Dickens in Community Board District 9 of Manhattan. Testifying on this item ... I'm sorry, can you ... I'm sorry, Community District 10, Council District 9. And testifying on this item we have three folks testifying. Okay, I'm sorry, we have two folks testifying from HPD, it's Carol Clark, Assistant Commissioner, and Victor Hernandez. Commissioner Clark, take it away.

ASST. COMMISSIONER CLARK: Thank you, Chairman Levin and members of the Committee, I'm delighted to be here with Victor Hernandez, who is the Executive Director of HPD's TIL and 7A programs, testifying in favor of LU 74, which is

2 the proposed disposition of one city-owned  
3 occupied, city-owned building located at 167 West  
4 129<sup>th</sup> Street, through HPD's Tenant Interim Lease  
5 program. TIL, as we call it, assists organized  
6 tenant associations in city-owned buildings to  
7 purchase and manage low-income cooperatives. This  
8 project consists of eighteen residential units,  
9 and vacant commercial space. Council Member  
10 Dickens has indicated her approval.

11 CHAIRPERSON LEVIN: Wonderful. I  
12 do not have any questions. Council Member  
13 Dickens, would you like to speak on this? Sure  
14 thing. Do you have anything else to add, Ms.  
15 Clark?

16 ASST. COMMISSIONER CLARK: No I  
17 don't.

18 CHAIRPERSON LEVIN: Mr. Hernandez?  
19 Okay, up next we have to testify Doris Lawson and  
20 Ora Lee Hill. And if you could identify yourself  
21 for the record.

22 MS. LAWSON: Good afternoon, my  
23 name is Doris Lawson, I'm the president of the  
24 tenant association at 167 West 129<sup>th</sup> Street.

25 CHAIRPERSON LEVIN: Wonderful.

2 Would you like to tell me a little bit about your  
3 building and your association?

4 MS. LAWSON: It's been a wonderful  
5 process, I can say that, from beginning to end.  
6 We're so pleased with the end result. HPD  
7 accommodated us with the request that was made  
8 for, you know, making larger apartments.  
9 Everything is so much more modern now than it was  
10 before. I'm just pleased with it, and as a group  
11 the building, we're just so happy. We're like one  
12 big family and we went through the walkthrough  
13 last week and we were all pleased with it.

14 CHAIRPERSON LEVIN: Very good. And  
15 you're currently not in the building?

16 MS. LAWSON: No.

17 CHAIRPERSON LEVIN: And HPD has  
18 been very helpful on temporary relocation?

19 MS. LAWSON: Yes, they relocated us  
20 and moved us. They've been wonderful. You know,  
21 it was not hard work at all, and it's been a  
22 wonderful experience, because being a tenant and  
23 now becoming a shareholder, you know, really  
24 working for it, you appreciate it more.

25 CHAIRPERSON LEVIN: Uh huh. It's

2 an ownership stake.

3 MS. LAWSON: Yes.

4 CHAIRPERSON LEVIN: Well, thank  
5 you, Ms. Lawson. Ms. Hill, do you have anything  
6 to add?

7 MS. HILL: My name is Ora Hill, and  
8 I'm the treasurer, and it was like hard keeping  
9 records at first, but I got into it. I went to  
10 classes, and I do a report every month and produce  
11 it to HPD, and the building is beautiful now. We  
12 found a few little things that were wrong, but  
13 they are correcting them. But I'm just anxious to  
14 get back into the building. I know we're going to  
15 enjoy it.

16 CHAIRPERSON LEVIN: Wonderful. If  
17 you don't mind me asking, how long have you guys  
18 lived in this building?

19 MS. HILL: I have been there almost  
20 50 years.

21 MS. LAWSON: Since 19 ... I moved  
22 there in '78, 1978.

23 MS. HILL: Yeah, that was it.

24 CHAIRPERSON LEVIN: That's a great  
25 opportunity. Thank you very much for coming down

2 here to testify, and I'll ask Council Member  
3 Dickens to read your statement.

4 COUNCIL MEMBER DICKENS: Thank you  
5 so much, Mr. Chair, for this opportunity, and I  
6 want to thank both Ms. Lawson and Ms. Hill for  
7 coming down to testify. Now one thing I would  
8 like you to please express to the Committee is  
9 what is the purchase price for the units?  
10 Regardless of size.

11 MS. LAWSON: Okay, we went from  
12 paying ... I'll give you the range. Okay, you want  
13 the size?

14 MS. HILL: No, no, she wants the  
15 purchase price.

16 MS. LAWSON: \$250.

17 MS. HILL: \$250.

18 COUNCIL MEMBER DICKENS: That's  
19 what I wanted to hear. That's what I was trying  
20 to get across.

21 MS. HILL: Yes.

22 COUNCIL MEMBER DICKENS: Say it  
23 again, wait a minute.

24 MS. LAWSON: \$250.

25 COUNCIL MEMBER DICKENS: Regardless

2 of the size?

3 MS. HILL: Right.

4 FEMALE VOICE: Could I have one  
5 please?

6 MS. HILL: You're going to have to  
7 pay more.

8 COUNCIL MEMBER DICKENS: And what  
9 about the monthly maintenance, which is based upon  
10 size? Just a range, do you have the range there?

11 MS. LAWSON: We went from paying  
12 192 ... 192 to 250 a month to, okay, 432 to 868 a  
13 month.

14 COUNCIL MEMBER DICKENS: Based upon  
15 size?

16 MS. HILL: Right.

17 MS. LAWSON: Based upon size.

18 COUNCIL MEMBER DICKENS: Thank you,  
19 thank you so much. For my statement, Mr. Chair,  
20 as anyone who has been a regular at Planning  
21 hearings over the past years can tell you,  
22 affordable home ownership is one of my top  
23 priorities as a legislator here in the City  
24 Council. My staff has met with both Ms. Lawson  
25 and Ms. Hill to review the building, go through,



2 and to insure that the residents are ready to  
3 undertake the new business and personal  
4 opportunities of becoming home owners. Both of  
5 these women have been long-time residents of the  
6 building and are phenomenal fighters for their  
7 building. This property sits on the northeast  
8 corner of 129<sup>th</sup> and Adam Clayton Powell Blvd. and  
9 houses eighteen units. Four units have two  
10 bedrooms, four are studios and ten are one  
11 bedrooms. Upon their return, eight units will be  
12 occupied, three of which will be seniors. The  
13 residents anticipate that approximately eight  
14 units will need section eight vouchers. There is  
15 an additional 820 square feet of commercial space  
16 which will aid in the maintenance of the building.  
17 At this time, and I'm so glad that my colleague  
18 from Brooklyn, Council Member Barron, has joined  
19 us. Have a seat, Council Member. At this time  
20 the residents association, and I want to repeat,  
21 has no members in court for non-payment. This is  
22 phenomenal in this age. They successfully were  
23 able to rid the building of the one tenant which  
24 was a commercial tenant who was in severe rent  
25 arrears prior to the rehab. All of the residents

2 are up to date. The resident leadership has  
3 demonstrated the necessary business skills and  
4 instincts to move forward at this time. I  
5 congratulate them on their success and on their  
6 new homes. At this time I ask my colleagues'  
7 support in approving this application. Thank you.

8 CHAIRPERSON LEVIN: Thank you,  
9 Council Member Dickens. We have been joined for  
10 the record by Council Member Charles Barron, to my  
11 left, from Brooklyn. That's right, to my left.  
12 Go figure. Council Member Barron, do you have any  
13 questions on this matter? Council Member Koo?  
14 Okay, I hereby declare the hearing on this matter  
15 to be closed. Thank you very much, Ms. Lawson and  
16 Ms. Hill for coming down to testify.

17 MS. LAWSON: Thank you.

18 MS. HILL: Thank you.

19 CHAIRPERSON LEVIN: Best of luck.  
20 Thank you. Next up we have Land Use item #78,  
21 that's Bronx River Art Center, C100083 HAX, that  
22 is in the district, the Council district of  
23 Council Member Rivera. Testifying on this item we  
24 have Carol Clark, Assistant Commissioner from HPD  
25 and Ted Weinstein. Ms. Clark?

2 ASST. COMMISSIONER CLARK: And Ted  
3 Weinstein is the director of Bronx Planning. I'm  
4 going to ask him to give the testimony on this  
5 item. Ted?

6 MR. WEINSTEIN: Thank you. This  
7 concerns the disposition of a four-story  
8 commercial building which has been occupied by the  
9 Bronx River Art Center. They have been leasing it  
10 from HPD since 1976. The building was a part of  
11 an urban renewal site, which is why HPD has a  
12 commercial building. Basically just to show you  
13 the setup here, which will help you understand,  
14 this is Tremont Avenue, this is the Bronx River  
15 itself, and then here's the building. So this is  
16 a D map street. So what will happen is, they've  
17 been leasing it from us and at one point several  
18 years back we suggested that they might want to  
19 try to raise the money to then just buy the  
20 building from us. They could then use it as they  
21 wish, and they've done that. They've worked with  
22 the Department of Cultural Affairs. They will be  
23 getting funding from the Department of Cultural  
24 Affairs, and from the borough president and from  
25 the Council, to do the renovations once the

2 project closes and title conveys, they will be  
3 getting the building itself, on which there will  
4 be renovations to have art galleries, classrooms,  
5 that's what they do now. They are very, very  
6 popular within the community. Council Member  
7 Rivera strongly supports this, and they will have  
8 classrooms, art galleries, studios, exhibition  
9 space, conference rooms, after the renovation.  
10 They will also be given a small piece of vacant  
11 land just to the north, so that they can have an  
12 outdoor garden of some type as well. The rest of  
13 this piece of land that I just mentioned, we will  
14 be conveying to the Parks Department. They are in  
15 the process right now of making a park there,  
16 which is part of the entire Bronx River pathway  
17 that they're doing the length of the Bronx River.  
18 So this will be a renovated building, which will  
19 be surrounded by a park.

20 CHAIRPERSON LEVIN: How long has  
21 the process been, and how long from inception of  
22 this idea until this point?

23 MR. WEINSTEIN: Well, we first  
24 started discussions with them several years, I had  
25 met with the director. This has been under our

2 property management division, and so we have been  
3 spending money on the building for all these  
4 years. If there was a roof leak and other  
5 problems, but there were problems within the  
6 building itself that required improvement, which  
7 we were not in a position to do, and so it just  
8 seemed, I would say it's closer to ten years since  
9 we first had the discussion about them trying to  
10 do this, to raise the money.

11 CHAIRPERSON LEVIN: And what year  
12 was it designated an urban renewal area?

13 MR. WEINSTEIN: Well, the urban  
14 renewal is the Bronx Park South urban renewal  
15 area. The plan actually expired in 2005. So it  
16 was ... it became an urban renewal site back in the  
17 1970's.

18 CHAIRPERSON LEVIN: Council Member  
19 Dickens has a question.

20 COUNCIL MEMBER DICKENS: Thank you.  
21 What was the cost to Bronx River Arts Center to  
22 purchase this site?

23 MR. WEINSTEIN: Well, we haven't  
24 finalized it yet, but it will be something  
25 affordable to the organization.

2 COUNCIL MEMBER DICKENS: Well see,  
3 your affordability and mine frequently don't  
4 match, so that's why I'm asking.

5 MR. WEINSTEIN: It will most likely  
6 be a nominal amount.

7 COUNCIL MEMBER DICKENS: I'm still  
8 not sure what we're talking about.

9 MR. WEINSTEIN: Which could be as  
10 little as a dollar.

11 COUNCIL MEMBER DICKENS: All right,  
12 that's what I'm wondering. I was trying to hear.  
13 So that means I can be looking for that one dollar  
14 for sure. Also, the park, will it be open to the  
15 ... for public access?

16 MR. WEINSTEIN: That will be a  
17 public park. The park itself, in the Parks  
18 Department. The open land that will be the art  
19 center's will be up to what they want to do with  
20 it.

21 COUNCIL MEMBER DICKENS: Thank you.

22 ASST. COMMISSIONER CLARK: And I'd  
23 just like to add that there's \$7.7 million in the  
24 budget of the Department of Cultural Affairs to do  
25 this rehabilitation project.

2 COUNCIL MEMBER DICKENS: What is  
3 going to be the cost of the rehab?

4 ASST. COMMISSIONER CLARK: \$7.7  
5 million.

6 COUNCIL MEMBER DICKENS: So you're  
7 going to ... all right, great, thank you.

8 MR. WEINSTEIN: And the Cultural  
9 Affairs Department will be using DDC to do that  
10 work. And that \$7.7 includes their own capital  
11 money as well as the borough president's money and  
12 the Council money.

13 COUNCIL MEMBER DICKENS: All right,  
14 thank you.

15 CHAIRPERSON LEVIN: Council Member  
16 Barron, you had a question but I think- -

17 COUNCIL MEMBER BARRON: No, the  
18 Council Member got the facts.

19 CHAIRPERSON LEVIN: Any follow up  
20 then of any kind? Council Member Koo? Okay, I do  
21 not have any further questions on this item, so  
22 with that we'll close the hearing on this item.  
23 Thank you very much, Mr. Weinstein. Thank you  
24 very much, Commissioner Clark. The last item for  
25 today is Land Use Item #84, 20105555 HAM. We are

2 joined again by Assistant Commissioner Carol Clark  
3 of HPD, this is in the council district of Council  
4 Member Jessica Lappin, in Community Board District  
5 8 in Manhattan, that's 420 East 73<sup>rd</sup> Street. Ms.  
6 Clark, if you could tell us a little bit about  
7 this particular item?

8 ASST. COMMISSIONER CLARK: I'd be  
9 happy to. I'm joined by Terry Arroyo, who is  
10 HPD's Director of Land Use. LU 84 consists of the  
11 proposed disposition of one occupied city-owned  
12 building. It is, as you noted, located at 420  
13 East 73<sup>rd</sup> Street in Manhattan. It will be  
14 renovated under the auspices of HPD's  
15 participation loan program. The sponsor of the  
16 project is ELH Management. He's going to  
17 rehabilitate all twenty of the residential units,  
18 nine of them are occupied. This is an old  
19 tenement building with bathrooms in the kitchens  
20 and it will be renovated through a checkerboarding  
21 process, where the tenants will be moved to the  
22 rear of the building, the front will be renovated,  
23 and then the opposite process will occur. Council  
24 Member Lappin has been fully briefed and indicated  
25 her approval.



2 CHAIRPERSON LEVIN: Council Member  
3 Dickens has a question.

4 COUNCIL MEMBER DICKENS: Thank you.  
5 Through the PLP, are they going to be able to  
6 apply for the J51?

7 ASST. COMMISSIONER CLARK: No, it's  
8 not a J51 through the PLP, the PLP is a 30 year  
9 loan program that is provided by HPD. It's a  
10 1,099,938, the other funding comes from the  
11 Community Preservation Corporation, a little over  
12 a \$1 million, and there's about a half a million  
13 dollars in developer equity, in the project.

14 COUNCIL MEMBER DICKENS: And so  
15 they will not be applying for J51, they will be  
16 going immediately on the tax rolls?

17 ASST. COMMISSIONER CLARK: They  
18 will go immediately on the tax rolls, that's  
19 correct.

20 COUNCIL MEMBER DICKENS: All right.  
21 Do you have any idea yet what they're proposing  
22 for what the rentals will be?

23 ASST. COMMISSIONER CLARK: I do,  
24 the rent currently for the nine occupied units  
25 ranges between \$116 a month for a studio to \$191 a

2 month for a one-bedroom unit. However, when these  
3 particular occupied units are rented, they will  
4 all be at \$650 per month.

5 COUNCIL MEMBER DICKENS: All right,  
6 and because you're checkerboarding, it won't be a  
7 gut rehab then.

8 ASST. COMMISSIONER CLARK: That's  
9 correct.

10 COUNCIL MEMBER DICKENS: Thank you.

11 CHAIRPERSON LEVIN: I'm sorry, the  
12 \$650 a month, that would then go ... is that locked  
13 in or is that going to rent stabilization, or how  
14 does that work?

15 ASST. COMMISSIONER CLARK: Well,  
16 the building will ultimately go into the rent  
17 stabilization program, because it is in excess of  
18 sixteen units, yes.

19 CHAIRPERSON LEVIN: Do any of my  
20 other colleagues have any other questions?  
21 Council Member Koo?

22 COUNCIL MEMBER KOO: Yes I do. Who  
23 can apply for those apartments? Only the current  
24 residents who live there?

25 ASST. COMMISSIONER CLARK: The nine

2 of the units of the twenty unit total are  
3 occupied, so those nine residents of those units  
4 will go back into the renovated building. And  
5 then there will be a lottery process that is  
6 overseen by HPD for the marketing of the remaining  
7 eleven units.

8 COUNCIL MEMBER KOO: From all five  
9 boroughs people can apply?

10 ASST. COMMISSIONER CLARK: For the  
11 remaining eleven units in the building that will  
12 be available, because they will be vacant, newly-  
13 renovated units. There will be a lottery process  
14 to market them.

15 COUNCIL MEMBER KOO: But is the  
16 lottery restricted to certain boroughs?

17 ASST. COMMISSIONER CLARK: 50% ...  
18 right, there's a 50% community board preference,  
19 so residents of that community board on the Upper  
20 East Side, half of the people that are selected  
21 will have to be from that area, and the rest is  
22 citywide, you're correct.

23 COUNCIL MEMBER KOO: And how do  
24 people know about it? Are you going to be  
25 advertising it in newspapers?

2 ASST. COMMISSIONER CLARK: Yes,  
3 there's advertisements in a number of newspapers  
4 and there also is correspondence conveyed to the  
5 elected officials in the area.

6 COUNCIL MEMBER KOO: Okay, thank  
7 you.

8 COUNCIL MEMBER DICKENS: For  
9 clarity, actually when they advertise, they're  
10 supposed to add if they're in a specific  
11 neighborhood, then they're supposed to advertise  
12 as well in the local newspapers and newspapers  
13 that are in communities that wouldn't ordinarily  
14 supposedly apply.

15 COUNCIL MEMBER KOO: Yes.

16 CHAIRPERSON LEVIN: And with that  
17 lottery, is there income guidelines on that?

18 ASST. COMMISSIONER CLARK: Yes,  
19 there are income guidelines that will apply,  
20 absolutely. And I should have mentioned that  
21 another form of advertising that we take is the  
22 HPD website, which does get a lot of traffic and  
23 attention.

24 CHAIRPERSON LEVIN: Certainly. Do  
25 you mind sharing with us what the income

2 guidelines for the eleven apartments are that are  
3 unoccupied?

4 ASST. COMMISSIONER CLARK: The  
5 income targets for the occupied units are between  
6 50% and 60% of the area median income, which is  
7 approximately \$46,000 a year for a family of four.  
8 And for the vacant units it's between 100% and  
9 130% of the AMI, which ranges from \$77,000 to  
10 \$99,000 per year.

11 CHAIRPERSON LEVIN: Council Member  
12 Barron, do you have any other questions?

13 COUNCIL MEMBER BARRON: Yes. How  
14 come that's so high? How come the vacant ones are  
15 so much higher than the occupied?

16 ASST. COMMISSIONER CLARK: The  
17 vacant ones are higher than the occupied in order  
18 to factor in the ability for the city to undertake  
19 getting the building, which sorely needs  
20 renovation, to be renovated. And as I mentioned,  
21 there is developer equity of about a half a  
22 million dollars and other city funding in it.

23 COUNCIL MEMBER BARRON: Tell the  
24 Mayor to write a check, he got plenty. So you're  
25 saying that you ... that's interesting, people

2 making that amount of money, it's usually those  
3 affordable rentals would be for a lower salary.

4 ASST. COMMISSIONER CLARK: Yes,  
5 this is an unusual situation, because as you know,  
6 we don't usually come before you with occupied,  
7 city-owned buildings, we're more typically dealing  
8 with vacant buildings. But we are in fact  
9 disposing of the inventory of property that HPD  
10 has, and there are a few of these buildings that  
11 are in fact occupied. As I think I noted, this  
12 has been in city ownership since April of 1977 and  
13 in the HPD's DAMP program since 1979.

14 COUNCIL MEMBER BARRON: Is this the  
15 ... so what is the neighborhood AMI?

16 ASST. COMMISSIONER CLARK: On the  
17 Upper East Side of Manhattan, I don't know  
18 specifically.

19 COUNCIL MEMBER BARRON: Oh, so they  
20 could- -

21 ASST. COMMISSIONER CLARK:  
22 (Interposing) But I imagine it's high.

23 COUNCIL MEMBER BARRON: Probably  
24 \$72,000. Is it ... you don't know.

25 ASST. COMMISSIONER CLARK: Honestly

2 I don't know exactly what it is. I could get back  
3 with you with that, Council Member Barron.

4 COUNCIL MEMBER BARRON: Probably  
5 like the metropolitan area AMI. All right, thank  
6 you.

7 ASST. COMMISSIONER CLARK: Thank  
8 you.

9 CHAIRPERSON LEVIN: Does anyone  
10 have any further questions on, or statements on,  
11 this matter? Okay, I hereby declare the hearing  
12 on this matter, Land Use #84, closed, and that  
13 wraps up the agenda for today. I want to  
14 recommend all three items an aye vote and I will  
15 ask Carol Shine, counsel to the Committee, to call  
16 the roll.

17 Fv4 Chair Levin.

18 CHAIRPERSON LEVIN: Aye.

19 Fv4 Council Member Barron.

20 COUNCIL MEMBER BARRON: Aye on all.

21 Fv4 Council Member Dickens.

22 COUNCIL MEMBER DICKENS: Aye.

23 Fv4 Council Member Koo.

24 COUNCIL MEMBER KOO: Aye on all.

25 Fv4 By a vote of four in the

2 affirmative, none in the negative, and no  
3 abstentions, the aforementioned items are all  
4 approved and referred to the full Committee.

5 CHAIRPERSON LEVIN: The meeting is  
6 adjourned.

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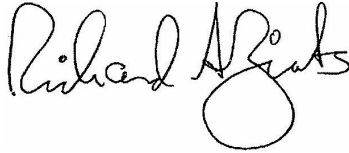
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C E R T I F I C A T E

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 \_\_\_\_\_