

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING

AND FRANCHISES

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November 1, 2016  
Start: 10:18 a.m.  
Recess: 2:39 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Donovan J. Richards  
Chairperson

COUNCIL MEMBERS:

Daniel R. Garodnick  
Jumaane D. Williams  
Antonio Reynoso  
Ritchie J. Torres  
Vincent J. Gentile  
Ruben Wills

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

Madelyn Wils  
President and CEO of Hudson River Park Trust

Carolina Hall  
Department of City Planning

Richard Cook  
Architect

Michael Sillerman  
Land Use Attorney with Kramer Levin

James (Jim) Caras  
General Counsel and Director of Land Use at  
Manhattan Borough President's Office

Tobi Bergman  
Chair of Community Board Two Manhattan

David Gruber  
Past Chair of Community Board Two Manhattan

Charles Anderson  
Deborah Glick's Office

Evelyn Conrad  
Land Use and Zoning Lawyer

Andrew Berman  
Greenwich Village Society for Historic  
Preservation

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

Anita Isola  
Greenwich Village Society for Historic  
Preservation

Allison Tupper  
Sierra Club NYC Group

David Juracich  
Friends of Hudson River Park

Joshua Rahn  
Friends of Hudson River Park

Pam Frederick  
Hudson River Park Trust Board Member

Tony Simone  
Friends of Hudson River Park

Katherine Salyi [sp?]  
Friends of Hudson River Park

Katherine Schoonover  
Washington Street resident

Karen Mongello [sp?]  
Sierra Club NYC Group

Zack Winestine  
Greenwich Village Community Taskforce

Barry Benepe

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

Bill Bialosky  
Downtown United Soccer Club

Mike Novogratz  
Chair of Friends of Hudson River Park

Susanna Aaron  
Friends of Hudson River Park

Connie Fishman  
Friends of Hudson River Park

David Amsterdam  
Friends of Hudson River Park

Marcy Benstock  
Clean Air Campaign

Melvin Stevens

David Seal  
Manhattan Celtic League

Carin Ehrenberg  
Greenwich Village Little League

Michelle Siwaylan [sp?]  
Real Estate Board of New York

Ken Daniels

Andrew Zelter  
Downtown Little League

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

Dan Miller  
Pier 40 Champions

Ellen Baer  
Hudson Square Business Improvement District

Brian Brown  
SEIU 32 BJ

Patrick Yacco  
Friends of Hudson River Park

Mark Cheever  
Friends of Hudson River Park

Miguel Acevedo  
Fulton House Tenant Association President

Jill Hennacamp [sp?]  
Pier 40 Champion



CHAIRPERSON RICHARDS: Alrighty, we're going to begin. Good morning. I'm Donovan Richards, chair of the Subcommittee on Zoning and Franchises. We are joined today by Council Members Corey Johnson, Antonio Reynoso, Ritchie Torres, Vincent Gentile, Steve Levin. Today we have six items for our consideration. We are first going to take votes on several items that were laid over from past meetings before we move on to a hearing on 550 Washington Street application. We're going to lay over the Lamburg Houses application, Land Use items number 482 through 488, and the 95 Horatio Street application, Land Use number 479 until the next regularly scheduled meeting. We will now move onto a vote on several items. We are modifying three applications today. So I will describe the modifications we will be recommending on each. We will be modifying the 141 Willoughby Street application, Land Use Number 472 through 474 by reducing the maximum permitted floor area ratio allowed on the property from 18 to 15 FAR. A maximum of nine FAR would be permitted as residential. These changes would reduce the overall density of the project to make it more consistent with the surrounding zoning in downtown Brooklyn

2 while still allowing for development of significant  
3 affordable housing and office space in the building.  
4 Secondly, we will be voting to modify Land Use items  
5 number 495 and 496, the Concourse Village West  
6 rezoning to add the Mandatory Inclusionary Housing  
7 Option One instead of the proposed Option Two. Option  
8 One would require that 25 percent of the residential  
9 floor area be affordable to families making an  
10 average of 60 percent of the area median income.  
11 Third, we will also be voting to modify Land Use item  
12 number 497 through 500, 1932 Bryant Avenue to allow  
13 for 6,000 square feet of additional residential floor  
14 area on parcel nine. This additional residential  
15 floor area would be offset by reducing the community  
16 facility and commercial space on the parcel. The  
17 additional residential floor area would allow the  
18 applicant to provide additional units at 80 percent  
19 of the area median income. With these modifications,  
20 Council Member Salamanca supports both the projects  
21 in his district. I will let Council Member Levin now  
22 make a statement on the Willoughby application before  
23 we vote.

24                   COUNCIL MEMBER LEVIN: Thank you very  
25 much, Chair Richards, members of the Subcommittee and



1 to my constituents in attendance. Today we are here  
2 to determine the next steps of the 141 Willoughby  
3 application. I have discussed this project in-depth  
4 with many downtown Brooklyn residents as well as  
5 community stakeholders and appreciate the over 400  
6 people that have contacted our office to share their  
7 opinion on this project. I'd also like to thank  
8 Community Board Two, Borough President Eric Adams and  
9 the City Planning Commission for their work on this  
10 matter, and I would also like to extend my gratitude  
11 to the council Land Use Division, especially Raju  
12 Mann [sp?], Dylan Casey and Brian Paul, as well as my  
13 staff, all of whom have spent many hours on this  
14 application, Julie Barrow [sp?], my Legislative  
15 Director, Glemani Bravo Lopez [sp?], my Community  
16 Director in Community Board Two, Johnathan Bouche  
17 [sp?], my Chief of Staff, and Edward Paulino, my  
18 Communications Director. I appreciate very much the  
19 ongoing discussions I have had with the Economic  
20 Development Corporation as well as the developers  
21 Savannah, and I want to give them an acknowledgement  
22 as well as Ed Wallace and Jay Siegel [sp?] who are  
23 here. We have engaged in a thorough process on how  
24 to address all the community needs and concerns that  
25

1 were raised. As proposed this project was slated to  
2 be an 18 FAR application, and that would be something  
3 new in Downtown Brooklyn. Downtown Brooklyn has a 12  
4 FAR framework, and this application was in many ways  
5 set to right some wrongs from the 2004 Downtown  
6 Brooklyn rezoning which gave developers an option on  
7 a residential or commercial development scenario, and  
8 as it turned out, the City Planning Commission at the  
9 time thought that there would be about a million  
10 square feet of residential development. It turned out  
11 that there was 10 million dollars-- or 10 million  
12 square feet of residential development which is, you  
13 know, about 10 times as much. So, as a result, there  
14 were attendant infrastructure issues that were not  
15 addressed in 2004 rezoning, namely an elementary  
16 school in Downtown Brooklyn and other basic  
17 residential infrastructures that were not put into  
18 place. So, that was a concern, and this application  
19 on top of that 12 FAR framework was going to  
20 introduce an additional on a single property, an  
21 additional six FAR of commercial. We want commercial  
22 in Downtown Brooklyn. There's a real market for  
23 commercial office development in downtown Brooklyn.  
24 We want to encourage that and allow that to thrive,  
25

1 but we have to figure out a sensible way instead of  
2 just adding it on top of the current residential as-  
3 of-right development. In addition, the 2004  
4 Voluntary Inclusionary Program is minimal in terms of  
5 the amount of affordable housing it creates and is  
6 not in any way aligned with what this Council and  
7 this Administration stated policy and goals are in  
8 terms of encouraging and mandating now under  
9 Mandatory Inclusionary affordable housing to be  
10 built. So, what we decided to do in this application  
11 was limit the residential development to nine FAR  
12 that will be subject to Mandatory Inclusionary, so  
13 all the rules that apply to Mandatory Inclusionary  
14 housing, and while also allowing up to six FAR of  
15 commercial development, and that will be 1.5 of  
16 retail and 4.5 of office. And so the basic framework  
17 is intact. We want to see mixed use developments.  
18 This will be a mixed use development. It will be a  
19 15 FAR as opposed to an 18 FAR as proposed, but that  
20 means a reduction. All of that reduction from 18 to  
21 15 will come out of the residential component which  
22 means that there will be less impact to downtown  
23 Brooklyn in terms of residential development, and  
24 that I think is a good thing. And honestly, if  
25

2   somebody else wants to move forward on an analogous  
3   project or a project along these lines in downtown  
4   Brooklyn, then that would mean that they would be  
5   reducing their as-of-right residential FAR, and  
6   that's not such a bad thing. I think that it's a  
7   good outcome, and I look forward to seeing more mixed  
8   use projects in downtown Brooklyn and making it a  
9   thriving downtown that will be looking forward to the  
10  21<sup>st</sup> century and understanding what our economy is  
11  going to be looking like for the next hundred years  
12  and what a real thriving mixed use downtown could  
13  potentially look like. So I want to thank my Chairs,  
14  Donovan Richards and David Greenfield for your  
15  support throughout this process, as well as I said,  
16  the Land Use Division and the Speaker of the City  
17  Council, Melissa Mark-Viverito, as well as members of  
18  the Administration and the applicants. And thank you  
19  very much for the courtesy.

20                   CHAIRPERSON RICHARDS: Thank you, Council  
21  Member Levin. I'll acknowledge we've been joined by  
22  Land Use Chair David Greenfield. We've also been  
23  joined by Council Member Wills. Alrighty, are there  
24  any remarks from any Subcommittee members on any of  
25  these issues? Okay. Seeing none, I will now call a

2   vote to approve Land Use item number 472, 473, 474,  
3   495, 496, 497, 498, 499, and 500 with the  
4   modifications I just described. Council, please call  
5   the roll.

6                   COMMITTEE COUNSEL: Chair Richards?

7                   CHAIRPERSON RICHARDS: I want to say  
8   congratulations to both Council Member Salamanca and  
9   also to Steve Levin on two great projects in their  
10  district, and for their leadership with that, I vote  
11  aye.

12                  COMMITTEE COUNSEL: Council Member  
13  Gentile?

14                  COUNCIL MEMBER GENTILE: I vote aye.

15                  COMMITTEE COUNSEL: Council Member Wills?

16                  COUNCIL MEMBER WILLS: I vote aye.

17                  COMMITTEE COUNSEL: Council Member

18  Reynoso?

19                  COUNCIL MEMBER REYNOSO: I vote aye.

20                  COMMITTEE COUNSEL: Council Member

21  Torres?

22                  COUNCIL MEMBER TORRES: I vote aye.

23                  COMMITTEE COUNSEL: By a vote of 5 in the  
24  affirmative, 0 in the negative and 0 abstentions,  
25  Land Use items 472, 473, 474, 475, 476-- sorry, 495,

1  
2 496, 497, 498, 499, and 500 are approved with  
3 modifications and referred to the Land Use Committee.

4 CHAIRPERSON RICHARDS: Thank you.

5 Alrighty. Congratulations. We will now move on to  
6 Land Use item number 506, 507, 508, 509, 510, and 511  
7 relating to 550 Washington Street in Council Member  
8 Johnson's district. The actions are a zoning text  
9 amendment filed by the Department of City Planning as  
10 an applicant to create the Special Hudson River Park  
11 District as well as five actions filed by SJC33 Owner  
12 2015 LLC, the developer. Those actions are a zoning  
13 map amendment, a zoning special permit under proposed  
14 text, and three special permits related to parking.  
15 Approval of these actions would facilitate the  
16 transfer of development rights from pier 40 in the  
17 Hudson River Park to the development site known as  
18 the Saint John's Center which would be redeveloped  
19 with up to five buildings containing approximately  
20 1,711,000 square feet of floor area with a mix of  
21 commercial and residential uses. I will now call up  
22 our first panel. Alrighty. Madelyn Wils-- did I say  
23 it right-- yes, Hudson River Park Trust; Carolina  
24 Hall, Department of City Planning. And before we  
25

1                   SUBCOMMITTEE ON ZONING AND FRANCHISES                   15  
2       begin, I will go to Council Member Johnson for a  
3       statement.

4                   COUNCIL MEMBER JOHNSON:   Thank you, Chair  
5       Richards, for holding this hearing today. Thank you  
6       to Chair Greenfield as well. This application that  
7       we're looking at today, 550 Washington, regarding the  
8       Saint John's Terminal and pier 40 has a lot of moving  
9       parts, from affordable housing and air rights  
10      transfers to preservation and the creation of the  
11      Hudson River Park Special District. The challenges  
12      facing all parties involved in this ULURP application  
13      include producing an application that funds the  
14      urgently needed repairs to pier 40, providing  
15      desperately needed affordable housing for New Yorkers  
16      across a range of incomes, mitigating the project's  
17      impacts and achieving a design that weaves this  
18      development into the surrounding neighborhood. My  
19      fellow west side elected representatives and I laid  
20      out many of our concerns we have about this  
21      application during the review process thus far. Our  
22      concerns include but are not limited to the amount of  
23      parking proposed, the size and income levels of the  
24      affordable units, the proposed layout of open space  
25      and the size of new retail. I look forward to

1 discussing many of these items today, and while I  
2 thank the applicant for the changes they have already  
3 made in response to the comments received, and it's  
4 vital that we ensure that we are not flooding our  
5 streets with cars, are providing useful welcoming  
6 open space, and that the businesses we welcome to the  
7 project serve the community, and above all that the  
8 park funding is secure. Now that the application has  
9 been reviewed by City Planning, the local Community  
10 Board and the Borough President, it is time for the  
11 City Council to do what we can to address the issues  
12 that remain and ensure that this project works for  
13 the local community. It is my hope that over the  
14 coming weeks we can resolve the outstanding issues  
15 with this application. There has also been a new  
16 question that has emerged recently that I look  
17 forward to getting into during today's discussion  
18 about a potential scenario that would involve a  
19 retrofitting of two of the existing buildings, the  
20 existing sites talked about, the building south of  
21 Houston and a new development north of Houston. It's  
22 called the hybrid scenario, and we're going to talk  
23 about that a little bit. Given the size and scale of  
24 the project, there are a few other concerns that the  
25



1 community has raised that I would like to put on the  
2 record today. First, we need a significant  
3 contribution to the preservation of pier 40. While  
4 the 550 Washington Street proposal would allow for  
5 the transfer of 100 million dollars to pier 40,  
6 significant unfunded capital needs would persist even  
7 following the infusion from this private transaction  
8 contemplated by the proposed project. According to  
9 the Hudson River Park Trust, necessary repairs  
10 include electrical work, artificial turf replacement,  
11 and fire sprinkler repair. Given how vital the park  
12 is to the local community and the tax revenue the  
13 City has received as a result of the economic growth  
14 of the neighborhood proximate to the park, we need to  
15 ensure that we keep Pier 40 open for the tens of  
16 thousands of kids and families who utilize it every  
17 week. Furthermore, the City should designate phase  
18 three of the South Village Historic District.  
19 Residents of the South Village honor the historical  
20 and cultural significance that has made their  
21 neighborhood a world-class destination. They also  
22 reasonably fear that their quality of life and the  
23 character of their neighborhood will suffer from  
24 further escalating development in the coming years.  
25

1 I am heartened that this morning just about an hour  
2 ago, the Landmarks Preservation Commission recognized  
3 the hard work of this community over the past decade  
4 and finally calendared the last leg of the historic  
5 district which will be known as the Sullivan-Thompson  
6 Historic District. Congratulations to all the  
7 community members who were vital in making that  
8 happen. The City of New York must also conduct a  
9 comprehensive transportation study to provide  
10 recommendations for improving traffic and pedestrian  
11 safety conditions in the area surrounding 550  
12 Washington Street, specifically in the Hudson Square  
13 neighborhood surrounding the Holland Tunnel.  
14 Currently traffic and pedestrian safety conditions in  
15 the area are severely lacking, mainly because of the  
16 nearby entrance to the Holland Tunnel, Varick Street,  
17 Canal Street, West Street, and String Street are all  
18 in a state of constant traffic gridlock. For this  
19 reason, the New York City Department of  
20 Transportation must conduct a rigorous transportation  
21 study of the area so that concrete measures to  
22 address these problems can be proposed and enacted in  
23 a timely manner. Furthermore, the City must make a  
24 firm commitment at the outset of this project to  
25

1  
2 improve conditions by implementing immediate  
3 streetscape improvements such as planted medians,  
4 special signage and curb extensions among other  
5 proposed changes. This is rightly called for in  
6 Manhattan Community Board Two's resolution on this  
7 application. Hudson River Park Trust should submit a  
8 plan for the future use in development of pier 40.  
9 With the extraordinary amount of resources that are  
10 being invested in Pier 40 and the affects that the  
11 air rights transfer associated with this project will  
12 have, the public is entitled to a full account of the  
13 trust plans for the future of pier 40 after this  
14 transaction is completed. There should also be a ban  
15 on further air rights transfers from pier 40 into  
16 Manhattan Community Board Two's catchment area. The  
17 trust's ability to earn income from the transfer of  
18 air rights was specifically bestowed for the purpose  
19 of ensuring that the trust is able to afford the  
20 expenses of major capital projects, namely the  
21 restoration of pier 40. The 550 Washington Street  
22 proposal ensures this outcome, but with unprecedented  
23 density. It would be inequitable for the Trust to  
24 earn additional revenue through a subsequent transfer  
25 of air rights from the Hudson River Park to Community

1 Board Two because such a transfer would place an  
2 unfair burden on the community. I want to thank  
3 Manhattan Community Board Two for their incredible  
4 work on this. I want to thank my colleagues in  
5 government who share this district, Assembly Member  
6 Deborah Glick, State Senator Brad Hoylman, State  
7 Senator Daniel Squadron, Congressman Jerry Nadler,  
8 and Manhattan Borough President Gale Brewer. I know  
9 we're going to hear from Tobi Bergman, the Chair of  
10 Community Board Two today, but I want to thank him  
11 for being here and for his incredible leadership on  
12 this application. I want to thank them for work over  
13 the last two plus years on this, for their guidance  
14 and their commitment and I want to thank the public  
15 for being here today and turning out on a weekday  
16 morning to be heard. Thank you. I'm sorry for being  
17 verbose, and I turn it back to you, Chair Richards.

18  
19 CHAIRPERSON RICHARDS: Thank you, Council  
20 Member Johnson. So, just state your name for the  
21 record, who you're representing, and then you may  
22 begin.

23 MADELYN WILS: Good af-- thank you, Chair  
24 Richards, and of course, thank you to our Council  
25 Member Corey Johnson and to your fellow Council

1  
2 Members. We appreciate having the opportunity to  
3 present to you today. I'd like to begin by telling  
4 you a little bit about Hudson River Park for context.  
5 Hudson River Park is an approximately 550-acre, four  
6 mile long park along the Hudson River from the  
7 northern edge of Battery Park City to 59<sup>th</sup> Street.  
8 It's the second largest park in Manhattan after  
9 Central Park and attracts an estimated 17 million  
10 visits each year from across New York City and the  
11 region. The park is home to approximately 30 piers,  
12 landscaped upland areas, active and passive  
13 recreational spaces, boating facilities and a number  
14 of commercial and municipal uses. The Park occupies  
15 a mix of City and State property and was created  
16 through state legislation, the Hudson River Park Act  
17 in 1998. As provided in the Act, Hudson River Park is  
18 a joint venture between the state and City of New  
19 York with a unique operating framework. The Act also  
20 created the Trust as the New York State Public  
21 Authority to design, construct and maintain the park.  
22 The Trust is governed by a 13-member board with  
23 members appointed by the Governor, the Mayor and the  
24 Borough President. The park has provided  
25 extraordinary benefits to New York City as a whole,

1 both for people who live and work here and for the  
2 City's tax base. According to the study by the  
3 Regional Planning Association, from 2000 to 2014, the  
4 park's adjacent neighborhood grew by 54 percent with  
5 a 66 percent increase in the youth population, and a  
6 112 percent increase in the senior population. In  
7 contrast, the youth population throughout the rest of  
8 Manhattan actually declined during the same period.  
9 Hudson River Park also directly generates more than  
10 3,000 fulltime jobs and part-time jobs, a figure that  
11 is estimated to grow to approximately 5,000 jobs in  
12 the next few years, and the park attracts people from  
13 all over the five boroughs. Hudson River Park  
14 delivers over 100 different free public programs each  
15 season attracting over 100,000 people. Our  
16 Environmental Education Program, one of the best in  
17 the City, teaches over 27,000 kids, including 295  
18 public school classes and 140 camps. Eighty-five  
19 percent of the kids who attend are from Title I  
20 schools, and 75 percent of the students receive free  
21 or reduced-cost lunches. However, as contemplated by  
22 the Hudson River Park Act, neither the city nor state  
23 provide direct operating support for the park's  
24 maintenance and operation. Instead, the trust has  
25

1  
2 achieved the legislative goal of being financially  
3 self-sufficient to the extent practicable by  
4 generating revenue from a combination of leases on  
5 several designated commercial piers, such as Chelsea  
6 Piers and Circle Lime [sic] as well from concessions,  
7 permits, fees, donations and other sources. And the  
8 park is currently approximately 77 percent complete  
9 or in progress in construction. To date, capital  
10 construction funding has come principally from a  
11 combination of city, state and federal sources. In  
12 recent years has not been sufficient to cover  
13 increasing capital maintenance cost for legacy  
14 infrastructure like Pier 40 and the park's bulkhead,  
15 which has consumed over 30 percent of the park's  
16 self-generated revenue and was not considered when  
17 the Act was passed. In fact, Hudson River Park is  
18 responsible for the entire historic bulkhead running  
19 the four miles. Over the years, much of the bulkhead  
20 had to be replaced or significantly repaired. In  
21 fact, we are currently engineering a bulkhead repair  
22 from Morton to Christopher Street which will cost the  
23 park up to 14 million dollars. To date, monies to  
24 make capital maintenance repairs have come from  
25 whatever capital we receive from city and state or

1 from our limited reserves which have been dwindling  
2 given the need to repair old infrastructure. As a  
3 result, the pace of park completion has slowed. In  
4 part, to address this issue, the state legislature  
5 amended the Act in 2013 to allow for the transfer of  
6 development rights from Hudson River Park to sites  
7 located one block east of the park to the extent  
8 designated and permitted under local zoning. Based  
9 on the legislation, without a local zoning action,  
10 the trust actually does not have a mechanism to  
11 transfer development rights off site. Only a handful  
12 of piers have the ability to transfer development  
13 rights. Pier 40 is one of them and is the only pier  
14 that would be affected by the current proposals in  
15 ULURP today. Pier 40 is the largest property in the  
16 park at almost 15 acres and is home to athletic  
17 fields, administrative and maintenance facilities of  
18 the Trust, a commercial parking garage, and excursion  
19 vessels. The ball fields are open and permitted  
20 every day seven days a week from 7:00 a.m. to 12:30  
21 a.m. and receive approximately 260,000 visits each  
22 year by children and adults from all over New York  
23 City as well as the local community. Historically,  
24 Pier 40 generated approximately 40 percent of the  
25



1 park's income, but that revenue has declined as a  
2 result of Pier 40's very poor condition and a legacy  
3 of deferred maintenance prior to the park's creation.  
4 While the trust has made essential repairs to  
5 sections of the roof and several other infrastructure  
6 element totaling nearly 20 million dollars plus  
7 additional repairs as a result of Sandy, over 14  
8 million dollars. It cannot afford to repair the  
9 3,500 steel piles that support the pier. In March  
10 2015, an independent engineering firm estimated the  
11 cost of these pile repairs at 104.6-- 104.6 million  
12 dollars. As a designated park commercial pier under  
13 the Act, Pier 40 is intended to be developed  
14 privately. The Trust has twice issued RFP's for this  
15 purpose, but the RFP's have failed in large measure  
16 because of the high cost of addressing Pier 40's  
17 piles, generated intense development plans that could  
18 not achieve community support. The Trust has now  
19 negotiated a sales price of 100 million dollars with  
20 550 Washington Street pursuant to a memorandum of  
21 understanding with the developer which contemplates  
22 the transfer of the development rights pursuant to a  
23 separate purchase and sale agreement setting for the  
24 terms of payment. The sales price was informed by an  
25

1 independent appraisal. If ULURP is approved by the  
2 City Council, the Trust Board will then vote on  
3 December 15<sup>th</sup> on whether to approve the purchase and  
4 sale agreement and authorize the transfer of 200,000  
5 square feet of development rights from Pier 40 to 550  
6 Washington Street. Within 30 days of the Trust vote,  
7 the developers obligated to either execute the  
8 purchase and sale agreement and make a deposit  
9 payment in the amount of 35 million dollars in  
10 addition to the five million dollars that is already  
11 in escrow since certification, or forfeit up to  
12 million dollars of the five million dollar deposit.  
13 If the purchase and sale agreement is executed, the  
14 closing may occur up to 150 days after the article 78  
15 [sic] period has expired, at which point the 40  
16 million dollar deposit payment is released from  
17 escrow to the trust, and the 60 million dollar  
18 balance of the purchase price is paid by promissory  
19 notes that are due at the rate of 20 million dollars  
20 each year after closing for the next three years or  
21 through the third anniversary of the closing date.  
22 Because of the need to repair the piles as soon as  
23 possible in order to keep the pier and the ball  
24 fields open to the public upon certification, the  
25

1 developer placed five million dollars in escrow of  
2 which up to one million dollars is available to the  
3 trust towards design of the pile repairs. This  
4 effort has already begun. The repair methodology  
5 consists of applying an outer concrete jacket over a  
6 deteriorated steel pile and reinforcing most piles  
7 with rebar to restore the pile's structural capacity.  
8 It will take approximately four to five years to  
9 complete pile restoration since most work is done by  
10 divers in the water. Courtyard fields are not  
11 expected to be impacted, other than the need for  
12 access along the edges. Fixing the infrastructure is  
13 the first step to keeping the pier open. The  
14 community-based has also asked the trust to start  
15 discussions with them regarding a future  
16 redevelopment plan, understanding that the existing  
17 building has lived past its useful life. The  
18 importance of Pier 40's ball fields cannot be  
19 overstated, but the pier also needs to generate  
20 sufficient revenue to help sustain the park for the  
21 long term. In the recommendations related to the  
22 current ULURP applications, Community Board Two and  
23 the Borough President have requested that the trust  
24 be prohibited from selling any additional air rights  
25

1 within Community Board Two if the current proposals  
2 ae approved. The Trust believes that because any  
3 future air rights transfer would need to go through  
4 its own separate ULURP process, it is unnecessary to  
5 embargo the trust from selling any air rights in the  
6 future within CB2. If the Trust can successfully  
7 redevelop the pier, it will likely need and use all  
8 of its remaining development rights from Pier 40 on  
9 the pier itself. We've also pledge in our working  
10 with the Community Board and pledged to work with all  
11 elected officials on parameters for a redevelopment  
12 plan which will embrace the ball fields and public  
13 open space. Thank you to all of you on behalf of the  
14 Park, and I also want to thank all the people who  
15 came out today to support Pier 40 and the park who  
16 are missing their work days today. Thank you very  
17 much.

18  
19 CHAIRPERSON RICHARDS: Thank you. City  
20 Planning?

21 CAROLINA HALL: Good morning.

22 CHAIRPERSON RICHARDS: Hit your button.

23 CAROLINA HALL: Good morning.

24 CHAIRPERSON RICHARDS: Good morning.  
25

1  
2 CAROLINA HALL: Good morning, Council  
3 Members. My name is Carolina Hall. I'm from the  
4 Department of City Planning. The Department is  
5 proposing a Zoning Text Amendment to establish the  
6 Special Hudson River Park District. There are two  
7 concurrent applications being presented this morning,  
8 the text amendment by City Planning and application  
9 by the private applicant for action to develop the  
10 Saint John's Center site. The developer team will  
11 present its application and proposal. Just to  
12 quickly introduce the project area, Pier 40 and Saint  
13 John's Center located across West Street from one  
14 another at the intersection of West Houston Street  
15 near the Hudson Square neighborhood which is  
16 immediately to the east. This aerial image shows the  
17 two sites bounded by West Street running between  
18 them, Washington Street on the east side of Saint  
19 John's Center with West Houston Street that actually  
20 cuts through Saint Johns. Nearby major streets also  
21 include Canal Street, Hudson Street and Varick  
22 Street. The West Village is just to the north.  
23 Tribeca is to the south of Canal Street, and again,  
24 Hudson Square is to the east. This map provides some  
25 additional context. Pier 50 is outlined in blue and

1 the Saint John's Center is outlined in red. Pier 40  
2 is located in the Hudson River at West Street and  
3 West Houston Street. According to a survey by the  
4 Trust, the zoning lot is currently constructed with  
5 two stories and 761,924 square feet of floor area;  
6 583,204 square feet are unused. The Saint John's  
7 Center or terminal site at 550 Washington Street is  
8 to the east of Pier 40. The 196,000 square foot is  
9 bounded by Clarkson, West Washington Street with the  
10 Spring Street garage just to the south. The single  
11 zoning lot is bisected by West Houston Street and  
12 mapped an active street. The existing four-story  
13 building was constructed in the 1930's. In the  
14 surrounding area, residential uses are concentrated  
15 in the West village in Tribeca and manly row houses,  
16 apartment buildings, converted manufacturing  
17 buildings, a 12-story residential using is being  
18 constructed on the block north of Clarkson Street  
19 just north of Saint John's. While Hudson Square  
20 continue to see a rise in residential development, it  
21 is dominated by commercial and office uses, occupying  
22 its former manufacturing building. Ground floor  
23 retail lines many of the main corridors including  
24 Christopher Street, Hudson and Canal Street. Some  
25

1  
2 manufacturing uses are still active on surrounding  
3 blocks around Saint John's. UPS operates a  
4 distribution facility across Washington Street.  
5 Federal Express has two such facilities on just north  
6 of Clarkson Street. Again, the Spring Street  
7 sanitation garage abuts Saint John's to the south.  
8 The nearest subway line is a one-line Houston Street  
9 Subway Station. There are several bus lines and the  
10 water taxi service from Christopher Street Pier. The  
11 Hudson River Greenway bicycle route extends the  
12 length of Manhattan's west side and the entrance to  
13 the Holland Tunnel is located near Hudson and Canal  
14 Street. Although this map illustrates the districts  
15 that are being proposed by the private applicant, the  
16 Saint John's Center currently mapped and  
17 manufacturing district M24 and M15. Both districts  
18 permit five FAR of commercial manufacturing uses.  
19 There is no height restriction in these districts,  
20 and M23 is mapped over Pier 40, M23 permits to FAR,  
21 and that district extends along the Hudson River to  
22 the north and south. The 2013 special Hudson Square  
23 District is mapped over several blocks east of the  
24 development site and south to Canal Street. The  
25 district permits residential, commercial

2 manufacturing uses up to 10 FAR for most uses and 12  
3 FAR with inclusionary housing. Street walls are  
4 permitted to high between 125 and 150 feet, and  
5 buildings can be up to 290 feet on wide streets. At  
6 Sixth Avenue and Canal Street at 42 [sic] square the  
7 maximum height is 450 feet. The Department of City  
8 Planning is proposing a text amendment to the zoning  
9 resolution to create the special Hudson River Park  
10 district which would encompass Pier 40 as a granting  
11 site and Saint John's Center as the receiving site.  
12 These are the only two sites proposed to be included  
13 in the special district. No other floor area  
14 transfer is being enabled by this text amendment. The  
15 objectives of the Special Hudson River Park District  
16 are to facilitate the repair and rehabilitation,  
17 maintenance and development of the park through the  
18 transfer of development rights within the Special  
19 Hudson River Park District, and on the receiving  
20 side, to promote a range of uses that complements  
21 Hudson River Park and to serve residents of varied  
22 income levels. Even with the establishment of the  
23 district the private applicant must separately seek  
24 the special permit to transfer floor area from Pier  
25 40 to Saint John's. The transfer is not being



1 permitted as-of-right. Among the requirements of the  
2 special permit is a letter from the Hudson River Park  
3 Trust identifying improvements and stating that the  
4 funds associated with the transfer of floor area in  
5 addition to any other funds are sufficient to  
6 complete the identified improvements. Conditions of  
7 the application include that the transferred floor  
8 area be no greater than 20 percent of the underlying  
9 floor area permitted on the receiving site, and in  
10 order to ensure an equitable distribution of  
11 development sites and park improvements, they must be  
12 in the same community district or within one-half  
13 mile of one another. Any housing on the receiving  
14 site must be provided in accordance with mandatory  
15 inclusionary housing. The text is also structured to  
16 ensure that any zoning map change on the receiving  
17 site. It's only effective with the special permit,  
18 that if any proposal for zoning districts that  
19 introduce greater FAR or new uses on the receiving  
20 site apply only with the special permit; otherwise,  
21 the site is restricted to the manufacturing zoning  
22 districts that apply today. The grant of the special  
23 permit is contingent on a set of findings with  
24 respect to the furtherance [sic] of the Hudson River  
25

1 Park's repair maintenance and development, and on the  
2 receiving site an improved site plan and building  
3 design, complementary uses, provision of light and  
4 air to surrounding streets, the appropriateness of  
5 bulk modifications in relation to park improvements,  
6 and the ability of the project to support the  
7 objectives of the Inclusionary Housing Program. The  
8 Special Hudson River Park District also creates two  
9 chairperson certifications to ensure that no building  
10 permits or certificates of occupancy can be issued  
11 until the chair has certified that the site owner and  
12 trust have executed a payment schedule and that  
13 payments are maintained in accordance with that  
14 schedule. Following this presentation the developer  
15 team will present their proposal for the development  
16 of Saint John's and the associated actions. Thank  
17 you.

18  
19 CHAIRPERSON RICHARDS: Thank you both for  
20 your testimony, and I guess I'll start off with  
21 questions to Madelyn. So, can you just speak to, and  
22 I think you talked about in your testimony-- so,  
23 obviously I think there's a request for 100 million  
24 dollars here to really do a lot more work on the  
25 pier. Can you speak to how did you arrive at

1 prioritizing the pilings, in particular, as a  
2 priority--  
3

4 MADELYN WILS: [interposing] Yes.

5 CHAIRPERSON RICHARDS: in particular for  
6 this project. And I guess before that, can you just  
7 speak to where are we at now? So, if we did nothing  
8 right now, if we disapprove this application, what  
9 would be the scenario for funding for this particular  
10 park?

11 COUNCIL MEMBER WILLS: Well, the  
12 situation at Pier 40 is dire. When CH2M, which is a  
13 very large engineering firm, inspected the pier in  
14 2000-- late 2013, early 2014, they said that the load  
15 capacity was at the minimum required for public  
16 assembly, and public assembly is 100 pounds per  
17 square foot. So, what that means is that any further  
18 deterioration of the piles would mean that basically  
19 the pier would have to close which means the ball  
20 fields, the trust offices, parking garage; that would  
21 be very dire for not just the community but for the  
22 park itself, because the park, all of our operations  
23 are there and revenue needed comes from there. So,  
24 there hasn't-- because Pier 40 has not been  
25 redeveloped as what was in the Hudson River Park Act,

1  
2 there has been a reluctance to give money to the park  
3 to fix Pier 40.

4 CHAIRPERSON RICHARDS: and I'm assuming  
5 this area was impacted by Hurricane Sandy, correct?

6 MADELYN WILS: The Park was 100 percent  
7 under water.

8 CHAIRPERSON RICHARDS: Right.

9 MADELYN WILS: After Hurricane Sandy we  
10 have 40 million dollars' worth of damage.

11 CHAIRPERSON RICHARDS: How much?

12 MADELYN WILS: Forty million dollars.

13 CHAIRPERSON RICHARDS: Forty million.

14 MADELYN WILS: Which the Trust had to  
15 front. We are very slowly getting that back, but  
16 it's slow.

17 CHAIRPERSON RICHARDS: Let me ask you a  
18 question on that. So, I know-- and I represent the  
19 Rockaways, in particular--

20 MADELYN WILS: [interposing] Yes.

21 CHAIRPERSON RICHARDS: so there was FEMA  
22 dollars out there, and I don't know if you have the  
23 answer to this question, but is this an area that in  
24 particular your organization looked to the State and  
25 the City for assistance on? Because I would assume

2   that the bulkheads, in particular, the park, sort of  
3   serves as some sort of remediation in a sense to  
4   climate change and to flooding. So was there any talk  
5   or discussion with the City or State in tapping into  
6   some of that, those dollars.

7                   MADELYN WILS: Well, we have-- we are--  
8   we expect 90 percent of return, or I would say  
9   probably 88 percent of the money returned from FEMA.  
10   Eventually with the other 10 percent coming from the  
11   state. It's very slow getting this. I think we have  
12   less than 10 million thus far. It's a fulltime job  
13   for about three people in our office to be able to  
14   get through this paperwork, but we expect over the  
15   next few years to finally close this out and be  
16   reimbursed.

17                  CHAIRPERSON RICHARDS: So, the full 40  
18   million will be covered by FEMA.

19                  MADELYN WILS: Yeah, probably about 37 or  
20   38.

21                  CHAIRPERSON RICHARDS: Thirty-eight,  
22   okay.

23                  MADELYN WILS: There'll be some  
24   disqualified money, yeah.

1  
2 CHAIRPERSON RICHARDS: Okay, good to know  
3 that.

4 MADELYN WILS: Yes. But it is true, I  
5 mean, I know this sounds silly, but the park is  
6 responsible basically for holding up the west side of  
7 Manhattan, and I don't think anybody realized that  
8 when the park was created, that a park with very  
9 little revenue or very little resources would be  
10 responsible for that.

11 CHAIRPERSON RICHARDS: And you identified  
12 the pilings. So did you work in--

13 MADELYN WILS: [interposing] The most--

14 CHAIRPERSON RICHARDS: with the Community  
15 Board, and how did that sort of play out?

16 MADELYN WILS: No, because the first  
17 thing is to keep the pier open.

18 CHAIRPERSON RICHARDS: Okay.

19 MADELYN WILS: And in order to keep the  
20 pier open, we have to repair the piles so that  
21 there's load, enough load for public assembly.  
22 Without that, the pier has to close. So, that's the  
23 basic thing. We have to keep the pier open and then  
24 worry about the rest of the--

2 CHAIRPERSON RICHARDS: [interposing] And  
3 then I think your testimony you alluded to the  
4 engineering company said that I think there's 104  
5 million--

6 MADELYN WILS: [interposing] Yes.

7 CHAIRPERSON RICHARDS: in needs.

8 MADELYN WILS: Yes.

9 CHAIRPERSON RICHARDS: So, the question  
10 is, is a 100 million dollars enough here--

11 MADELYN WILS: [interposing] We were a--

12 CHAIRPERSON RICHARDS: since the--

13 MADELYN WILS: [interposing] Sorry. We  
14 were able to get 5.5 million dollar contribution from  
15 another developer close by, so that will go towards  
16 what we need at Pier 40.

17 CHAIRPERSON RICHARDS: And you don't have  
18 any plans on working with them on air rights?

19 MADELYN WILS: No, they're--

20 CHAIRPERSON RICHARDS: [interposing] Okay.

21 MADELYN WILS: They're building a 12-  
22 story building as you've heard.

23 CHAIRPERSON RICHARDS: Okay.

24 MADELYN WILS: Yes.  
25

2 CHAIRPERSON RICHARDS: Alright. I'm  
3 going to go to City Planning quick. So, can you just  
4 speak to the air rights scenario and the boundaries  
5 of transfer and how can we ensure that these air  
6 rights aren't transferred elsewhere else in Community  
7 Board Two?

8 CAROLINA HALL: Sure.

9 CHAIRPERSON RICHARDS: I think that's a  
10 major concern for this community. We've heard from  
11 Council Member Johnson on this. So, there's a major  
12 concern that this does not open up Pandora's Box, you  
13 know. So can you speak to the process and scenarios  
14 of transferring these air rights?

15 CAROLINA HALL: Course. So, the action  
16 that the-- that City Planning is proposing that is  
17 before you now, this is the text map from the actual  
18 zoning language that's been prepared, and the text  
19 map reflects the extent of the Special Hudson River  
20 Park District and it includes only two properties.  
21 It includes Pier 40 and the St. John's Center. So,  
22 those are the only two properties that are eligible  
23 to both send and receive development rights.

24

25



1  
2 CHAIRPERSON RICHARDS: And under any  
3 other scenario, let's just play devil's advocate  
4 here, they would have to obtain a special permit.

5 CAROLINA HALL: That's right. So, if any  
6 other property and any other portion of the park were  
7 to be mapped in the special district in order to  
8 transfer floor area, that would require a text  
9 amendment and a special permit just as being proposed  
10 here, and that would be a full ULURP subject to  
11 complete public review.

12 CHAIRPERSON RICHARDS: Okay. I'm going to  
13 go to Council Member Johnson for questions now.

14 COUNCIL MEMBER JOHNSON: Thank you, Chair  
15 Richards. Thank you to City Planning and to the  
16 Trust for being here today and for your testimony. I  
17 want to start with City Planning and ask if you could  
18 describe the logic of the boundaries that the  
19 Department has used to propose the transfer district.  
20 Why not limit air rights transfers to a smaller  
21 geographic area like a quarter of a mile from Pier  
22 40? Why was it throughout Community Board Two?

23 CAROLINA HALL: So, the state legislation  
24 that was adopted in 2013 that amends the Hudson River  
25 Park Act is the enabling legislation that allows or

1 that contemplates the transfer of floor area from the  
2 park to properties within one block of the border of  
3 the park to the extent permitted by local zoning law.  
4 The zoning text amendment that's being proposed today  
5 is legislation that will limit that geography just to  
6 Pier 40 and just to Saint John's. So, the geography  
7 is in fact very, very limited. The text that a  
8 company's-- the text map that's currently shown does  
9 require that any future transfers be limited to-- or  
10 that the granting and receiving sites be within one  
11 half mile or the same community district, and that is  
12 consistent with the approach that's been taken for  
13 other granting and receiving site mechanisms, but in  
14 this instance, all that's being proposed is the  
15 mapping of Pier 40 and St. John Center. No other  
16 transfers would be enabled today.

18 COUNCIL MEMBER JOHNSON: To the Trust,  
19 how many-- after the 200,000 square feet of air  
20 rights is sold to the private applicant and  
21 transferred across West Street to the site that we're  
22 talking about, how many air rights would be left at  
23 Pier 40, unused air rights?

24 MADELYN WILS: There would be 383,000  
25 square feet of unused development rights.

1  
2 COUNCIL MEMBER JOHNSON: Three hundred  
3 and eighty-three thousand?

4 MADELYN WILS: Yes.

5 COUNCIL MEMBER JOHNSON: And with that  
6 383,000, if there was a future plan, which is further  
7 down the line, to redevelop Pier 40 and not just look  
8 at the piles and the emergency repairs that we've  
9 talked about, but to actually do a redevelopment  
10 which hasn't been possible in the past. How many of  
11 those development rights would or could potentially  
12 be used through a future redevelopment?

13 MADELYN WILS: We believe you could use  
14 all the development rights on Pier 40. It's almost  
15 15 acres. It's a very large site. So, I'm not  
16 suggesting that you would put one story on the  
17 facility, because there's many different things that  
18 one could think of about how to mask Pier 40, but one  
19 story on all of Pier 40, only one story would be  
20 319,000 square feet. So, in fact, I think it'd be  
21 fairly easy to use the remaining development rights  
22 on Pier 40.

23 COUNCIL MEMBER JOHNSON: But the issue  
24 with that is that is unlikely to happen unless the  
25 Act was changed in some way to allow commercial

1 office space or other things at the pier which  
2 currently is not allowed?

3  
4 MADELYN WILS: Correct. So, the first two  
5 RFP's over the last 15 years on Pier 40 were for  
6 retail and entertainment complexes because that's  
7 what's allowed in the Hudson River Park Act, and  
8 those types of uses have impacts on the community  
9 that the community did not want, and that became  
10 evident. In talking with the community over the last  
11 several years and discussing what kind of development  
12 would be appropriate on the pier, Community Board  
13 Two, the community and Community Board Two in their  
14 resolution supported office use on Pier 40. To have  
15 office use on Pier 40, the Hudson River Park Act  
16 would have to be amended to allow for that.

17 COUNCIL MEMBER JOHNSON: So, I just want  
18 to be clear, there have been, you know, press article  
19 and some agitation, and you, Madelyn, even testified  
20 today that you don't believe that future air rights  
21 transfers should be limited or eliminated as we  
22 contemplate this action. I've taken the position that  
23 you all are going to hopefully get an enormous  
24 infusion of funds for emergency pile repairs, but  
25 that it's my belief that air rights transfers is not

1 the cure-all solution to fixing the pier overall and  
2 redeveloping it. So, I just want to say that what  
3 you just told me was that the 383,000 square feet of  
4 development rights that are available at Pier 40, you  
5 could actually use that on Pier 40?

7 MADELYN WILS: We believe so, yes.

8 COUNCIL MEMBER JOHNSON: So, you may not  
9 need to transfer to additional places in the  
10 community if you're able to move forward with a  
11 development plan on Pier 40.

12 MADELYN WILS: That's correct.

13 COUNCIL MEMBER JOHNSON: And I know it's  
14 a little early to talk about this because it would  
15 require the change in state legislation and the  
16 community and all the other elected officials to  
17 participate in a process, but the preference would be  
18 to redevelop Pier 40 and not to use air rights  
19 transfers to supplement emergency capital repairs at  
20 Pier 40, correct?

21 MADELYN WILS: That would absolutely be  
22 the preference. The preference would be to have Pier  
23 40 as a self-sustaining project that the Trust would  
24 no longer have to invest its precious resources into  
25 that would be able to afford the community with the

1 public open spaces desired as well as being a project  
2 that would continue to give annual revenue to the  
3 trust on a recurring basis and that the trust would  
4 not have to worry about it in the future. I think it  
5 could be a win/win for everyone.

7 COUNCIL MEMBER JOHNSON: SO, again, I  
8 don't want to get too far afield because I want to be  
9 respectful that there are, as we talk about this  
10 conceptually, the state legislature has the ultimate  
11 authority over what happens with the future of the  
12 Acct. but I would say that if that is contemplated  
13 down the line whether it be a year from now or two  
14 years from now, however long, that he hope would be  
15 to do an RFP for Pier 40 to use the remaining  
16 development rights to redevelop the pier, and that  
17 whoever likely one that RFP would be bearing the cost  
18 of full redevelopment of the pier. So, ultimately  
19 the Trust wouldn't be laying out money. We wouldn't  
20 have to do future air rights transfers, and that is  
21 the way to hopefully get pier 40 in a good place. Is  
22 that accurate?

23 MADELYN WILS: Very accurate, yeah.

24 COUNCIL MEMBER JOHNSON: Okay. So, you  
25 told Chair Richards that there are about 40 million

1                   dollars' worth of repairs associated with the Sandy,  
2                   that's correct?

3                   MADELYN WILS: Yeah.

4                   CHAIRPERSON RICHARDS: So, what is the  
5                   Trusts current capital reserve currently? What's in  
6                   your capital reserves?  
7

8                   MADELYN WILS: We have about 20 million  
9                   left in that capital reserve.

10                  COUNCIL MEMBER JOHNSON: Twenty million  
11                  in your capital reserves, and the cost of the pilings  
12                  of 104.6 million dollars.

13                  MADELYN WILS: correct.

14                  COUNCIL MEMBER JOHNSON: And the Morton  
15                  Street bulkhead which is just a couple blocks north  
16                  of Pier 40 which collapsed without anyone expecting  
17                  it was going to, which was an emergency repair, how  
18                  much is that going to cost the Trust?

19                  MADELYN WILS: We've budgeted 14 million  
20                  dollars.

21                  COUNCIL MEMBER JOHNSON: Fourteen million  
22                  dollars.

23                  MADELYN WILS: correct.

24                  COUNCIL MEMBER JOHNSON: That's a lot of  
25                  money.

2 MADELYN WILS: This is not, I think-- I  
3 believe that this was not the intention of the Act to  
4 have the park be responsible for all of this  
5 infrastructure, but that's what's happening.

6 COUNCIL MEMBER JOHNSON: What is the  
7 annual revenue that comes in to the Trust?

8 MADELYN WILS: Well, we budgeted 21  
9 million. I think we've done a little bit better than  
10 that this year.

11 COUNCIL MEMBER JOHNSON: Twenty-one  
12 million.

13 MADELYN WILS: Yes.

14 COUNCIL MEMBER JOHNSON: Okay. So,  
15 projected, when do you think that 20 million dollars  
16 in capital reserves will be depleted?

17 MADELYN WILS: We could deplete that very  
18 quickly, but what we have been doing, and I alluded  
19 to this in my testimony is that whatever capital that  
20 we've been getting from the state, including new  
21 parts, we are now putting towards the Morton Street  
22 bulkhead, and there were other infrastructure  
23 projects in the park. There's a lot of capital  
24 maintenance in the park.

25 COUNCIL MEMBER JOHNSON: Okay.



1  
2           MADELYN WILS: So it'-- so we're using  
3 partially our reserves, but because we've used so  
4 much of that on Sandy already and it's not reimbursed  
5 yet. We've been using capital that we would have  
6 liked to have used towards building out new park.

7           COUNCIL MEMBER JOHNSON: So, I'm just  
8 trying to provide a little context for the public,  
9 for my colleague for the folks who are of course  
10 interested in what's happening here. The park runs.  
11 It's a four mile park. It runs from Chambers Street  
12 up to 59<sup>th</sup> Street on the west side of West Street.  
13 There are Signiant sections of the park which have  
14 yet to be built out, most significantly in the  
15 northern Chelsea section and in the Hell's kitchen  
16 session.

17           MADELYN WILS: Yes.

18           COUNCIL MEMBER JOHNSON: And the cost to  
19 build out the park in those sections is in the range  
20 of hundreds of millions of dollars.

21           MADELYN WILS: About 250 million.

22           COUNCIL MEMBER JOHNSON: Two hundred and  
23 50 million dollars. So the trust is 20 million  
24 dollars in reserves, brings in 21 million dollars  
25 annually or a little more than that, has a 105

2 million dollar bill for pile repairs at Pier 40, has  
3 things like bulkheads which are collapsing which ends  
4 up costing 14 million dollars, and right now, at Pier  
5 40 because the building is crumbling, significant  
6 parts of Pier 40 have been closed down in the past,  
7 and the parking at Pier 40 currently generates 40  
8 percent of the revenue about for the entire park?

9                   MADELYN WILS: It used to. It's only  
10 generating at this point about 25 percent, maybe  
11 about a little more than 25 percent of the revenue.

12                  COUNCIL MEMBER JOHNSON: So, one in four  
13 dollars for the entire park from Chambers Street to  
14 59<sup>th</sup> Street is generated by parking at Pier 40?

15                  MADELYN WILS: Yes.

16                  COUNCIL MEMBER JOHNSON: And Pier 40's  
17 not in good shape.

18                  MADELYN WILS: Correct.

19                  COUNCIL MEMBER JOHNSON: So, I ask all of  
20 that to provide context to then get to the payment  
21 that we're talking about today. The purchase and  
22 sale agreement as you laid out in your testimony  
23 before this committee today talked about the  
24 sequencing and how it works as currently proposed.  
25 In my-- we're going to hear the applicant after you,

1 but my major, major concern is that this legislation,  
2 the Act was amended for this real sole purpose which  
3 is to try to take care of Pier 40. That's why the  
4 state legislature did that in 2013. It's why air  
5 rights were never available before to be transferred,  
6 and it's why this action was taken, correct?

8 MADELYN WILS: Yes.

9 COUNCIL MEMBER JOHNSON: Okay. So if we  
10 have spent-- when that happened in 2013 I wasn't in  
11 the council. If we had spent three and a half years  
12 contemplating the future of Pier 40 and talking about  
13 this, and today after Community Board review, Borough  
14 President Review, City Planning Commissioner review,  
15 we're here today three and a half years later to do  
16 this. The real reason is to fix the pilings.

17 MADELYN WILS: Yes.

18 COUNCIL MEMBER JOHNSON: Okay. And  
19 that's why the hundred million dollars is going to be  
20 transferred.

21 MADELYN WILS: Correct.

22 COUNCIL MEMBER JOHNSON: Okay. So I am  
23 scared, and I want to understand how exactly we  
24 ensure that the money is given to the park, and I  
25 want it to be air tight. I don't want us, you know,

1 the economy falls in the next eight months and the  
2 developer decides not to pull a permit, and the, you  
3 know, 40 million dollars which is supposed to go into  
4 escrow as you talked about which would become  
5 available after an article 78 period, after the ULURP  
6 happens, and then three 20 million dollar payments  
7 which gets us 60 million dollars in the three out-  
8 year, gets us to 100 million-- where are there holes  
9 currently in that process? Because I don't want to  
10 have spent three and a half years contemplating this.  
11 You know, my hair's falling out from the Pier 40  
12 deal, and I don't want us to do all this and to go  
13 through this entire process, and then, oops, you  
14 know, something happened and we're not getting a  
15 hundred million dollars. Like, that can't happen for  
16 you, for me, for the community, for anyone, and that  
17 is my major fear in all of this, especially if things  
18 have gotten slightly more shaky recently. So can you  
19 talk about where there are current holes or where you  
20 have fear and where the Trust is potentially  
21 vulnerable in this process?

23 MADELYN WILS: The Trust is vulnerable  
24 between the time that the City Council has its final  
25 vote and the time in which the PSA is signed. Our

1 board will vote the day after, now, the City Council  
2 vote. Then the developer has 30 days, up to 30 days  
3 to sign, and if they don't sign they forfeit very  
4 little money, a million dollars. And so that is a  
5 cause of concern particularly at this point in the  
6 deal. The other point of concern is that if we're  
7 past the Article 78 period, there is nothing that  
8 forces the developer to pull its special permit and  
9 close on the deal, that they would have to forfeit  
10 the 40 million dollars that would be in escrow at  
11 that point, but they would not have to pay on the 60  
12 million dollars. So, even if they didn't pull a  
13 permit, the ULURP will lift and conclude it, and  
14 Trust may not get the 60 million dollars.

16 COUNCIL MEMBER JOHNSON: Well, that's a  
17 very big concern. We're doing all of this. We've  
18 done all of this. We're here today for 100 million  
19 dollars. And so for me to hear that there are  
20 potential vulnerabilities in achieving that 100  
21 million dollars is extremely concerning to me. I have  
22 been having conversations with the applicant to  
23 figure out a way to tighten this and to ensure that  
24 the money is guaranteed. We're exploring the  
25 legalities and how to best do that. We're going to

2   hear from them on their overall site plan, and then  
3   I'll get into questions about this with them, but  
4   from hearing what you just said, it sounds like if  
5   the money was put in escrow before the Council voted  
6   and the Council voted in favor of this application,  
7   then the Trust Board voted in favor of the purchase  
8   of then the article 78 period, which is the time that  
9   someone who had standing could bring a challenge to  
10  this land use action, when that expires after four  
11  months, 120 days, at the end of that as currently  
12  contemplated, the Trust would get 40 million dollars.  
13  It currently has five million dollars in escrow.  
14  There would be an additional 35 million dollars. You  
15  would get that 40 million dollars at the end of that  
16  period.

17                   MADELYN WILS:   Yes.

18                   COUNCIL MEMBER JOHNSON:   But the 60  
19  million dollars, right now the infusion doesn't  
20  happen until they close on the property.

21                   MADELYN WILS:   Correct.

22                   COUNCIL MEMBER JOHNSON:   They close on  
23  the sale. So the closing, as currently contemplated,  
24  means what exactly? What does closing mean?

2                   MADELYN WILS:   Closing basically means  
3   that they close on all the transfer documents for  
4   this sale and likely are also putting together their  
5   financing for the project that they will be doing  
6   first.

7                   COUNCIL MEMBER JOHNSON:   What if they at  
8   the end of the article 78 period, you have your 40  
9   million dollars, they decide not to close?

10                  MADELYN WILS:   Then we have a problem.

11                  COUNCIL MEMBER JOHNSON:   Well, that's a  
12   big problem, because no one can force someone to  
13   close.

14                  MADELYN WILS:   Correct.

15                  COUNCIL MEMBER JOHNSON:   Okay.  So, I'll  
16   ask the developer more about this, the applicant more  
17   about this, but I want everyone to fully understand  
18   what we're dealing with here, because the whole  
19   reason why we're doing this is to get the 100 million  
20   dollars and I don't want any holes or vulnerabilities  
21   in our ability in doing that.  Just a question for  
22   City Planning, and then I'll turn it back to you.  
23   Chair, thank you for being patient with me.  So,  
24   right now the way the text is written, the applicant  
25   cannot begin on their project until they pull the

2 special permit, and when they pull the special  
3 permit, the money and the timeline on the money sort  
4 of has to begin, and it starts, and the infusion  
5 starts. Is that correct.

6                   CAROLINA HALL: The text stipulates that  
7 he Chairperson must certify. At the time that the  
8 developer pulls building permits or pulls temporary  
9 certificate of occupancy, the chairperson of the City  
10 Planning Commission must certify that the payment  
11 agreed to by the trust and the developer is being  
12 complied with.

13                   COUNCIL MEMBER JOHNSON: And again we're  
14 going to hear about this when the applicant comes up,  
15 but if for some reason the applicant decided to move  
16 forward sort of only partially with this plan, and  
17 what I mean by that is, say if they wanted to move  
18 forward on the northern section on the site, but on  
19 the center and cell sections of the site, they wanted  
20 to do an as-of-right commercial manufacturing  
21 adaptive re-use, they'd still have to pay 100 million  
22 dollars. But if they wanted to do that, they could  
23 pull an as-of-right building permit for the south and  
24 center sites.



2 CAROLINA HALL: That's right. There's  
3 nothing in the text that obligates the special permit  
4 development. The developer maintains the ability to  
5 build an as-of-right project.

6 COUNCIL MEMBER JOHNSON: And if they  
7 pulled a permit, a DOB permit on the center and south  
8 sites, and not the special permit for this whole  
9 action we're talking about today and which we're  
10 going to see, that would not begin the payment  
11 schedule that we talked about.

12 CAROLINA HALL: That's right. An as-of-  
13 right project does not obligate payment.

14 COUNCIL MEMBER JOHNSON: Because it's as-  
15 of-right they have legal rights to do an as-of-right  
16 project.

17 CAROLINA HALL: That's correct.

18 COUNCIL MEMBER JOHNSON: So, if they  
19 wanted to sequence this project to do the center and  
20 south sites first and do an adaptive re-use on the  
21 center and south sites and pull an as-of-right DOB  
22 permit, and then hold on pulling a special permit for  
23 the north site as contemplated, as we're talking  
24 about. The money schedule wouldn't start.

2 CAROLINA HALL: There is no requirement  
3 that that-- per the text, there's no requirement  
4 until the special permit is pulled, and those  
5 building permits are sought that the payment is made.

6 COUNCIL MEMBER JOHNSON: And Carolina, I  
7 know that you're not an attorney, but it's your  
8 understanding from the General Counsel's staff at  
9 City Planning that there is no legal way to start the  
10 payment process for an as-of-right DOB permit,  
11 correct?

12 CAROLINA HALL: I can't speak on behalf  
13 of counsel, but my understanding is that it's not  
14 possible to attach a payment requirement to an as-of-  
15 right project.

16 COUNCIL MEMBER JOHNSON: Okay. So, I  
17 think that's all my questions. The reason why I went  
18 through this entire exercise is to really have  
19 everyone understand the sort of crazy beast that  
20 we're dealing with right now, and that the whole  
21 point of this project is to get a hundred million  
22 dollars. So, any vulnerabilities in getting that  
23 hundred million dollars is a major concern for me,  
24 and I want to ensure, and I will not vote in favor of  
25 this application. I will not let this application

1  
2 move forward unless I have absolute guaranteed  
3 certainty and surety in the most legal way possible  
4 that the hundred million dollars is viable and  
5 guaranteed to the trust before this council votes on  
6 this application. Thank you, Mr. Chair.

7 CHAIRPERSON RICHARDS: Thank you, Corey,  
8 and I just want to reiterate what Council Member  
9 Johnson said. This is not our first time at the  
10 rodeo. This council has seen this happen before.  
11 We've seen bills fall apart. We've seen promises  
12 broken, and we're here to do our jobs, and I think  
13 Council Member Johnson is right on point. You know,  
14 we don't want false promises. Our communities don't  
15 deserve commitments not being kept. So, it's going  
16 to be critical for this committee to see that this  
17 commitment is in stone before we proceed. I had just  
18 a last question for in particular DCP. So, you spoke  
19 of 383,000 around square feet of air rights still--

20 CAROLINA HALL: [off mic]

21 CHAIRPERSON RICHARDS: being able to be  
22 utilized. So, City Planning, question for you. Is  
23 there any other thought of seeing these air rights?  
24 Have there been any conversations on seeing these air

1 rights being used anywhere else within Community  
2 Board Two?

3  
4 CAROLINA HALL: There's no proposal to  
5 utilize those development rights on any other site  
6 within Community Board--

7 CHAIRPERSON RICHARDS: [interposing] As of  
8 right now.

9 CAROLINA HALL: As of right now.

10 CHAIRPERSON RICHARDS: Is it possible  
11 that there could be conversations, I'm not saying  
12 now, but later on perhaps if another developer comes  
13 along on these particular air rights. Is it feasible  
14 for the same conversation to be happening on another  
15 site in Community Board Two?

16 CAROLINA HALL: A developer could  
17 approach City Planning and the Trust with a proposal  
18 to transfer additional air rights, and at the time it  
19 would have to be discussed whether or not that's in  
20 line with Trust priorities.

21 CHAIRPERSON RICHARDS: And City Planning  
22 has left the door sort of open on this, because I  
23 think you're not limiting the scope more. So, I  
24 mean, I understand the two sites, but I think Council  
25 Member Johnson pointed out that there still is room

2   to use these air rights in other places, eventually.  
3   So, is there any way that we can limit the scope even  
4   further on where these air rights can be used?

5                   CAROLINA HALL:   The current action does  
6   limit--

7                   CHAIRPERSON RICHARDS: [interposing]  
8   Right, I understand that.

9                   CAROLINA HALL: the transfer just to the  
10   two sites.   So, any future transfer, again, would be  
11   subject to complete public review and a full ULURP.

12                   CHAIRPERSON RICHARDS:   And do you  
13   anticipate any other interest, and I guess this is a  
14   question for you-- would you in the future-- you may  
15   need another hundred million dollars--

16                   MADELYN WILS: [interposing] Well, we do.

17                   CHAIRPERSON RICHARDS:   Would you  
18   entertain--

19                   MADELYN WILS:   I--

20                   CHAIRPERSON RICHARDS: [interposing]  
21   Because I, from what I'm hearing, I don't think a  
22   hundred million is even enough to get where this park  
23   needs to-- where this pier needs to go.   You know, so  
24   we're going to be redoing pilings and fixing  
25   bulkheads, but it seems like there's even a need for

1 more capital investment here. So, in the future, will  
2 you entertain, or are you closing the door and saying  
3 that we're not going to use these air rights anywhere  
4 else in the future?  
5

6 MADELYN WILS: We prefer using them on  
7 the pier. I think we've been very clear about that.  
8 That's the best result for the park in the long term,  
9 is to use them on in the pier. We did have a study  
10 done when we started this process a couple years ago.  
11 Cornell University actually-- graduate school  
12 actually did a study for us. There were no obvious  
13 sites. For now, meaning in the near future in  
14 Community Board Two given that there was already a  
15 lot of building going on. So, the concentration for  
16 the Trust is really more in the northern part of the  
17 park.

18 CHAIRPERSON RICHARDS: And no one has  
19 knocked on your door?

20 MADELYN WILS: No one else. No one else  
21 has knocked on our door.

22 CHAIRPERSON RICHARDS: Okay. I'm going  
23 to go back to Council Member Johnson. Before I do  
24 that, I just want to acknowledge we've been joined by  
25 the school of Columbia Architecture. I believe

1                   SUBCOMMITTEE ON ZONING AND FRANCHISES                   63  
2 they're here. So I just wanted to acknowledge them  
3 as well. Council Member Johnson?

4                   COUNCIL MEMBER JOHNSON: Just quickly.  
5 Madelyn, a letter that was sent to the elected  
6 officials in the Community Board earlier this year  
7 which talked about the 105.5 million dollars, 100  
8 million dollars potentially from this sale, five and  
9 a half million dollars from the Ian [sic] Treyger  
10 development at Clarkson Street which equals 105.5  
11 million. The cost of the pile repairs is 104.6  
12 million, but there are other emergency repair needs  
13 at Pier 40 because of Sandy and other things. In a  
14 letter you said that 85 million dollars would be used  
15 for emergency pile repair, priority pile repairs, and  
16 that the excess amount of money, the additional 20  
17 million dollars left over would be used for other  
18 needs. Can you commit today to using all 104.6  
19 million dollars for pile repairs?

20                   MADELYN WILS: Council Member, I would  
21 like nothing more to commit to saying that at this  
22 point, but it would be irresponsible for me at this  
23 point should there be a major problem at Pier 40 that  
24 would mean that we would need to have emergency  
25 construction there.

2 COUNCIL MEMBER JOHNSON: But I am working  
3 on getting additional capital money from the City of  
4 New York, separate and apart from this deal for some  
5 of those emergency needs, and if I am successful in  
6 doing that, which I feel like we have a good chance,  
7 then would you be willing to commit to 104 million  
8 dollars being dedicated to pile repairs?

9 MADELYN WILS: To the amount necessary,  
10 yes. If it's 104, yes.

11 COUNCIL MEMBER JOHNSON: Okay. And in  
12 the emergency repairs you sent the elected officials  
13 a letter stating what the five-year emergency repairs  
14 are. What is the total amount of money that would  
15 cover that? At that point it was 21 million, but  
16 when it becomes emergency, emergency repairs,  
17 artificial turf replacement, sprinkler repairs,  
18 drainage repairs, those type of things, what's the  
19 amount of money?

20 MADELYN WILS: We believe it's about 15  
21 million dollars.

22 COUNCIL MEMBER JOHNSON: About 15 million  
23 dollars?

24 MADELYN WILS: Yes, yes.  
25



2 COUNCIL MEMBER JOHNSON: So, I need to  
3 fight to get 15 more million dollars?

4 MADELYN WILS: Yes. I mean, we were  
5 taking a million out of the 5.5 initially since the  
6 pile repair was 104.6. So we were taking a million  
7 from that and using it towards the 15 million.

8 COUNCIL MEMBER JOHNSON: So, I need to  
9 get 14 million dollars.

10 MADELYN WILS: Correct.

11 COUNCIL MEMBER JOHNSON: Okay, got it.  
12 Thank you.

13 CHAIRPERSON RICHARDS: Alrighty, Council  
14 Member Johnson. Going to try to limit that. That  
15 means money is not going to Rockaway if I do that, so  
16 I'm going to have to fight you on that one, alright?  
17 Maybe we do half and half, but we'll get there.

18 Thank you so much for your testimony. We now move on  
19 to the developers in particular. Alrighty. So,  
20 Chikon [sic], AKRF Incorporated, Anne Locke, Charles  
21 Fields, Michael Sillerman [sp?], and Rick Foxx. No  
22 relation to the basketball player.

23 RICHARD COOK: Mr. Chair?

24 CHAIRPERSON RICHARDS: Yes, you may  
25 begin.

2                   RICHARD COOK: Thank you. Thank you for  
3 your time, Mr. Chair, Council Member, Committee  
4 Counsel.

5                   CHAIRPERSON RICHARDS: Just identify  
6 yourself for the record as well.

7                   RICHARD COOK: My name is Richard Cook,  
8 architect for the applicant, and we feel blessed to  
9 be involved in this remarkable project. On the  
10 screen I will be referring to images. Also, in front  
11 of you is an 11x17 booklet that has page numbers that  
12 correspond to the page numbers on the presentation on  
13 the screen. This is a view of Pier 40 and the Saint  
14 John's terminal immediately north of what's known as  
15 the Department of Sanitation building as we discuss  
16 the Hudson River Park Act. This is a clear project  
17 to receive air rights. It was originally constructed  
18 as the beginning of what we now call the highline.  
19 The New York Central Railroad West Side Improvement  
20 District. The building itself has railroad tracks on  
21 the second floor. It was the beginning and the end.  
22 It was a building about making connections,  
23 connections to the water, to rail, and to surface  
24 transportation. It is now an obsolete infrastructure  
25 cut off from its initial purpose, and it's become not

1 a connection, but in fact a wall. Much of work has  
2 been involved in new buildings and on empty sites in  
3 historic districts. These are very motivational for  
4 us. This is the one location where there was a  
5 building in the way of the public way. It was  
6 blocking our way to the water. Our very first  
7 thought for this project is seen on the right of page  
8 four, which was to open up the mass over Houston  
9 Street and have a remnant, a historical remnant, of  
10 those rail beds. In a series of important discussions  
11 with the Community Board, the Borough President and  
12 other stakeholders, it became clear that if it was  
13 good to remove the mass over Houston, it was even  
14 better to remove the rail beds entirely. In the  
15 proposal before you is to have no mass at all over  
16 Houston and focus on the street life at Houston on  
17 both the north and south side of Houston. Where  
18 clearly here, the motivating factor, the why are we  
19 here, why did our firm want to be involved is  
20 obviously to save Pier 40. It's the single most  
21 important open space resource for the community,  
22 allowing families to live here and have their  
23 children have open playing fields. In addition, our  
24 work is interested in sustainability, environmental  
25

1 responsibility, and with that goes social equity  
2 issues, and this project will have a substantial  
3 component of permanent mixed income and senior  
4 affordable housing. A minimum of 30 percent of all  
5 of the units will be affordable housing, and a  
6 minimum of 25 percent of all the floor area,  
7 residential floor area will be affordable. In  
8 addition to that, there are the public benefits of  
9 job creation, both during construction and  
10 permanently, and the development team has committed  
11 to build the entire project with union construction.  
12 What we're looking at on the image on page six is the  
13 550 Washington Street building which currently  
14 together with the Department of Sanitation building  
15 creates a super block for more than five blocks of  
16 our city, cutting off the view to the river and the  
17 connection of the river for more than five blocks.  
18 The existing building is 739,231 zoning square feet.  
19 The zoning lot itself is over 200,000 square feet.  
20 The proposal is to split this project into three  
21 sites, a northern site, a center site, and a south  
22 side. The south side would remain commercial.  
23 Between the south sites would be a through passage  
24 connecting Washington Street to West Street for the  
25

1 first time since 1934. The center site would have a  
2 center west building and a center east site, and on  
3 the north site a northwest building and a northeast  
4 building, and the next image will be a three-  
5 dimensional view of that, and I'll go through each  
6 one of those quickly. The immediately adjacent  
7 Hudson Square district allows 290-foot tall buildings  
8 on the avenues with a maximum height at Duarte [sp?]  
9 Square at 430. We are starting with the south  
10 building as commercial as a buffer to the Department  
11 of Sanitation. That's 262,000 zoning square feet.  
12 The next is the center west building which 333,000  
13 zoning square feet. The center east building is a  
14 mixed income building, 51 percent affordable units,  
15 49 percent market rate. That's 466,000 zoning square  
16 feet. The northeast building is the senior  
17 affordable building which is 130,000 zoning square  
18 feet, and the northwest building is 530,000 zoning  
19 square feet. The total including the 200,000 square  
20 feet of air rights transfer from Pier 40 would result  
21 in an 8.7 FAR, less than the 10 to 12 that the  
22 immediately adjacent Hudson Square District has. The  
23 view in front of you now is looking straight down on  
24 those five buildings on the three different sites.  
25

1  
2 What you see between the south and the center site is  
3 a public open space through-passage for a hoped for  
4 connection, safe pedestrian, over to the Hudson River  
5 Park and Pier 40. The ground floor has been of  
6 significant interest to the Community Board and to  
7 the Borough President and to other stakeholders and  
8 making Houston Street an active and vibrant retail  
9 corridor once again was important to everyone. The  
10 commitment is to have a minimum of four distinct  
11 retail establishments on both the north and the south  
12 side of West Houston Street and no less than three  
13 separate retail establishments on Clarkson Street.  
14 The senior affordable building called Northeast  
15 enters off of Washington Street. The Northwest  
16 enters off of Clarkson and the mixed income building  
17 enters off of Washington. The 19,820 square feet of  
18 open, passive open space, will be provided as part of  
19 the through passage and the court way-- courtyard,  
20 and we're also in the process of designing a 10,000  
21 square foot active indoor recreation area to help  
22 supplement ball fields at Pier 40 and to have an  
23 indoor recreation facility that we hope will animate  
24 the west side of Washington Street and be a resource  
25 for the community. The red arrow indicates a view.

1 We'll be showing a view of this corner of the entry  
2 into the mixed income building on Washington Street.  
3 The depth of the façade, the earthy masonry quality  
4 was important to many of us so that the building  
5 would sit comfortably into this district. The next  
6 view is, I think, one of the reasons that we were  
7 motivated as architects. On the left you will see a  
8 view of what we have today, the dark tunnel gauntlet  
9 on the way to Pier 40, and right the condition as is  
10 proposed with the retail activity on the street and  
11 what we call a varied street wall on the building to  
12 the north. As we move further down Washington  
13 Street, these two photos on the left and right are  
14 taken from the identical position, the one on the  
15 left a photograph, the one on the right a rendering  
16 of the project that's proposed. On the right-hand  
17 side is the base of the senior affordable building  
18 including the second floor amenity space with what we  
19 call the front porch for the seniors. Clarkson  
20 Street is a wonderful cobblestone street now. The  
21 160 Leroy project which was mentioned a minute ago is  
22 shown on the right, and on the left is the proposed  
23 building again with a step street wall to bring light  
24 and air to the street and have a comfortable scale to  
25

1           this cobblestone street. Beyond it, you can see Pier  
2           40, and there is also a crosswalk at the end of  
3           Clarkson connecting the neighborhood to Pier 40. The  
4           next image you'll see is looking down Washington  
5           Street. UPS is on the left. UPS also creates this  
6           multi-block barrier from the community to the  
7           waterfront. We are proposing a sidewalk widening on  
8           Washington Street to make it more pedestrian-  
9           friendly. A series of landscape, tree planting, and  
10          the indoor recreation space would be on your right  
11          hand side here on the west side of Washington Street.  
12          It's also important that we continue to reinforce the  
13          biking as a means of commuting in New York City, and  
14          the bike lane would also remain on Washington Street.  
15          And next, the breaking of the super block is most  
16          compelling in the next two images. On page 30 if you  
17          stand at the base of that triangle right now with  
18          your back to the UPS, the loading docks of the UPS  
19          building, and you look across the street. The Saint  
20          John's Terminal has operated as really a wall to the  
21          waterfront. The location of this through-passage is  
22          just to the south of the mass of Pier 40 with the  
23          intent that when this project is built on your left  
24          you would see the south site, and on the right the  
25



1 center site. You would be viewing straight from  
2 Washington Street all the way through the site, past  
3 the park and out to the water. Pier 40 would be just  
4 off to your right. So, the alignment of this  
5 through-passage element between these two sites  
6 allows for a clear view from Washington Street out to  
7 the river. As you walk up the path from what would  
8 now be in the middle of the existing 550 Washington,  
9 when you walk through the block the entire open space  
10 is designed to be pedestrian first, there is no  
11 elevated curbs. There's seating and benches and  
12 planting and designed to be pedestrian-friendly  
13 connection from Washington to West Street. And then  
14 this is a summary of all of those together. Again,  
15 the project is 1.7, approximately, zoning square feet  
16 which totals to 8.7 FAR in total. Again, all of the  
17 residential units, 25 percent of all of the  
18 residential units in square footage will be  
19 affordable, and 30 percent of the individual number  
20 of units at a minimum will be affordable housing.  
21 And then there's-- what should this thing look like?  
22 We're designers first, and we're inspired by forms  
23 found in nature. We believe the great designers of  
24 New York City have also been inspired by forms found  
25

1                   SUBCOMMITTEE ON ZONING AND FRANCHISES                   74  
2   in nature.  On the left hand side you'll see Hugh  
3   Ferriss' Metropolis of Tomorrow from 1929, and on the  
4   right form 1931 you'll see 345 Hudson Street and this  
5   beautiful modeling of the setback building, this big  
6   powerful masonry building with the setbacks at the  
7   top of 345 by Benjamin Winston, was an inspiration  
8   for the form making for our project.  And so we  
9   designed buildings that would set back from the  
10  street, cascade and landscape terraces and have  
11  extraordinarily thin profiles against the sky, and we  
12  hope be viewed as beautifully proportioned for the  
13  neighborhood.  We've been very proud to be involved  
14  in the project.  it's been very heartening to see the  
15  enormous investment of time by those who want to see  
16  Pier 40 saved and are concerned about their  
17  community, and I want to thank the entire working  
18  group from Community Board Two for investing all of  
19  their time, and we believe that the proposal before  
20  you reflects a significant number of changes based  
21  upon that investment of time.  We believe that this  
22  will help this community have a healthy resilient and  
23  diverse community for the future and save Pier 40.  
24  Thank you very much for your time, Mr. Chair.

2                   CHAIRPERSON RICHARDS: Thank you. Before  
3 we proceed with questions, we're just going to call  
4 the roll. Counsel, call the role for vote. And I  
5 just want to acknowledge we've been joined by Council  
6 Members Garodnick and Williams.

7                   COMMITTEE COUNSEL: Vote to approve Land  
8 Use items 472, 473, 474, 495, 496, 497, 498, 499, and  
9 500 with modifications? Council Member Garodnick?

10                  COUNCIL MEMBER GARODNICK: Aye. Thank  
11 you.

12                  COMMITTEE COUNSEL: Council Member  
13 Williams?

14                  COUNCIL MEMBER WILLIAMS: Abstaining on  
15 Land Use items 472, 473, 474. Aye on all the rest.

16                  CHAIRPERSON RICHARDS: Thank you.

17                  RICHARD COOK: Thank you, Mr. Chair, and  
18 if I--

19                  CHAIRPERSON RICHARDS: [interposing] Hold  
20 on one second.

21                  RICHARD COOK: Sorry.

22                  COMMITTEE COUNSEL: Okay, the vote to  
23 approve Land Use items 472, 473, 474, 495, 496, 497,  
24 498, 499, and 500 is approved by a vote of 7 in the  
25 affirmative, 0 in the negative and 0 abstentions with

2   the exception of items 472, 473, 474 which are  
3   approved by a vote of 6 in the affirmative, 0 in the  
4   negative and 1 abstention, and referred to the full  
5   Land Use Committee.

6                   CHAIRPERSON RICHARDS: Thank you.

7                   RICHARD COOK: Thank you, Mr. Chair. So,  
8   I tried to outline the 'why' and the 'what' we're  
9   proposing, and Michael Sillerman, the Land Use  
10  Counsel, will explain how this would be accomplished.  
11  Thank you.

12                  CHAIRPERSON RICHARDS: Thank you.

13                  MICHAEL SILLERMAN: good morning.  
14  Michael Sillerman from Kramer Levin Land Use Counsel  
15  for the applicant. The proposed project will be the  
16  first use of the development rights transfer being  
17  created by the Department of City Planning which will  
18  provide a payment of 100 million dollars to the  
19  Hudson River Park Trust in exchange for the transfer  
20  of 200,000 square feet of floor area. The payment  
21  will help to save Pier 40 where 260,000 children and  
22  adults from around the city play every year. The  
23  development rights will be moved out of the park and  
24  across the street. The project will create  
25  approximately 1,800 construction jobs per year and

1  
2 1,500 permanent jobs. The resulting project when  
3 fully built out will include five buildings with a  
4 total of 17-- 1,711,000 square feet or 8.7 FAR on the  
5 zoning lot including 1,280,000 square feet of  
6 residential floor area, 200,000 square feet of retail  
7 and event space, 222,000 square feet of office or  
8 hotel, and 772 accessory parking spaces. The total  
9 FAR of the project is 8.7 FAR including the  
10 transferred floor area from Pier 40 which is less  
11 than the 12 FAR recently approved from the Hudson  
12 Square Special District one block to the east and  
13 similar to the 7.2 FAR permitted in the Tribeca mixed  
14 use district a few blocks to the south. The projects  
15 has also been designed to be consistent with maximum  
16 heights permitted in Hudson Square. As shown on the  
17 handout which was provided to the committee, the  
18 project will provide up to 328,700 square feet of  
19 permanently affordable housing equal to at least 25  
20 percent of the residential floor area and at least 30  
21 percent of the residential units in the project,  
22 including senior housing and housing for both low and  
23 moderate income households. The senior housing will  
24 be affordable to households at 80 percent of AMI and  
25 will be located in a building on the Northside with

1 75 percent studios and 25 percent one-bedrooms. The  
2 low and moderate income housing will be affordable to  
3 households at 60 percent and 130 percent of AMI and  
4 will be located in a mixed income building on the  
5 center site with 51 percent affordable and 49 percent  
6 market rate units and with a mix of studios, one-  
7 bedrooms and two-bedroom units as shown on the  
8 handout. These AMI levels were developed in  
9 consultation with HPD. They represent a partly an  
10 economic balance calibrated to allow the public  
11 benefits that this project is going to contribute,  
12 but we understand that the Council wants to have a  
13 dialog on that, and we're prepared to engage in that.  
14 With respect to the payment to HRPT, the 100 million  
15 dollar payment to the Hudson River Park Trust is  
16 required pursuant to contractual arrangements between  
17 the applicant and the trust. The payment is  
18 contingent on project approvals, but we want to  
19 emphasize that it is not contingent on the applicant  
20 proceeding with the development or on any particular  
21 development schedule. That's independent. We spoke  
22 earlier of the zoning obligations which don't occur  
23 until you proceed with a special permit, but there  
24 are contractual obligations to make these payments,  
25

1 and again we're prepared to engage in a dialog with  
2 you to tighten those up as is desirable. But the  
3 timing of the payments is independent of the timing  
4 of the development of the project. the zoning  
5 actions requested for the project include in addition  
6 to the zoning text amendment proposed by the  
7 Department of City Planning are the following: A  
8 rezoning of the development site from M15 to C64  
9 north of Houston Street and from M24 to C63 in M15  
10 south of Houston Street; a special permit to allow  
11 the transfer of the 200,000 square feet from Pier 40  
12 to the St. John's sit and to allow certain bulk  
13 waivers to enable the proposed buildings to fit  
14 better into the neighborhood context, in particular a  
15 street wall higher than 85 feet required by zoning,  
16 more akin to the high street wall of building in  
17 Hudson square; three special permits to allow 772  
18 parking spaces. And then certain actions that are  
19 not subject to council review: curb cut  
20 authorizations on West Street to access the parking  
21 garages. While it's not a council action, it's  
22 important that there's a chairperson certification to  
23 confirm that a payment plan is in place for the  
24 purchase of development rights before any building  
25

1 permit can be obtained. Let me just show the-- so  
2 that's a slide of the before and after rezoning, and  
3 the last side just to show the bulk adjustments. The  
4 proposed rezoning will become applicable to the  
5 property only when it's developed with the special  
6 permit buildings, but accordingly, the environmental  
7 review for the project considered a potential hybrid  
8 scenario whereby the center and south sides are  
9 developed on an as-of-right basis pursuant to the  
10 existing zone, and the north site is subsequently  
11 developed pursuant to the special permits. In such a  
12 scenario, the applicant would be required to provide  
13 25 percent of the residential floor area and 30  
14 percent of the residential units on the north side as  
15 affordable housing. In other words, if that hybrid  
16 scenario proceeded we would still be required to  
17 provide the overall percentage of affordable by floor  
18 area and by percentage of units. And there was a  
19 tech memo analyzed in the City Planning approval at  
20 800,000 square feet which concluded that that hybrid  
21 scenario would not have any new or significant  
22 adverse impacts any greater or any different than  
23 identified in the EIS [sic]. There wasn't time to  
24 analyze a full build-out scenario with 975,000 square  
25



1 feet, and we'd like to see that done. The hybrid  
2 scenario is not the preferred course of action here.  
3 It is something that because the market has changed  
4 and because the applicant is a fiduciary for its  
5 investments, it wants to know that it has that  
6 option, but the sole purpose of the scenario of the  
7 hybrid is to make sure that because the investors are  
8 comfortable with proceeding, that the Trust gets its  
9 100 million dollars. We understand the concern of  
10 the council about the way the payment structure is  
11 currently structured. It is a multi-year payout.  
12 We're prepared to work with the Council to tighten  
13 that up, and I would say that as just as a  
14 contractual arrangement, you know, the standard  
15 arrangement in a real estate deal is to provide 10  
16 percent as a deposit. Here we're prepared to provide  
17 40 million dollars; that's 40 percent, but I think  
18 that if we can resolve the open issues with the  
19 Council, which were identified by the Council Member  
20 in his opening remarks, and to have the certainty  
21 that we can proceed with a hybrid, we would be  
22 prepared to tighten up what you considered the holes  
23 in the schedule.  
24

CHAIRPERSON RICHARDS: Alrighty.

Finished? Okay. Great. Thank you so much. So, I think one of the things, and I think we've heard, is a lot-- and I think Council Member Johnson will speak on it much more than I will. I'm just going to brush over it. But, so let's just go through the as-of-right scenario. Can you go through that scenario?

MICHAEL SILLERMAN: Yes, well first of all, while there is a rezoning here to permit residential use on two of the three sites and to allow a higher FAR. That rezoning is not in effect, and we're limited to the manufacturing and commercial uses permitted on the existing zoning, unless and until the transfer takes place and the payment is made and we elect to proceed on one of the sites with a special permit. What became apparent in the course of the development, the preferred course here is to proceed with the special permit on all three sites, but--

CHAIRPERSON RICHARDS: [interposing] So, to proceed on that first.

MICHAEL SILLERMAN: That, but the reality with 421A not being extended and expiring and with the market changing it seemed prudent and possible

1  
2 that there would be a need to proceed on the portions  
3 of the site south of Houston Street with a commercial  
4 development.

5 CHAIRPERSON RICHARDS: So that's the as-  
6 of-right site or the special permit?

7 MICHAEL SILLERMAN: That's proceeding as-  
8 of-right.

9 CHAIRPERSON RICHARDS: Okay. So you're  
10 saying you're going to proceed on that scenario for  
11 that part.

12 MICHAEL SILLERMAN: That's a possibility.

13 CHAIRPERSON RICHARDS: Possibility.

14 MICHAEL SILLERMAN: That's not the  
15 preferred course, and we want to confirm that if we  
16 did that and then started with the special permit on  
17 the north, that that didn't create any environmental  
18 effects.

19 CHAIRPERSON RICHARDS: But the as-of-  
20 right scenario would not in one sense guarantee that  
21 you would have to put up the money--

22 MICHAEL SILLERMAN: [interposing] No, no.

23 CHAIRPERSON RICHARDS: Okay.

24 MICHAEL SILLERMAN: No, no. If we close,  
25 the money goes up.

1                   CHAIRPERSON RICHARDS: If you close on  
2  
3 the as-of-right.

4                   MICHAEL SILLERMAN: No, no. If we each  
5 agreement on everything here and we're on the same  
6 page, we are committed to fund the 100 million  
7 dollars, and as I said-- and we--

8                   CHAIRPERSON RICHARDS: [interposing] So  
9 you're saying only-- not to cut you off, I'm sorry.  
10 So, it's contingent upon our approval, approval here.

11                   MICHAEL SILLERMAN: Yes, and resol-- if  
12 we're on the same page, we can enter into an  
13 accelerated schedule to sign the purchase and sale  
14 agreement before the Council votes to put the whole  
15 hundred million up, assuming that of the issues have  
16 been resolved.

17                   CHAIRPERSON RICHARDS: So, if we  
18 disapprove this application, can you go through that  
19 scenario?

20                   MICHAEL SILLERMAN: Well, if we  
21 disapprove we're back at--

22                   CHAIRPERSON RICHARDS: [interposing] So,  
23 no hundred million?

24                   MICHAEL SILLERMAN: No hundred million.

25                   CHAIRPERSON RICHARDS: Okay.

2 MICHAEL SILLERMAN: Right.

3 CHAIRPERSON RICHARDS: that's all I'm  
4 asking.

5 MICHAEL SILLERMAN: Okay.

6 CHAIRPERSON RICHARDS: Alrighty. Can you  
7 go through and-- so, let's go through obviously  
8 Mandatory inclusionary housing is going to apply  
9 here. I'm interested in knowing why 80 percent on  
10 the senior housing piece. Why didn't we go deeper in  
11 affordability on that site, on the senior site, and  
12 then also on your other sites? What are the AMI's  
13 you're sort of looking? So, I think you said 60, but  
14 is it a band of 60? Will we see some 30, 40, 50, 60,  
15 or it's just starting at 60 and then going up?

16 MICHAEL SILLERMAN: I think we--

17 CHAIRPERSON RICHARDS: [interposing] Can  
18 you just speak to that?

19 MICHAEL SILLERMAN: contributed to the  
20 committee a handout that had specifically--

21 CHAIRPERSON RICHARDS: [interposing] Yes.

22 MICHAEL SILLERMAN: what we're providing  
23 [sic].

24

25

1  
2 CHAIRPERSON RICHARDS: So, I'm familiar  
3 with that. So, on the senior housing, the income  
4 levels are at 80 percent AMI, correct?

5 MICHAEL SILLERMAN: Right.

6 CHAIRPERSON RICHARDS: Okay. So, I'm  
7 asking why didn't we go deeper, and is there room to  
8 go deeper in affordability on the senior housing  
9 piece especially?

10 MICHAEL SILLERMAN: The-- you know, this  
11 as--

12 CHAIRPERSON RICHARDS: [interposing] Being  
13 that they're 75 percent studios, too.

14 MICHAEL SILLERMAN: As Council Member  
15 Johnson said, this application has a lot of moving  
16 parts, and one of the parts was to figure out the  
17 economics of the affordable housing. And remember,  
18 we're making a 100 million dollar contribution here,  
19 which is more than what the trust appraisal said was  
20 the value of these air rights. We're prepared to  
21 discuss these things, but at some point you've put  
22 too many straws on the camel's back.

23 CHAIRPERSON RICHARDS: So, you said you  
24 were working with HPD. So, have any conversation  
25 with HPD, in particular, have had on getting to

1 deeper affordability? So they have particular  
2 programs they're using, so you're not using ELL or  
3 any other programs.  
4

5 MICHAEL SILLERMAN: These were developed  
6 at-- I believe they reflect a consensus with HPD.  
7 These were the proposals I believe with--

8 CHAIRPERSON RICHARDS: [interposing] Is  
9 HPD here? Anyone from HPD here? Okay.

10 MICHAEL SILLERMAN: The Council, Council  
11 Member Johnson in particular, raised with us the  
12 possibility of having broader income bans on the next  
13 income building and as I said, we're open to  
14 considering that.

15 CHAIRPERSON RICHARDS: So we look forward  
16 to conversations, obviously, and I would suggest  
17 definitely speaking to HPD and saying that, you know,  
18 we want to see different bands, and of course we're  
19 going to follow the lead of Council Member Johnson.  
20 But you know, we just want to be clear that I believe  
21 we can do better here. Alright, you said you're  
22 building union. Can you go into MWBE procurement?  
23 Are there any goals on local hiring, MWBE's? And  
24 then lastly before I turn to Council Member Johnson,  
25

1  
2 I want to know what your environmental benefits are  
3 on this project.

4 MICHAEL SILLERMAN: Okay. I mean, this  
5 project doesn't receive any kind of direct public  
6 subsidy which would require formal goals. We're  
7 prepared--

8 CHAIRPERSON RICHARDS: [interposing] [off  
9 mic] air rights, right? So, that is-- I mean--

10 MICHAEL SILLERMAN: [interposing] I don't  
11 believe in a formal sense.

12 CHAIRPERSON RICHARDS: I meant the  
13 special permit is a benefit to--

14 MICHAEL SILLERMAN: [interposing] We're  
15 prepared to discuss WBE and local preferences. We  
16 certainly would discuss it with our construction  
17 contractors once they're selected. We would  
18 coordinate with the Department of Small Business  
19 Services to make use of any applicable programs.

20 CHAIRPERSON RICHARDS: Okay, so I'm going  
21 to look forward to hearing a lot more on that, and  
22 it's something I raised with you already, but  
23 definitely look forward to hearing more about the  
24 goals on that, and then obviously, lastly, before we  
25



1  
2 go to Council Member Johnson, can you speak to the  
3 environmental benefits on this project?

4 RICHARD COOK: Yes, Mr. Chair. Thank  
5 you. These goals are extremely important to us on  
6 the project. There are a series of goals set out for  
7 the project and the commitment that development team  
8 has made is to develop the project according to the  
9 US Green Building Council LEED Certification process.  
10 SO, that is a starting point, but I believe that  
11 there are many other additional benefits about  
12 healthy living and storm water management and  
13 resiliency that are an important part of the project.  
14 The project will be dry flood-proofed as development.  
15 It also will have a series of storm water retention  
16 and storm water management components, which as you  
17 know are a significant issue and our sewer storm  
18 water combination in our City. So, this project has  
19 almost 200,000 square feet of surface area. We're  
20 planning to gather the water into site retention and  
21 also into a series of green roofs, a minimum of 30  
22 percent of that surface area with planted green roofs  
23 which will also diminish the storm water impact. As  
24 far as the building itself will be developed  
25 according to good environmental practices including

2   indoor environmental quality, access to daylight and  
3   exposure, including daylight in common corridors  
4   wherever possible. So, the summary is it's extremely  
5   important to the project. Thank you for asking. In  
6   this particular case, storm water management is  
7   particularly important, and the project will be  
8   developed with a LEED certified minimum.

9                   CHAIRPERSON RICHARDS: And this area, it  
10   was hit by Sandy. Are you familiar if it, and I  
11   guess Council Member Johnson can answer? Did they  
12   lose electricity or any gas? Alright--

13                  MICHAEL SILLERMAN: [interposing] It was--

14                  CHAIRPERSON RICHARDS: [interposing] so  
15   are we examining solar panels, and are there any LEED  
16   standard? What sort of LEED standard are you using?

17                  RICHARD COOK: The commitment is LEED  
18   Certified minimum for the project, and the project  
19   was hit by Sandy. So--

20                  CHAIRPERSON RICHARDS: [interposing] Gold,  
21   platinum?

22                  RICHARD COOK: Certified is the  
23   commitment from the development team at the moment  
24   [sic].

2                   CHAIRPERSON RICHARDS: Alright. So we  
3 want you to reach the highest standard possibly,  
4 especially since this area was hit during the storm.  
5 So that's a conversation I think that's worth us  
6 continuing through this process as well. Alright,  
7 I'm going to go to Council Member Johnson, and I know  
8 they're-- I guess he'll go through the commercial  
9 piece. I want to thank the community for sending me  
10 at least 5,000 emails over the past few months. My  
11 son appreciates it. You know, when I'm up at three in  
12 the morning he has some light at least to look at on  
13 my phone. So, thank you. We'll go to Council Member  
14 Johnson.

15                  COUNCIL MEMBER JOHNSON: I didn't realize  
16 you got so many emails. I didn't get those emails.

17                  CHAIRPERSON RICHARDS: You didn't get any  
18 of these emails? Really?

19                  COUNCIL MEMBER JOHNSON: I got triple the  
20 number of emails you got.

21                  CHAIRPERSON RICHARDS: Wow, okay.

22                  COUNCIL MEMBER JOHNSON: Rick, Michael,  
23 thank you for being here. So, Rick, do you not have  
24 a rendering of the hybrid scenario?

2 RICHARD COOK: Council Member, we do not  
3 have a rendering of the hybrid scenario. I'd be  
4 happy to explain it.

5 COUNCIL MEMBER JOHNSON: Could you just  
6 bring up a rendering of the proposed rezoning that  
7 we're talking about?

8 RICHARD COOK: Yes. And so I can explain  
9 it from here. What we're looking at on the north  
10 site would stay the same. On the center and southern  
11 site, the intent would be-- under the hybrid scenario  
12 would be to retain the existing St. John's Terminal  
13 building and its existing footprint and build on top  
14 of that completely within the as-of-right zoning  
15 envelope. On the north side of Houston. There is no  
16 height limit whatsoever as long as it's complying  
17 tower. On the southern portion there's something  
18 called a setback. After 85 feet initial setback and  
19 then at what's called a sky exposure claim, a 5.6 to  
20 one on a narrow street and 2.7 to one a wide street.  
21 The opposite, I'm sorry, 5.6 and 2.7. So, it creates  
22 a kind of tepee where the building would have to fit  
23 underneath that as-of-right scenario. At the moment  
24 we don't have a design for the hybrid scenario--

1  
2 MICHAEL SILLERMAN: [interposing] [off  
3 mic]

4 RICHARD COOK: Yes, and which would limit  
5 the height of the building and also the intent as the  
6 development team has outlined it is to reuse the  
7 existing St. John's Terminal and to develop it as  
8 what they call an office building, I call workplace  
9 of the future which would incentivize larger floor  
10 plates which would in fact keep the building fairly  
11 low. So it would be a large lot coverage fairly low  
12 building. So, if you imagine to the north would look  
13 just like this, the massing, and to the south would  
14 be a lower building with a full lot coverage, except  
15 for that portion, that 50-foot portion between the  
16 Department of Sanitation and the existing St. John's  
17 where there's now a low-grade loading facility.

18 COUNCIL MEMBER JOHNSON: So, just so  
19 folks who ae here understand, the pink red version up  
20 against the building up against the tallest blue  
21 building, that's the northern site. So, under the  
22 hybrid scenario, that northern block with the red and  
23 the blue would proceed as it's proposed right there.  
24 The center and south site, that would not go as  
25 proposed on that rendering right there. It would be

1 an adaptive re-use of the existing building where the  
2 exiting building would have floor area added on top  
3 of it to what is allowed as-of-right, and the plan  
4 would be if the Department of Buildings and City  
5 Planning are able to give a technical memo and a DOB  
6 determination letter to do 975,000 square feet of  
7 commercial office space on those other two blocks.  
8 That's the hybrid scenario.

9  
10 RICHARD COOK: That's correct, Council  
11 Member.

12 COUNCIL MEMBER JOHNSON: What happens to  
13 the through-block on the south in the hybrid  
14 scenario? What happens to the open space?

15 RICHARD COOK: The Houston portion would  
16 be removed completely. So, Houston Street would be  
17 open. The existing foot print of the existing St.  
18 John's Terminal building spans down to within 50 feet  
19 of the Department of Sanitation building that you're  
20 seeing here. And so the through-block passage as  
21 planned in the current ULURP project before you would  
22 not have the through-block passage as has been  
23 proposed in the ULURP because the existing footprint  
24 of the adaptive reuse would be there. We are  
25 exploring how that could potentially happen at the

1  
2 50-foot dimension between the northern edge of the  
3 Department of Sanitation building and the southern  
4 edge of the existing St. John's Terminal building  
5 with the hope that there would continue to be support  
6 for the pedestrian crossing at West Street to the  
7 Hudson River Park.

8 COUNCIL MEMBER JOHNSON: So, you know, it  
9 is what it is, but it's very frustrating, that for--  
10 it's probably frustrating for you, Rick, more than  
11 most people. You've spent more time designing this  
12 project since the very beginning. But what we're  
13 seeing before us on this slide is the proposed  
14 rezoning plan that we have been looking at throughout  
15 the public review process that was contemplated in  
16 many ways through the scoping process. I mean, it's  
17 changed a little bit. The Community Board gave  
18 recommendations and the Borough President and City  
19 Planning, so the plan has changed a little bit, but  
20 this is the plan we've been looking at.

21 RICHARD COOK: Yes.

22 COUNCIL MEMBER JOHNSON: And three weeks  
23 ago it's, "We might do a hybrid scenario." Now, I  
24 mean, fine, do a hybrid scenario if that's what  
25 you're going to do. But for me, the paramount goal

1 here has been to get the hundred million dollars for  
2 the Trust, to get a significant amount of affordable  
3 housing for the community, and to as part of this  
4 large scale plan to have mitigation on open space, on  
5 parking, on traffic, on getting the South Village  
6 landmarked, on all of these additional things. And  
7 so it's frustrating for me that all the sudden  
8 something new has been introduced into the picture.  
9 I know it was partially studied as part of the  
10 environmental work, but it's still frustrating, and  
11 I-- you know, it gives me some concern and pause on  
12 wanting to ensure that what we talk about actually  
13 happens. I don't want any bait and switch. I don't  
14 want things to change even further. I don't want-- I  
15 want to ensure we get the money and that it moves  
16 forward in the appropriate way. And so, Michael, as  
17 you talked about as part of your testimony and as I  
18 laid out with the Trust, explain to me how you  
19 believe that if sequentially the south and center  
20 sites proceeded in a hybrid scenario with an adaptive  
21 reuse of those buildings which could happen on its  
22 own without the special permit being pulled which  
23 would trigger the money. How do we feel fully  
24 confident that the hundred million dollars is going  
25



1  
2 to be received by the-- to the Trust in a timely  
3 manner?

4           MICHAEL SILLERMAN: First of all, I want  
5 to re-emphasize that the preferred course of action  
6 here is to proceed with the full special permit  
7 development in a way that this is like what your  
8 prior application in the downtown Brooklyn rezoning  
9 the expectation was that it was going to be primarily  
10 an office development and the market determined that  
11 it was more a residential development. We're trying  
12 to adjust to these market contingencies. What we're  
13 saying to you is that if we resolve all of the open  
14 issues in the application to your satisfaction and  
15 our satisfaction, we're prepared to enter into an  
16 accelerated payment schedule that takes out the holes  
17 that you identified as holes.

18           COUNCIL MEMBER JOHNSON: Well, let's talk  
19 about those.

20           MICHAEL SILLERMAN: Okay. I-- what that  
21 would mean would be that I'd want to make sure that  
22 I'm looking at my clients and that they're nodding  
23 yes to this, that unlike the present structure, we  
24 would sign the purchase and sale agreement in advance  
25 of the council vote, and we would give you a letter

1 of credit for the full 100 million dollars, and that  
2 unlike the current structures that says if you close,  
3 when you close, you put up 40 million dollars, and  
4 then the rest of it takes three years, that we would  
5 fund the full 100 million dollars at closing.

6  
7 COUNCIL MEMBER JOHNSON: So that's a big  
8 change. I think it's a good change because currently  
9 what we had been talking about is that when closing  
10 occurs-- well, a few things. One, the council would  
11 have to vote in favor, and if the council didn't vote  
12 in favor you'd walk away, and there'd be no hundred  
13 million dollars, and you'd proceed under an as-of-  
14 right scenario. But the Council has to vote in  
15 favor.

16 MICHAEL SILLERMAN: Right.

17 COUNCIL MEMBER JOHNSON: The Hudson River  
18 Park Trust Board has to vote in favor of the purchase  
19 and sale agreement and sign it. After you've signed  
20 it, they have to counter sign it. The Article 78  
21 period which is 120 days commences at the day after  
22 the council votes on the ULURP.

23 MICHAEL SILLERMAN: No, I believe it--

24 COUNCIL MEMBER JOHNSON: [interposing]  
25 After the Mayor--

2 MICHAEL SILLERMAN: [interposing] After  
3 the Trust authorizes.

4 COUNCIL MEMBER JOHNSON: After the trust  
5 votes, okay. So after the Trust votes, Article 78  
6 period ends. It spans four months. At the end of  
7 the four months, what you're saying now is 100  
8 million dollars will have been put in escrow, and at  
9 the end of that four-month Article 78 period, that  
10 hundred million dollars would become available at  
11 closing.

12 MICHAEL SILLERMAN: Right.

13 COUNCIL MEMBER JOHNSON: What does  
14 closing mean?

15 MICHAEL SILLERMAN: Closing means that  
16 you've entered into a contract and that you're acting  
17 through that contract. We're purchasing the air  
18 rights and we're paying for them.

19 COUNCIL MEMBER JOHNSON: But what have  
20 you all decided at the end of the Article 78 period  
21 that you didn't want to close, that you wanted to  
22 proceed with your hybrid scenario under the south and  
23 center sites and wait on puling the special permit on  
24 the north site?

2 MICHAEL SILLERMAN: No, but it's  
3 independent of-- the obligation to close has nothing  
4 to do with going forward with the special permit, and  
5 you have-- I mean, you, the Trust, has a letter of  
6 credit. You draw down the letter of credit.

7 COUNCIL MEMBER JOHNSON: And currently,  
8 the purchase and sale agreement says that you have 90  
9 days to close after the Article 78 period plus an  
10 additional 60 days on top of that in case there are  
11 other things that need to be resolved. So, that's  
12 basically five months after the Article 78 period.  
13 That's what the PSA currently says.

14 RICHARD COOK: Yeah.

15 MICHAEL SILLERMAN: Yeah.

16 RICHARD COOK: That's what it currently  
17 says.

18 COUNCIL MEMBER JOHNSON: So, we have to  
19 have more conversations and now is not the space to  
20 negotiate this, but I think that I've conversations  
21 with your client about tightening up the closing  
22 period to be much shorter since the money will  
23 already be sitting in escrow to ensure that the Trust  
24 gets the money soon after the Article 78 period  
25 expires.

2                   MICHAEL SILLERMAN: Yes, and I think  
3 we're all on the same page, I think in the same way.  
4 The Trust while it had a period of time after your  
5 vote to act, I think it intends to authorize it  
6 immediately after that, and we'll--

7                   COUNCIL MEMBER JOHNSON: [interposing]  
8 The Trust is set to meet the day after the Council  
9 meets to have their board vote on this. So, I know  
10 that you're the lawyer for the applicant, but tell me  
11 what holes exist where potentially we don't get the  
12 hundred million dollars?

13                  MICHAEL SILLERMAN: You know, on the  
14 perspective on this, as I said, I thought that this  
15 was a very robust pro-public contract to begin with in  
16 putting up the 40 million dollars. I think this  
17 makes this as tight as we can make it.

18                  COUNCIL MEMBER JOHNSON: It seems to be  
19 too good to be true. You know, typically when  
20 someone comes to you and tells you they have a potion  
21 to extend your life for a long time, it's too good to  
22 be true. The hundred million dollars seems a little  
23 too good to be true, in escrow, available at the end  
24 before development commences. So, like what's the--

2    what's in the fine print that scrolls through the  
3    screen really carefully?

4                   MICHAEL SILLERMAN:  I think there is a  
5    Land Use judgment being made here, that it is  
6    appropriate to rezone this property to allow this  
7    kind of mixed-use development, and it is appropriate  
8    to craft a mechanism to transfer the development  
9    rights across the street.  I think what we're saying  
10   from our end is that once we have resolved the mutual  
11   open issues between us, that this isn't in a sense an  
12   opportunity cost or a development option, and I think  
13   we will feel comfortable enough to make that  
14   investment and that point and have it be a very  
15   certain deal.

16                  COUNCIL MEMBER JOHNSON:  So, you all are  
17    asking for an additional City Planning technical  
18    memorandum that clarifies the amount of as-of-right  
19    commercial office space that could be done on the  
20    center and south sites, and as part of that you're  
21    looking for a DOB determination letter that says that  
22    you can move 175,000 square feet of FAR from the  
23    north sit on the center and south sites, that it's  
24    one zoning lot.  And you all are looking for that to  
25    have certainty, ensurity [sic] and have it be as

2   bullet-proof as possible for the investors of this  
3   project to feel like if they need to proceed in a  
4   hybrid scenario, they're not at risk and that that  
5   can happen. Is that correct?

6                   MICHAEL SILLERMAN: That's correct. And  
7   in addition to resolving the other--

8                   COUNCIL MEMBER JOHNSON: [interposing]  
9   Yes, but we'll get to that. We'll get to that. So,  
10  if that's the case and we are trying to achieve that,  
11  we also have to feel like this deal is bullet-proof  
12  from a financial perspective for the Trust. And so  
13  the devil is really in the details on what closing  
14  means, on the time for closing, on the documents that  
15  need to be signed, on all of these things that we  
16  have been going back and forth on. You know, the  
17  Trust lawyers and your lawyers and the council  
18  lawyers and City Planning's lawyers all need to sit  
19  down to create the most bullet-proof document PSA  
20  agreement possible so that as your client doesn't  
21  want to be at risk and wants these additional  
22  documents, the City and the Trust don't want to be at  
23  risk and not getting the hundred million dollars.

24                   MICHAEL SILLERMAN: Agreed.

2 COUNCIL MEMBER JOHNSON: Okay. So let's  
3 move beyond the hybrid scenario and let's talk about  
4 very quickly the existing proposed rezoning. So, I  
5 have a few quick questions. So, the affordable  
6 housing as Chair Richards brought up, I'll just say  
7 that it's a work in progress. We're working on it.  
8 The idea is to do area median income band from 60  
9 percent of AMI all the way up to about 135 percent of  
10 AMI.

11 MICHAEL SILLERMAN: I think that you had  
12 mentioned--

13 COUNCIL MEMBER JOHNSON: [interposing] One  
14 sixty-five.

15 MICHAEL SILLERMAN: one sixty-five.

16 COUNCIL MEMBER JOHNSON: So, to do 60  
17 percent of AMI up to 65 percent of AMI and to likely  
18 do bands at 60, 80, 100, 115, 135, and 165 so that we  
19 have a mix of incomes throughout.

20 MICHAEL SILLERMAN: Right.

21 COUNCIL MEMBER JOHNSON: And so we are  
22 still-- it's not final yet. We're still working on  
23 what that mix is and all of the issues associated  
24 with that. Right?

25 MICHAEL SILLERMAN: Yes.



2 COUNCIL MEMBER JOHNSON: Okay. So, I  
3 just wanted to be clear for the public, to the  
4 Community Board, to all the stakeholders and to the  
5 members of this committee and the Chair of this  
6 committee.

7 MICHAEL SILLERMAN: And I think you also  
8 mentioned some desire to enhance the unit mix in the  
9 seniors.

10 COUNCIL MEMBER JOHNSON: Yeah. So, the  
11 Borough President made a recommendation. The  
12 proposal was to do 75 percent studios, 25 percent one  
13 bedrooms. The Borough President put in her  
14 recommendation to do 75 percent one bedrooms, 25  
15 percent studios, to flip it. Your client has agreed  
16 to do that.

17 MICHAEL SILLERMAN: Yes.

18 COUNCIL MEMBER JOHNSON: Which slightly  
19 decreases the number of units, but we still believe  
20 it's a worthwhile tradeoff.

21 MICHAEL SILLERMAN: Right.

22 COUNCIL MEMBER JOHNSON: Okay, great.  
23 The parking proposal, your applicant, your client put  
24 in a request to do 780 something--

25 MICHAEL SILLERMAN: [interposing] 772.

2 COUNCIL MEMBER JOHNSON: Seven hundred  
3 and seventy-two spaces of parking. It's far too many.  
4 The Community Board recommended approximately 380  
5 something. The Borough President recommended  
6 approximately 330 parking spaces. You agreed to  
7 eliminate big box retail as part of the City Planning  
8 Commission vote in process. There will still be a  
9 significant amount of retail under the proposed plan.  
10 What's the amount of parking that you all could live  
11 with?

12 MICHAEL SILLERMAN: I think that is a  
13 kind of question that we should have a further  
14 dialogue about that.

15 COUNCIL MEMBER JOHNSON: Okay, but you're  
16 not getting 700 and something spaces. You're probably  
17 not getting 500 spaces. It's like-- it's too much.

18 MICHAEL SILLERMAN: I understand that  
19 rhetorical statement.

20 COUNCIL MEMBER JOHNSON: We're setting  
21 expectations. And your belief is that you need all  
22 of those parking spaces, and they would be accessory  
23 parking spaces, not open to the public.

24 MICHAEL SILLERMAN: Right.  
25

2 COUNCIL MEMBER JOHNSON: And so it  
3 basically would be an amenity for people living in  
4 the building.

5 MICHAEL SILLERMAN: Yes.

6 COUNCIL MEMBER JOHNSON: But there's a  
7 large parking lot which derives revenue for the park  
8 across the street at Pier 40 which has some spaces  
9 available.

10 MICHAEL SILLERMAN: You know, I think  
11 that under the Trust Act, that's intended to be long-  
12 term parking, not this kind of day-to-day in and out,  
13 and I'm not sure for the users of that garage that  
14 they necessarily want to compete with our market rate  
15 people and have the prices there raised. But in any  
16 case, we satisfied the recently enacted Manhattan  
17 Core Parking Standards that there is a need for this.  
18 We're not--

19 COUNCIL MEMBER JOHNSON: [interposing]  
20 It's still too many spaces.

21 MICHAEL SILLERMAN: I think parking is  
22 one of those--

23 COUNCIL MEMBER JOHNSON: [interposing]  
24 Horrible things that we always have to talk about.

2 MICHAEL SILLERMAN: issues that there are  
3 black hats and white hats, and there's no agreement  
4 on who's wearing the black hat and who's wearing the  
5 white hat.

6 COUNCIL MEMBER JOHNSON: We hope to  
7 redevelop Pier 40 and have a world-class beautiful  
8 parking garage with athletic fields in the future,  
9 and we want people to use those spaces.

10 MICHAEL SILLERMAN: And the real-- the  
11 reason we're here--

12 COUNCIL MEMBER JOHNSON: [interposing]  
13 We're not going to negotiate.

14 MICHAEL SILLERMAN: is to make sure that  
15 that happens.

16 COUNCIL MEMBER JOHNSON: Okay, so--

17 MICHAEL SILLERMAN: [interposing] That  
18 hundred million is--

19 COUNCIL MEMBER JOHNSON: [interposing] we  
20 have to decrease the parking significantly. The  
21 retail, we're still having conversations on. The  
22 Community Board proposed no retail space larger than  
23 10,000 square feet. We've been going back and forth  
24 with the exception of a grocery store which will be  
25 significantly more which is fine. There's a plan

1           that you all have discussed which is to do retail  
2 spaces on multiple levels. So, to do through-spaces  
3 from the ground floor up to the second floor with  
4 potential mezzanine floor in between, and we're  
5 working on the details on that.

6           MICHAEL SILLERMAN: Yes.

7           COUNCIL MEMBER JOHNSON: But the idea is  
8 we want local neighborhood smaller size retail that  
9 works for the community and not destination retail.

10          RICHARD COOK: Right.

11          MICHAEL SILLERMAN: No, that's--

12          COUNCIL MEMBER JOHNSON: [interposing] You  
13 all understand that?

14          MICHAEL SILLERMAN: That's understood.

15          COUNCIL MEMBER JOHNSON: Okay. I think  
16 that is all I have for now. I mean, there's some  
17 open space concerns. In the conversations with the  
18 Community Board on doing indoor publicly accessible  
19 recreation space. It was talked about 10,000 square  
20 feet. Even under 10,000 square feet you don't meet  
21 your open space mitigation ratio. I know your client  
22 has talked about the hundred million dollars should  
23 be considered in some way as open space mitigation,  
24 but my hope is that if this plan moves forward we're  
25

2   going to build a state of the art beautiful indoor  
3   recreation center that works for the community that  
4   might be slightly bigger than 10,000 square feet, but  
5   have it be a space that is utilized and works for the  
6   local community, and your client has told me they're  
7   open to working on that with Rick and the Community  
8   Board in designing it.

9                   MICHAEL SILLERMAN:   Yes.

10                  COUNCIL MEMBER JOHNSON:   And have those  
11   conversations begun?   Rick?

12                  RICHARD COOK:   I had an initial  
13   conversation with the Chair of Community Board Two,  
14   Tobi Bergman, about what the goals and aspirations  
15   for the community were.   We have gone back to our  
16   client.   We've outlined a scheme, and immediately in  
17   this time period between this hearing and the vote,  
18   we will be getting together with the Community Board  
19   to review the proposal.

20                  COUNCIL MEMBER JOHNSON:   So this is  
21   really important to me, making sure that it is a  
22   world class, state of the art, usable space that's  
23   broken up in an appropriate way as the community  
24   determines is going to best for the users of it with  
25   bathrooms and other amenities, and it's not all going

2   to be tight and squeezed together. So, I really want  
3   this to be done in a good way, and it would be good  
4   to come back in a couple of weeks before the vote to  
5   look at renderings and the layout and the floor plan  
6   and all of these things.

7                   RICHARD COOK: Yes, Councilman. We're  
8   working on it right now.

9                   COUNCIL MEMBER JOHNSON: Okay, and there  
10   are design guidelines as part of the restrictive  
11   declaration so that if this project eventually gets  
12   built, it's going to look like what we're seeing, and  
13   it's not going to change and be all glass.

14                  RICHARD COOK: That's correct. Not Trump  
15   Tower, correct.

16                  COUNCIL MEMBER JOHNSON: Not.

17                  CHAIRPERSON RICHARDS: Don't say that  
18   word.

19                  COUNCIL MEMBER JOHNSON: Don't say that  
20   word.

21                  RICHARD COOK: The design control notes  
22   are on the documents. They outline materiality  
23   extent of glass recessed to the surface of the window  
24   area, multi-light sash. No through-wall incremental  
25   units. It also addresses the maximum number of

2 stories of individual window openings that could be  
3 grouped together at a maximum of three. It talks  
4 about a series of other materiality requirements  
5 under the design control notes which we work closely  
6 with City Planning staff to make sure they were there  
7 so that the City gets what's been promised on the  
8 renderings.

9                   COUNCIL MEMBER JOHNSON: And he north  
10 site where the senior building is there's a plan to  
11 do Access-a-Ride pick-up and drop-off for seniors who  
12 are going to live in that building.

13                  RICHARD COOK: Yes.

14                  COUNCIL MEMBER JOHNSON: And has it been  
15 determined where that is yet? Is it going to be  
16 below ground or at grade?

17                  RICHARD COOK: It has not yet. We have a  
18 scheme to have the Access-a-Ride come down and be  
19 under cover so that you could get directly into the  
20 core. From below grade they would use the pathway of  
21 the parking area to get to their below grade lobby,  
22 and there's another scheme for a lay-over lane on  
23 Washington Street at the front door.

24                  COUNCIL MEMBER JOHNSON: Okay.



2 RICHARD COOK: And we're in the process  
3 of studying both of them.

4 COUNCIL MEMBER JOHNSON: So we'll resolve  
5 that before the council votes. And a nonprofit  
6 provider is going to come in to help run this  
7 building. You all will do an RFP process to choose a  
8 provider?

9 RICHARD COOK: That is correct. We're in  
10 the process of writing the RFP right now.

11 COUNCIL MEMBER JOHNSON: And the hope is  
12 that if this project moves forward not in the hybrid  
13 scenario, that the southern site with the through-  
14 block that connects from Washington to the West Side  
15 Highway, the open space between the commercial  
16 building and the center building, that we want to  
17 leave open the possibility and work with State DOT  
18 and City DOT to do an additional crosswalk across the  
19 West Side Highway to create another connection into  
20 the park.

21 RICHARD COOK: Correct. There's a kind  
22 of crossing desert from Canal all the way up to  
23 Houston. That's extremely important to get a  
24 crossing done there, and we've started initial  
25 conversations with the Hudson River Park Trust on the

2    landing side and the State DOT to make that happen.

3    We hope that that would happen in both the full ULURP

4    that we're exploring together and in hybrid scenario.

5                   COUNCIL MEMBER JOHNSON: And the sidewalks  
6    on Washington Street are set to be widened as part of  
7    this plan?

8                   RICHARD COOK: That is correct.

9                   COUNCIL MEMBER JOHNSON: To how much?

10                  RICHARD COOK: Thirteen feet, six inches.

11                  COUNCIL MEMBER JOHNSON: What are they  
12    currently?

13                  RICHARD COOK: Almost non-existent  
14    because of the curb cuts that are there now on the  
15    corner of Clarkson and Washington between the light  
16    post and the corner of the building there's maybe two  
17    feet.

18                  COUNCIL MEMBER JOHNSON: Okay. And then  
19    in that center area and the center building, that  
20    open space, the initial plan was to have that not be  
21    open and be a viewing garden which people would look  
22    into. The proposed plan now is to have about 60  
23    percent of it open and then have the rest of it be a  
24    viewing garden, and that helps with some of the open  
25    space mitigation.

2                   RICHARD COOK:   That's correct.

3                   COUNCIL MEMBER JOHNSON:   And it'll be  
4   planted and seeded, and the public access for the  
5   through-way and for the viewing garden is going to be  
6   24 hours a day.

7                   RICHARD COOK:   I don't believe the hours  
8   of operation have been finalized yet, but--

9                   MICHAEL SILLERMAN: [interposing] No, no,  
10   it's been-- yes, there'll be an easement and there'll  
11   be access through it 24/7.

12                  COUNCIL MEMBER JOHNSON:   Okay, great.  
13   And who is going to pay for the crosswalk?

14                  MICHAEL SILLERMAN:   I think that hasn't  
15   been determined what's necessary or the funding of  
16   it.

17                  COUNCIL MEMBER JOHNSON: Okay.   Because I  
18   mean, it's a big amenity for your building to be able  
19   to have a crosswalk that goes through, but I know  
20   that we should talk about the exact on that because  
21   there is a big difference between what some people  
22   think it'd cost and what other people think it would  
23   cost, and it would take City and State DOT  
24   cooperation to get it done, and the Trust.   Okay.  
25   That's it.   Thank you very much.

1  
2 RICHARD COOK: Thank you.

3 CHAIRPERSON RICHARDS: Thank you, Council  
4 Member Johnson for you robust questions. So, thank  
5 you for coming out today. Obviously, there's still  
6 some outstanding items. Obviously, the big question  
7 mark is around the hundred million dollars and really  
8 tightening up that process. We really want to hear a  
9 lot more about the affordability as we move forward.  
10 I do want to commend you on parking, because normally  
11 Council Members are saying they want more parking, at  
12 least in my part of town, and actually Council Member  
13 Johnson is saying we need to decrease parking, and  
14 that's something we don't hear all the time in the  
15 council. So I want to commend you for coming up with  
16 more parking than really needed on that. Obviously,  
17 still some other outstanding issues. We want to hear  
18 a little bit more about local hiring, MWBE's, and I  
19 think that's it. So, we thank you for coming out.  
20 We look forward to working with you and continuing to  
21 work with you through this process. Thank you for  
22 your testimony today.

23 RICHARD COOK: Thank you, Mr. Chair.

24 CHAIRPERSON RICHARDS: Alrighty. So  
25 we're going to call the next panel up. Alrighty,

2 we're going to call the Manhattan Borough President's  
3 Office. I don't see her here. Okay. Oh, look who's  
4 here today. Jim is here. Tobi Bergman, Chair of  
5 Community Board Two, David Gruber Community Board  
6 Two. Gruber, sorry. I didn't mess anyone else's  
7 name up, did I? Say it now or forever hold your  
8 peace. Are you singing? Is that you?

9                   UNIDENTIFIED: Somebody's phone is  
10 ringing.

11                  CHAIRPERSON RICHARDS: Somebody's singing  
12 on the phone that way? Wow. Somebody's birthday  
13 today? It's good opera right there.

14                  UNIDENTIFIED: Yeah, it's over there.

15                  CHAIRPERSON RICHARDS: Oh, wow. Okay,  
16 it's a very exciting panel I see already. Okay,  
17 we're going to ask you to state-- you know the drill.

18                  UNIDENTIFIED: Yes.

19                  CHAIRPERSON RICHARDS: You'll state your  
20 name for the record and who you're representing, and  
21 then you may proceed, and we're going to give-- we  
22 have around 50-odd people who want to testify today.  
23 So I'm going to put on the time clock for two  
24 minutes, and we'll go from there. Alrighty, you may  
25 begin.

1  
2 JAMES CARAS: Okay. Thank you Chairs  
3 Greenfield and Richards. Thank you for the  
4 opportunity to testify today one, the redevelopment  
5 of the Saint John Terminal site, and two, the payment  
6 for development rights to the Hudson River Park Trust  
7 for Pier 40. I'm Jim Caress, General Counsel and  
8 Land Use Director for Borough President Brewer.  
9 First, the easy part, the Borough President supports  
10 the text amendment that creates a special permit to  
11 facilitate transfers of development rights from the  
12 park to a receiving site. The use of this permit  
13 must go through ULURP. We support the text  
14 amendment, but think a cap should be added to make  
15 sure no additional rights are transferred from Pier  
16 40 into Community District Two. Now for the harder  
17 part. In our ULURP Advisory, the Borough President  
18 opposed with conditions the application for the  
19 redevelopment of the Saint John's Terminal site. The  
20 application before you today is the biggest single  
21 development in the history of the neighborhood in the  
22 last 100 years. The development isn't just large in  
23 terms of the parcel of land involved. Brining more  
24 than 1,500 units to two blocks, the proposed  
25 development's physical height and residential density

1 will create a massive building that hulks [sic] over  
2 the neighborhood. The project will have adverse  
3 impacts on transportation and open space and will  
4 create significant issues during its construction.  
5 The BP felt that if we were going to ask a  
6 neighborhood to accept this kind of density and the  
7 impacts that go along with it, we should make sure  
8 that we've done everything possible to shape the  
9 project in a manner that most benefits the  
10 neighborhood, addresses its needs and mitigates those  
11 impacts. The Borough President believed the project  
12 certified by the City Planning Commission fell short  
13 and that could and should do a better job of  
14 stitching the development into the surrounding  
15 neighborhood, ameliorating impacts on parking and  
16 open space and improving the location and design of  
17 the proposed affordable housing. So we propose the  
18 following: eliminating most of the proposed parking  
19 by opposing the special permits to allow additional  
20 parking on the south and center sites and using the  
21 below-grade space for cultural and recreational uses.  
22 Throwing out the big box store and focusing more on  
23 neighborhood retail, creating a great open space and  
24 pedestrian realm plan which would involve  
25

1  
2 accessibility to the courtyard and turning through  
3 the site driveway-- and turning the through-side  
4 driveway into a pedestrian-friendly space and  
5 increasing the amount of affordable housing,  
6 improving upon its location and making-- and  
7 reversing the ratio of one bedroom and senior units  
8 to studios. Let me just wrap up by saying, you know,  
9 a number of these units were addressed and Council  
10 Member Johnson is working on some of the other  
11 issues. So, some, but not all, of our concerns will  
12 be addressed. We do have concerns that now this  
13 hybrid project is likely, and Council Member  
14 Johnson's done a great job in reaching out to his co-  
15 elected colleagues, but this is concerning because  
16 we're now facing a prospect of pieces of a project  
17 that was considered as a whole remaining while  
18 certain components may not be realized. So to  
19 proceed at all under these circumstances, we think we  
20 need three things. First, that the Hudson River Park  
21 Trust gets all its money for the repair of Pier 40.  
22 Second, that when the development of the north site  
23 occurs, that all of the commitments made in terms of  
24 affordable units, senior units, the grocery store,  
25 the ratio of senior units are kept. And third, that



2 we fully understand any modifications or technical  
3 memoranda and can be sure that we're not allowing any  
4 building on sites from which the special permits will  
5 not be used that would exceed what otherwise would  
6 have been allowed as-of-right on those sites. Thank  
7 you.

8                   CHAIRPERSON RICHARDS: Thank you. You may  
9 begin, Mr.--

10                   TOBI BERGMAN: Good afternoon. Good  
11 afternoon. I'm going to read a short statement. I'm  
12 Tobi Bergman, Chair of Community Board Two Manhattan.  
13 All of the testimony we heard at our public hearings  
14 indicated that people think this project is too big.  
15 Its buildings form a wall along the river front and  
16 are out of scale with the adjacent neighborhoods. The  
17 project plan failed to take available opportunities  
18 to integrate with the surrounding neighborhood. The  
19 project adds traffic to an area already swamped by  
20 Holland Tunnel traffic and the EIS recognizes a  
21 substantial negative impact on active recreation. On  
22 the other hand CB2 recognized the important proposed  
23 contributions of substantial affordable housing,  
24 redevelopment of an ugly and impenetrable four block  
25 long rail terminal, and most of all, an opportunity

1           to save Pier 40, an essential and irreplaceable  
2           active recreation facility that contributes greatly  
3           to the livability of our dense urban neighborhoods.  
4           This last was the bottom line for our conditional  
5           approval. In addition, we are very pleased that he  
6           Planning Commission and the Council are paying  
7           attention to CB2 recommendations in our conditional  
8           approval as follows: completion of this historic  
9           district designation for the South Village,  
10          protection of the far west village from future air  
11          right transfers from Hudson River Park, restrictions  
12          on the amount and size of the proposed retail stores,  
13          agreement by DOT to implement comprehensive traffic  
14          and pedestrian safety improvements in the Holland  
15          Tunnel impact area, removal of the bridge that  
16          darkens West Houston Street, and improvement of  
17          pedestrian access to and through the project, and the  
18          addition of indoor recreation facilities to mitigate  
19          impacts on active recreation.  
20

21                   CHAIRPERSON RICHARDS: Thank you.

22                   DAVID GRUBER: Thank you very much for  
23           giving this opportunity to testify, Chair Greenfield  
24           and Richards. I am David Gruber, the immediate past  
25           Chair of CB2 and was the Chair of the Pier 40 Saint

1 John's Building Working Group that was referred to  
2 earlier. As my colleague Tobi Bergman just said,  
3 this entire project was driven by the need to save  
4 Pier 40, which is our recreational open space in a  
5 completely open space starved community. The sheer  
6 overwhelming size and scale of this building would  
7 overwhelm any community, more so the low density  
8 historic Greenwich Village and has not actually been  
9 met with universal approval by many in our Community  
10 Board. To compensate or address this enduring, this  
11 huge project, there has to be some balancing factors  
12 put in place to help mitigate the effects of this  
13 development. First and foremost, the final leg of  
14 the South Village Historic District must without  
15 delay be passed into law so that the ripple wave of  
16 development that this project will surely spur will  
17 be more in scope and scale with Greenwich Village as  
18 a whole. This has really been championed by our  
19 Councilman Corey Johnson, and we appreciate that very  
20 much. Further, air right transfers across West  
21 Street into CB2 for any reason must not be allowed.  
22 We feel that we've absorbed as much as we need to or  
23 want to absorb. While the developer and City  
24 Planning and Councilman Johnson has done much to  
25

2       tweak the proposal of the special zoning district  
3       such as providing more open space or space open to  
4       light and air-- oh, I have to rush it. One more  
5       second.

6                   UNIDENTIFIED:   It's a fast clock.

7                   DAVID GRUBER:   Fast clock.   You sure  
8       there's two-- improving the safety crossings  
9       etcetera.   The most important factor is still the  
10      creation of a huge super block at King Street cutting  
11      off access to the park and creating the deadest of  
12      dead zones.   This is a draft EIS.   I'm not sure of  
13      the mechanics of how to make a minor modification,  
14      but that's why it's a draft, isn't it?   We've had  
15      eight, seven or eight, public hearings, and I now  
16      everybody says this can't be done because it wasn't  
17      in scope, but it's still on the drawing board now.  
18      Let's try to get the best project possible while it's  
19      not up-- you know, while it's on the drawing boards.  
20      Thank you for your time and for the extended time.  
21      Thank you.

22                  CHAIRPERSON RICHARDS:   Thank you for your  
23      service.   We'll go to Council Member Johnson.

24                  COUNCIL MEMBER JOHNSON:   Thank you all  
25      for your testimony.   I just quickly wanted to ask,

1 given what you heard from the applicant earlier, if  
2 you could just talk about some of the things we have  
3 been able to resolve, which is getting rid of the  
4 rail beds over Houston Street and some of the other  
5 issues? What are some of the remaining issues that  
6 the Community Board and Borough President have in  
7 light of the changes that have already been made?  
8 The open recreation space, the indoor recreation  
9 space, the distribution of affordable units and the  
10 AMI bands, the amount of parking, and the limiting of  
11 the retail, those are kind of the four major things.  
12 Am I missing anything?

14 JAMES CARAS: Yes. I would agree with  
15 that. We also asked that we were hoping for more  
16 affordable housing was one of our, you know, but--  
17 and we're glad you're still pushing them on the  
18 parking. But yes, in some of the retail issues.  
19 some of the-- some addition of vitality to the ground  
20 floor retail has been added, not everything we were  
21 looking for, and then in addition to the amount of  
22 affordable housing, the location of some of that  
23 affordable housing as well. And we're very happy  
24 that you've switched the ratio on the senior units.

25 COUNCIL MEMBER JOHNSON: Tobi?

1  
2 TOBI BERGMAN: Yeah, I think we've come a  
3 long way. David alluded to one of our big concerns.  
4 The site plan, we have a 800 foot long super block  
5 here, and it's very difficult to develop that in a  
6 way that brings it into, knits it into the  
7 neighborhood, and we felt that King Street, creating  
8 a through-block on King Street was really vital to  
9 that. On the other hand, the opening up of Houston  
10 Street and the improvement of the original plan for  
11 the cut-through below Van Dam [sic] Street, above Van  
12 Dam Street is definitely significant. Really the  
13 hybrid plan, we haven't had a chance to look at that,  
14 and a major concern with respect to that will be  
15 that-- one of the things that makes-- aside from the  
16 finding of Pier 40, one of the things that makes this  
17 project palatable, that puts some weight on the other  
18 side of the balance is that it opens up a  
19 neighborhood which is really a dead zone to our  
20 neighborhood. We think it should have done better,  
21 but at least it did to some extent make this huge  
22 site part of the neighborhood. My concern with the  
23 hybrid is that we lose that tail end of it, and while  
24 we-- the northern block kind of become part of the  
25 neighborhood again, the southern block is really--

1  
2 remains completely a dead zone. And also in terms of  
3 the hybrid, I have a concern about the promise,  
4 indoor recreation which is really a central part of  
5 that for our neighborhood.

6 COUNCIL MEMBER JOHNSON: So, just  
7 quickly, I know that David and you both mentioned the  
8 site land. You know, City Planning is the final  
9 arbiter in many ways of what's in scope and what's  
10 out of scope, and they base that off of the  
11 environmental work that was scoped in pre-  
12 certification, and the ruling from City Planning is  
13 changing the envelope and the massing onto the super  
14 block would not be in scope because it wasn't studied  
15 as part of the environmental analysis. And so, it's  
16 at the Council now. We don't have say over what's in  
17 scope and out of scope, and I understand the point. I  
18 agree with you. I wish we could make some of those  
19 site changes, because I think the Community Board's  
20 resolution was very thoughtful and well done, and how  
21 you all approached making those changes, but it's my  
22 understanding that at this point that train has left  
23 the station, and we're not able to make any changes  
24 on that unfortunately. But I just want to be open  
25 about that so people understand that it's not me

1                   saying we can't do it. City Planning has made that  
2                   determination.  
3

4                   TOBI BERGMAN: I'd just like to add one  
5                   thing which is that, you know, I can't judge. The  
6                   Community Board hasn't seen the latest version of  
7                   this project as it develops, but based on what we  
8                   heard at the multiple public hearings that we did  
9                   hold, I think that we heard a lot about South  
10                  Village. We heard a lot about concerns about  
11                  burdening the Far West Village with additional air  
12                  rights transfers in the future. We heard on and on  
13                  and on for a very good reasons about the importance  
14                  of Pier 40. All of the-- definitely the  
15                  transportation impacts the pedestrian safety impacts  
16                  of the Holland Tunnel are a major concern in this  
17                  part of Manhattan, and each time we see a new project  
18                  come along, it may sneak by in terms of its  
19                  environmental impact, but cumulatively, thee impacts  
20                  nevertheless make the traffic worse and harm  
21                  pedestrians' safety and harm the quality of life in  
22                  our neighborhood, both businesses and residents. So,  
23                  all of the things that have been worked so hard on, I  
24                  think there's going to be a lot of appreciation of  
25



2   the depth of the changes that have taken place so  
3   far.

4                   COUNCIL MEMBER JOHNSON:   Thank you.  
5   David?

6                   DAVID GRUBER:   And I just want to add and  
7   echo what Tobi's saying.   You know, part of the  
8   problem is that we've had so much development on that  
9   part of the far west side of the village, but their  
10   individual projects don't reach the level of  
11   triggering ULURP's or triggering, you know, other  
12   kinds of studies, but cumulatively and collectively  
13   we now face, both the schools and other things, we  
14   now face an enormous problem that have not been  
15   addressed, and we have an opportunity to do it here.  
16   I want to just say that the traffic plan that's been  
17   proposed for the entire surrounding area and some of  
18   them in the south, and going into Hudson Square it's  
19   going to be a very important, you know, working with  
20   the bid there.  It's going to be very, very important  
21   to us to try to figure out the-- and mitigate the  
22   increased traffic at this proposal, and this proposed  
23   site is going to be.  And I know that's in the works,  
24   and thank you for that, Tobi.

1  
2 TOBI BERGMAN: And I just note how you  
3 understand how important the hundred million dollar  
4 part of this is. To go through all this, end up  
5 with an approved project, and have it somewhere fall  
6 apart in the next six months would be completely  
7 devastating, and--

8 COUNCIL MEMBER JOHNSON: [interposing]  
9 Unacceptable.

10 TOBI BERGMAN: certainly a sense of  
11 betrayal would result.

12 COUNCIL MEMBER JOHNSON: Unacceptable and  
13 totally devastating. I just want to add on the  
14 traffic study that the City has already agreed to  
15 there greatly is going to be cooperation between the  
16 Hudson Square bid, the Community Board, City DOT, and  
17 the Port Authority has agreed to participate.

18 TOBI BERGMAN: I meant to say thank you,  
19 Corey.

20 COUNCIL MEMBER JOHNSON: It's okay. The  
21 Port Authority agreed to participate as a willing  
22 partner as well. So, that's good. I think Chair  
23 Greenfield is--

24 UNIDENTIFIED: Thank you.  
25

2 CHAIRPERSON RICHARDS: We're going to go  
3 to Chair Greenfield.

4 COUNCIL MEMBER GREENFIELD: thank you.  
5 I just wanted to reflect, and I, you know, sitting  
6 here listening for the last three hours, and  
7 obviously we've all spent a lot of time here, and  
8 that is that I think it's worth noting that the work  
9 that all of you have put in, the three of you, of  
10 course the Borough President's Office so ably  
11 represented and the current and former Chair is  
12 really unique and honestly extraordinary in terms of  
13 projects that we get here to the Council, and--

14 JAMES CARAS: [interposing] Thank you.

15 COUNCIL MEMBER GREENFIELD: when we  
16 review the project we found that a lot of these issue  
17 were well thought out and that there was a lot of  
18 time and effort that was put into it. I think the  
19 developer should get some credit for that as well,  
20 working with you which I think is helpful, and  
21 certainly as far as your concerns, I can assure you  
22 that your Council Member literally doesn't sleep at  
23 night because he calls me at one o'clock in the  
24 morning to review these concerns, to make sure that  
25 all of these issues are in fact are going to be

2   resolved to the best of the abilities in terms of  
3   the-- what we can actually do. So, I just thought it  
4   was worth noting that we do hundreds of these  
5   applications, and the work has been put in here by  
6   all of your respective offices. It's really been  
7   extraordinary, and we thank you for that.

8                   DAVID GRUBER: Thank you for that.

9                   TOBI BERGMAN: Thank you, and as a matter  
10   of 50 years of policy and practice of Community Board  
11   Two, we never give developers credit for anything.

12                  CHAIRPERSON RICHARDS: Three good men.

13                  COUNCIL MEMBER GREENFIELD: Keep them  
14   sweating. Thank you.

15                  CHAIRPERSON RICHARDS: I'm just mad that  
16   Corey's calling you at two. He's calling me at one.

17                  JAMES CARAS: No, we all get-- we all get  
18   the calls in the middle of the night.

19                  CHAIRPERSON RICHARDS: Okay, we'll go to  
20   the next panel. Thank you for your testimony. Charles  
21   Anderson, Assembly Member Deborah Glick's Office;  
22   Evelyn Conrad, Esquire, Citizen of Manhattan; Andrew  
23   Berman, Greenwich Village Society for Historic  
24   Preservation; Allison Tupper, Sierra Club New York  
25   City Group-- I got your email yesterday-- Anita

2   Isola, GVSH, yeah. I think they got good [sic].  
3   So, I'm going to say Anita Isola, Allison Tupper,  
4   Sierra Club, Andrew Berman, Evelyn Conrad, Charles  
5   Anderson.

6                   COUNCIL MEMBER JOHNSON: Alison? They  
7   called you up.

8                   CHAIRPERSON RICHARDS: You didn't fall  
9   asleep on us, did you? Oh, okay. Alrighty.  
10   Alright, you may begin.

11                  CHARLES ANDERSON: Hi, good evening.  
12   Good afternoon. Thank you for the opportunity to  
13   testify before you today regarding the application  
14   for the 550 Washington Saint John's Terminal in  
15   Greenwich Village. My name is Charles Anderson, and  
16   I will be reading comments on behalf of Assembly  
17   Member Deborah J. Glick who is unable to be here in  
18   person. This large scale project proposes to create  
19   a total of 1.71 million square feet of newly  
20   constructed commercial retail market rate and  
21   affordable housing residential space on this site.  
22   Additionally, this project includes a transfer of  
23   development rights from Pier 40 in Hudson River Park.  
24   It's part of zoning use change, including increases  
25   in bulk, in height, bulk and density. In the

1 interest of time, I will only be highlighting a  
2 select number of issues that we feel are enormously  
3 important, but have submitted full written testimony  
4 to you and I have additional copies as well.  
5

6 CHAIRPERSON RICHARDS: Thank you so much,  
7 because I really like your Assembly Member, and I was  
8 going to have to cut you off.

9 CHARLES ANDERSON: Sure.

10 CHAIRPERSON RICHARDS: So, very grateful  
11 for that.

12 CHARLES ANDERSON: I'm sorry?

13 CHAIRPERSON RICHARDS: No, I said, I like  
14 your Assembly Member, and I would have had to cut you  
15 off.

16 CHARLES ANDERSON: Oh, good. To be  
17 quickly, Pier 40 providing critical funds towards  
18 stabilizing Pier 40 through the purchase of air  
19 rights is a fundamental component of this proposal.  
20 Pier 40 is the large recreational area in Hudson  
21 River Park as we've established. I continue to be  
22 concerned that the 100 million dollars is not likely  
23 to cover the full cost of completing the piles. An  
24 informal list that has been discussed already today  
25 included over 62 million dollars in repairs in

1 addition to the piles, and furthermore it's  
2 imperative that we ensure that the 100 million dollar  
3 payment to HRPT [sic] will be used towards the repair  
4 of all the piles beneath Pier 40, although we had  
5 some revelations earlier. Affordable housing  
6 component within this proposal, almost 1.23 million  
7 square feet of space will be designated to a  
8 combination of residential uses. These include  
9 market rate rentals and market rate condos. It is  
10 imperative that affordable units consist of more than  
11 only the lowest amounts of AMI bands and the highest.  
12 And while we were pleased with negotiations  
13 throughout the ULURP process has resulted in greater  
14 diversity on AMI bands. The affordable housing  
15 component is imperative to this plan. Finally, if I  
16 could just wrap up on parking. The original  
17 application allows for or requested 772 permanent  
18 spots. We concur with the Council Member that  
19 somewhere around the realm of 500 is just far too  
20 many. So, thank you.

21  
22 CHAIRPERSON RICHARDS: Thank you so much  
23 for your testimony.

24 CHARLES ANDERSON: Sure thing.

25 CHAIRPERSON RICHARDS: Alrighty, yes?

1                    EVELYN CONRAD: Evelyn Conrad--

2                    CHAIRPERSON RICHARDS: [interposing] Hit  
3 your mic, please?

4                    EVELYN CONRAD: Evelyn--

5                    CHAIRPERSON RICHARDS: Oh, yeah, hit the  
6 button. It'll light up red. There you go.

7                    EVELYN CONRAD: Oh, sorry.

8                    CHAIRPERSON RICHARDS: no problem.

9                    EVELYN CONRAD: Evelyn Conrad. I am a  
10 Land Use and Zoning Lawyer, Litigator, and I fight  
11 large and greedy developers and corrupt government of  
12 which we obviously have neither in the United States  
13 or certainly not in New York. However, this project  
14 looks so enormous that it's not getting the camel's  
15 nose under the tent; it's a whole heard of camels.  
16 Therefore, I just want you to think about some of the  
17 unintended and predictable consequences. In 2009,  
18 the Planning Commission passed the Solo Project. I'm  
19 very familiar with that one because I represented a  
20 building into the City, and actually okayed it with  
21 six violations of SECRA [sic] laws, six violations.  
22 You approved it afterwards. You have a great deal  
23 more power. You're being too modest. You really have  
24 review responsibility and strength and power.  
25



1  
2 Furthermore, developers come and go. One even gave up  
3 his-- temporarily his television career to run for  
4 President, but a neighborhood once it has been  
5 desecrated never comes back. After hurricanes,  
6 people rebuild in the same place. After a zoning  
7 change, that's the end. I urge you to take a look at  
8 what used to be Yorkville, which was a charming area,  
9 a tiny little area compared to the village which is  
10 at stake through this project. And now, if you look  
11 down 86<sup>th</sup> Street you see undistinguished and  
12 undistinguishable residential condos. It is  
13 appalling. All the character of the area is gone.  
14 The original residents have gone. I want you to  
15 think terribly carefully about this, because it seems  
16 to me with very kind intentions of getting 100  
17 million to repair the pier, you're giving away a good  
18 chunk of very irreplaceable land. Thank you.

19 CHAIRPERSON RICHARDS: Thank you for your  
20 testimony.

21 ANDREW BERMAN: Thank you. My name is  
22 Andrew Berman. I'm the Executive Director of the  
23 Greenwich Village Society for Historic Preservation.  
24 We're the largest membership organization in  
25 Greenwich Village, the East Village and NoHo. GVSHP

1  
2 strongly urges three important changes be made to  
3 this plan before the council consider granting  
4 approvals. First, the third phase of our proposed  
5 South Village Historic District which would be  
6 heavily impacted by the rezoning must be approved by  
7 the Landmarks Preservation Commission. We are deeply  
8 grateful that thanks to the hard work of Council  
9 Member Johnson that district was calendared this  
10 morning. The council should not vote to approve any  
11 of these measures, until or unless the council votes  
12 its final approval for the designation. Second, the  
13 proposed Hudson River Park Special District must  
14 include explicit and ironclad language prohibiting  
15 any further air rights transfers from the park within  
16 Community Board Two. Let me reiterate that the GVSHP  
17 is unequivocally opposed to air rights transfers from  
18 the park. We think this mechanism is flawed,  
19 unnecessary and was hoisted upon the community by the  
20 Trust and the State Legislature over broad inanimate  
21 objections. That said, now that the mechanism has  
22 been put in place, it is critical that the Council  
23 place restrictions to safeguard against it leading to  
24 overdevelopment in this and other neighborhoods. The  
25 prohibition on future air rights transfers within

1 Community Board Two would protect this area from the  
2 possibility of another 1.3 million square feet of  
3 additional development, which would have a  
4 devastating impact. Finally, all destination retail  
5 should be eliminated from the plan and replaced with  
6 local oriented retail and all units with the  
7 exception of a supermarket should be limited in size  
8 to under 10,000 square feet. Given the lack of mass  
9 transit near the site, destination retail will only  
10 attract thousands of shoppers by car, exacerbating  
11 traffic problems in the area. The elimination of the  
12 big box retail from the plan was a step in the right  
13 direction, but not nearly enough to protect the  
14 nearby south and west village from overwhelming  
15 traffic impacts. While the Administration has been  
16 overly generous to this developer with the approvals  
17 granted, the council has the ability-- just wrapping  
18 up-- to attach much-needed restrictions to the plan  
19 and to the Hudson River Park Special District. This  
20 would actually provide long overdue and much needed  
21 protections to surrounding neighborhoods.  
22  
23 Furthermore, with appropriate restrictions and  
24 conditions attached, the council could ensure that a  
25 development on this site is actually less impactful

1  
2 than an as-of-right development which requires no  
3 special approvals whatsoever. I want to thank the  
4 Council for their consideration and especially thank  
5 Council Member Johnson for all of his hard work on  
6 this.

7 CHAIRPERSON RICHARDS: Thank you.

8 ANITA ISOLA: My name is Anita Isola. I  
9 serve on the Board of the Greenwich Village Society  
10 for Historic Preservation. I'm here to basically  
11 reiterate the points that Andrew has made. Firstly,  
12 there should be no approval unless three conditions  
13 are met. The first one is to landmark the last  
14 segment of the original proposal for the South  
15 Village. The South Village has significance to me  
16 personally because I'm Italian-American and my  
17 grandparents and great grandparents first came there  
18 as immigrants, but more importantly, this area  
19 commemorates immigration in America, and one of the  
20 greatest waves of it that we've ever had. I think  
21 that's particularly important at this time.  
22 Secondly, it is very important that although I was  
23 very happy to hear that the box stores are off the  
24 table, it's very important that destination retail be  
25 banned here as well. The stores in the area should

1 just serve the locals, and the largest one obviously  
2 should be a supermarket. And lastly, I would request  
3 that there be a band on any further transfer of air  
4 rights from CB2 that would further damage the quality  
5 of this neighborhood. I'd also like to thank Corey  
6 Johnson for all his tremendous work. Love you  
7 forever. Thank you.

8  
9 COUNCIL MEMBER JOHNSON: Thank you.

10 ALLISON TUPPER: Good afternoon. My  
11 name is Allison Tupper. I'm speaking for the Sierra  
12 Club New York City Group and for myself and my  
13 neighbors. And I want to say, living north of 14<sup>th</sup>  
14 Street, north of the CB2 area, we don't want air  
15 rights transfers in our neighborhood either. It's  
16 the position of the Sierra Club that we don't want  
17 any air rights period in CB2 or CB4 or anywhere.  
18 This is a precedent setting move. If we can transfer  
19 air rights from public waterways at Pier 40, then we  
20 can transfer them anywhere, and this would have  
21 consequences all over the City, spending priorities  
22 and environmental consequences and consequences for  
23 the neighbor. It's our position that we should not  
24 transfer air rights from public waterways at all.  
25 It's legally dubious whether such a thing can even be

2   done, and we think that it is a very bad thing to do,  
3   and we urge everyone not to do it.

4                   CHAIRPERSON RICHARDS: Thank you all for  
5   your testimony. We'll move to the next panel.

6   Alrighty. Tony Simone, Friends of Hudson River Park;  
7   Catherine Soleiu [sp?], Solue, Solie-- I'm messing up  
8   everyone's name today-- Friends of Hudson River Park,  
9   Pam Frederick, Hudson River Park Trust, Josh Ron,  
10  Rahn, Friends of Hudson Park, and David Juracich,  
11  Juracich-- there you go-- Friends of Hudson Park as  
12  well.

13                  UNIDENTIFIED: [off mic]

14                  CHAIRPERSON RICHARDS: I'm not-- Sir, no--  
15  - excuse me. Excuse me, no call-- no, no, no, no,  
16  no. We're not going to do this. We're not going to  
17  do this. No calling out.

18                  UNIDENTIFIED: [off mic] Four minutes.

19   Give us four minutes.

20                  CHAIRPERSON RICHARDS: Unfortunately, we  
21  have--

22                  UNIDENTIFIED: [off mic] Four hours, this  
23  is ridiculous [sic]. [off mic]

24                  CHAIRPERSON RICHARDS: Okay, with all due  
25  respect--

2 UNIDENTIFIED: [interposing] Four  
3 minutes.

4 CHAIRPERSON RICHARDS: Okay. With all  
5 due respect, I have a schedule, and I'm going to be  
6 here seven hours, and we all do--

7 UNIDENTIFIED: [interposing] [off mic]

8 CHAIRPERSON RICHARDS: So, we are--

9 UNIDENTIFIED: [interposing] [off mic]

10 CHAIRPERSON RICHARDS: Okay. Sir, with--

11 UNIDENTIFIED: [interposing] [off mic]

12 I've been patient. Four minutes [sic].

13 CHAIRPERSON RICHARDS: Okay.

14 UNIDENTIFIED: You owe it to us.

15 CHAIRPERSON RICHARDS: Okay. I think  
16 everybody has gotten about four minutes who's come  
17 up, but we've set a time limit for two minutes.  
18 We're going to stick to that, and I'm going to ask  
19 you not to call out.

20 UNIDENTIFIED: [off mic] [inaudible]

21 CHAIRPERSON RICHARDS: Please remove him.

22 If you can't respect the body and respect our  
23 process, then you know, you have a right to leave.  
24 Alrighty, we'll go to-- he could stay as long as he  
25 doesn't call out. I will ask him-- if there's

1 another outburst I'm going to ask you to be removed.

2 But once again, I've let everybody up here go over

3 their two minutes, so, and that's clear. I'm very

4 clear on that. So, please no calling out. Thank

5 you. Alrighty, we'll go to the first panelist.

6 Thank you.

7  
8 JOSHUA RAHN: My name is Joshua Rahn.

9 Thank you Council Members, Corey, for your continued

10 advocacy for the park, Madelyn [sic], and the

11 community for getting us this far. It's been a long

12 journey, but one worth expressing great thanks for

13 your time and energies. I married into a third

14 generation West Village family. My in-laws moved

15 into the West Village in 1958. They raised three

16 women who were not only raised within 10 blocks of

17 Pier 40, but served on the PTA at PS41 and now the

18 Middle School, and one of the few families where all

19 three daughters with their mother graduated from NYU.

20 They are, and now I, 20 years deep in the Village,

21 view ourselves as downtown Manhattanites for life,

22 and today our families' dreams of being a West

23 Village for more generations to come. With three

24 kids in District Two public school, having to make

25 tough decisions about staying and/or moving to a



1 place with more fields. That means possibly leaving  
2 our parents and children's' grandparents on Thompson  
3 Street, the small business owners that we call family  
4 I the West Village, and leaving our public schools  
5 that raised our children with us. Brooklyn's new  
6 fields and discussion for more fields were a huge  
7 draw for us, but we had stayed. We stayed because we  
8 had Pier 40. Now, 15 hours a week at Pier 40, it's  
9 our backyard where our kids play baseball, soccer and  
10 football with kids and families not from just  
11 downtown, but from Brooklyn, Queens, Bronx, and  
12 Staten Island, all of whom are on our kids' teams.  
13 They learn incredible life lessons and they establish  
14 and remain healthy lifestyles. This hundred million  
15 dollars means more than money. It means saving Pier  
16 40. It means the foundation for our neighborhood. It  
17 means we have a backyard that is as spectacular as  
18 the West Village we call home. Support here means  
19 more than words or votes. It means we can have a  
20 long-term multi-generational impact for not just our  
21 family, but the thousands of others that live and  
22 share our backyard with you. Thank you.

24 CHAIRPERSON RICHARDS: Thank you.

2                   PAM FREDERICK: Is that working? Sorry.  
3 I just had Novocain, so I'm here to tell you all to  
4 floss. That's my--

5                   CHAIRPERSON RICHARDS: Wow.

6                   PAM FREDERICK: So, if I talk funny--

7                   CHAIRPERSON RICHARDS: [interposing] You  
8 sound great, by the way.

9                   PAM FREDERICK: Yeah? Okay, good. It  
10 feels funny.

11                  CHAIRPERSON RICHARDS: you can't feel  
12 anything probably.

13                  PAM FREDERICK: Right. Punch me right  
14 now.

15                  CHAIRPERSON RICHARDS: Alright, let me  
16 not cut into your minutes. Go ahead.

17                  PAM FREDERICK: My name is Pam Frederick.  
18 I'm a board member of the Hudson River Park Trust.  
19 I'm one of the three community reps appointed by Gale  
20 Brewer, and much thanks to her for her support of the  
21 park, and of course, to Council Member Johnson. But  
22 I'm also a resident of Tribeca and the parent of  
23 three children that have all played on the fields of  
24 Pier 40. In fact, my oldest son who is 16 is still  
25 playing rec league soccer and baseball there;

1  
2 sometimes calls it his home away from home, which you  
3 know, hurts a little bit, but I get it. I have the  
4 advantage of being myopic on this issue, because I am  
5 here to represent the park. I see my role as an  
6 advocate for the park and a messenger for the  
7 community with regards to the park, and from that  
8 perspective I urge you to support this project and  
9 the money it-- the funding it brings to the park.  
10 For the past two decades, because I was on CB4 for 14  
11 years, I've watched Pier 40 become fully part of the  
12 fabric of downtown life. Also in that time, I've  
13 watched as the Trust struggled to support the pier,  
14 literally like support the pier. We inherited this  
15 property from the Port Authority who once they no  
16 longer needed the pier, neglected it for so long that  
17 its steel piles had just about rusted through. It  
18 has been a constant financial challenge to maintain  
19 the pier for the community and for our own offices,  
20 and this funding could change all that. Hudson River  
21 Park is unique in that it gets no City funding for  
22 maintenance. Instead, the park raises its own funds  
23 through its commercial piers, and Pier 40 is one. If  
24 we cannot transfer our development rights from the  
25 pier, more development must take place inside the

2   park. That's what we're transferring. From our  
3   perspective, the more development that can move in-  
4   board away from the waterfront and the piers, the  
5   better it is for all of us, and especially park  
6   users. So this funding allows us a much greater  
7   chance to restore and build a pier that works for  
8   both the public and the park, and it will effect-- in  
9   effect, save Pier 40. So, please support the project,  
10  and thanks.

11                   CHAIRPERSON RICHARDS: Thank you.

12                   KATHERINE SALYI: Hi, my name is  
13  Katherine Salyi [sp?]. I am here in support of the  
14  air rights transfer and the pier and the re-  
15  development of Saint John's. I'm here as a mother.  
16  I'm here as a native New Yorker. I have lived in  
17  many neighborhood in New York City, from the Village  
18  to the Upper East Side to Gramercy Park, and most  
19  currently in my home here in West Chelsea. What draw  
20  me to West Chelsea was the Hudson River Park. I'm  
21  raising a family here in New York City. I appreciate  
22  being able to get outside and have recreational  
23  space, and it's very important to us and to our  
24  everyday life as it is with many other families along  
25  New York City west side. The pier clearly is a major

1 source of revenue for the park. I think that's very  
2 much understood, but I would also like to ask council  
3 not to limit what can be done in the future and to  
4 look at this one step at a time. I think the project  
5 being proposed is outstanding, and I think it's going  
6 to be amazing, and once all said and done, hopefully  
7 everybody will be happy. But for now, I support the  
8 park and I support the transfer of the air rights to  
9 this project and would like to limit the air rights  
10 transfer to in the future to limit the discussion to  
11 what's being happened right now. I'm a real estate  
12 agent. Real estate is a valuable asset. I would  
13 never want someone to put a limit on what I could do  
14 in the future with my current asset, and I think  
15 that's something that needs to be taken into  
16 consideration.

17  
18 CHAIRPERSON RICHARDS: I think he likes  
19 you.

20 DAVID JURACICH: Hi, my name's David. I  
21 am a resident of Spring Street. I am also a Board  
22 Member of the Friends of Hudson River Park. When I  
23 first got here 15 years ago, don't-- I'm a passionate  
24 New Yorker even though my accent is from another  
25 land. I have an American wife and three American

1 children with a little New Yorker on its way with my  
2 fourth in January. When I first got here the  
3 convention was that people always told you, you met  
4 your girlfriend or your fiancé in the City and then  
5 you left. You went to Jersey or you went upstate.  
6 And in the last 15--

8 CHAIRPERSON RICHARDS: [interposing]

9 Really?

10 DAVID JURACICH: 16, 17 years, there's  
11 been this explosion of people-- and hence it's so  
12 hard to get your kid into any school anywhere-- of  
13 people staying. And part that is because of the  
14 amazingness of Hudson River Park. The last 15 years  
15 has transformed it for everyone, and although life's  
16 always good for people who have holiday houses out in  
17 Long Island, etcetera, this is meant for living in  
18 New York and raising family in New York. It's been  
19 an incredible experience because you have not only  
20 Pier 40, but you have the entire park. Pier 40 is  
21 supporting the entire park. So, I endorse this.  
22 Also as a developer in the City, this is real money  
23 that's being given over for 200,000 square foot.  
24 It's a real bid. It's a real-- the park isn't being  
25 shortchanged at all. I really think that I-- living

2   in Spring Street and walking down to the park, that  
3   area is a complete dead zone. I look forward-- I  
4   studied the developer's proposal. I think it's  
5   beautiful what they're doing. I actually love the  
6   open space-way and the new walkways onto West Street.  
7   I support it whole heartedly, and I guess I just  
8   wanted to passionately ask you to please accept the  
9   application as we proposed.

10                   CHAIRPERSON RICHARDS: Thank you all for  
11   your testimony, and I'm glad you stayed and didn't  
12   move to Jersey. Alrighty, we'll go to the next  
13   panel.

14                   TONY SIMONE: Wait--

15                   CHAIRPERSON RICHARDS: Oh, sorry.

16                   TONY SIMONE: I let the Board Members go  
17   first.

18                   CHAIRPERSON RICHARDS: Okay.

19                   TONY SIMONE: Hi, I'm Tony Simone. I'm  
20   the External Affairs Director for Friends of Hudson  
21   River Park. First of all, I want to thank Corey,  
22   Council Member Corey Johnson who's been an amazing  
23   advocate for the park, and also for the Council  
24   Members of this committee. I want to strongly urge  
25   the council to support this proposal to fix Pier 40.

1 Over the last few months I've talked and met with so  
2 many parents and so many kids from all over New York  
3 City that use Pier 40. It's not just the west side  
4 of Manhattan that uses Pier 40. It's families from  
5 all over the City, from the Bronx, Brooklyn, you name  
6 it. And I want to also urge not to limit their use  
7 of air rights sales, not handcuff the Trust, because  
8 there's-- we all know fixing the pilings is only the  
9 beginning. There are technically, and I'm sure way  
10 more, over 3,000 families that have been emailing and  
11 texting from all over the City how concerned they are  
12 that Pier 40 will not be fixed, and we should be  
13 thinking even bigger, not only fixing Pier 40 but  
14 finding private money, government money. It's a park  
15 for all New Yorkers. It should be funded from all  
16 sources in New York. We shouldn't limit any future  
17 air rights in the north of the park. If you talk to  
18 most New Yorkers, they would say-- and it's such an  
19 iconic, amazing city, we should have an amazing  
20 waterfront park, and it's not completed. I give  
21 credit to the Trust and many others of how far the  
22 park has come. I'm dating myself, but I remember  
23 working for State Senator Catherine Abate, and in  
24 this body which I have a lot of respect for. The  
25



2    park was just a dream, and now families use the park.  
3    I run in the park, and we should make sure the park  
4    is completed in our lifetime, and if we don't all  
5    work together similar to what great things Corey has  
6    done negotiating with developers and other means, the  
7    park will never be completed in our lifetime, and  
8    that should be our main goal, and to make sure the  
9    ball fields are expanded, and make use for all New  
10   Yorkers. Thank you.

11                   CHAIRPERSON RICHARDS: Thank you all for  
12    your testimony today. We're going to go to the next  
13    panel. Karen Mongalo [sp?], Mongel-- I'm just  
14    messing up everybody's name today. Barry Benepe,  
15    Catherine Sinover [sp?], Snuver [sp?], Snover [sp?],  
16    Gary-- I don't want to mess up your last name. It's  
17    your handwriting, though. It's not me this time.  
18    Zachary Winestine and Gary Nickers. Gary? Gary?  
19    Gary? Gary had to go, okay. Alrighty. Alrighty,  
20    you may begin, ma'am. I'll just ask everybody state  
21    their name and who they're representing for the  
22    record as you begin to testify. Thank you. Yes,  
23    ma'am, ladies first.

24                   KATHERINE SCHOONOVER: Alright. My  
25    name's Catherine Schoonover, and I live on--

CHAIRPERSON RICHARDS: [interposing]

Sorry, I messed your name up.

KATHERINE SCHOONOVER: That's alright.

It's common. I live on Washington Street about 10 blocks north of the proposed development in CB2 and in the Greenwich Village Historic District. First of all, I would also like to thank Council Member Johnson for his work on this project which has been superb, and I want to echo-- also, I'd like to make the point the reason that CB2 has had an unbelievable amount of development within its boundaries in the time that I have lived there. So, that's 1982 to the present. It's gone from being what was known as the Wild West when I moved there to being the center of a never-ending scene of night life and day life and huge developments of residential buildings for the most part. I just want to echo the request of the Greenwich Village Society for Historic Preservation, the three requests which I know Council Member Johnson is working on. One is to make sure that the last phase of the South Village Historic District is approved as a condition of the approval of this project and the transfer of the air rights.

Secondly, that there be an agreement that there be no

1 further air rights transfers within Community Board  
2 Two, and I say this because Community Board Two has  
3 been so massively over developed in the last two  
4 decades at least. And the third is to increase the  
5 prohibition of the big box stores to also be a  
6 prohibition of destination retail for all the reasons  
7 that have already been articulated. Thank you.

9 CHAIRPERSON RICHARDS: Thank you for your  
10 testimony.

11 KAREN MONGELLO: My name is Karen  
12 Mongello [sp?], and I have been a resident of New  
13 York City for most of my life. I also work in  
14 Manhattan. I am a member of the Sierra Club and the  
15 Nature Conservancy because I feel it is essential  
16 that having a healthy environment enhances the  
17 quality of all our lives. I would like to request  
18 that-- and I think it's probably too late-- that  
19 there be no air rights transfers, because as my  
20 understanding, that the development that will ensue  
21 will affect the environment of the Hudson River by  
22 casting shadows, putting it in darkness, cutting off  
23 the air flow and that type of thing. Also, I request  
24 that there be no air rights transfers because it will  
25 set a precedent which will mean that there will be

1 more air rights transfers, and it will impact the  
2 environment and all of our quality of life. There  
3 are other ways to fund the Pier 40 rehabilitation.  
4 As mentioned earlier, there will be FEMA funds coming  
5 through, and there is no reason to transfer the air  
6 rights and ruin the environment. Once the  
7 environment's ruined, it will not be restored.  
8 Please find other ways to fund this project. Thank  
9 you.  
10

11 CHAIRPERSON RICHARDS: Thank you.

12 ZACK WINESTINE: Hi. My name's Zack  
13 Winestine. I'm Co-chair of the Greenwich Village  
14 Community Taskforce. A couple of points: First of  
15 all, we believe that no air rights transfer should be  
16 allowed from the Hudson River piers to development  
17 sites inland. However, if the City Council does  
18 decide to allow such an air right transfer for this  
19 development. It should be only on the condition that  
20 any future such air rights transfers be prohibited.  
21 Second, destination retail should not be allowed in  
22 the Saint John's development. And third, this  
23 development is grossly oversized. The significant  
24 increase in residential population will create  
25 multiple impacts that will be mitigated only with

1 great difficulty. It'll increase upward pressures on  
2 local rents and neighboring areas leaving the  
3 displacement of both Renewal Schools and commercial  
4 tenants. There will be negative impacts on the  
5 already inadequate hospital facilities, mass transit,  
6 sewers, and open space. So, for those reasons, any  
7 approval of h Saint John's development must be linked  
8 to land marking or zoning protections for adjoining  
9 areas including the land marking of the last section,  
10 the South Village. That gets me to my final plan  
11 which is the bottom line is too large and it's in the  
12 wrong place, and there's a reason that it's in the  
13 wrong place, and that reason is because this was the-  
14 - this was the site to which was eligible for air  
15 right transfers from Pier 40. We don't-- it would be  
16 a terrific mistake to repeat this error in the  
17 future. We shouldn't have eligibility for air rights  
18 transfers be the tail that's wagging the development  
19 dog. Massive development of this sort should be  
20 cited [sic] because the location that's chosen is the  
21 right location for those development in terms of  
22 neighborhood infrastructure, in terms of the ways in  
23 which those developments relate to the rest of the  
24 City, not for the arbitrary reason that it happens to  
25

1 be within a certain distance from a site on the Huon  
2 River waterfront. So, it's completely clear from the  
3 testimony of the Friends of Hudson River Park Trust  
4 that the will be additional requests for air right  
5 transfers unless the City Council acts now to be very  
6 clear that this is a one-time to save Pier 40 an will  
7 not be repeated in the future. Thank you.

9 CHAIRPERSON RICHARDS: Thank you for your  
10 testimony.

11 BARRY BENEPE: Good afternoon. My Barry  
12 Benepe, and I want to point out the elephant in the  
13 room that nobody's talked about. The reason we have  
14 an air rights transfer problem is because he  
15 underlying zoning is not compatible with park use.  
16 This is the only park in New York which is zoned for  
17 manufacturing with a FAR of two. To transfer air  
18 rights from the Hudson River is totally illogical.  
19 There have to be other ways of funding the park.  
20 Richard Gottfried in a statement he wrote in June  
21 25<sup>th</sup>, 2012, said it is better to the trust to remove  
22 their- to pier 76 and allow residential development  
23 there. They produce income and acquired lower  
24 environmental costs. I'm moving the huge Pier 40  
25 parking garage and Pier 76 tow pound [sic] would

1 allow no open public space and no view if they're  
2 left here. The thing that we should be observing is  
3 when these corridors are being opened by the Saint  
4 John development U-corridors [sic]. They look-- do  
5 right into the side of the parking garage. This is  
6 not a park. It's a parking garage. Everybody's been  
7 calling Pier 40 as if some recreation asset. It's  
8 not a recreation asset. It's a parking garage for  
9 some 30-- I think-- 3,500 spaces. That's not two  
10 floors. It's four floors. If you look at the sign at  
11 the front, it says level one, level two, mezzanine,  
12 and roof. So, look at the facts. Have City Planning  
13 prepare a comprehensive plan which indicates where  
14 the sending [sic] sites are going to be. How much  
15 floor area is unused that can be transferred? We  
16 don't have the whole picture. We should get the  
17 whole plan before you and it's-- to proceed this way  
18 is spot-zoning and piece meal planning. It's not the  
19 procedure that's the best way.

21 CHAIRPERSON RICHARDS: Thank you for your  
22 testimony. We'll go to Council Member Corey Johnson.

23 COUNCIL MEMBER JOHNSON: I want to thank  
24 you all for being here today and for being patient.  
25 I just want to say that it has been my position to

1 limit future air rights transfers, and I said that in  
2 my opening statement today, and the council has the  
3 authority to do that through our modification text  
4 amendment process, and we plan on doing that. So  
5 that's number one. Number two, the air rights  
6 transfer was not created by the City of New York.  
7 It's not created by the Council. It was voted on in  
8 June of 2013 by the state legislature, and it was  
9 voted on to be able to set up a mechanism to get  
10 money for a park that as you heard from the Trust  
11 statement is hemorrhaging funds. So, I wish that  
12 this park was treated like Governor's Island and got  
13 300 million dollars, or Brooklyn Bridge Park, 200  
14 million dollars, or some other parks across the City.  
15 Sadly, from the last Administration to this  
16 administration because it's a joint city and state  
17 trust. That decision wasn't made, and it has been  
18 the-- sadly, the park that the state says, "We'll  
19 give when the city gives," and the City says, "We'll  
20 give when the state gives." And then no one steps up  
21 and we get into a state where-- Barry, I love you,  
22 but the largest, it's the largest recreation pier in  
23 the City of New York. 250,000 people use it for  
24 recreation.  
25



1  
2 BARRY BENEPE: Surrounded by a six-story  
3 wall.

4 COUNCIL MEMBER JOHNSON: That's fine.  
5 It's still used for recreation. Where are the kids  
6 going to go?

7 BARRY BENEPE: Why not broaden it and  
8 make it a big green park that everybody could use?

9 COUNCIL MEMBER JOHNSON: With what money?  
10 With what money?

11 BARRY BENEPE: The Park is four miles  
12 long. It has ample opportunities to develop money-  
13 making development in the park, especially to the  
14 highway. I mean, two-- on the bulkhead, east of the  
15 bulkhead.

16 COUNCIL MEMBER JOHNSON: No, it doesn't.  
17 The Act does not allow that. That's not accurate.

18 BARRY BENEPE: There are income earning  
19 possibilities in the park--

20 COUNCIL MEMBER JOHNSON: [interposing]  
21 Things that are going to generate a 100 million  
22 dollars to fix the piles immediately so the pier  
23 doesn't get abandoned?

24 BARRY BENEPE: Well, one of the reasons  
25 we have the problem at Pier 40 because if you look,

1  
2 go back through the hurricane, to Sandy, many of the  
3 piers survived Sandy without damage. We should look  
4 at why those piers survived and had no damage, and  
5 then look at Pier 40 which has extensive damage  
6 because of its poor infrastructure. So, there's a  
7 huge cost to keep that parking going for the income.  
8 It's going to cost more to maintain the pile [sic]  
9 and get back from it.

10 COUNCIL MEMBER JOHNSON: So, this project  
11 is going to move forward, and my goal is to make it  
12 move forward in a responsible way for the future and  
13 for the community through landmark protections for  
14 the South Village, for eliminating air rights  
15 transfers for CB2 in the future, and making the  
16 retail not destination retail, and in making the  
17 changes we can make on the site plan itself, and to  
18 stabilize Pier 40 so that both sides of the highway  
19 win. I just want to be upfront and be honest with  
20 you, because I know almost all of you that are up  
21 there, and we work together, and I appreciate your  
22 neighborhood advocacy, but I just want to be clear  
23 that the reality is we have to do something here.  
24 And to say let's hit pause and try to find other  
25 money is not realistic. So I appreciate you being

1 here. I appreciate your advocacy, and I look forward  
2 to working together in the future.

3  
4 BARRY BENEPE: Thank you. If I may  
5 respond to one thing. We really should look at the  
6 future physical development of the west side of the  
7 river. We have to have an overall picture. How tall  
8 do we want our wall to be along the river? Is this  
9 Rockefeller Center we saw here tonight appropriate on  
10 the Saint John's site?

11 COUNCIL MEMBER JOHNSON: Barry, I told  
12 you we're limiting the air rights transfers in the  
13 neighborhood. So, there can't be any more air rights  
14 transfers in Board Two below 14<sup>th</sup> Street.

15 BARRY BENEPE: But the appropriate  
16 development is simplified by the Rich and Mire [sic]  
17 development to the north. Fifteen story buildings  
18 have a lot of class about style--

19 COUNCIL MEMBER JOHNSON: [interposing] I  
20 can't change what happened 14 years ago at Perry  
21 Street.

22 BARRY BENEPE: In the future we could  
23 have a vision of what we want our West Side to look  
24 like.

2 COUNCIL MEMBER JOHNSON: You get the  
3 Department of City Planning to agree to a downzoning  
4 and we'll talk about it, but I don't think that's  
5 going to happen in this lifetime.

6 BARRY BENEPE: You have to zone, the City  
7 Council. They always recommend you.

8 COUNCIL MEMBER JOHNSON: the City Council  
9 does not initiate the ULURP process. The City  
10 Council cannot do environmental work. The City  
11 Council has ultimate authority over proposed  
12 rezoning, but cannot initiate rezonings or we can  
13 under a technical way, but can't do the environmental  
14 work. So, our charter has some deficiencies. I  
15 would like charter revision commission in the future  
16 to looking at changing our Land Use procedure and  
17 strengthening the council role in strengthening  
18 Community Boards role but that is not where we are in  
19 2016.

20 BARRY BENEPE: You are doing a great job.  
21 I must say [sic].

22 COUNCIL MEMBER JOHNSON: Barry, there's  
23 no better endorsement then from you. Thank you all.

24 BARRY BENEPE: Thank you.

25 COUNCIL MEMBER JOHNSON: Thank you.

2                   CHAIRPERSON RICHARDS: It seems like a  
3 love/hate relationship sort of thing going on in  
4 here.

5                   COUNCIL MEMBER JOHNSON: Chair Richards,-  
6 -

7                   CHAIRPERSON RICHARDS: [interposing]  
8 There's always one constituent you have that with,  
9 and I just--

10                  COUNCIL MEMBER JOHNSON: [interposing]  
11 Chair Richards, do you know who his son is? His son  
12 is the great amazing Adrian Benepe, the former--

13                  CHAIRPERSON RICHARDS: [interposing] Oh,  
14 no wonder you're causing trouble. Okay, got it.  
15 Alrighty. I know him well, too. Alright, we're  
16 going to go to the next panel. My wife would  
17 actually have appreciated that exchange. Mike  
18 Novogratz, Chair of the Board of Friends of Hudson  
19 River Park, Susanna Aaron, Friends of Hudson River  
20 Park, Connie Fishman, Friends of Hudson River Park,  
21 David Amsterdam, Friends of Hudson River Park, Bill  
22 Bialosky, Downtown United Soccer Club.

23                  SUSANNA AARON: Hi, there. My name is  
24 Susanna Aaron. I'm a lifelong Village resident and  
25 now a member of Community Board Two, but I'm not

1 speaking as CB2 this morning. I'm speaking as a  
2 Board Member of the Friends of Hudson River Park. I  
3 want to thank the City Council and especially our own  
4 Council Member Corey Johnson for all the time and  
5 consideration that you've put into this. I want to  
6 just speak to the ongoing long term financial health  
7 of this park which today is pretty lousy. I ask that  
8 the City Council not make a decision at this time to  
9 limit the air rights that can be transferred from  
10 Pier 40. It's too soon to determine that that's the  
11 best way to serve this community. Pier 40 has a lot  
12 of responsibility on its shoulders. It's the best  
13 recreational space, but it also needs to generate  
14 revenue to support the entire park. In the end, it  
15 may be best to keep all those air rights at Pier 40  
16 so that a developer can build something great that  
17 yields oodles of cash for the park, but it may end up  
18 making more sense to find a balance. Sell some of  
19 those air rights to the few receiving sites outside  
20 the park itself. Go through the ULURP that any  
21 project would undergo and allow money to go back into  
22 the park. We've all see the economic growth that has  
23 been made possible by Hudson River Park. The park  
24 has gained not one dime from this. Capping these air  
25

1 rights doesn't mean a cap on all future developments.  
2 It simply means that the park will continue to be  
3 left out of any project that gets built. We know the  
4 economic benefit this park has produced for others.  
5 Sadly, it hasn't produced any economic gain for the  
6 park itself. No benefit to all of those who use the  
7 park. So, I would urge the City Council to stay its  
8 hand. Let's take this park one step at a time. Let's  
9 look at development on a case by case basis. A park  
10 that is financially stable, that is safe, clean and  
11 beautiful forever and for everybody. That's the  
12 mission of the Friends of Hudson River Park and what  
13 everybody wants for their community. Thank you.

14 CHAIRPERSON RICHARDS: Thank you. Sir?

15 Okay, perfect.

16 CONNIE FISHMAN: Good afternoon. My name  
17 is Connie Fishman. I am the interim Executive  
18 Director of the Friends of Hudson River Park. I want  
19 to thank the Council Members, Chairman Richards, and  
20 especially Councilman Johnson for all of his efforts  
21 on behalf of Hudson River Park. I'm here to support  
22 these proposals because they will provide vital  
23 funding for the repairs of Pier 40's piles and  
24 substructure and ensure its future is a valuable  
25

1 community and park resource for years to come. Pier  
2 40's ball fields are a treasured community asset used  
3 by thousands of New Yorkers, athletes and youth and  
4 adult sports leagues each and every year. The fields  
5 are used by families and their children living  
6 throughout the five boroughs, not just the west side  
7 of Manhattan. The Friends see the pier as one of the  
8 most critical resources in the park for the  
9 surrounding communities. The proposed sale of air  
10 rights by the Trust will provide the funds necessary  
11 to make repairs to Pier 40 that are long needed in  
12 addition to saving the ball field and the long-term  
13 sustainability of the entire 550-acre Hudson River  
14 Park. The hundred million dollars won't just enable  
15 the trust to fix the piles. It will also be the  
16 first step in reducing the enormous financial burden  
17 on any future development taking place at Pier 40,  
18 allowing the possibility of a lower impact  
19 development than would otherwise be achievable. To  
20 that end, we urge the council not to limit the  
21 Trust's ability to sell its future air rights. Fixing  
22 the piles is critical, but the trust job won't be  
23 done until Pier 40 is redeveloped and generating  
24 revenue to support the entire park. The Hudson River  
25



1 Park Act was specifically amended to allow for the  
2 limited sale of air rights subject to the City's  
3 approval and its ULURP process as a means of  
4 addressing the financial challenges the park faces.  
5 Please don't eliminate that possibility before those  
6 challenges have been met. We all have the goal of  
7 saving Pier 40. How to do so has been heavily debated  
8 in the neighborhood for many years. Now we have our  
9 best chance to actually make it happen. For the sake  
10 of the park's financial future and all of the  
11 families who depend on the fields at Pier 40, I  
12 strongly urge the council to vote yes on the proposal  
13 before you today. Thank you.

14 CHAIRPERSON RICHARDS: Thank you so much  
15 for your testimony.

16 DAVID AMSTERDAM: Here we go. First and  
17 foremost, thank you so much for holding the hearing  
18 today. My name is David Amsterdam. I can testify at  
19 this moment that I will not be moving to New Jersey.  
20 I will stay a Village resident for the rest of my  
21 life. I recognize there's a significant number of  
22 special interests and financial stakeholders in the  
23 room today, but I'm here today as a longtime resident  
24 of the village, and advocating on behalf of the  
25

1 children that use the park each day, including my  
2 own. Like many families we moved to the village in  
3 order to be closer to Pier 40. The park is the  
4 anchor of the West Side. It's the marketing nucleus  
5 for every business, school and retailer. All of  
6 depend on the park's upkeep, yet we do not pay for  
7 it. Most importantly, children flock to Pier 40 365  
8 days a year. For my family it's usually several  
9 times a day. What will we do if Pier 40 were to  
10 disintegrate if we do not approve this air rights  
11 transfer today? We've heard detailed testimony it  
12 cannot sustain in its current condition. I guess we  
13 would move. So, consider the exponential effect of  
14 this decision. It's pretty simple. The park has  
15 been the catalyst for billions of dollars in economic  
16 growth along the West Side according to a recent  
17 study by the Regional Plan Association. The parks  
18 reward for this? Absolutely nothing, no profit  
19 whatsoever. The sustainability of this 550-acre park  
20 solely depends on its ability to generate revenue at  
21 Pier 40. You must all the park to take a critical  
22 first step in repairing these pilings. Going back to  
23 the children that I mentioned and Council Member  
24 Johnson mentioned and the Chair as well, the debate  
25

1 we're having right now is no different than a book I  
2 read each night called *The Giving Tree* to my kids.  
3 If you don't know the reference, a little boy takes  
4 an apple from the tree and then pretty much every  
5 last inch of that tree until there's nothing left but  
6 a stone, and that's where we're headed. The park has  
7 been the apple tree to so many families previously.  
8 Now if you take that away, the Trust's ability to  
9 fund these repairs will be left with nothing but a  
10 stump. I urge you not to put handcuffs on the Trust  
11 or the park today or in the future. Do not limit or  
12 destroy its ability to be a safe haven for our  
13 children-- just one moment-- or for our children's'  
14 children. Vote yes in the proposal before you today  
15 and send the message that the City Council supports  
16 this vital piece of our community. Thank you.

18 CHAIRPERSON RICHARDS: Thank you so much  
19 for your testimony.

20 BILL BIALOSKY: Hello. My name is Bill  
21 Bialosky. I am a 30-year resident of Tribeca and I'm  
22 an architect with an office in SoHo, Community Board  
23 Two. I am a long-term Executive Board Member of the  
24 Downtown Soccer League, specifically separate from  
25 Downtown United who may be here today who represents

1 separate thousands of kids. As the Commissioner of a  
2 league which I've been running now for the last 10  
3 years, we've watched our league grow from 500 kids  
4 playing in the land fill of Battery Park City to now  
5 over 1,800 kids who get only two hours a day on a  
6 ball field anywhere. We've been very busy as a city  
7 transforming lower Manhattan to a residential  
8 neighbor equal to none other. It is a fine quality  
9 of life that we all have here, but it is dependent  
10 upon park space and playing fields as it is schools.  
11 We've been behind the eight ball on building schools.  
12 We are totally behind the eight ball in providing  
13 spots on soccer teams for every kid who want to be  
14 one, on one or on a baseball team for every kid who  
15 wants to be one. And we know that they desperately  
16 need these sports to be healthy and active not only  
17 as youths, but adults, to learn all the things that  
18 we can learn from playing team sports. As a Pier 40  
19 champion, we strongly urge the Council to support  
20 this air rights transfer, to not put handcuffs on the  
21 park and the Trust for future air right transfers as  
22 well. Additionally, as an architect and a planner, I  
23 strongly believe that a robust process like the one  
24 that we're engaged in now where there's a community  
25

1  
2 back and forth with developers who believe in good  
3 design can solve problems. We have no other place  
4 but to build ball fields in this city except along  
5 the historic piers that are on our river. There is  
6 just nowhere else. We have been filling all of the  
7 other possible buildings sites with new housing and  
8 making for a better quality of life for everyone. We  
9 need to find a way to enhance this park and to grow  
10 the ball fields any way possible as fast as we can do  
11 it. I strongly urge support for this air rights  
12 transfer.

13 CHAIRPERSON RICHARDS: Thank you.

14 MIKE NOVOGRATZ: Chair, hi. My name is  
15 Mike Novogratz. I'm the Chairman of the Board of the  
16 Friends of Hudson River Park. I got involved in the  
17 park about eight years ago as a member of the Trust  
18 Board, and it took me 15 minutes to realize that lots  
19 of what happens in the park is illogical. I looked at  
20 Barry during his speech, and I was like, yeah, we  
21 have parking in our park and that's a good thing?  
22 And so when I started I was kind of self-righteous  
23 about this is crazy. We should have tax payers  
24 paying this. Why do we need a Friends group? What  
25 I've come to realize is at oen point you got to deal

1 with what you're dealing with, and I want to  
2 recognize Corey and Madelyn and the Trust and the  
3 developers and CB2, because it seems to be a project  
4 that seemed almost undoable eight years ago is now  
5 right at the 10 yard line, and that's pretty  
6 exciting. My hope is we don't let perfect be the  
7 enemy of the good, that you know, there's been lots  
8 of compromise made and you don't want to put so many  
9 sticks on the camel's back that you break the camel.  
10 It would be a tragedy in my mind if we end up going  
11 to plan two where they just use the commercial space,  
12 and I think we're getting to that level because it's  
13 taking so long. And so my hope is that we accelerate  
14 things. The park has a lot to do. Pier 26, Pier 55,  
15 Pier 57, Gansevoort [sp?], there are lots of very  
16 exciting projects coming down the pipeline, and I  
17 think it would be a shame if we pulled flexibility  
18 from the Trust and from the community on how to  
19 actually get those projects done. I'd love if  
20 someone had a magic wand and there were more Barry  
21 Dillers [sic] out there with hundred million dollar  
22 gifts, and we certainly will search for them. But I  
23 think to be practical, we need flexibility. I think  
24 one of the things this process has demonstrated is  
25

2       that the Trust and the community and the developers  
3       have worked together, and so, you know, extending the  
4       air rights doesn't mean there's going to be no more  
5       air rights. It means there's going to be that same  
6       type process next time and the next time. Thank you.

7                   CHAIRPERSON RICHARDS: Thank you so much  
8       for your testimony. We're going to go to Council  
9       Member Johnson.

10                  COUNCIL MEMBER JOHNSON: I just want to  
11       respectfully push back to my good friends who I  
12       respect enormously for decades of advocacy on behalf  
13       of the park and continued involvement. On the line  
14       of us handcuffing the park and not giving  
15       flexibility. I don't say this with any amount of  
16       immodesty, but I have been a huge champion for this  
17       park, and I have supported the park in any way that  
18       has been asked of me in the three years I've been a  
19       Council Member and in the years that I was Community  
20       Board Four Chair before I was in the Council, and  
21       this project is extremely important for all the  
22       reasons that we talked about, but it's a huge amount  
23       of density in a three-block area. And as we heard,  
24       the Village especially near the waterfront has  
25       changed dramatically. And I believe that CB2 has

1  
2 already bared a lot of the development in the  
3 community. The ultimate way to fix Pier 40 is not  
4 selling off more air rights. That's not the silver  
5 bullet. I think Susanna mentioned the fact that maybe  
6 a combination of both things might work. Ultimately  
7 Pier 40 needs to get redeveloped, and we have to work  
8 with our other elected officials to help make that  
9 happen. It's not up to me. Collectively we have to  
10 do that, and the Community Board has to take a  
11 leading role on that. But I just want to be clear  
12 that selling air rights doesn't fix the underlying  
13 issue. It helps us on this front to stabilize the  
14 pilings, but it doesn't fix the ultimate issue which  
15 is a deteriorating building on an old pier that has  
16 been neglected for decades and decades, and I see my  
17 role as to balance the issues at hand, to ensure the  
18 Trust gets the money that it needs to stabilize the  
19 pier, to get affordable housing and make sure this is  
20 the best development possible while at the same time  
21 protecting the greater neighborhood and a way they've  
22 asked for and a way they think they deserve through  
23 both land marking the South Village which has been  
24 sought after for over a decade, and also eliminating  
25 future air rights transfers. So, I just want to



1 respectfully push back that I am not handcuffing the  
2 Trust. I am not making it inflexible for the Trust.  
3 This is not the silver bullet. I'm taken-- and it's  
4 my job as an elected official, I think I'm taking a  
5 nice little punch on the chin a little bit for  
6 allowing a development of this scale to go forward  
7 with a lot of neighborhood opposition. But I've made  
8 that decision because I think it's the most  
9 appropriate way to get money in this point in time,  
10 the most realistic way to stabilize the pier, and  
11 that's been my overarching goal. Is this the perfect  
12 project? No. Is it the project I would have chose?  
13 No. Is it the height I would have chose? No. but I  
14 am trying to operate within the reality that we have,  
15 the construct that we have to achieve a series of  
16 goals. So, thank you for your hard work. I look  
17 forward to continuing to work together to get the  
18 trust all the money they need, but I am not  
19 handcuffing anyone. I am trying to balance the  
20 interest of the neighborhood. So, thank you very  
21 much.

22  
23 CHAIRPERSON RICHARDS: Well said, Council  
24 Member Johnson. Thank you all for your testimony.  
25 Alright, we're going to go to the next panel: Marcy

1 Benstock, Clean Air Campaign, Penny Mintz [sp?],  
2 community member, and Mr. Melvin Stevens, come on up.  
3 Mr. Melvin, I'm going to begin with you. Alrighty,  
4 and guess what? I'm giving you four minutes.

5  
6 MELVIN STEVENS: Keep our river, a river.  
7 The river is not a park. Brewer, Hoylman, Bergman,  
8 Wills, Glick, Weisbrod, de Blasio, and Johnson, they  
9 have sold us down the river. They have given our  
10 river to the highest bidder. They have created a  
11 fantasy that our Hudson is land, and therefore has  
12 air rights that allow a massive, mega development  
13 monstrosity like 550 Washington Street to become a  
14 reality. So, I ask the City Council to continue  
15 these hearings. The issue is too complex for the  
16 public and very difficult to get their mind around.  
17 I also ask the council that they out-of-hand reject  
18 air rights, any air rights sold off of the river.  
19 You know, it-- the logic escapes me. To save a pier  
20 that is obviously beyond repair, we are allowing  
21 HRPT, the Hudson River Park Trust, to ravage our  
22 river, building in and on and over a navigable  
23 waterway. We are saving a rotting pier and giving  
24 the green light to a mega development monstrosity  
25 that is known as 550 Washington Street. And finally,

2   we are allowing them, us basically, to put a huge  
3   strain on our infrastructure, and damn it, we totally  
4   forget about Sandy and the damage she did, and now  
5   you're proposing to put this monstrosity and New  
6   York's people in harm's way.

7                   COUNCIL MEMBER JOHNSON:   You done, sir?

8                   CHAIRPERSON RICHARDS:   You finished?  Oh,  
9   finished before four minutes.  Okay.  Ma'am?  Start  
10  the clock over.

11                  MARCY BENSTOCK:   I'll take some of those  
12  minutes.

13                  COUNCIL MEMBER JOHNSON:   Marcy, turn your  
14  mic on.

15                  CHAIRPERSON RICHARDS:   You could have his  
16  extra minute.

17                  COUNCIL MEMBER JOHNSON:   Marcy, turn your  
18  mic on.  Press the button.

19                  MARCY BENSTOCK:   Good.  I'm Marcy  
20  Benstock with Clean Air Campaign.  We urge the  
21  council to disapprove the proposals related to so-  
22  called air rights transfers from the Hudson River,  
23  not just at Pier 40, but in the language, in the  
24  actual language in the rest of the river as well  
25  within a proposed new Special Hudson River Park

1 District that includes 490 acres of water. The use  
2 of the term the park to refer to the river is one of  
3 the most misleading aspects of many of the air rights  
4 transfer's proposals. Council approval of air rights  
5 transfers from the river would have catastrophic  
6 citywide public safety, financial, and other impacts.  
7 If the council approves it, facilitating endless  
8 rebuilding in the number one highest risk Hurricane  
9 Evacuation Zone in the river would do the following  
10 things: One, put tens of thousands of New Yorkers in  
11 harm's way unnecessarily out in the river, and force  
12 first responders from all over the city to rescue  
13 them when the next big hurricane hits the river.  
14 Two, divert even more disaster recovery funds and  
15 HRPT has snagged already from place like the  
16 Rockaways devastated by Sandy and upcoming disasters.  
17 Three, force city tax payers and rate payers to keep  
18 subsidizing this misplaced HRPT development site out  
19 in the river instead of essential city services for  
20 us all. Four, risk catastrophic storm and hurricane  
21 damage costs and liability claims against the City  
22 and demands for tax payer bail-outs when risky  
23 complex financing schemes involving air rights  
24 transfers from the river collapse. If the council  
25

2 rubber stamps City Planning's and HRPT's proposals,  
3 the council will be creating totally avoidable  
4 financial risks. Five, higher real estate values and  
5 depressed tax collections from thousands of buildings  
6 as far east as Fifth Avenue by ruining river views.  
7 Six, end up providing evermore infrastructure and  
8 services for HRPT's tax free enclave out in the  
9 river. No one there ever has to pay real estate  
10 taxes while HRPT's lessees benefit. Six, give  
11 blanket permission to a-- could I go on a little bit  
12 more?

13                   CHAIRPERSON RICHARDS: You got an extra  
14 minute.

15                   MARCY BENSTOCK: Great. Unaccountable  
16 CPC and HRPT authority to decide where they choose to  
17 claim that unused development rights over the Hudson  
18 River beyond Pier 40 exists, and to sell or transfer  
19 those purported arguably illegal air rights from a  
20 public waterway. Next, implement a ruinous 1960's  
21 plan for the river that's totally at odds with the  
22 realities of climate change with sensible disaster  
23 prevention policies and with this country's most  
24 basic environmental laws. Please disapprove air  
25 rights transfers from the Hudson River, and I'd love

2   to answer any questions or meet with any of you to  
3   discuss this further, including you, Mr. Council  
4   Member Johnson.

5                   CHAIRPERSON RICHARDS:   Council Member  
6   Johnson?

7                   COUNCIL MEMBER JOHNSON:   So, thank you  
8   for being here.   Do you both support the park  
9   existing at all?

10                  MARCY BENSTOCK:   We strongly-- we've  
11   always strong-- all the environmental groups have  
12   strongly supported the green park along the  
13   shoreline.

14                  COUNCIL MEMBER JOHNSON:   But you don't  
15   support piers being developed?

16                  MARCY BENSTOCK:   No.

17                  COUNCIL MEMBER JOHNSON:   None?

18                  MARCY BENSTOCK:   We oppose building in  
19   and over the waters of the Hudson River any more.  
20   They're already 17 piers--

21                  COUNCIL MEMBER JOHNSON:   [interposing] So  
22   should we let Pier 40 just collapse and fall into the  
23   water?

24                  MARCY BENSTOCK:   No.

25                  MELVIN STEVENS:   Absolutely.

2                   COUNCIL MEMBER JOHNSON: Great. So, I'm  
3 glad you're on the record, sir. So would you let it  
4 collapse, fall in the river, forget about the kids  
5 and the parents and the families, and--

6                   MARCY BENSTOCK: [interposing] Please,  
7 please--

8                   CHAIRPERSON RICHARDS: [interposing]  
9 Excuse me, sir.

10                  COUNCIL MEMBER JOHNSON: So, you said the  
11 kid should fall in with them? Great.

12                  MELVIN STEVENS: No, no, no. Please, I  
13 have a different answer. We all respectfully  
14 disagree. We've thought about this long and hard for  
15 many years, and the plan to let-- first of all Pier  
16 40 has been rebuilt again and again and again with  
17 public funds. The best plan is to let all the  
18 serviceable parts of Pier 40 which still there are  
19 many such parts because of the money that's been  
20 spent already, let them live out their useful lives,  
21 but then gradually move non-water dependent uses to  
22 the upland, to dry land, and--

23                  COUNCIL MEMBER JOHNSON: [interposing] So,  
24 eventually--

2                   MARCY BENSTOCK: sites throughout the  
3 City.

4                   COUNCIL MEMBER JOHNSON: Hold on. So,  
5 Marcy, eventually don't use Pier 40 for athletic  
6 fields, eventually?

7                   MARCY BENSTOCK: Eventually.

8                   COUNCIL MEMBER JOHNSON: Is that your  
9 position? Eventually--

10                  MARCY BENSTOCK: [interposing]  
11 Eventually, which will happen sooner rather than  
12 later.

13                  COUNCIL MEMBER JOHNSON: Okay.

14                  MARCY BENSTOCK: If--

15                  COUNCIL MEMBER JOHNSON: [interposing] So,  
16 there's a--

17                  MARCY BENSTOCK: [interposing] If a  
18 hurricane destroys Pier 40 despite our sober wishes  
19 for managed--

20                  COUNCIL MEMBER JOHNSON: [interposing] You  
21 have been fighting the park for years and years and  
22 years.

23                  MARCY BENSTOCK: No, not the park, never  
24 the park.



2 COUNCIL MEMBER JOHNSON: Any development,  
3 you've been fighting for years.

4 MARCY BENSTOCK: No, we only fought the  
5 old West Way project.

6 COUNCIL MEMBER JOHNSON: Okay, well,  
7 there's a lot to unpack--

8 MARCY BENSTOCK: [interposing] The part  
9 of it for--

10 COUNCIL MEMBER JOHNSON: [interposing] in  
11 your testimony.

12 MARCY BENSTOCK: building in the Hudson  
13 River.

14 COUNCIL MEMBER JOHNSON: There's a lot to  
15 unpack in your testimony. A lot of it I believe is  
16 false. Air rights transfers are not illegal. There  
17 was state legislation that allowed it, and many of  
18 the things that you talked about in here saying  
19 they're dubious or unaccountable or all of these  
20 things, that's an opinion. It's not a fact. The  
21 courts have ruled. There have been lawsuits. The  
22 State Supreme Court has ruled. The Appellate  
23 Division has ruled. The Court of Appeals has ruled.  
24 Federal Courts have ruled, and they don't agree with  
25 a lot of what you said. So, I just want to be clear

2   that you can't just go up there and pretend that you  
3   have the facts when the court of law has not been on  
4   your side for years, if not decades.

5                   MARCY BENSTOCK:  No, no, no, we didn't  
6   file those lawsuits.  I need to respond.  I have the  
7   state legislation in front of me.  It did not require  
8   the Council to do the wrong things with air rights  
9   transfers.  It says, "Transfer any such air rights if  
10  and to the extent designated and permitted under  
11  local zoning ordinances."  That's why Council Member  
12  Richards, we do not want the local zoning ordinance  
13  changed.

14                  COUNCIL MEMBER JOHNSON:  Okay.  Marcy,  
15  we're not going to agree, but I would just say that I  
16  think it's important that we deal with the facts, and  
17  there are things in here which are not factual, and  
18  the corporation counsel's office, the Law Department,  
19  the Department of City Planning, multiple courts and  
20  other legal entities have disagreed with your view.  
21  So, I just don't want you to pretend that we're doing  
22  something that we're not doing.

23                  MARCY BENSTOCK:  I need to respond.  I  
24  never pretend--

2 COUNCIL MEMBER JOHNSON: [interposing] You  
3 already responded. You already responded.

4 MARCY BENSTOCK: I never lie.

5 COUNCIL MEMBER JOHNSON: I'm not saying  
6 you lie. I'm saying I think there's some  
7 misrepresentations in here.

8 MARCY BENSTOCK: I will provide to  
9 Council Member Richards and the rest of the council,  
10 including you, Council Member Johnson, the citations,  
11 the evidence for what I've said.

12 COUNCIL MEMBER JOHNSON: Are you a  
13 lawyer?

14 MARCY BENSTOCK: I'm almost a lawyer.

15 COUNCIL MEMBER JOHNSON: I feel like I'm  
16 almost a lawyer, too.

17 CHAIRPERSON RICHARDS: Me three.

18 COUNCIL MEMBER JOHNSON: But I'm not a  
19 lawyer. I rely on lawyers. Thank you for your  
20 testimony.

21 CHAIRPERSON RICHARDS: Thank you. Thank  
22 you. Alrighty, we're going to go to the next panel.  
23 Carin Ehrenberg, Greenwich Village Little League, Dan  
24 Miller, Pier 40 Champions, Ken Danue [sp?], Downtown  
25 Urban Soccer Club, David Seal, Manhattan Celtic

2   League.  Is that soccer, too?  I hope so.  Alrighty,  
3   Isaac Daniel, Downtown United Soccer Club.  I'm going  
4   to go through these again.  Is everyone here?  Isaac  
5   Daniel, David Seal,-- Isaac is not here, okay.  So  
6   we'll call up-- Michelle Siwaylan [sp?].  You're  
7   here?  Okay, great.  Alrighty.  Ellen Baer [sp?]?  
8   Ken Daniels?  Dan Miller?  Okay, alright.  Alright,  
9   you may begin.  Ladies first.

10                   COUNCIL MEMBER JOHNSON:  Don't be shy,  
11   just begin.

12                   MICHELLE SIWAYLAN:  Thanks for the  
13   opportunity.  My name's Michelle Siwaylan [sp?].  I'm  
14   with the Real Estate Board of New York.  REBNY is a  
15   trade association with 17,000 members comprised of  
16   owners, builders, brokers, managers and other  
17   professionals active in real estate in New York.  We  
18   are here today to support the Saint John's Center  
19   rezoning and the Hudson Square Waterfront Development  
20   Plan.  This plan addresses a number of critical and  
21   interrelated issue that have vexed the community and  
22   the Hudson River Park Trust for more than decade, how  
23   to fund the costly infrastructure repairs to Pier 40  
24   while preserving the athletic fields and maintaining  
25   critical operating revenue stream from the parking

1 facility. In addition to these vital benefits, the  
2 development project addresses some of our most  
3 pressing needs while providing valuable community  
4 amenities. The Saint John's Center Development on  
5 Washington Street will consist of five buildings with  
6 approximately 1.7 million square feet of development,  
7 including almost 1,600 units of housing of which 30  
8 percent would be permanently affordable in the mix of  
9 low and moderate income households as well as senior  
10 housing. Development will also include 400,000  
11 square feet of commercial space as well as a 10,000  
12 square foot indoor recreational center that would be  
13 available for residents and the public. This new  
14 sustainable development project will replace an out-  
15 moded [sic] site that intrudes on the street grid  
16 with a modern mixed use development that will  
17 revitalize the streetscape with retail, improve light  
18 and air down at Houston Street, much improved access  
19 to West Street and newly created view corridors. A  
20 new development of this type and scale has  
21 significant economic benefits in the short and long  
22 term. Construction is expected to create an on-  
23 average 1,800 onsite jobs per year for three years  
24 and 1,500 full and part-time jobs once construction  
25

1 is complete. During the construction period, the  
2 city and state are estimated to receive 126 million  
3 dollars in new tax revenue in an estimated 21 million  
4 dollars in annual taxes when completed. This project  
5 is critical to the preservation of Pier 40 and the  
6 Hudson River Park and will provide a significant  
7 amount of much-needed new and affordable housing.  
8 Across the board, this is an integral and  
9 transformative project that is good for New York  
10 City. For these reasons, we support this project.

12 CHAIRPERSON RICHARDS: Thank you.

13 CARIN EHRENBERG: Hi, I'm Carin  
14 Ehrenberg, and I am the just recently no longer the  
15 President of Greenwich Village Little League, but  
16 have been on the Board for about 10 years and have  
17 raised my children in Greenwich Village and Chelsea  
18 for the last 19 years, and counter to what some  
19 people have said, there are many children using that  
20 park. My sons grew up on that park and at Hudson  
21 River Park, and I've lived in New York for 30 years  
22 and watched the park transform, and really thankful  
23 to the efforts of Hudson River Park Trust and our  
24 local elected officials for what they've done and  
25 what they've provided in our neighborhood. I am not

1 clear, no matter how much I love downtown New York,  
2 that I would be a downtown New Yorker if that park  
3 was not there, because I do care about my children  
4 having a place to play. I care about going to a  
5 place where I'll see my neighbors and be able to root  
6 for our teams, have a cup of coffee, volunteer  
7 alongside one another and build community. New York  
8 City is a big city and the way that it becomes a  
9 place to live is by building small communities, and  
10 Hudson River Park is a place, and Pier 40 in  
11 particular, is a place that is like a small  
12 community. When grandparents come to visit us and  
13 come to our little league games or our soccer games,  
14 they say, "Wow, you live in New York City? This  
15 feels like Small-town, America." We could have it  
16 all here in New York, and thanks to all the hard work  
17 of our local officials and Hudson River Park Trust,  
18 we do have it, and I strongly support the air rights  
19 because of that. Again, it not only makes for a  
20 place to make friends and meet people, but it makes  
21 for better people. Sports are important, and there's  
22 not enough places to play sports in New York City  
23 outside. They're healthy. They're for mental  
24 health. They're for physical health. There's lots

1 of x-box and all sorts of games going on, but where  
2 can the children play? Thank you, Corey Johnson, and  
3 to all of you for helping us with this.

4 CHAIRPERSON RICHARDS: Thank you.

5 KEN DANIELS: Hello. My name Ken Daniels.  
6 As of last night in 1981 I became a resident of the  
7 West Village. Discovered what the Halloween parade  
8 was when nobody knew what it was. I am a longtime  
9 member of the Board of Directors for Downtown United,  
10 since 1994/95. I've coached for the Greenwich  
11 Village Little League for a long time, and figured I  
12 got sucked more into soccer than to baseball. And I'd  
13 really love to be able to-- having been on the Board  
14 of Directors for Downtown United, I haven't had a kid  
15 in the program in 10 or 11 years. I have a 21-year-  
16 old daughter and a 26-year-old son. Why I'm still  
17 doing it probably goes to my sanity, which I may want  
18 to be removed from here. But I just wanted to-- I  
19 want to end my tenure, because one of the reasons I'm  
20 still doing what I'm doing for the club is to finish  
21 this process. If anybody has taken a look at the  
22 architect CV and what he has represented in his work,  
23 it's an incredible choice, and like I told him at one  
24 of the earlier meetings with the developers-- I won't  
25



1 use the language-- but, please God don't F this up.

2 And as wanting to retire from Downtown United,

3 Madelyn, I have a check for you for 105 million

4 dollars that I'd just like to give to you so that we

5 can end all of this and I can hand in my resignation.

6 I mean, there's no doubt about the value of Pier 40,

7 and everybody's covered it with respect, not only to

8 kids, but nobody's mentioned the elderly and how

9 people have used the park in any number of ways, and

10 more importantly, I can't imagine what it was like in

11 the middle 1800's when [inaudible], you know, get

12 this big thing that was going to be called Central

13 Park, and said what can I possibly do with this. We

14 have the opportunity to create that opportunity for

15 the West Village. Now, whether it's Madelyn Wils or a

16 successor, the people have been on the Hudson River

17 Park Trust, Downtown United, Downtown Little League,

18 Greenwich Village Little League, hopefully if we do

19 the right thing we'll all share in this success.

20 Corey Johnson, I've never met you, but I tell you

21 what, run for higher office. You've got my support.

22 UNIDENTIFIED: Yes.

23 CHAIRPERSON RICHARDS: Wow. Is that an

24 endorsement?

1                   KEN DANIELS: And I sincerely mean that  
2                   because sort of in a political year you've reinstated  
3                   one's faith in public service. As far as air rights,  
4                   one last thing as far as air rights are concerned,  
5                   this is a one-off. This is to save-- by the way,  
6                   Tobi Bergman, too. I can't mention one without the  
7                   other. I know Tobi [inaudible]. This is an  
8                   opportunity to create something spectacular. The air  
9                   rights issue, look, let's hopefully get it to one-  
10                  off, but as long as we elect people like this and  
11                  have them in our community, that will never be  
12                  abused, and I think we have to trust, or as a  
13                  community, make sufficient decisions that the people  
14                  who are going to be in your spaces in the future  
15                  carry on what you started, and maybe make it a little  
16                  bit better. But I no longer live in this community.  
17                  I'm looking forward to moving back, but as I say,  
18                  I'll be hanging on to Downtown United until you guys  
19                  get this thing done. So, do it right. Do it right.  
20                  Do it quickly, and this young lady deserves a check  
21                  for 105 million. And one last thing, every real  
22                  estate developer in this area is going to benefit  
23                  from the development of what's going to happen. They  
24                  should be required in the future to make a  
25

1 contribution to the park, to the Trust as part of  
2 what any development issue that they have, because  
3 the value of their properties is going to in part be  
4 determined by the quality of life that this piece of--  
5 - this-- I don't know how many acres any more. I've  
6 walked it so many times. And just one last thing. I  
7 remember when the field turf-- I was there--

8  
9 CHAIRPERSON RICHARDS: [interposing] You  
10 said 'one last thing' around five minutes ago.

11 KEN DANIELS: Yeah, I know. Well, I'm  
12 old.

13 CHAIRPERSON RICHARDS: Okay.

14 KEN DANIELS: I remember when Pataki flew  
15 in to dedicate the rooftop field on the top of Pier  
16 40. I was there with my kids, and we all had hoped--  
17 we looked when the trucks, the FedEx trucks and the  
18 UPS trucks were parked in that courtyard, we said,  
19 "Wouldn't it be great if someday those were athletic  
20 fields?" We're there now. I can't imagine what this  
21 will be. Hopefully, my grandchildren hopefully will  
22 be playing on it. But thank you for the little bit  
23 of extra time, and thank you for what you do and for  
24 making this possible.

1  
2 CHAIRPERSON RICHARDS: Thank you, Mr.  
3 Ken.

4 ANDREW ZELTER: Good afternoon. My name  
5 is Andrew Zelter [sp?], and like many of the speakers  
6 before me, I'm here really to advocate for our  
7 growing youth population, particularly across lower  
8 Manhattan as Madelyn pointed out, 60 percent growth  
9 in that segment over the last several years. And I  
10 don't think you can really talk about creating  
11 opportunities for our children across lower Manhattan  
12 without discussing Pier 40. We heard a few  
13 statistics, and Councilman Johnson, I'll take them as  
14 fact that Pier 40 serves 260 visitors a year in terms  
15 of athletic activities. We've been spending the  
16 better-- sorry? Two hundred and sixty thousand,  
17 forgive me. We've been at this for 15 years, two  
18 failed RFP's and we have a pier that's in dire  
19 straits. So, I think Mr. Novogratz nailed it when he  
20 said we really have to deal with what we're dealing  
21 with. And just to provide some further statistics  
22 that I think are relevant. If you look at national  
23 studies, they estimate that 75 percent of youth at  
24 some point play organized sports. Seventy-five--  
25 this may not be fact. This may be opinion, but 74.99

1 percent of them do not continue with sports as a  
2 career. What they do continue with are the life  
3 lessons learned on the athletic fields, teamwork,  
4 sportsmanship, respect, competition, winning and  
5 losing, problem resolution, challenging and rising to  
6 challenges, and I think it's incumbent upon us as a  
7 parent body, as a community to continue to afford  
8 those opportunities to our children. Just to give  
9 some more dynamics around dealing with what we're  
10 dealing with, I represent Downtown Little League. We  
11 provide organized activities for softball and  
12 baseball, children ages five to 17. Last year we had  
13 1,083 children register for our program. That's a 42  
14 percent growth over where we were in 2010. During  
15 that timeframe we've added one facility in terms of  
16 recreational space, and that's Pier 25. So we have  
17 been asked to do considerably more without any  
18 meaningful expansion of that field infrastructure,  
19 and to think of Pier 40 in any remote sense going  
20 down, we lose a generation of kids not just for  
21 sports, but all the life lessons that we just spoke  
22 about. So I encourage us to continue working at  
23 this. And again, to Mr. Novogratz's point, feels  
24 like we're at the 10 yard line, and with a little bit  
25

1 of additional work and energy, we can get this across  
2 the goal line. Thank you.

3 CHAIRPERSON RICHARDS: Thank you.

4 DAN MILLER: Hi, my name is Dan Miller.  
5 I'm a CB2 member, but I'm speaking as an individual  
6 today, also as someone who lives across the street  
7 from the pier, Morton Square, who's raised two  
8 college-age kids that thanks to the lessons that they  
9 learned at Pier 40 are successful young adults. I'd  
10 like to ask you, Chair Richards, have you been to  
11 Pier 40 before?

12 CHAIRPERSON RICHARDS: Yes, I have.

13 DAN MILLER: Have you seen--

14 CHAIRPERSON RICHARDS: [interposing] I  
15 actually took a nice stroll in the park many years  
16 ago when I was young.

17 DAN MILLER: Oh, when you're young.

18 CHAIRPERSON RICHARDS: Yeah. Yeah.

19 DAN MILLER: So you haven't had the  
20 opportunity to see all the children playing, taking  
21 up every square inch of the field during the  
22 weekends, also during the evenings and during days?  
23 Little Red [sic] is there and Xavier High School and  
24 Stuyvesant, and how without that field, where would  
25

1 they go? And that's kind of the question today. We  
2 kind of posed that to our community. I am one of the  
3 leaders of a group called Pier 40 Champions that  
4 takes all the great leagues to downtown, like  
5 Downtown United Soccer and Greenwich Village League  
6 and Downtown Soccer Club and Downtown Little League.  
7 And we asked our communities this question, and we  
8 asked them to sign a petition, and within two weeks  
9 we had 3,000 signatures, which is not an easy thing  
10 to do when you're asking parents who are very busy  
11 and doing other things to respond to a petition. And  
12 what I'd like to do is actually read some of their  
13 testimony, because I think what's important for you  
14 to understand is we're not just speaking for  
15 ourselves here. I'm not only speaking as an  
16 individual. I'm speaking for 3,000 parents that  
17 actually responded to this. I know that Andrew said  
18 that he has the biggest, the largest organization,  
19 and I question that. I think if you put all of us  
20 together, I think we actually have a larger  
21 organization, and one that without any advertising  
22 got 3,000 responses. So I want to read four  
23 testimonies from-- it took me three minutes to pull  
24 these from the 3,000 that were individually written  
25

2   to-- you didn't receive those emails, by the way.  
3   Corey did as well as Assembly Members and State  
4   Senators, but if you'd like to be part of the new  
5   petition, just let me know. But I'll give you this  
6   list after I finish.

7                   CHAIRPERSON RICHARDS: I will take those  
8   emails gladly. Can't hurt.

9                   DAN MILLER: May I read four quick  
10  testimonies? They're just two sentences.

11                  CHAIRPERSON RICHARDS: Yes. Yes, you  
12  can, yes.

13                  DAN MILLER: Thank you. "I'm a parent of  
14  two children. We've lived near Pier 40 on Charlton  
15  [sic] Street for over seven years. Pier 40 is the  
16  only option for my kids to throw or kick a ball  
17  around and let off steam." Kelly Weiner [sp?], zip  
18  code 10014. I want to mention that there are 100 zip  
19  codes that are represented in this petition.

20  "Exercise and sports is among the best way to show  
21  our daughters how powerful and effective they can be.  
22  Pier 40 is the only reason that so many girls got to  
23  play soccer in the fall and winter." Laura Kane  
24  [sp?], zip code 10003. "My son spends his summers at  
25  Pier 40 playing baseball all summer long. It is a



2   great program and more affordable than any others  
3   that I've found. He would be lost during the summers  
4   without Pier 40." Zip code 10011. "My daughter  
5   travels all the way from Brooklyn for dusk soccer,  
6   and we need more, not less, support and space for  
7   youth sports in our city." Amy Brust [sp?], 11218.  
8   Thank you.

9                   CHAIRPERSON RICHARDS: Thank you. Thank  
10   you all for your testimony. I thank you for your  
11   work with young-- oh, sorry. I'm so blind, sorry.

12                  ELLEN BAER: Hello. My name is Ellen  
13   Baer. I'm the President of the Hudson Square  
14   Business Improvement District representing 50,000  
15   workers, but it's not a competition.

16                  CHAIRPERSON RICHARDS: Thirty, 50--

17                  DAN MILLER: And they all live--

18                  CHAIRPERSON RICHARDS: [interposing] We  
19   come together, okay.

20                  ELLEN BAER: I'm here to speak in support  
21   of the project, and I do want to say something that  
22   nobody has said actually since the Community Board  
23   has spoken. The Hudson-- first of all, we of course  
24   support the project and support our colleagues in  
25   Hudson River Park. The park is an incredibly strong

1 amenity, and we believe that the project will begin  
2 to knit together the full Hudson Square community to  
3 the park as we've been trying to do for many years.  
4 The Hudson Square Connection, as we call our business  
5 improvement district, has been working for the last  
6 seven years on a public/private partnership to  
7 install green infrastructure and improve open spaces  
8 and improve pedestrian safety in this area around the  
9 Holland Tunnel. In fact, I think you may remember  
10 Councilman Donovan that your-- the Rockaways  
11 community came to us to try and replicate our Hudson  
12 Square standard, which is a completely new way of  
13 doing green infrastructure and controlling storm  
14 water management, and it's an award-winning plan.  
15 But what has-- there's been a lot of attention paid  
16 by everybody to what's happening between the project  
17 and the waterfront, but I would like to speak on  
18 behalf of what needs to happen between the project  
19 and the upland community, because the people who live  
20 and work in the 550 Washington Street project, in  
21 order to access the rest of the City are going to  
22 have to walk through and at times, unfortunately  
23 drive through, but bike through also the Hudson  
24 Square community. And although a lot of thought, as  
25

1 I said, has been given to the area to the east, the  
2 area to the-- that will get people to the subways and  
3 to transportation has not really been fully thought  
4 through in terms of the need for streetscape, in  
5 terms of the need for lighting, seating, sidewalk  
6 crossing, pedestrian safety measures. And although  
7 the project, the 550 Washington Street project,  
8 doesn't currently fall within the boundaries of the  
9 bid, the bid does fall within the study area that's  
10 considered in the FEIS. So what we would like to do  
11 is enthusiastically offer-- we're in the process of  
12 expanding our business improvement district right  
13 now. Should 550 Washington become a part of that  
14 expansionary, we'd like to offer our resources to  
15 help develop streetscape, to help develop seating and  
16 lighting there. One final note on the traffic study  
17 which Councilman Johnson and Community Board Two has  
18 worked so closely with us on securing up. We just  
19 want to make sure that the study is not just a study.  
20 The City has talked a lot about putting money into  
21 looking at traffic in the Holland Tunnel area. All  
22 the studies in the world won't do a thing. The bid  
23 would like to offer its resources in the design,  
24 funding and maintenance of any concrete traffic and  
25

2 pedestrian safety improvements that can be done  
3 around the Holland Tunnel area. Thank you.

4 CHAIRPERSON RICHARDS: Thank you so much.  
5 Thank you all for your testimony. Thank you, Ellen.  
6 You were so courteous. We came down to do a tour to  
7 sort of get some best practices from your bid, and  
8 things are moving forward. I'm very excited about it.  
9 So, thank you so much for coming down today. Thank  
10 you. Alrighty, Brian Brown, 32BJ, Terry Kude [sp?],  
11 CB2 Manhattan First Vice Chair, Marla Smith, Friends  
12 of Hudson River, Jill Hennacamp [sp?], Hadakum [sp?],  
13 got it. Okay, I got close. Miguel Acevedo, Fulton  
14 Houses/Chelsea, Elliot/something else, Jean Dorac  
15 [sp?] ABNY [sic]. Alrighty. Let's get some more  
16 people up. Okay, so Jean Dorac, ABNY, Miguel  
17 Acevedo, Fulton Houses-- Jill is here, Pier 40  
18 champions. Marla Smith. Terry Kude-- Terry's not  
19 here? Okay. Brian Brown? Alright, BJ is here. Am  
20 I missing somebody? Marla, are you Marla Smith?  
21 Marla Smith is not here. We'll go next to Andy  
22 Zelter, Downtown Little League. Oh, okay. Louis  
23 Hernandez? Left? Mark Chaver [sp?], Cheever?  
24 Alrighty, Mark is here. Nico Mikal [sic], Michael,  
25 Nico? Okay, not here. Charisma Koeing [sp?],

2   Downtown Urban Soccer Club, Charisma?   Patrick Yacco,  
3   Friends of Hudson River Park?   Oh, what am I seeing?  
4   Sorry, Halloween was yesterday.   My eyes are still  
5   recovering.   Patrick Yacco?   Yes, he's here.   Gary  
6   Bideli [sp?], Gary, Gary, Gary, Downtown Urban Soccer  
7   Club.   Paul Fox?   John Wand or Wund? Wand?   Building  
8   Trades, Building Trades, John.   Cindy Circo [sp?],  
9   Gotham Girls?   You're the last panel, I think.   Okay,  
10   we'll start with 32BJ.

11                   BRIAN BROWN:   Thank you.   Good afternoon,  
12   Council Members, neighbors.   My name is Brian Brown  
13   and I'm here speaking on behalf of the labor union  
14   SEIU 32 BJ.   As you all know, 32 BJ members work hard  
15   to maintain, clean and secure the buildings in which  
16   we live, work and go to school, but also 32 BJ  
17   members work hard to ensure that building service  
18   jobs across the City are union and that they are also  
19   providing family sustaining wages and benefits, and  
20   it's this reason why I'm here today speaking in  
21   support of the plan for Saint John's Terminal.   The  
22   developers, Westbrook Partners and Atlas Group have  
23   put together a well-rounded development plan that  
24   creates good jobs, affordable housing, and helps  
25   rehabilitate an important open space serving not only

1 the neighborhood, but all New Yorkers. It is also no  
2 secret that Pier 40 is in need repairs. The park is  
3 used close to 300,000 times a year, but has serious  
4 structural problems that threaten the use of the  
5 space. The Saint John's Terminal development will  
6 provide much needed funding to make those necessary  
7 repairs, hopefully, hopefully. The development plan  
8 will also help address our City's affordable housing  
9 and income inequality crisis. The developer's plan  
10 to build hundreds of affordable housing units--  
11 excuse me. The developers plan to build hundreds of  
12 affordable housing units and will create thousands of  
13 new permanent and temporary jobs. What I really want  
14 to highlight is that the developers are committed to  
15 making sure that these are high-quality jobs. They  
16 have committed to creating building service jobs that  
17 pay the prevailing wage and respect workers' rights  
18 to join the union. This is important because it  
19 guarantees that the workers who will maintain these  
20 buildings will be able to put a roof over their head,  
21 support their families and contribute to the health  
22 of the local community. This is why 32 BJ is happy  
23 to collaborate with Westbrook Partners and Atlas  
24 property Group on this project. The redevelopment  
25

1  
2 will not only provide commercial, retail and  
3 residential space to the community, but will also  
4 provide much needed high-quality jobs for New York  
5 City residents. I therefore urge you, Council  
6 Members, to approve the application. Thank you.

7 CHAIRPERSON RICHARDS: Thank you.

8 PATRICK YACCO: Actually, I wrote good  
9 morning when I wrote out my notes this morning, but a  
10 little bit later. So, good afternoon, everyone. I'm  
11 Patrick Yacco, Special Projects Manager at Friends of  
12 Hudson River Park. I'm speaking in favor of today's  
13 proposals. You've already heard from several other  
14 people that our organization works with, so I'll keep  
15 my remarks brief. I have the pleasure of working  
16 with families that utilize Pier 40, and I know how  
17 valuable it is to the entire area. The proposals  
18 provide much needed funding to sustain the  
19 infrastructure for the pier. It will ensure that  
20 there are-- that this community resource lasts for  
21 years to come. Additionally, I urge the council not  
22 to limit the park's ability to sell the air rights.  
23 Potential air right sale could fund new sections of  
24 park land giving other residents along the park new  
25

2 opportunities to enjoy the beauty of the Hudson. And  
3 with that, I am-- thank you for the time.

4                   CHAIRPERSON RICHARDS: Thank you.

5                   MIGUEL ACEVEDO: Good afternoon. My name  
6 is Miguel Acevedo. I'm the Tenant Association  
7 President at Robert Fulton Houses, a public housing  
8 development located in Chelsea. First, I want to  
9 thank our Council Member who has always been there  
10 not only for Pier 40 but any needs that the Fulton  
11 Houses has always needed. I appreciate it. Council  
12 Member Richards, you brought up something very  
13 important to me about the local hiring and also about  
14 MWEB. I'm sorry, it's MWBE. And it's important  
15 because many communities have lost out on that, and  
16 our community has two public housing developments  
17 that's always looking for residents to get employed  
18 in this type of development, and please make sure  
19 that this developer keeps to his word and does hire  
20 locally and involves minority businesses to be part  
21 of it. As for Pier 40, Pier 40 has been a pathway to  
22 many kids from Fulton Houses to have the opportunity  
23 to play baseball with kids from the Greenwich  
24 Village, which if not for Pier 40, we probably  
25 wouldn't even know their names, their addresses or



1 anything about them. So, we appreciate Pier 40 being  
2 there. That pathway has created great [sic]  
3 relationships [sic] for generations after  
4 generations. Just recently at a Community Board Four  
5 meeting a child who came there noticed a parent who  
6 played in that baseball league, and then the other  
7 parent played in there more than 12 years ago, and  
8 they were joking how they each struck each other out.  
9 This is what it brings, and that's what this pathway  
10 should continue to build in the future, not like the  
11 previous speaker spoke in another panel that the kids  
12 should drown. No, our kids are our future, and they  
13 mean much to many communities, and Pier 40 is very  
14 important to Fulton Houses, and we support it whole  
15 heartedly.  
16

17 CHAIRPERSON RICHARDS: Thank you. Some  
18 of my-- I actually had childhood friends who actually  
19 grew up in Fulton and Chelsea Houses. So, I remember  
20 them on this day, and I'm definitely grateful for you  
21 coming down to represent definitely public housing in  
22 that community. So, thank you.

23 MIGUEL ACEVEDO: You're welcome.

24 MARK CHEEVER: Good afternoon, Council  
25 Members. First off, just thank you so much for

1 everything you do in service of the City. We  
2 definitely appreciate it, and a particular shout out  
3 to Council Member Johnson. You are our champion and  
4 definitely we know that, and we thank you for all  
5 that you've done for the park. My name is Mark  
6 Cheever. I work for Friends of Hudson River Park  
7 Currently, but I've had the incredible honor of  
8 working for the past four years of Hudson River Park  
9 Trust first, and then four years at Friends of Hudson  
10 River Park. I've worn many hats over the past four  
11 years, and I had the tremendous just privilege to be  
12 in the community every single day and talking with  
13 people that utilize the park, that love the park and  
14 see what that's like. I started as an environmental  
15 educator, and I wish I could tell you what an impact  
16 it is for the thousands of kids that learn about the  
17 environment each and every year by coming to Hudson  
18 River Park, especially from the outer boroughs. That  
19 is truly one of my favorite things that I've had the  
20 privilege of working on with this project. Beyond  
21 just that, when Sandy hit, it was incredible to see I  
22 was scheduling the fields at the time, and the park  
23 has five athletic fields, and you heard from many of  
24 the groups that use these earlier, and it was such  
25

1  
2 amazing thing to see them band together in the time  
3 following Sandy, but also really made me realize what  
4 would happen if these fields were not here, and I  
5 think that's what we're sort of faced with now. If  
6 we do not get this funding you're going to have to  
7 sort of take a look in the community, what happens to  
8 that when all of these kids that use those ball  
9 fields no longer have that tremendous resource? Each  
10 and every day there are so many thousands of people  
11 that use this park, and amazing things are happening  
12 on our piers. Air rights transfer, what it does is  
13 invest in the community and enables folks from not  
14 just the local communities, but all over New York  
15 City to come here, to enjoy it, to take part in this  
16 great city, and I think just in closing, that when  
17 you invest in this park it pays so much further back.  
18 So, I'd urge you guys to support this measure and  
19 continue to support measures that invest in Hudson  
20 River Park. Thank you.

21 CHAIRPERSON RICHARDS: Thank you.

22 JILL HENNACAMP: Good afternoon. My  
23 name is Jill Hennacamp. I'm a member of the Pier 40  
24 Champions. Maxi Tehata [sp?] is a young man from the  
25 Bronx. In 2004 at age eight his love of soccer

1  
2 landed him on the newly created fields at Pier 40,  
3 invited by the also nascent Downtown United Soccer  
4 Club. I don't know if Maxi was one of the 80 percent  
5 of the kids on the team that was on scholarship or  
6 one of the 20 percent that paid fees, but I do know  
7 that through that team over the course of the next 10  
8 years he was able to meet kids from all five  
9 boroughs, play on a team that taught him countless  
10 lessons and provided thousands of hours of fun, took  
11 him throughout New York City to play and to win  
12 championships, and when the time came, find tutors  
13 and mentors that helped him get to college. Maxi's  
14 story is not extraordinary. It's emblematic. In a  
15 dozen years at the amazing, flexible, constantly in  
16 use courtyard fields at Pier 40 have existed, Maxi's  
17 story has been repeated thousands of times over in  
18 every imaginable sport, for girls and boys young and  
19 old, joyful athletes from all over New York City.  
20 What was new to Maxi in 2004 has become routine for a  
21 generation of New Yorkers, and now our ranks are  
22 swelling. There is a constant unrequited [sic]  
23 scramble for field space. The fields of Pier 40 must  
24 be saved, and we must find a way to add more fields  
25 for our kids. Pier 40 is a suffering child in the

2 custody battle between its parents, New York City and  
3 New York State. Because of the curious confines of  
4 the legislations defining Hudson River Park, combined  
5 with the City and State's mutual abdication of  
6 providing the funds needed to complete the park, the  
7 Hudson River Park Trust has been forced to find a  
8 creative way to keep Pier 40 afloat. I support the  
9 air rights transfers, an innovative way to procure  
10 the necessary fund, to raise funds to repair the  
11 pilings under the pier, and to keep our fields open  
12 and our children playing. But the Pier 40 Champions  
13 and I are deeply concerned. This is just a temporary  
14 fix and does nothing to settle the long term plans  
15 for Pier 40. City and State leaders must work  
16 together with the Trust to find a solution. Our  
17 numbers are large, and our demand is clear. Save our  
18 fields. Enable another generation of Maxi's. Thank  
19 you.

20                   CHAIRPERSON RICHARDS: Thank you for your  
21 testimony. I'm going to go to Council Member Johnson  
22 for closing remarks, and then I'll close out this  
23 hearing.

24                   COUNCIL MEMBER JOHNSON: Jill, thank you  
25 for putting it that way. I think that's right, the

1 suffering child of two feuding parents, which is  
2 sadly what's gotten us in this position over the  
3 years. I want to thank you all for being here.  
4 Miguel, I want to thank you and Patrick. Thank you  
5 for being here. Thank you very much, Mark. And I  
6 want to thank everyone who came to testify today.  
7 We're going to work together over the next five weeks  
8 collectively to get the most bullet-proof deal done  
9 for the trust in achieving this hundred million  
10 dollars and continue to fight for the park moving  
11 forward. Chair Richards, I want to thank you for  
12 being engaged, for meeting with the Trust and the  
13 applicant before the hearing today. I really  
14 appreciate that you've taken time out of a very busy  
15 day, coming in from Far Rockaway this morning,  
16 getting here and spending all day working on an issue  
17 that is so important in my community and for the west  
18 side of Manhattan. So, I want to thank you for your  
19 leadership, and again, thank you all for being here  
20 today.

22 CHAIRPERSON RICHARDS: I want to thank  
23 everyone for coming out, and thank you, Council  
24 Member Johnson. It's always an honor to work with  
25 you on applications in your district. You always

1 show great leadership and always stand up for your  
2 community which is always commendable. We look  
3 forwarded to continuing the conversation with the  
4 applicant, and I just want to be clear, you know. We  
5 are listening to everyone's concerns. This is  
6 something that we do in this committee, but I want to  
7 say that we've gone through a number of these with  
8 Council Member Johnson and we always come out with  
9 wins for our community, and we could define on what  
10 side of the aisle you're on or how big a win is it  
11 for you, but we always reach a place that I think is  
12 comparable to what people are looking for in their  
13 communities. So, I want to thank you for your  
14 leadership. Also want to thank our committee, Raju  
15 Mann, everyone for their work on today. We've  
16 applied some more mandatory inclusionary housing  
17 today to several projects that have come before us.  
18 So, really starting to really see the fruits of our  
19 labor in this committee when it comes to creating  
20 more affordable housing is always good. With that  
21 being said, we will now are going to lay these items  
22 over until the next regularly scheduled meeting. Oh,  
23 sorry, is there anyone else who wishes to testify on  
24 this issue? Alright, seeing none. Okay, so now I  
25

2   will now close the public hearing on Land Use items  
3   number 506, 507, 508, 509, 510, and 511. We are  
4   going to lay these items over until the next  
5   regularly scheduled meeting, and with that being  
6   said, thank you all for your patience. This meeting  
7   is adjourned.

8                   [gavel]

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SUBCOMMITTEE ON ZONING AND FRANCHISES

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 7, 2016