

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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Wednesday, June 26, 2024
Start: 11:37 a.m.
Recess: 12:23 p.m.

HELD AT: 250 BROADWAY
COMMITTEE ROOM 16TH FLOOR

B E F O R E: KEVIN C. RILEY, CHAIRPERSON

COUNCIL MEMBERS:
Shaun Abreu
Joseph C. Borelli
David M. Carr
Kamillah Hanks
Francisco P. Moya
Yusef Salaam
Lynn C. Schulman

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

Charles Dougherty
Chief Commercial Officer
Arthur Kill Terminal

Joshua Rinesmith
Co-Chair, Land Use & Development Practice
Akerman, LLP

2 SERGEANT AT ARMS: Good morning. Good morning.
3 Welcome to the Subcommittee on the Zoning and
4 Franchises. At this time, please silence all
5 electronics. At this time also, please do not
6 approach the dais. I repeat, please do not approach
7 the dais. If you wish to testify online, you may do
8 so at testimony@council.nyc.gov. If you need any
9 extra assistance, please contact the Sergeant. Chair
10 you may begin.

11 CHAIRPERSON RILEY: Good morning and welcome to
12 the meeting of the Subcommittee on Zoning and
13 Franchises. I am Councilmember Riley, Chair of the
14 Subcommittee, and I'm joined today remotely by
15 Councilmember Moya and Salaam, and present by
16 Councilmember Schulman, Carr, and Hanks.

17 Today we are scheduled to hold three votes in one
18 hearing. The first vote concerns LUs 90 and 91,
19 which consists of the 2118 Avenue U rezoning
20 proposal. The second vote concerns LUs 92 which
21 consists of the 58-75 Queens Midtown Expressway
22 rezoning proposal. The third vote concerns LUs 93,
23 which consists of the 27-24 College Point Boulevard
24 commercial overlay proposal.

2 Turning to the hearing the development team for
3 the Arthur Kill Terminal proposal will walk us
4 through their application, which consists of LUs 101,
5 102, 103, and 104.

6 This meeting is being held in hybrid format.
7 Members of the public who wish to testify may testify
8 in person or via zoom. Members of the public wishing
9 to testify remotely may register by visiting the New
10 York City Council website at
11 www.council.nyc.gov/landuse.

12 To sign up and for those of you here in person,
13 please see one of the Sergeant at Arms prepare and
14 submit a speaker's card.

15 Members of the public may also view a live stream
16 broadcast of this meeting at the Council's website.

17 When you are called to testify before the
18 Subcommittee, if you are joining remotely, you will
19 remain muted until recognized by myself to speak.
20 When you are recognized, the microphone will unmute.
21 Please take a moment to check your device and confirm
22 that your mic is on before you begin speaking.

23 We will limit public testimony to two minutes per
24 witness. If you have additional testimony you would
25 like to submit to the Subcommittee to consider, or if

2 you have written testimony you would like to submit
3 instead of appearing in person, please email it to
4 land use testimony@council.nyc.gov. Written
5 testimony may be submitted up to three days after the
6 hearing is closed. Please indicate the LU number
7 and/or the project in the name subject line of your
8 email. We request that the witnesses joining us
9 remotely remain in the meeting until excused by the
10 Chair, as Councilmembers may have questions.

11 Lastly, for everyone attending today's meeting,
12 this is a government proceeding, and decorum must be
13 observed at all times. Members of the public are
14 asked not to speak during the meeting unless you are
15 testifying. The witness table is reserved for people
16 who are called to testify, and no video recording or
17 photography is allowed from the witness table.

18 Further, members of the public may not present audio
19 or video recording as testimony, but may submit
20 transcripts of such recording to the Sergeant At Arms
21 for inclusion in the hearing record.

22 Starting with today's votes, the first vote is to
23 approve LUs 90 and 91 concerning the proposal known
24 as the 21-18 Avenue U. This proposal development
25 consists of a mixed use residential building located

2 in Sheepshead Bay, Brooklyn, within Councilmember
3 Vernikov's district. The buildings would contain
4 approximately 10 units with retail space, and be
5 subject to mandatory inclusionary housing. The
6 proposal involves two actions: The first action
7 consists of rezoning the existing R4 residential
8 zoning district with a C1-2 commercial overlay to an
9 R6A zoning district, with a C2-4 commercial overlay.

10 The second action is to map a mandatory
11 inclusionary housing over the rezoning, which will
12 require that up to three of the units be permanently
13 affordable. Councilmember Vernikov supports this
14 proposal.

15 The second vote is to approve LU 92, concerning
16 the proposal known as the 58-75 Queens Midtown
17 Expressway. This proposal development consists of
18 enlarging an existing manufacturing building located
19 in Maspeth, Queens, within Councilmember Won's
20 district. The business in the current building is
21 seeking to grow and needs more space. The proposal
22 involves one action, which consists of rezoning the
23 existing M1-1 manufacturing zoning district to an M1-
24 4 manufacturing district. Councilmember Won supports
25 this proposal.

2 The third vote is to approve LUs 93, concerning
3 the proposal known as 27-24 College Point Boulevard.
4 This proposal seeks to develop a drive-through
5 business along the College Point Boulevard, Flushing,
6 Queens, within Councilmember Paladino's district.
7 Besides allowing the development of a drive through
8 business on a vacant corner lot, the proposal will
9 legalize existing businesses in the rezoning area.
10 The proposal involves one action, which consists of
11 mapping a C2-3 commercial overlay over the project.
12 Councilmember Palladino supports this area.

13 Counsel, are there any members with questions or
14 remarks at this time?

15 COMMITTEE COUNSEL: No, Chair.

16 CHAIRPERSON RILEY: I now call for a vote to
17 approve LUs 90 and 91 relating to 21-18 Avenue U
18 rezoning proposal, to approve LU 92 relating to 58-75
19 Queens Midtown Expressway rezoning proposal, and to
20 approve LUs 93 relating to 27-24 College Point
21 Boulevard rezoning proposal.

22 Counsel, please call the roll.

23 Just want to recognize for a record we have
24 Minority Leader Joseph Borelli and Councilmember
25 Abreu that walked in.

2 COMMITTEE COUNSEL: I will now proceed to the
3 roll call vote of the votes that the Chair just
4 enumerated.

5 Chair Riley?

6 CHAIRPERSON RILEY: Aye.

7 COMMITTEE COUNSEL: Councilmember Moya?

8 COUNCILMEMBER MOYA: I vote aye.

9 COMMITTEE COUNSEL: Councilmember Abreu?

10 COUNCILMEMBER ABREU: Aye.

11 COMMITTEE COUNSEL: Councilmember Hanks?

12 COUNCILMEMBER HANKS: Aye.

13 COMMITTEE COUNSEL: Councilmember Schulman?

14 COUNCILMEMBER SCHULMAN: Aye.

15 COMMITTEE COUNSEL: Councilmember Salaam?

16 COUNCILMEMBER SALAAM: I vote aye.

17 COMMITTEE COUNSEL: Councilmember Carr?

18 COUNCILMEMBER CARR: Aye on all.

19 COMMITTEE COUNSEL: By a vote of seven in
20 affirmative, zero in opposition, and zero abstention.

21 The items are approved and referred to a full Land
22 Use Committee.

23 CHAIRPERSON RILEY: Thank you. I will now open
24 the public hearing on LUs 101, 102, 103, and 104
25 relating to the Arthur Kill Terminal rezoning and

2 text amendment proposal in Minority Leader Borelli's
3 district. This proposal consists of creating a
4 manufacturing staging area focused on assembling
5 windmills, and is located just south of Outer Bridge
6 Crossing Bridge. For anyone wishing to testify on
7 these-- this item remotely, if you have not already
8 done so, you must register online, and you may do
9 that now by visiting the Council's website at
10 council.nyc.gov/landuse. And once again, for anyone
11 with us in person, please see one of the Sergeants to
12 prepare and submit a speaker's card. If you would
13 prefer to submit written testimony, you can always do
14 so by emailing it to us to
15 landusetestimony@council.nyc.gov.

16 I would now like to give the floor to Minority
17 Leader Borelli to give his remarks.

18 MINORITY LEADER BORELLI: Go ahead.

19 CHAIRPERSON RILEY: All right. Thank you. I
20 will now call the applicant panel for this item,
21 which consists of Boone Davis, Charles Dougherty, and
22 Joshua Rinesmith. Sorry if I butcher your names.

23 Counsel, please administer the affirmation.

24 COMMITTEE COUNSEL: Please raise your right hand
25 and state your name for the record.

2 MR. RINESMITH: Joshua Rinesmith.

3 MR. DOUGHERTY: Charles Dougherty.

4 COMMITTEE COUNSEL: Do you affirm to tell the
5 truth, the whole truth, enough in but the truth and
6 in your testimony before the Subcommittee and in your
7 answers to all Councilmember questions?

8 MR. DOUGHERTY: Yes.

9 MR. RINESMITH: I do.

10 CHAIRPERSON RILEY: Thank you. For the viewing
11 public, if you need an accessible version of this
12 presentation, please send an email request to
13 landusetestimony@council.nyc.gov.

14 Now the applicant team may begin. Please, before
15 you begin, just restate your name or organization for
16 the record.

17 MR. DOUGHERTY: My name is Charles Dougherty.
18 Boone Davis, who is the CEO of our company,
19 unfortunately, is ill, and as a result, is not able
20 to attend today. So, I'll be speaking on behalf of
21 Arthur Kill Terminal.

22 The presentation that we have already provided to
23 the Committee, I think, is a fairly good overview of
24 the project, of the deeds for the project, and of the
25

2 benefits that the project is going to bring to Staten
3 Island into New York.

4 What I'd like to do is, rather than plod you
5 through another PowerPoint, I'd rather simply just
6 focus on what I think are the key features of our
7 proposal, if I may.

8 And so let me start by the need for the project.
9 Between now and 2035, New York State is required by
10 statute to create 9 gigawatts of offshore wind
11 energy. To date, there is under contract, roughly 2-
12 - a little more than 2 gigawatts of offshore wind
13 energy. So there is still nearly 7 gigawatts of
14 offshore wind energy to contract and then to build.

15 The first project, building offshore wind energy
16 for New York, has just commenced construction. So
17 there is a lot that needs to happen over the next 10
18 years to meet that statutory mandate.

19 For the companies that build these offshore wind
20 energy farms and operate them, they need ports in
21 order to deploy for the construction, ports where the
22 major components for the offshore wind turbines can
23 be brought, can be assembled, and can be
24 commissioned, and then placed onto installation
25

2 vessels to be sent out to the farms in the New York
3 Bight, and ultimately beyond the New York Bight.

4 There are, at present, no such ports in New York
5 State. One such port, the South Brooklyn Marine
6 terminal, has commenced construction and will be
7 available sometime in the next two years or so, but
8 that one port can't come close to meeting the port
9 needs of New York State if it's to meet that
10 statutory mandate. Arthur Kill Terminal is that
11 second port, and is absolutely essential to New York
12 meeting both its short-term and its long-term
13 offshore wind energy goals.

14 The short term goal of New York State, as I
15 stated, is 9 gigawatts by 2035, but as has been
16 acknowledged by NYSERDA, and as the state's Climate
17 Council has stated, ultimately, New York probably
18 needs twice that amount of offshore wind energy if
19 it's to meet its long term renewable energy and
20 emission reduction goals, which simply underscores
21 the need for New York also to build the ports,
22 without which these offshore wind farms cannot be
23 built.

24 Arthur Kill Terminal is absolutely key to New
25 York meeting, both at short-term and its long-term

1 offshore wind energy goals. They will not be met
2 without the Arthur Kill Terminal.
3

4 We spent probably better than a year trying to
5 find the right site for this port in New York State.
6 And I can say, based on that exhaustive survey, that
7 (we have created a presentation on that, if the
8 committee would like it), that there is no site
9 better than the site just south of the Outer Bridge
10 Crossing in Staten Island for a port such as ours.
11 And the reason for that is that we have direct access
12 out to the ocean, and that access is unrestricted,
13 which means that there are no air restrictions, such
14 as the South Brooklyn Marine Terminal has with the
15 Verrazano Bridge, which means that any form of
16 installation vessel that the offshore wind operators
17 want to use to install their farms can be used at our
18 port, and we will be the only port in New York that
19 allows them to do that. That is absolutely the key
20 attribute that is required by the industry to be able
21 to efficiently, effectively, and cost effectively
22 build their farms. We bring that to them.

23 We also are undeveloped so that we can start from
24 scratch, which means that the weight-bearing
25 requirements that the industry has for these very,

2 very large equipments can be met. It also means that
3 we can build a key that's long enough to allow for
4 simultaneous inbound and outbound operations. Which
5 means, at the same time that cargo vessels are
6 bringing the components to the to the site, we can
7 also be loading pre-commissioned towers onto
8 installation vessels to go out to the ocean to build
9 that site. That, again, is unique to this site and
10 is absolutely essential, again, to the effective
11 deployment of these components for the construction
12 of offshore wind in the New York Bight.

13 The benefits that we bring to New York, beyond
14 the obvious benefits from fostering the program for
15 renewable energy and for reduction of emissions is
16 severalfold.

17 First off, we're going to be able to bring
18 roughly 600 construction jobs to Staten Island over a
19 two-year period. Once we are built, our best
20 estimation is that approximately 150 individuals will
21 be employed at the site. The employment will vary
22 from day to day and week to week, depending on what
23 operations are occurring, but overall, we're talking
24 about 150 new jobs. These are career jobs. These
25 are union jobs. These are very-well-paying jobs, and

1 we are going to do everything we can and to make sure
2 that as many of those jobs as possible go to
3 residents of New York, and more specifically, to
4 residents of Staten Island.
5

6 We are currently engaged in several different
7 efforts to develop workforce on Staten Island and
8 otherwise in New York City, and we will continue
9 those efforts over the course of the next 6, 7, 8
10 years, by making both investments in workforce
11 development, and also by actually hosting various
12 workforce development events and programs at our site
13 once it's built.

14 In addition, just the spending alone that will
15 occur at-- in relation to both the construction of
16 the site and in its operations is very significant.
17 We've had to prepare estimates of the economic
18 benefits of the operation for the purposes of seeking
19 New York State and Federal funding, and we have
20 estimated that the construction will bring roughly
21 three quarters of a billion dollars worth of economic
22 investment in Staten Island and Greater New York
23 City. And once we are in operation, we expect that
24 we will make an annual contribution in excess of \$100
25 million to the local economy, and to the greater New

1 York City economies. So the benefits are
2 considerable.
3

4 Whenever you talk about benefits, then you always
5 want to talk about downside. And the downside here
6 is that to do this project at this site, we are going
7 to have an impact on the wetlands. There are
8 approximately three acres of putative freshwater
9 wetlands on the site, which is really just a
10 glorified drainage ditch, but they're classified as
11 freshwater wetlands. We are going to fill those. We
12 also have to dredge roughly 18 acres next-- in the--
13 next to the Federal Navigation Channel in order to
14 allow passage of ships from the Federal Navigation
15 Channel to the new key that we're going to build.
16 That's going to change fish habitat. And finally, to
17 build the key we're going to have to fill, call it
18 roughly, nine acres that's currently beach and
19 littoral areas. But the good news is, is that right
20 now, that beach is not productive habitat and also
21 the good news is that the littoral area that is the
22 area, and the water just next to the beach is also
23 very low quality habitat. But nevertheless, we are
24 going to have that impact.

1 And to satisfy the regulatory agencies, both at
2 the city, state and federal levels, we have
3 undertaken significant efforts to come up with a
4 mitigation plan to mitigate those wetland impacts,
5 and we're going to be doing, we hope, two programs.

6 One is we are going to remediate and also restore
7 roughly seven acres at the Mariners Marsh Park in
8 northern Staten Island. That Park is currently
9 closed to the public because of contamination. We
10 are going to take roughly seven acres of that, deal
11 with the contamination, and also restore it to a
12 vibrant wetlands on a fresh water basis.

13 The second program that we've undertaken, and
14 this took a long time to get all the agencies to
15 basically sign off on it (we're still working on
16 final sign off) is that we are going to address the
17 impacts in the tidal wetlands by restoring roughly 35
18 acres of currently impaired wetlands in Jamaica Bay,
19 in the Black Bank area. We had hoped to do that work
20 on Staten Island, but there was no site or
21 combination of sites on Staten Island that met the
22 requirements of both the federal and the state
23 agencies that have jurisdiction over this, so
24 ultimately, we had no choice but to look for
25

1 alternatives, and the alternative we finally arrived
2 at was this site in Staten Island.
3

4 It is one of the largest private restoration
5 efforts that's ever been undertaken in New York
6 Harbor. It will have the effect of not only
7 restoring 35 acres of tidal wetlands in Jamaica Bay,
8 but will also serve then to protect an additional 60
9 plus acres in Black Bank. It will have an amazing
10 impact, positively, on the ecosystem in Jamaica Bay.

11 And again, we tried very hard to do this work in
12 Staten Island, but there simply was not a viable
13 option to do that. The good news is that we were at
14 least able to do the freshwater mitigation in Staten
15 Island, and that's going to have-- that's going to be
16 in a major advancement in reopening Mariners Marsh as
17 a viable Park for the citizens of Staten Island, at
18 least in northern Staten Island.

19 That, in a nutshell, I think, is the project, and
20 I'd be more than happy to answer any questions anyone
21 has.

22 CHAIRPERSON RILEY: Thank you so much for that
23 presentation. I just have a few questions and then
24 I'm going to pass over to the Minority Leader.
25

1 It is my understanding that the offshore wind
2 projects along the state shoreline were recently
3 canceled. Are you confident that there are wind
4 developers interested and ready to use your site once
5 it's completed?
6

7 MR. DOUGHERTY: Yeah. Let me answer that in a
8 couple of ways. First of all, yes, we are confident,
9 and I'll tell you why: Which is, for exactly the
10 same reasons as the reasons that I was outlining at
11 the beginning for the need for this port, the fact of
12 the matter is that New York has to build offshore
13 wind energy if it has any hope of meeting its
14 emissions reductions and renewable energy goals. It
15 has to have this port. It has to have offshore wind
16 energy.

17 The recent cancelations, which are,
18 unfortunately, not so recent now, were blips. They
19 were typical growing pains of an industry that's
20 still very much in formation. But the fact of the
21 matter is, is that since those contract cancelations
22 (and I'm just talking about New York, New Jersey is
23 another example), but in New York, those contracts
24 were canceled, and what happened immediately after
25 that was there was a new solicitation, and new

2 contracts were awarded, new contracts have been
3 signed for that new solicitation, and one of those
4 two projects, the Sunrise Project, has commenced
5 construction.

6 So, their current-- That is the first project
7 being built in the New York Bight area, or even
8 outside of it that is going to be supplying offshore
9 wind energy directly to New York. And the second
10 project is at least beginning to be underway, but
11 it's going to be a little while before it's still
12 under construction.

13 After those two contract cancelations, there then
14 was a second set of cancelations as a result of a
15 problem with General Electric and the manufacturing
16 that had been proposed that-- for it up in the
17 capital region.

18 NYSERDA took steps immediately to commence a new
19 solicitation to replace the contracts that had fallen
20 apart as a result of the GE problem. There's an RFP
21 coming out sometime in the next few weeks to address
22 that. Those awards should be made sometime in the
23 fall, which means that by the end of this year,
24 beginning of next year, those new contracts will be
25 signed, and they'll be on their way.

2 Everyone understands in the industry, and in the
3 government agencies that are most involved in the
4 industry, that this has to happen.

5 The last thing I'll say is that this project
6 doesn't get built unless a lot of people are
7 satisfied that it's going to be used. It's possible
8 that if this were a project of the-- of a government
9 agency, that it could get built, whether or not
10 somebody's made a good business case for it to be
11 built. But that's not this project. This project
12 only gets built by the investment of hundreds of
13 millions of dollars by professional investors, and by
14 commercial lenders who are going to be lending it
15 probably close to \$200 million. Those parties are
16 not going to agree to invest that money or to make
17 those loans unless we've made the business case for
18 there being a need for the project, for us being able
19 to show that we're going to, in fact, realize the
20 revenues that will come from the use of that project
21 to satisfy those investors and to satisfy those
22 lenders. There's just no way that this project goes
23 up unless there-- unless we have done what I've just
24 laid out, which is that business case, that in fact,
25 the project is going to get used.

2 Offshore wind energy is coming. It's been
3 delayed. It's going to end up costing more than
4 people had hoped it was going to cost. But it is
5 going to happen.

6 CHAIRPERSON RILEY: Has the environmental review
7 considered any potential impacts on the drivers on
8 the Outer Bridge Crossing?

9 MR. DOUGHERTY: Yes. In the sense that-- Well,
10 there are a couple of different ways. We did a
11 traffic study, which showed that, because much of our
12 transportation activity is going to occur by water
13 rather than by land, that we will have very minimal
14 impact on traffic. We don't expect there to be any
15 material impact on traffic.

16 In terms of light impact on the Outer Bridge
17 crossing drivers. Our lights are below the bridge.
18 The bridge's lights are much higher than ours, and
19 also are much brighter than what our lights will be.
20 So, there will be no light impact on anyone driving
21 on out of bridge crossing during the evening or at
22 any time during the night. So, we don't expect that
23 there will be any impact on Outer Bridge Crossing
24 drivers.

2 And I should mention, since we're talking about
3 the crossing that we have been engaged with the with
4 the Port Authority for over three years now, walking
5 them through our engineering, and having them play a
6 role, really, in the final design of the project to
7 ensure that there will be no impairment of Outer
8 Bridge Crossing as a result of either our
9 construction or our operation. And we are building
10 in extra protections for Outer Bridge Crossing,
11 really, sort of as a belt and suspenders.

12 So the Port Authority has had ample opportunity
13 to comment on our design and to make suggestions for
14 any improvements that they thought were required.

15 CHAIRPERSON RILEY: Thank you. What type of
16 training is needed to work on a wind development
17 site?

18 MR. DOUGHERTY: To work on the offshore wind
19 energy sites, or the port site?

20 CHAIRPERSON RILEY: The offshore.

21 MR. DOUGHERTY: Okay, offshore. Largely, it's
22 twofold. One, is you simply have to get height
23 training, because a lot of that work is occurring at
24 heights. And you have to get what's, what's called
25 offshore water training. In other words, you have to

2 be someone who's comfortable finding themselves in
3 the drink. And then you have to become familiar with
4 the specialized equipment that's used in these
5 turbines. But that's the same kind of familiarity
6 that, for example, any electrician has to deal with
7 every time they encounter a new piece of equipment.
8 It's not like it's a whole different world. It's
9 just that it's a different-- a little different
10 equipment than what they may have been working with
11 before. So we would fully expect that a number of
12 the trades people and artisans that currently work in
13 New York have the base knowledge to be very
14 productive workers on these offshore wind farms.
15 They just need that height training. They need the
16 GWO training to be working out of the water.

17 CHAIRPERSON RILEY: And are you doing local
18 hiring?

19 MR. DOUGHERTY: Absolutely.

20 CHAIRPERSON RILEY: So, how would you be able to
21 train the local hires that possibly don't have this
22 expertise?

23 MR. DOUGHERTY: Well, keep in mind that we're not
24 doing any of that on-the-water work. So, our first--
25 Actually our-- I think, probably, our second hire

2 when we were first beginning to develop this project
3 was to hire our architect, who is a Tottenville
4 architect. So, we have been trying since day one to
5 make sure, to the maximum extent possible we're using
6 Staten Island folks. And the good news is that in
7 terms of the people that will be either directly or
8 indirectly hiring for the construction of the
9 project, and then for its operation, that doesn't
10 require height training, and it doesn't require
11 specialized in-water training. It just requires them
12 to come and bring their existing skills as
13 electricians, millwrights, operating engineers (I can
14 keep going), painters, and do it in our context, but
15 much of what they're going to be doing is what they
16 already know how to do.

17 CHAIRPERSON RILEY: Okay. I'll pass it to
18 Minority Leader.

19 MINORITY LEADER BORELLI: Thank you, Charles.
20 Can you just talk more-- You mentioned the lights
21 and the height of the lights. So can you just segue
22 that, perhaps, into talking about what mitigation
23 might be needed, just for the general neighborhood.
24 You know, how can you perhaps reduce sound during

2 certain hours and keep people from feeling like
3 they're living next to a factory?

4 MR. DOUGHERTY: Well, let me just-- let me just
5 talk about your premise for a moment. Because we
6 don't think that there's going to be major noise
7 impacts or light impacts on the neighborhood. The
8 good news, first of all, is that it's a commercial
9 neighborhood, right? So, the only residence is the
10 second floor of a house that's across the street from
11 the coal house. Otherwise, you're talking about the
12 retirement community that's about a quarter mile to
13 the north, and in between is Outer Bridge Crossing
14 and a gun range. And then you're talking about
15 basically Tottenville.

16 So, we don't have anyone that is close by on a
17 residential basis. We obviously have the commercial
18 businesses, which you're-- you know better than I
19 what's there. But it's a-- it's a real myriad mix of
20 veterinarians, restaurants, coffee shops, martial
21 arts academies, et cetera. The lights are designed
22 so as to be completely focused into our site. And
23 they have shields in order to minimize light going
24 beyond our site. We've run models and have shown all
25 this to the staff at the City Planning Commission.

2 And I think that you're going to find that once we're
3 up and running, that there will be no material light
4 pollution affecting anyone that we wouldn't want
5 affected.

6 And we did a-- we were particularly mindful of
7 not having any kind of light impact on Outer Bridge
8 Crossing, as I mentioned before. And the light poles
9 that are closest to outer bridge crossing are
10 significantly below the bridge. So there just simply
11 will not be, given the way the lights are designed,
12 any light pollution at all going from those lights up
13 onto the bridge. The lights on the bridge are far
14 more significant than anything that we're going to be
15 shining.

16 And in terms of noise, the fact of the matter is,
17 is that we did an analysis looking at all the various
18 kinds of engines that are going to be used on the
19 site, and the kind of activities that are going to be
20 occurring on the site. And while it's not going to
21 be silent. We don't think that it's going to be the
22 kind of noise that you would expect to have an
23 adverse impact on anyone in the neighborhood.

24 Having said all this, if it turns out that once
25 we're up and operating, that there is a noise, or

2 there is a-- there is something happening that is
3 causing negative impact on the community, we're going
4 to do something about it. There is absolutely no
5 question about that. But we've spent a lot of time
6 looking at noise impact. We've spent a lot of time
7 looking at traffic impact. And we just don't think
8 that there's going to be an impact that is going to
9 be of such materiality that it would cause concern,
10 or should cause concern for you.

11 MINORITY LEADER BORELLI: On the intersection of
12 Arthur Kill Road and Richmond Valley Road, can you
13 just discuss the intersection changes that will
14 happen there?

15 MR. DOUGHERTY: There are going to be a couple
16 changes. The first one-- the first is that the City
17 is currently planning for and is going to commence
18 work on, in the not-distant future, a widening of
19 Richmond Valley Road. In conjunction with that,
20 ultimately, we will put in a new light at the corner
21 of-- at the intersection of Arthur Kill Road and
22 Richmond Valley Road, and we will have a driveway as
23 the fourth part of that intersection, but that-- that
24 driveway will only be there for emergency ingress and
25 egress. It will not be the principal entrance or

2 exit for the-- for the project. That will be at the
3 north end of the of the project, close to Bridge
4 Street, and there will be a gate across that area so
5 that we don't expect there to be regular traffic
6 going from either Richmond Valley Road or Arthur Kill
7 Road into our site from that area.

8 There also will be occurring, I should mention,
9 in terms of our frontage on Arthur Kill Road closest
10 to Richmond Valley Road, a widening of the street by
11 15 feet, which we'll be paying for, of course, and
12 also installing a sidewalk.

13 MINORITY LEADER BORELLI: And, I guess, the final
14 question is, without violating any nondisclosure
15 agreement or confidentiality agreement, you can say,
16 though, that you're in conversations with these
17 offshore wind developers, that we're not-- you know,
18 we're not just chasing a unicorn here. You're in--
19 You're in conversations with these developers to
20 actually produce wind turbines.

21 MR. DOUGHERTY: We are. We are. I was on a call
22 with one of them as recently as yesterday afternoon.
23 We're talking to all of them. But you have to
24 understand that they-- their timetable is not always
25 our timetable. And the ones that are likely to use

2 us are not the ones that have-- not the two that have
3 contracts with NYSERDA right now, because one of them
4 is Orsted, and they, unfortunately, are using a port
5 in Connecticut for their operations. And the other
6 is Equinor, which has South Brooklyn Marine Terminal.

7 But all of the others are-- need a port, and
8 they're all talking to us. But they're thinking
9 about wanting to have this pinned down six months
10 from now, maybe? While, of course, we would like to
11 pin it down yesterday.

12 MINORITY LEADER BORELLI: Right.

13 MR. DOUGHERTY: So we're trying to balance those
14 two things.

15 But, again, you know, I've got to underscore what
16 I consider to be the absolute key fact here, which is
17 that we don't get built unless we've established that
18 we're going to get used, and not just used once, but
19 used continuously for a very long time. And we have
20 so far made that case to those that are putting the
21 money up to make this happen.

22 MINORITY LEADER BORELLI: Great. Thank you.

23 CHAIRPERSON RILEY: Thank you. Councilmember
24 Hanks?

2 COUNCILMEMBER HANKS: Thank you so much. One of
3 my questions-- I'm the Councilmember of the 49th
4 district on the North Shore. So we're very excited
5 about the prospect of Staten Island utilizing
6 offshore wind.

7 So my question is: You mentioned that three
8 acres of wetlands were-- will be affected. What
9 would be the environmental impact on three acres of
10 wetlands? I mean Staten Island really-- I mean it
11 matters. Our wetlands matter. Our constituents
12 really depend on the wetlands for drainage. We've
13 had flooding issues all throughout the borough.

14 So, when you say that there's three acres of
15 wetlands that will be disrupted, what do you-- first,
16 what we believe is going to be the environmental
17 impact, and second what could we do to mitigate that?

18 MR. DOUGHERTY: I think the environmental impact
19 is going to be a big positive, frankly. So, the
20 freshwater wetlands that have been identified is
21 truly an overgrown drainage ditch. So yeah, and it's
22 filled with invasive species. It's mostly
23 phragmites. It has virtually no environmental value
24 to it. It's certainly nothing that the
25 environmentalists would recognize as value.

2 So, what we're going to be doing is filling that
3 in order to be able to make it part of our lay-down
4 area, and then also the area where we're going to be
5 building a new warehouse.

6 But what-- But what we're also doing as part of
7 this overall project is two things that I think will
8 be of interest to you, which is, first of all, the
9 elevation of the overall project is going to rise
10 considerably. So right now, on the western side,
11 along the Arthur Kill, we're obviously at zero
12 elevation as we have a beach, right? That's going to
13 go up to a little over 15 feet in order to be able to
14 accommodate the vessels that will be coming in. And
15 then very gradually, it'll rise to reaching about 30
16 feet when you get to Arthur Kill Road, because that's
17 about the height of the road.

18 What that means is that you're going to give
19 flood protection to the entire area far greater than
20 it has today. So rather than flood waters coming in
21 at zero elevation, they've got to deal with 15 feet
22 elevation, and back with-- with Sandy, if that had
23 been at 15 plus feet at that time, there would have
24 been a whole different story until-- in terms of how
25

2 far waters would have been able to make it into that
3 area. It has major flood deterrent value.

4 Secondly, we're building in a whole drainage
5 system that is eco-friendly, but at the same time,
6 will be very effective in ensuring not only that we
7 get properly drained, and that our drainage waters
8 get treated before they end up in the Arthur Kill,
9 but also we've designed it in such a way so that it
10 continues to pick up drainage from all of the
11 surrounding properties.

12 So the veterinarian, the martial arts, the taco
13 place, the radiology, all of them, their drainage
14 will get processed through our new system, resulting
15 in a far more effective drainage of the entire area
16 than you have today.

17 And the last thing I'll just mention is that even
18 if you place some environmental value on those three
19 acres (and I would strongly suggest you not), what
20 we're doing to mitigate is we are restoring and
21 remediating seven acres of freshwater wetlands in
22 Mariners Marsh. So, you're getting a better-than-
23 two-to-one impact there in terms of mitigation with
24 far greater long term value remediating and restoring

2 that Mariners Marsh than continuing to preserve a
3 drainage ditch next to Outer Bridge Crossing.

4 COUNCILMEMBER HANKS: Thank you so much. I
5 appreciate it.

6 CHAIRPERSON RILEY: Councilmember Carr?

7 COUNCILMEMBER CARR: Thank you, Chair. So you
8 talked a little bit about this wetland restoration
9 and mitigation that you're going to have to do, but
10 based on the numbers you gave, I think it was 7 acres
11 in Staten Island and 35 in Jamaica Bay, you know,
12 less than a quarter, less than a fifth of the
13 restoration that's being yielded from a Staten Island
14 Project is going to be on Staten Island. And I heard
15 you give your explanation as to why that is, but
16 that's incredibly disappointing, because you're
17 talking about, "Oh, we're getting more than two-to-
18 one on Staten Island," but you're not doing us a
19 favor. That's the formula the law sets. So, I guess
20 what I'm-- what I'm asking, is: There's really zero?
21 Zero acres that you could have found in other parts
22 of Staten Island in addition to Mariners Marsh?
23 Mariners Marsh is a great project. It's-- I think
24 it's been two decades since that park has been open
25 to the public because of the needs that have been

1 there. So-- But there's nothing in the Mid-Island,
2 nothing else on the south shore that you could have
3 added to it? Nothing else in the North Shore you
4 could have added to that to make it more of a Staten
5 Island benefit? I mean, less than a less than a
6 fifth -- I think it's 16% and change -- of the
7 acreage that you're going to be restoring is in
8 Staten Island. That's ridiculous.

10 MR. DOUGHERTY: Well, there are two different
11 restorations. And, first of all, we don't think
12 we're doing anybody any favors, okay? And if I
13 suggested that, I didn't mean to. We don't feel like
14 we're doing anybody favors. We have an obligation to
15 mitigate, and we're fulfilling our obligation as best
16 as we can.

17 The 7 acres is fresh water, okay? That's one
18 thing. And then you have to deal with the tidal
19 wetlands, which is a different thing. And there, our
20 impact is, you know, somewhere on the order of 25
21 acres of different kinds of tidal wetlands, but in
22 the aggregate, about 25 acres, most of which is still
23 going to be there, it's just going to be deeper.

2 So, rather than it currently being, say, at 6
3 feet or 20 feet, it's going to be at 35 feet, but it
4 will still be there.

5 So, the only place where we're having (forgetting
6 about, for the moment, the change in the water
7 depth)-- the only place where we're having a
8 permanent impact is where we're filling in order to
9 build the key, and that is roughly nine acres, all
10 right?

11 So, we had a challenge. And when we first set
12 out to find the right mitigation for that tidal
13 wetlands impact, we looked only on Staten Island, and
14 we looked at a number of opportunities. And we have
15 talked with the protectors about this at some length.
16 We walked them through all of this in some great
17 detail, because they had the same concern that you've
18 raised, which is, why-- why isn't all the mitigation
19 happening on Staten Island?

20 And the fact of the matter is, is that it's not
21 just us deciding where we're going to do this. It's
22 us coming up with mitigation proposals that are
23 acceptable to the City, that are acceptable to the
24 Department of Environmental Conservation of the
25 state, and that are acceptable to the federal

2 agencies. And we have several federal agencies
3 involved here. We have the Army Corps of Engineers.
4 We have the Maritime Administration of the Department
5 of Transportation. And we have the National Marine
6 Fisheries Service of NOAA, of the Department of
7 Interior. All of those, we have to make happy with
8 what we come up with for a mitigation plan.

9 And we had made-- And we made several proposals
10 that address the ratios, and the ratios do vary
11 depending on the kind of mitigation you're going to
12 do, so it's not-- it's not always two to one.
13 Sometimes it's three to one. Sometimes it's one to
14 one. But-- And that was a moving target, depending
15 on which possible alternatives we were looking at.
16 But we looked at the possibility of doing major
17 refurbishment of some of the some of the pits that
18 are lying off the shores of Staten Island to try to
19 create more fish habitat in those areas.

20 That turned out not to be acceptable to one or
21 more of the agencies that I just identified.

22 We talked about doing something at Arlington
23 Park, but that proved not to be acceptable to one or
24 more of those agencies.

2 And I could spend an hour kind of walking you
3 through all the alternatives that we looked at, and
4 all the various objections we heard from one agency
5 or another, keeping in mind that they all had to
6 agree on this for it to be viable, in terms of us
7 ultimately getting our permits.

8 And ultimately-- And having in mind that one of
9 them at the federal level did a 180 on us about
10 halfway through this process in terms of what they
11 thought we had to be doing, and the other agencies
12 all said, "You know, you're doing a 180," and they
13 didn't care. I mean, they just did a 180 and then we
14 had to deal with their new requirements.

15 That led us ultimately to saying we've got to go
16 outside of the Staten Island watershed, because we
17 can't find anything that's going to make everybody
18 happy, and that's how we ended up in Jamaica Bay.

19 This is not something where we just went, you
20 know, "To heck with Staten Island, we'll just go do
21 it over here." This is something where we tried
22 very, very hard to do it on Staten Island, but
23 ultimately, given all of the different folks that had
24 a finger in this pie, we had to do it in a place
25

2 that-- where all of them said, "Yeah, okay, this
3 probably is going to be okay."

4 COUNCILMEMBER CARR: Yeah. I think when agencies
5 give you negative answers, that's when you come to
6 elected official stakeholders and say, "Hey, maybe we
7 can try to get a different answer." That's literally
8 our jobs. And I think that you know you're coming to
9 us now saying you don't want to walk us an hour
10 through all the all the if-thens that could have or
11 didn't happen, but we could have helped you with
12 those answers and gotten you different answers, and
13 then maybe we would get more of a benefit in Staten
14 Island.

15 So, I find this whole thing to be deeply
16 unsatisfying in terms of the answer you've given.
17 And it's just very disappointing that a project
18 that's based in Staten Island, which could have
19 yielded enormous wetland benefits beyond the 7 acres
20 you've identified at mariners Marsh, doesn't seem to
21 be going in that direction. Deeply dissatisfying.

22 MR. DOUGHERTY: We, of course, did not speak with
23 you about this. But I can assure you that we have
24 spent a lot of time on the political side, trying to

2 get more cooperation with respect to this. And to
3 date, we've gotten where we've gotten, you know.

4 And some-- some of these agencies, particularly
5 at the federal level, march to their own drummer.
6 And it's very, very difficult to even exert political
7 suasion on these-- some of these career federal
8 officials. You know, that's simply the reality of
9 it.

10 So, I can-- I can assure you. I'm not-- I don't
11 expect you not to be disappointed. We're
12 disappointed, frankly. But I can assure you that we
13 did not take doing this outside of Staten Island
14 lightly. We did everything that we had the capacity
15 to do to try to make it happen on Staten Island, and
16 ultimately, however, we ended up where we are.

17 COUNCILMEMBER CARR: Thank you Chair.

18 CHAIRPERSON RILEY: Thank you Councilmember.

19 Counsel, are there any members of the public wish
20 to testify regarding this special permit application
21 relating to Arthur Kill proposal remotely or in
22 person?

23 COMMITTEE COUNSEL: No. There's no one signed up
24 online or in person to testify.

2 CHAIRPERSON RILEY: If there are no members of
3 the public who is to testify regarding the special
4 permit proposal relating to the Arthur Kill proposal
5 remotely, please press raise hand button now.

6 COMMITTEE COUNSEL: We still don't have anyone
7 online.

8 CHAIRPERSON RILEY: All right, there being no
9 other members of the public who wish to testify on
10 LUs 101 through 104 regarding the Arthur Kill
11 proposal, the public hearing is now closed and the
12 item is laid over.

13 That concludes today's business. I would like to
14 thank the members of the public, my colleagues,
15 Subcommittee Council Land Use, and Council Staff and
16 the Sergeant At Arms for participating today's
17 meeting. This means hereby adjourned.

18 [GAVEL]

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1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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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 August 8, 2024