

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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January 10, 2019
Start: 1:21 p.m.
Recess: 2:35 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: FRANCISCO P. MOYA
Chairperson

COUNCIL MEMBERS: Costa G. Constantinides
Barry S. Grodenchik
Rory I. Lancman
Stephen T. Levin
Antonio Reynoso
Donovan J. Richards
Carlina Rivera
Ritchie J. Torres

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

Heather Kirk Representative of Helpern and Levy,
LLP for my client Paul Longo and Simon Robinson of
Elder Greene

Simon Robinson, Owner & Operator of Elder Greene

Eric Palatnik Representing Application for
rezoning at Bedford and Willoughby

Brian Newman, Architect for Application for at
Bedford and Willoughby

Andrew Villari, Stonefield Engineering

Richard Lobel, Sheldon Lobel, PC

Emanuel D'Amore, Aufgang Architects

Ron Schulman, Best Development Group

Jonathan Sepowitz, East 241st Rezoning

Panos Catrice, Doorman at 995 Fifth Avenue
Member of 32BJ

Jason Friedman, Tribeca East Historic District

Sally Gerbin, Resident, 55 Watt Street, Tribeca
East Historic District

Shannon Kay, Resident of Penthouse, 55 White Street
Tribeca East Historic District

David Gray, Resident of Penthouse, 55 White Street
Tribeca East Historic District

Frederika Segal, Co-Chair, Land use Committee
Community Board 2

2 [sound check] [pause] [gavel]

3 CHAIRPERSON MOYA: Good afternoon and
4 welcome to the meeting of the Subcommittee on Zoning
5 and Franchises. I'm Council Member Francisco Moya,
6 the Chairperson of the Subcommittee, and today we are
7 joined by Council Members Reynoso, Levine-Levin. I'm
8 sorry and the-alright counsel is on his way. Today
9 we will be holding hearings on a number of
10 applications. If you are here to testify, please
11 fill out one of the white slips with the sergeant-at-
12 arms and indicate the name and the LU number of the
13 application you wish to testify on that slip. Our
14 first hearing is on LU 312 an application By Carrie's
15 Hospitality, LLC, Elder Greene for a new revocable
16 consent for an unenclosed sidewalk café located at
17 160 Franklin Street in Brooklyn in Council Member
18 Levin's district. I now open the public hearing on
19 this application, and we will be calling Simon
20 Robinson and Heather Kirk. [pause] I did say it
21 right? Yeah. [pause] And just make sure you push the
22 button to turn on you microphone, and if Counsel can
23 swear in the panel.

24 LEGAL COUNSEL: Before responding, please
25 state your name. Do you each swear or affirm that

2 the testimony that you're about to give will be the
3 truth, the whole truth and nothing but the truth and
4 to answer all Council Member questions truthfully?

5 HEATHER KIRK: Yes.

6 LEGAL COUNSEL: And your name?

7 HEATHER KIRK: Heather Kirk.

8 SIMON ROBINSON: Yes. Simon Robinson.

9 CHAIRPERSON MOYA: You may begin.

10 HEATHER KIRK: Good afternoon. My name
11 is Heather Kirk and I'm there as a representative of
12 Helpern and Levy, LLP for my client Paul Longo and
13 Simon Robinson of Elder Greene. I want to first
14 thank you for your time to hear us today. We are
15 here before you all in regards so a sidewalk café
16 application. The restaurant bar is located on the
17 corner of Franklin Street and Kent Street in Brooklyn
18 with the café seating on Kent Street. This
19 application as it currently stands is to request 11
20 tables and 22 chairs. Over the course of the past
21 two months, we met with the local Community Board and
22 were approved and agreed to their stipulations for
23 the operation of the sidewalk café. The Community
24 Board stipulated that to the closing hours for the
25 café be as follows: 11:00 p.m. Sunday through

2 Thursday, 12:00 a.m. Friday and Saturday. During
3 these meeting my client received both support from
4 residents as well as some residents that expressed
5 concerns about noise due to the late hours as this is
6 a residential street. Since being schedule for this
7 meeting today, we have been actively working with
8 both Councilman Levin's Office as well as the
9 neighbors on Kent Street to find solutions to any and
10 all concerns that they may have. We have been open
11 to finding—we are open to finding a solution that
12 works for both the residents and also allows this
13 business to be a thriving and positive part of this
14 community. I would like to again thank you for your
15 time and consideration. I will now turn this over to
16 Simon Robinson.

17 SIMON ROBINSON: Good afternoon
18 everybody. My name is Simon Robinson. I'm the owner
19 and operator of Elder Greene, 160 Franklin, and I
20 just want to keep it short as in we're a good
21 addition I believe to Greenpoint. We've been there
22 eight months. I've met a lot of good people in the
23 neighborhood, and I believe that this will be a good
24 addition to the neighborhood having a sidewalk café
25 and utilizing our space correctly. Thank you.

2 CHAIRPERSON MOYA: Thank you and now I'm
3 going to turn it over to the Council Member for a
4 couple of questions.

5 COUNCIL MEMBER LEVIN: Thank you, Chair.
6 So, I just wanted to talk a little bit about the
7 history of the--the site itself or the establishment.
8 The prior to--she had been open for eight months.
9 Prior to your taking over that space, there was
10 another restaurant that was there. They have a
11 sidewalk cafe permit. Can you speak to that a little
12 bit?

13 HEATHER KIRK: Correct. Yes, they had a
14 sidewalk cafe permit as well that also was located on
15 Kent Street. It was first 16 seats 8 tables.

16 COUNCIL MEMBER LEVIN: 16 seats and 8
17 tables on Kent Street. There was also a part of it
18 that was on Franklin Street as well?

19 HEATHER KIRK: Correct, but that was only
20 for a short period of time, and then it was removed.
21 There was a bike rack installed.

22 COUNCIL MEMBER LEVIN: Okay, and they had
23 their--there--the--that was open for the, you know for
24 their--their entire time of business?

2 HEATHER KIRK: Correct and evening hours
3 as well.

4 COUNCIL MEMBER LEVIN: Evening hours as
5 well. Okay, and they were up like a full service
6 restaurant so--?

7 HEATHER KIRK: Correct, restaurant and
8 bar.

9 SIMON ROBINSON: Yes restaurant and bar.
10 But they had a 4:00 a.m. license, but they would have
11 around 1:00 a.m.

12 COUNCIL MEMBER LEVIN: Okay, and so right
13 now you are proposing to have the sidewalk cafe
14 closed at what times again?

15 HEATHER KIRK: 11:00 p.m. Sunday through
16 Thursday and 12:00 Friday and Saturday.

17 COUNCIL MEMBER LEVIN: Okay 11:00 and
18 12:00. Okay,

19 HEATHER KIRK: Correct.

20 COUNCIL MEMBER LEVIN: And you have a
21 liquor license that is--

22 SIMON ROBINSON: [interposing] To 4:00
23 a.m.

24 COUNCIL MEMBER LEVIN: To 4:00 a.m.
25 There's no stipulation that the community board drew

2 up just to have that be a shorter time than that or
3 is it you couldn't serve out after then (sic)?

4 SIMON ROBINSON: No, none at all.

5 COUNCIL MEMBER LEVIN: And your sidewalk
6 cafe can only be during the time that your kitchen is
7 open, right?

8 SIMON ROBINSON: That's correct.

9 COUNCIL MEMBER LEVIN: And so your
10 kitchen will close at--at--

11 SIMON ROBINSON: At 12:00.

12 COUNCIL MEMBER LEVIN: 12:00.

13 SIMON ROBINSON: And then obviously,
14 Monday through Wednesday or Sunday through Wednesday,
15 it will be in at 11:00. Then we'll end outside
16 service at 11:00, and the tables will be brought in.

17 COUNCIL MEMBER LEVIN: So, there has been
18 a petition that's gone around and gotten over 100
19 signatures in opposition to this sidewalk café
20 permit? Can you speak a little bit to what their
21 concerns are and ways in which you're looking to
22 address those concerns if you would be able to
23 characterize them?

24 HEATHER KIRK: So concerns of the
25 neighbors have been a couple of things just mainly in

2 regards to noise at late hours of night. One thing
3 that they've been--that they've brought up a couple of
4 times is the windows and doors of the space and
5 closing at a certain time. They've asked that we--
6 that the business continues to close down at 10:00
7 p.m.--

8 COUNCIL MEMBER LEVIN: [interposing] Uh-
9 hm.

10 HEATHER KIRK: --every night of the week.

11 COUNCIL MEMBER LEVIN: And you're okay
12 with that?

13 HEATHER KIRK: Which was--

14 SIMON ROBINSON: [interposing] Yep.

15 HEATHER KIRK: Yes.

16 COUNCIL MEMBER LEVIN: Have you had any
17 noise complaints as a--since you've opened in the
18 last eight months?

19 CHAIRPERSON ROSE: We had actually in
20 the--within the first month we had one--one or two from
21 the neighbors board like obviously growing pains and
22 then we resolved them in--while handing our own
23 telephone numbers and speaking directly to us and
24 then obviously we removed one or two speakers that
25

2 went to--that obviously were not working in the
3 position that they were in--

4 COUNCIL MEMBER LEVIN: Uh-hm.

5 SIMON ROBINSON: --and then yeah, and
6 then we reached out to neighbors. I've reached out
7 to the block association. I've done pretty much what
8 I need to do and obviously I'll keep going forward,
9 you know--

10 COUNCIL MEMBER LEVIN: Uh-hm.

11 SIMON ROBINSON: --listening to, I mean--

12 HEATHER KIRK: [interposing] And--

13 COUNCIL MEMBER LEVIN: Did neighbors
14 raise concerns about like obstruction of the sidewalk
15 or are they just concerned about noise?

16 HEATHER KIRK: Just noise. Noise is the
17 main concern for them.

18 COUNCIL MEMBER LEVIN: Okay. So, I don't
19 think we're voting today. I think that we're voting
20 next week. So, can I ask that you work with my office
21 over the next week, talk to the neighbors, see if
22 there's an opportunity to reach a compromise and see
23 we can--and--and work, you know, work together over the
24 next few days to see if we can reach some compromise?

25 SIMON ROBINSON: Okay.

2 HEATHER KIRK: Of course.

3 COUNCIL MEMBER LEVIN: Is that fair?

4 SIMON ROBINSON: Yep.

5 COUNCIL MEMBER LEVIN: Okay. Okay, so I—
6 I appreciate this. Is there anything else that you'd
7 like to share with this committee?

8 HEATHER KIRK: No, thank you.

9 COUNCIL MEMBER LEVIN: Okay.

10 SIMON ROBINSON: Thank you very much.

11 COUNCIL MEMBER LEVIN: Thank you. Okay.

12 Thank you, Mr. Chair. Thank you.

13 CHAIRPERSON MOYA: Thank you, Council
14 Member. Thank you for your testimony. We've been
15 joined by Council Member Rivera and now being joined
16 by Council Member Torres. Are there any other members
17 of the public who wish to testify? Seeing none, I
18 will now close the public hearing on this
19 application, and it will be delayed over.

20 COUNCIL MEMBER LEVIN: Mr. Chair, there's
21 a possibility that we'll get e-mail testimony from
22 neighbors on this item.

23 CHAIRPERSON MOYA: Okay, great. Thank
24 you. [background comments, pause] Okay, our next
25 hearing is on LUs 319 and 320 the 895 Bedford Avenue

2 Rezoning for property in Council Member Levin's

3 [background comments/pause] district in Brooklyn.

4 The applicant seeks a zoning map amendment to rezone

5 the north side of Willoughby Avenue between Bedford

6 Ave and Spencer Street from an M1-2 to an R7A C2-4.

7 There is a related zoning text amendment to establish

8 a Mandatory Inclusionary Housing area utilizing MIH

9 Option 1 or MIH Option 2. These actions would

10 facilitate the development of 7-story mixed-use

11 building with ground floor commercial space and

12 approximately 36 housing units. I now open the

13 public hearing on this application and I would like

14 to call up Eric Palatnik and Brian Newman.

15 BRIAN NEWMAN: Good afternoon. Brian

16 Newman.

17 CHAIRPERSON MOYA: Is Eris here?

18 [background comments]

19 ERIC PALATNIK: No, Eric just stepped

20 out. He--there he is. [laughter]

21 BRIAN NEWMAN: Brian Newman, Newman

22 Design.

23 CHAIRPERSON MOYA: Yep. [background

24 comments/pause] Go ahead. Okay.

25

2 ERIC PALATNIK: Hello. Eric Palatnik.
3 How are you? I apologize. I had to go out.

4 CHAIRPERSON MOYA: It's alright. If the
5 Counsel can please swear in the panel.

6 LEGAL COUNSEL: Before responding, please
7 state your name and make sure that your microphone is
8 on with the red light lit. Do you each swear or
9 affirm that the testimony that you're about to give
10 will be the truth, the whole truth and nothing but
11 the truth and to answer all questions truthfully.

12 ERIC PALATNIK: I do.

13 BRIAN NEWMAN: I do.

14 LEGAL COUNSEL: And your names?

15 ERIC PALATNIK: Eric Palatnik.

16 BRIAN NEWMAN: Brian Newman.

17 ERIC PALATNIK: Good afternoon and I
18 apologize. I didn't realize you were bringing that
19 to order.

20 CHAIRPERSON MOYA: Okay.

21 ERIC PALATNIK: So, we're happy to be
22 here today. We're presenting to you an application
23 for a rezoning at Bedford and Willoughby, and it's in
24 Council Member Levin's district, and we are pleased
25 to say that we've been working for the past three

years very close with the community board and with Council Member Levin to request the rezoning for an M1-2 zoning district to a R7A Zoning district with a C2-4 overlay. I see that staff is passing out all the attachments. So, you'll have them in front of you. When you go through the attachment what you'll see is we're proposing a 7-story building that will have approximately 38,000 square foot of floor area. I will have an FAR of 4.59, which is pretty comparable to the 4.6 maximum that's allowed within the district. It will have ground floor retail of about 4,500 square foot. So, basically, it will be a 7-story building with ground floor retail. There is no required parking so none is being provided. It will comply with MIH at Option 2 where we will have approximately 30% of the dwelling unit, which equals 11—thank you very much—which equals 11 of the 36 apartments that are in the building and as I'm speaking I'm glad to see I'm not the only one that's—that's going behind my schedule. Thank you for making me look good. You see on the board—on the TV behind you is a picture of the building, a rendering of the building. The design of the building is one of the things that the community board put a lot of

2 effort into. The developer her is Bill Wolf
3 Petroleum, which is a well known automotive service
4 station operator in the New York City. They
5 primarily operate the Shell Stations in New York
6 City. You might be wondering why we're converting
7 from a gas station and asking for a zoning change,
8 and that's because this station is severely under-
9 performing and through the years is not making a go
10 of it. So, when we went to the community boards and
11 we spoke with them, they asked if they could have lot
12 of input into the design of the building. So, Brian
13 who's sitting next to me spent a lot of time coming
14 up with the brick work as well as with the façade
15 materials, and the limestone façade materials, all of
16 which were approved by the community board, and which
17 the reason why I mentioned Bill Wolf Petroleum as
18 being the owner, is because they'll be the developer,
19 and they have agreed to build the building in
20 compliance with their requests. We've also been
21 working with the community board to use locally
22 sourced labor. I wanted time (sic) to instruct the
23 building, and we've also been working with our local
24 Bridge Street Development Corporation to comply with
25 the not-for-profit administrator of the affordable

2 housing components should you approve the
3 application. We've met with the Borough President's
4 office who also supported the application, I'm proud-
5 proud to say, who also had the same conditions with
6 the Minority and Women Owned Businesses as well as
7 trying to source labor local. So, we complied with
8 their request as well. I'd be happy to answer any
9 further questions you may have, and go through the
10 application in greater detail if you'd like or
11 address anything you would like.

12 CHAIRPERSON MOYA: I'm going to turn it
13 over to Council Member Levin.

14 COUNCIL MEMBER LEVIN: Thank you, Chair.
15 Thank you very much for the presentation. I just
16 want to talk about a couple, a couple of issues here.
17 First off, this is currently an active gas station,
18 which there are fewer and fewer of in the city. Is
19 this-it this going? I mean this-there are certainly
20 community members. This is in a community that
21 happens to have a lot of drivers, a lot of cars. Is
22 there a plan for, you know, do you-do you anticipate
23 where this business would be gong?

24 ERIC PALATNIK: There are other stations
25 around. I don't have the exact addresses for you

1 right now, but we've been asked this question before,
2 and the--there are other large stations around that
3 accommodate the demand. The owner, as I said before,
4 is the gas--is a gas station operator. That's their
5 sole business. This station is--is not in a high
6 demand capacity. They're not pumping the amount of
7 volume there that you would think will be going on in
8 a normal gas station. The reason why is because it's
9 one of these older--you're familiar with the site.
10 It's an older, smaller--smaller site. It's an
11 antiquated gas station that's there right now. The
12 new gas stations that are developed and the--the
13 things--the ones that are doing business and are
14 serving the community are the ones that you see that
15 have the convenience stores in the front. They also
16 have large pumping islands. I'll bring you an
17 application later that has that exact model with the
18 new gas station not in this district unfortunately,
19 but that's why this site is not suitable for an
20 automotive service station use. The demand simply is
21 not there. There is demand in Brooklyn, and there is
22 a demand but it's not at this location, but there are
23 other locations that I could supplement to my
24 testimony today, if you'd like, with a map that shows
25

2 you the location of other gas stations that are
3 nearby, that can accommodate whatever customer base
4 those utilizes.

5 COUNCIL MEMBER LEVIN: Okay, that would
6 be helpful.

7 ERIC PALATNIK: I'd be happy to provide
8 that to you.

9 COUNCIL MEMBER LEVIN: I wanted to ask
10 about the--the development itself or the proposed
11 development. So, we're looking at 7 stories, 38,427
12 square foot, 33,000 of which will be residential, but
13 then with a--and I'm sorry MIH option, which option?

14 ERIC PALATNIK: Option 2.

15 COUNCIL MEMBER LEVIN: Option 2.

16 ERIC PALATNIK: 30% at 80%.

17 COUNCIL MEMBER LEVIN: That's 80% AMI at
18 30--30 units 80%--30% of the units at--

19 ERIC PALATNIK: [interposing] Correct.

20 COUNCIL MEMBER LEVIN: --80% AMI. And
21 do--what's the unit size breakdown that's proposed?

22 ERIC PALATNIK: This--that question I'm
23 going to defer to my architect who's sitting next to
24 me, Brian Newman who hopefully is pulling up his unit

2 size information that's had tabulated and ready to
3 speak to you about.

4 BRIAN NEWMAN: While Eric keeps talking
5 I'll be looking that up. I'll get right back to you
6 on that.

7 ERIC PALATNIK: Because you know the
8 question, right and you can get them.

9 COUNCIL MEMBER LEVIN: [interposing] And
10 18-18 1-bedroom, 18 2-bedrooms. Is that right?

11 ERIC PALATNIK: Yes, that's was correct-

12 BRIAN NEWMAN: [interposing] That's
13 correct.

14 ERIC PALATNIK: --as far as the unit
15 distribution goes yes. The sizes, he's going to look
16 up for you right now.

17 BRIAN NEWMAN: So, I can speak to the
18 sizes. They're ranging from 650, 700 even 750 square
19 foot for a 1-bedroom unit. So, it--depending on where
20 they are in the floor plan because we actually during
21 the process with the community board, they were very
22 concerned that the rendering we're showing them was
23 going to actually represent what the building was. So
24 we took the time to lay out the apartments, not just
25 for the demising roles but where the demising walls,

2 but where the bedrooms and living rooms were going to
3 be so we could place the windows in there and then
4 coordinate elevations, floor plans and then produce
5 this particular rendering. So, as I said before,
6 ranging anywhere from 650 to upwards of 770, 780
7 square feet for a 1-bedroom just depending on where
8 it lays out in the floor plan.

9 COUNCIL MEMBER LEVIN: Is there any
10 consideration that's been given to doing additional
11 family size units, units that are 3-bedrooms or above
12 as part of this development.

13 ERIC PALATNIK: I can answer that.
14 There is. This is, as you know, when we go through
15 this process the plans that are prepared for you are
16 theoretical in nature. Yes, of course, there's
17 different planning and approving if you should or
18 acting upon a rezoning application. The owner Bill
19 Wolf Petroleum has been speaking with the marketing
20 company right now as we progress further, and they
21 are reviewing what you are reviewing, which is that
22 we may want to put into the mix—the building is not
23 that big--

24 COUNCIL MEMBER LEVIN: Right.

2 ERIC PALATNIK: There's not--there's only
3 25 market rate units and, of course, 11 are
4 affordable units. So, it's looking like now maybe we
5 might be able to add--the last conversation is add
6 maybe two to four 3-bedroom units into the mix and
7 that's still being talked about and that's something
8 that came up with the community. There's a lot of
9 back and forth at the community level with that
10 because there's a lot of conversation over whether
11 they wanted to try to achieve it for families or
12 achieve it for young families that are just starting
13 off. So, that conversation came up there as well.

14 COUNCIL MEMBER LEVIN: Okay. In terms of
15 just a commitment on--on--on--for good jobs on site, is
16 there--is there a commitment to paying prevailing wage
17 for building service workers?

18 BRIAN NEWMAN: There--there is a commitment
19 to paying prevailing wages on the development of the
20 project. As far as building service workers go, we
21 haven't had any formal discussions with anybody about
22 that, but we are committed to using locally sourced
23 labor and to doing the best that we can to try to get
24 all of the supplies and material that we need to
25 develop the building from local businesses.

2 COUNCIL MEMBER LEVIN: And this is mostly
3 a commercial block, and I know that this is not the
4 only site that's-that's due to be rezoned as part of
5 this rezoning application.

6 ERIC PALATNIK: Right.

7 COUNCIL MEMBER LEVIN: So, there are
8 several additional sites, four additional properties
9 on the block of Willoughby between Bedford and
10 Spencer, small 4-story commercial building to legally
11 non-forming 2-story homes and a newly constructed 6-
12 story office community facility building.

13 ERIC PALATNIK: Yes and I just pulled it
14 up behind you, too, while you're talking so that, you
15 know, others could see what you're talking about on
16 the block.

17 COUNCIL MEMBER LEVIN: So, do you have a
18 sense of what the impact might be on local
19 businesses. There's a coffee shop and a laundromat I
20 think nearby.

21 ERIC PALATNIK: I think really positive
22 that everything is-is-is going to be very positive
23 for local businesses primarily for a couple of
24 different reasons. The-the buildings that are around
25 us on our block have supported the application, all

2 of them, everybody that--that's near the bias on the
3 four buildings you just called out including the 6-
4 story commercial building--

5 COUNCIL MEMBER LEVIN: Uh-hm.

6 ERIC PALATNIK: --who all support the
7 application. But we're going to be adding residents
8 to the building, of course, that really going to
9 support the local retail, and as we all know, the
10 local retail is in dire need of customers, and we
11 think that by adding units here we'll be supporting
12 all of the businesses, types of local retail
13 businesses that you just mentioned. We also did a
14 study of the--of the manufacturing uses in the area
15 during the application process and this particular
16 block although located within the manufacturing
17 district is not improved upon with active
18 manufacturing uses. So, that was another thing that
19 we--we feel justifies the requests. If you're few
20 blocks over to the right of the imagery up there,
21 Spencer--

22 COUNCIL MEMBER LEVIN: Yeah.

23 ERIC PALATNIK: --you start to see things
24 become more heavily manufacturing over there because

2 we feel we fit the character and we won't disrupt
3 anything.

4 COUNCIL MEMBER LEVIN: Okay.

5 ERIC PALATNIK: I hope you agree.

6 COUNCIL MEMBER LEVIN: Okay, so, we're
7 not voting today, so if we can continue to have
8 conversations over the next week or so as we hear by
9 community members as well, we'd appreciate the
10 opportunity.

11 ERIC PALATNIK: We'd be happy to bring
12 that to you. Thank you. Thank you for letting us
13 testify.

14 CHAIRPERSON MOYA: Thank you. Yeah, I-I
15 just have one quick question. Thank you. So, I know
16 that the borough president had some concerns. How
17 are you going about addressing those concerns? They
18 were looking for a letter of commitment in writing.
19 Has there been any discussion with the borough
20 president's office since then?

21 ERIC PALATNIK: You mean about the
22 locally sourced labor?

23 CHAIRPERSON MOYA: It was-it's a-a list
24 of-of items that-that they have.

2 ERIC PALATNIK: Yeah, there was locally
3 sourced labor. It was—it was a number of--

4 CHAIRPERSON MOYA: interposing] There
5 were a number--

6 ERIC PALATNIK: -Minority and Women Owned
7 Businesses.

8 CHAIRPERSON MOYA: --more units, et
9 cetera, et cetera.

10 ERIC PALATNIK: We've—we've agreed with
11 every condition with in the Borough President's
12 request. We've written back to them saying so. So,
13 we make—we seek to comply.

14 CHAIRPERSON MOYA: Thank you.--

15 ERIC PALATNIK: Thank you.

16 CHAIRPERSON MOYA: Thank you. Thank you
17 for your testimony.

18 BRIAN NEWMAN: Thank you.

19 CHAIRPERSON MOYA: And are there any
20 other members of the public who wish to testify?
21 Seeing no none, I now close the public hearing on
22 this application and it will be laid over. Our neat--
23 Oh, I'm sorry. Let me just acknowledge that we've
24 been joined by Council Members Cohen, Constantinides,
25 and Grodenchik. Our next hearing is on LUs 317 and

2 318, the East 241st Street Rezoning for property in
3 Council Member Cohen's district in the Bronx. The
4 applicant seeks approval for a zoning map amendment
5 to rezone a number of lots on a single block from a
6 M1-1 to a R7D-C2-4 district and a zoning text
7 amendment to modify Appendix F and map a Mandatory
8 Inclusionary Housing Area utilizing Options 1 and 2.
9 The text would also modify Appendix 1 by adding the
10 rezoning area to the transit zone. These actions
11 will facilitate the development of a new mixed-use
12 commercial and residential building. I now open the
13 public hearing on this application and we will be
14 calling Richard Lobel, Jonathan Sepowitz, Ron
15 Schulman, and-[background comments] Emanuel D'Amore.
16 Yep. Okay, so now I'm going to ask Counsel to please
17 swear in the panel.

18 LEGAL COUNSEL: Before responding, east
19 state your name, and make sure your microphone is
20 on.. Do you each swear or affirm that the
21 testimony that you're about to give will be the
22 truth, the whole truth and nothing but the truth and
23 to answer all Council Member questions truthfully?

24 RICHARD LOBEL: Richard Lobel, I do.

25 EMANUEL D'AMORE: Yes, I do.

2 RON SCHULMAN: Ron Schulman. Yes, I do.

3 JONATHAN SEFLOWITZ: Jonathan Seplowitz.

4 (sic) Yes, I do.

5 RICHARD LOBEL: Thank you, Chair Moya,
6 esteemed members of the Council. Good afternoon. My
7 name is Richard Lobel, of Sheldon Lobel, PC and I'm
8 happy today to be representing Enclave Equities. I'm
9 and Jonathan Seplowitz in the East 241st Rezoning. I
10 will present the background of the project as well as
11 the actions being requested. Then Emanuel will
12 discuss some of the architectural aspects and Juan
13 will address the affordability issues. So the
14 applicant here is Enclave Equities. Enclave is a
15 development firm with a lot of experience in the
16 Bronx and the greater area. If you want to go
17 forward. We basically included some illustrative
18 renderings and pictures of applications and buildings
19 that they build in the area. So, South Fifth Street
20 as an example is one where they've worked on
21 affordable housing issues before in Mount Vernon
22 close to the Bronx, and we've also—they've also
23 worked on the Van Cortlandt Library project on
24 buildings in Riverdale, and those are included in the
25 project materials. So the proposal before the

1 Council today is the rezoning of East 241st Street
2 and this entire block and the proposal consists of
3 one major and two minor amendments. The first of is
4 the Zoning Map Amendment, which would rezone this
5 parcel as well as the entirety of the block to a R7D
6 C2-4. So, the zoning of the property is currently
7 M1-1. This would permit manufacturing uses
8 commercial uses up to a 1 for commercial and
9 manufacturing and up to a 2.4 for community facility.
10 The rezoning would permit obviously the—the
11 development of the—of the prior parcels with a
12 residential building with a mixed use commercial
13 development. The Zoning Text Amendment that are
14 asked for the first Mandatory Inclusionary Housing
15 Text Amendment, which would—which place this block
16 within Appendix F to require affordability on the
17 project as well as other properties on the rezoned
18 block and to include the block within the transit
19 zone, which would allow for a decrease in required
20 parking for affordable units. The existing and
21 proposed zoning is in front of you. So, as you can
22 see on the map on the left, the parcel in question is
23 currently Zone M1-1. This is at the center of the
24 Rezoning Map, and as you can look at the parcel on
25

1 the right, is it now an R70 C2-4. So, what really
2 does this mean? It means several things. The first
3 would be that in the—East Chester—I'm sorry. The
4 Wakefield East Chester rezoning in 2007 much of this
5 area specifically around White Plains Road was
6 rezoned to R6 to allow for in accordance with that
7 rezoning increased residential and mixed-use density.
8 And so, at the time this parcel was included within
9 that area, the parcel was eventually removed for
10 environmental reasons. The city chose not to address
11 some of the more tangible environmental concerns on
12 some parcels. So that has since been addressed by
13 the developer, which is why we are now approaching
14 the Council with this rezoning today. So despite the
15 fact that much of White Plains Road in this area
16 specifically roughly 14 blocks or parts of 14 blocks
17 were rezoned to R6. The development that would
18 accrue from the R6 up-zoning did not really occur,
19 and so you had this rezoning, which allowed for what
20 amounts to, you know, fairly dense residential
21 developments along White Plains Road. Unfortunately,
22 though, that really did not come into play. So, with
23 the Rezoning with which we now approach the Council
24 we've had a really tremendous amount of support given
25

1 to us by the local area, Community Board 12, which
2 voted 27 to nothing in favor of this rezoning as well
3 as the Bronx Borough President, which is one of the
4 reasons we're happy to be here with Enclave. So, you
5 can see from the next slide that the tax map
6 illustrates the entirety of the Rezoning area. This
7 rezoning would take place in the entirety of the
8 block. The parcel itself, the—which formerly was
9 occupied by several different tax lots now
10 encompasses roughly 29,000 square feet in-in lot
11 area. And again, you can see from the area map that
12 there is indeed a lot of residential development
13 within the area. This is going to provide much
14 needed support for that as well as increased amount
15 of residential development near a subway terminal,
16 which is kind of one of the hallmarks of-of the
17 rezoning activity in the Bronx. Often times when the
18 Bronx Borough President talks about wanting to rezone
19 these parcels near good transportation, the
20 transportation available in this particular area is—
21 is quite rich. You have a 2-line, which the terminus
22 of which is right here as well as many other
23 transportation options. So, now I would hand it over
24 to Emanuel who is going to discuss some of the
25

2 specifics, which is with regards to the resulting
3 building, a 9-story mixed-use development.

4 EMANUEL D'AMORE: Good afternoon.

5 Emanuel D'amore from Augang Architects. So, the
6 propose rezone will facilitate the--the element of a
7 9-story--

8 CHAIRPERSON MOYA: [interposing] Can you
9 speak a little bit more into the microphone?

10 EMANUEL D'AMORE: Okay.

11 CHAIRPERSON MOYA: Thank you.

12 EMANUEL D'AMORE: Very good--a mixed-use
13 residential and commercial 9-story building. It's
14 approximately 25,000 square foot ground floor
15 commercial and 137,000 square feet residential, and
16 the--and 186 dwelling units. We have also have some
17 examples of other rezones in the area that they were
18 very successful. They're built at the moment. On
19 the next slide we could see the existing--you know,
20 the picture of the surrounding area, you know,
21 showing the utilization of this lot and the proximity
22 to the train. The next slide also we have the
23 location of the map, and on the bottom right we see
24 the transit zone that is not mapped within a transit
25 zone because it's a M-M-11 District that we're also

2 seeking for a change on the transit app. So, as you
3 could see on the plot plan due to the street-street
4 fronting, we have a U-shaped building with outdoor
5 recreation area on the roof of the first floor, and
6 on the next slide we could see our, you know, effort
7 to appease the—the majority of the community board
8 that they want a very, you know, a good commercial
9 space on the ground floor. So the intention is we
10 relocate all the residential entrance and the parking
11 on Ferman (sic) on purpose so it creates an open
12 concept and attracts many retails in the area. On the
13 next slide we also see the height of the first floor
14 being 16 feet and then we reduce to 94 the floor to
15 floor height so we have a more context building. And
16 then in the next slide we have the second floor of
17 the—the proposed second floor of the residential,
18 which has in-door recreational space, laundry,
19 outdoor recreation areas, and—and then on the next
20 slide we could see how we have the distribution of
21 the—of the units, you know, on a—on a family oriented
22 environment. We are achieving enterprising
23 communities so we're providing Energy Star
24 Appliances. We have the extra insulation for the
25 walls, and—and their roof. We also are incorporating

1 active design living principles to in-
2 incorporate healthier area to the building tenants. And as you
3 could see on the next—on the last slide, it's 189
4 dwelling units. So, we have 26 studios, 84 1-
5 bedrooms, 58 2-bedrooms and 18 3-bedrooms providing
6 41% between 2 and 3 bedroom units and I give it to
7 Ron I think for the Financial Analysis. Thank you.

9 RON SCHULMAN: Ron Schulman, Best
10 Development Group. We're the advisors to Enclave
11 Equities at 241st. So this project will be financed
12 under the Mix and Match Program, which basically
13 means 50% of the units will be for tax credit, 60% of
14 AMI or at the low including a set-aside for homeless—
15 for formerly homeless people and then the rents will
16 go all the way up to at least 90 or 100% of AMI. So,
17 in plain English, that would mean rents would be
18 anywhere between a low of \$511 to a high of \$2,300
19 and stepped up everywhere in between. So, we actually
20 think this is a great mix for the neighborhood where
21 people would afford apartments based on household
22 size and income, and would attract people not only
23 from Wakefield by nearby communities of Wakefield.
24 The project would be financed by HPD and HDC and it
25 would have a regulatory agreement including MIH

2 agreement. The two options would be either 25% at 60
3 or 30% at 80 and I don't know any--everybody
4 mentioned, but it's right next to the train. So,
5 this is a great place for people to live. Yeah, the
6 241st Stations is the Number 2. There's buses. It's
7 a good commuter location for renters in this project.
8 Any questions you have we'll be happy to answer.
9 Thank you.

10 RICHARD LOBEL: And I think I'd just like
11 to conclude briefly to say that the affordability
12 numbers as well as the entirety of the project remain
13 consistent throughout the application the community
14 board is familiar with, and--and--and incorporated this
15 into their approval. I would say that after the
16 Bronx Borough President's Hearing, we did slightly
17 increase the size of the--of the 3-bedroom units--

18 EMANUEL D'AMORE: Yes.

19 RICHARD LOBEL: -at the request of the
20 borough president to accommodate their request. So,
21 again, we're happy to answer any questions.

22 CHAIRPERSON MOYA: Great. Can you just
23 go back to what was that percentage for the formerly
24 homeless households?

2 RON SCHULMAN: Right. SO, the request
3 was to increase to 15% of the units in the building
4 to be for formerly homeless people.

5 CHAIRPERSON MOYA: Okay.

6 RON SCHULMAN: Which will be permanent
7 housing. This is not transitional housing. People
8 move in, they have a lease, they stay based on a very
9 low rent requirement.

10 CHAIRPERSON MOYA: Alight, and is there a
11 commitment for good jobs on this project?

12 RICHARD LOBEL: So, I know if you want to
13 speak to it, but there's been discussions with-with
14 32BJ. We've-we've basically come to an agreement
15 with-with the Union, and in general one of the things
16 that I think was most interesting to the community
17 board is that the retail here is something here,
18 which is really sorely sought in this area, and that
19 they're looking forward to local businesses being
20 able like to locate here to-to local individuals
21 being able to really thoroughly utilize the retail.
22 So, we're looking forward to our relationship with
23 them as well as to good jobs in the future.

24 CHAIRPERSON MOYA: Great. Thank you and
25 with that, I turn it over to Council Member Cohen.

2 COUNCIL MEMBER COHEN: Thank you, Chair.

3 I really—I just thought it was important that I was
4 here today because and I—I don't think I'm going to
5 be able to hide it how pleased I am about this
6 project. I mean they spoke specifically about—about
7 the project, but White Plains Road is sort of the
8 spine of—of my portion of the—of the Wakefield
9 community, and while the homeowner community there is
10 very strong and stable, White Plains Road could use a
11 little love, and I am very, very pleased that someone
12 has got faith in this community and is willing to
13 invest significant money. This project—this—this is
14 the very end of the subway line at White Plains Road.
15 This lot has been not used at all in my memory. As
16 they mentioned, that there were environmental issues
17 there that have been cleaned up. So, it really I
18 hope will be the start of a—of a transformation on—on
19 White Plains Road and—and it—it does seem to be the
20 case that I think as time goes on other developers
21 have shown interest in—in in converting what really
22 is—what—what has the potential to be, as they pointed
23 out, a great place to live. I think it has real
24 commercial potential. It's sort of continuing the
25 White Plains Corridor. So, I'm—I'm very excited

2 about the impact of this project on the community and
3 I—I will give the developer the kudos. They have
4 been very responsive to the community board. They
5 went to the community board multiple times, briefed
6 them on the project, you know, long before ULURP.
7 They were responsive to the borough president's
8 concerns, they worked closely with labor. So, I
9 really feel that this this going to be a real boost
10 in the arm for—for the Wakefield community, and I'm—I
11 know we're not voting today, but ultimately I will be
12 excited to encourage my colleagues to vote aye for
13 this project. So thank you.

14 CHAIRPERSON MOYA: Great. Thank you,
15 Council Member Cohen, and thank all of you for your
16 testimony here today. [background comments/pause]
17 Next we want to call up Panos Catrice. Did I say it
18 right? Thank you.

19 PANOS CATRICE: That's my name. Good
20 afternoon. Good afternoon Chair Moya and members of
21 Subcommittee. My name is Panos Catrice. I'm a
22 doorman at 995 Fifth Avenue, I've been—and have been
23 a member of 32BJ for two years. As you know, 32BJ
24 represents more than 80,000 property service workers
25 in New York City. We clean and maintain buildings

2 like the one proposed. We believe that developers
3 who commit to providing group building service jobs
4 in order to build a more credible economy in New York
5 City. The developer's affiliates of Enclave Equities
6 seeking the rezoning, have made this commitment and
7 we are pleased to testify in support of this project.
8 The developer has stated that a goal of their
9 proposal for the 241st Street rezoning is to help New
10 York City's neighborhood thrive and be well served.
11 We know this can be done through their promised to
12 build 186 permanently affordable units, and their
13 commitment to providing good jobs that pay area
14 standards. We strongly support efforts to build
15 affordable housing especially when there are good
16 jobs attached. We know that affordable housing and
17 good jobs work together to upgrade working families.
18 We believe this project will bring many benefits to
19 the community, and will help working New Yorkers live
20 with security and dignity. For these reasons, we
21 respectfully urge you to approve this project. Thank
22 you.

23 CHAIRPERSON MOYA: Thank you. Thank you
24 for our testimony today. Are there any other members
25 of the public who wish to testify on this item?

1 Seeing none, I now close the public hearing on this
2 application, and it will be laid over. Next—our next
3 hearing is on LUs 322, the 51-53 White Street Special
4 Permit Application for property in Council Member
5 Chin's district in Manhattan. The applicant is
6 seeking a special permit pursuant to Section 74-711
7 of the Zoning Resolution to modify height and setback
8 regulations, inner court regulations and minimum
9 distance between windows and a lot line regulations.
10 Approval of this special permit would facilitate the
11 enlargement of an existing 5-story building within
12 the Tribeca East Historic District. As part of the
13 special permit, the applicant will provide
14 restorative-restorative work to the façade and enter
15 in—into a continuing maintenance program for the
16 building. I now open the public hearing on this
17 application, and would like to call up Jason
18 Friedman, and if the Counsel can please swear in the
19 panel.
20

21 LEGAL COUNSEL: Before responding, please
22 make sure the red light on you mic is on and state
23 your name. Do you swear or affirm that the testimony
24 that you're about to give will be the truth, the
25

1 whole truth and nothing but the truth and that you
2 will answer all questions truthfully?

3 JASON FRIEDMAN: I do. Jason Friedman.

4 Yes. 51 White Street, LLC is seeking a certif-
5 certification for a special permit at 51-53 White
6 Street to enlarge two stories on the roof, and a new
7 floor between the existing first and second floors at
8 the rear of the building. The site is located in a
9 C6-2A zoning district one-half block east of Broadway
10 and less than 100 feet away from the corner of
11 Franklin Place. The surrounding area is
12 characterized by mixed-used buildings with a majority
13 of building heights at 5 to 7 stories and the area is
14 well served by public transportation. As you can see
15 on these photographs, the building has been vacant
16 since 2016. Previously, it was occupied by Max
17 Delivery, a retail store on the first floor cellar
18 and sub cellar, and residential apartments at market
19 rate to 2 to 5 floors. The building had a total or
20 12 of these apartments for rent prior to beginning
21 construction. The building was constructed in 1858
22 and the fire escape and storefronts you see in the
23 1990's Landmark Commission designation photographs on
24 this slide are not original to the building and they
25

1 are being removed. The site is located in the
2 Tribeca East Historic district, and the Civic Center
3 Synagogue to the right, which borders the set to the
4 west is a 2-story non-contributing building with an
5 irregular street wall. The individual landmark
6 building to the east 55 White Street is a 7-story
7 primarily residential building that was converted
8 from wholesale fabric building to a mix-used building
9 similar to a majority of the remaining 19th Century
10 buildings in the surrounding area. We proposed a 2-
11 story vertical enlargement that you can see in this
12 Axon view. The new floors design use a series of
13 setbacks in bulk from 12 to 38 feet pushing the bulk
14 back from the street, and from the west preserve the
15 integrity of historical views of the existing White
16 Street 5-story building. In addition, the two-the
17 two additional floors there is a new proposed floor
18 between the existing first and second floors in the
19 rear of the building. In addition to the bulk being
20 proposed the applicant will be undertaking major
21 restorative work including the removal of the fire
22 escape, replacement of all windows front and rear
23 with wood windows, complete White Street façade and
24 marble restoration, and uncovering of the-and
25

2 complete restoration of the cast iron with the new
3 ward-woos storefront infill (sic) and a
4 rehabilitation of all remaining rear yard fire
5 shutters. [coughs] So, this shows the-the waiver
6 for height that we're requesting. In order to
7 achieve the proposed bulk, we are requesting waivers
8 for height, setback distance, inner court and rear
9 yard requirements. Shown here are some of the
10 heights of the proposed building and the envelope of
11 the enlargement, and then here you can see in plan
12 view the portion of the final floor that is non-
13 compliant as-of-right, which is this small 3-foot by
14 18-foot wide portion of the seventh floor. In the
15 rear, we're seeing waivers for inner court and, in
16 fact, this building is in keeping with a lot of the
17 Article 7-B conversions in the Tribeca District where
18 you have, you know, less light and air at the rear of
19 buildings because they were built with 5, 10 or 15
20 feet rear yards. We're proposing for the new floors
21 at the top a 20-foot rear yard. What would be
22 normally required would be the court that you see of
23 1,200 square feet. Also, similarly, the minimum
24 requirement for new floors would be a 30-foot
25 distance from windows to the lot line. We are

1 proposing a 20-foot distance on the upper floors, and
2 here you can see that in this section. The final
3 slide shows the building in context way back when we
4 were mocking up the proposed floors for their
5 visibility, and we did work with Landmarks to get a
6 unanimous approval by the Commission for a non-
7 visible addition in the heights that were described
8 in these sections. We did get feedback over the
9 course of the process starting with the community
10 board. One we went to the Landmarks—the Community
11 Board level, we had unanimous approval of the design.
12 Also with the—at the—at the LPC hearing, and when we
13 moved onto the ULURP portion of it, we heard some
14 feedback from the community board that we—it would
15 have been better if we had made a little bit more
16 outreach even though prior to meeting them we had
17 very lovely support from the Synagogue continuously
18 and we did obviously have our public hearings, but
19 after that, we decided to send some—some more
20 communication to the our neighbors. We posted
21 building notices of the public hearings that were
22 upcoming, and we are ready to be great neighbors and
23 just wanted to work with any neighbors that have a
24

2 stake in this to complete the project safely and in
3 harmony with the rest of the buildings on the block.

4 CHAIRPERSON MOYA: Thank you. Just a
5 couple of questions. Sticking to the topic of
6 outreach, did you submit evidence of outreach to the
7 CPC as requests by the Borough President's Office?

8 JASON FRIEDMAN: Yes. So, originally we
9 had already reached out to the synagogue, and then
10 after hearing from the Community Board that they
11 would like to have seen more outreach, we posted
12 flyers around the blocks in the surrounding area, and
13 we reached out to the neighbors in the letter, and
14 we've had some correspondence with our neighbors who
15 we'd love to just work with on anything, and we also
16 I think I just want to make sure. So, the synagogue--
17 -

18 CHAIRPERSON MOYA: [interposing] Yeah,
19 yeah, I know. You said that before. I'm saying did
20 you submit that--

21 JASON FRIEDMAN: The evidence?

22 CHAIRPERSON MOYA: Yes.

23 JASON FRIEDMAN: Yes we did and yes.

24

25

2 CHAIRPERSON MOYA: Okay. Where will the
3 AC Units on the roof be located and will they--will
4 they be visible from the street?

5 JASON FRIEDMAN: Okay, so nothing, in
6 fact, will be visible from the street from any point
7 of public way on top of the building especially over
8 the primary façade, even over the--the westerly façade
9 we--we will not be seeing any of the penthouse
10 including the mechanical equipment and, you know, as
11 we get up to that point, if any mechanical equipment
12 required adjustment to keep it both satisfactory to
13 our neighbors at 55 White Street where you could see
14 our building will creep up, that's the building
15 closer to--to us on the screen and if--as long as they
16 won't be visible from the street, we would be happy
17 to adjust our units, and we have no plans for any
18 generators or large water towers, just your standard
19 split system HVAC units that you kind of see
20 scattered around those roofs.

21 CHAIRPERSON MOYA: And being that this is
22 a significant renovation to a very old building,
23 there are concerns about contaminants in--in the air
24 particularly that comes from the removal of paint
25 that may have asbestos. How do you plan to address

2 this concern and mitigate this impact during
3 construction?

4 JASON FRIEDMAN: So, we have received
5 certificates that the building is free of asbestos,
6 and as part of the Department of Buildings process,
7 our permits will reflect that. We currently have
8 scaffolding in front of the building with tarp around
9 it, and we have actually nearly completed the process
10 of installing all of the new windows. So, the
11 building is slowly getting air-tight, and we're doing
12 that under a as-of-right renovation of the-of the 5-
13 story building at Department of Buildings and
14 Landmarks, and as we get—hopefully get this approval
15 and go-go through the existing roof of the building,
16 we will take every single precaution for keeping the
17 debris on our site and air safe and follow all rules
18 and Department of Buildings rules, DEP rules,
19 whatever needs to be followed in terms of keeping our
20 neighbors safe and our site safe.

21 CHAIRPERSON MOYA: Okay, thank you very
22 much. Thank you for your testimony today, and are
23 there any other members of who—I'm sorry. No,
24 you're—you're good. Thank you. My fault. We have
25 David Gray, Shannon Kay and Shelly Gerbin. Please

2 just state your name and push the button to make sure
3 that the microphone is on.

4 SHANNON KAY: Shannon Kay.

5 DAVID GRAY: David Gray.

6 SALLY GERBIN: Sally Gerbin.

7 CHAIRPERSON MOYA: You may begin.

8 SALLY GERBIN: Okay. My name is Sally
9 Gerbin. I'm a resident of 55 Watt Street. I have
10 owned an apartment there since 2002. We're the
11 building with the roof garden on the top adjacent to
12 the building that's being questioned—discussed today
13 for a permit. I must say we probably mixed issues in
14 dealing with our—with our Cauley (sp?) our neighbors
15 who are reconstructing that building. Some has been
16 very positive. Some has not be as positive, but what
17 we are concerned about at this point in our—in what
18 we've just recently learned is about the 2-story
19 addition on the top of the building. We didn't know
20 about it before. The residents—none of the residents
21 that I've spoke to knew about this before. We
22 haven't seen any signs posted other than the permits
23 that are posted on the outside of the construction
24 site. If there was communication to the building to
25 anybody in the building, our building management

2 about community meetings or public meetings, we
3 didn't hear about it. So, I don't know where that
4 fell through. We're concerned about additional
5 height going onto the building next to us for a
6 couple of reasons. One is the visuals, one—and
7 probably more importantly is concern about the noise
8 from the 11 HVAC units that will be posted adjacent
9 to our building. I don't where else suggest.

10 Perhaps they can go on the other side where there's a
11 closed synagogue below and not residences. We have
12 10 children in our building, and we live on a lovely
13 yet very urban street that has very few trees. So,
14 access to air and sunlight and our—our garden on the
15 roof is—is important for those kids and for the
16 adults that live in the building. It's a quality of
17 life issue to be able to be up there, and have no
18 more noise than we already experience on the roof in
19 a—in an urban area of New York City. It's important
20 and we—we're worried, and we don't know for sure, but
21 we're worried about the—the potential for these—the
22 mechanicals and the HVAC units to be polluting both
23 noise wise, and I don't know about other—other
24 potential pollutants. We have had a—we have had as
25 was discussed earlier an issues with outreach with

1 our—with the construction team next door, and the
2 most important issue that came up was—I believe it
3 was early 2018, perhaps late 2017 when lead paint was
4 sandblasted off of the—off of some parts of the
5 building 55 or 51 to 53 White Street with no—with no
6 coverings around the buildings, no precautions taken.
7 To my knowledge, no permits in place, and our
8 building our entire building all the apartments in 55
9 White Street experienced dust that came in from that,
10 and that dust included lead. We had it tested and we
11 had a couple of kids who were taken to the doctor
12 with their lead—lead levels [bell] tested at that
13 time.
14

15 CHAIRPERSON MOYA: Yeah, it's a 2-minute
16 time limit. If you can—if you can wrap it up.

17 SALLY GERBIN: Okay. So, they had high
18 lead levels. So, that affected our trust in—in
19 what's and knowing what's happening, and that it's
20 being done correctly.

21 CHAIRPERSON MOYA: Thank you.

22 SALLY GERBIN: Thank you.

23 SHANNON KAY: Hi. Shannon Kay. David and
24 I live in Penthouse at 55 White Street. To his
25 point, yes there is scaffolding and construction on

1 the outside. There is work permits on the outside,
2 but to my knowledge in the 17 apartments that are in
3 the building only one individual has been notified
4 and has had outreach communication with the
5 construction team next door, and to my persona
6 opinion living in the building, they, of course, had
7 a great relationship with the synagogue next door
8 because the synagogue doesn't live there. They don't
9 sleep there, they don't eat there. They're there for
10 a limited amount of time several hours a week, and
11 this is going to affect us much more than it is the
12 synagogue. Our terrace, which was built 22 years ago
13 is approximately 12 to 13 feet recessed from the
14 street. If you were on the northeast corner of
15 Church and White, if you were on the northwest corner
16 of Church and White and if you were on the northeast
17 corner of Broadway and Church, and the northwest
18 corner of Broadway and White, you will see the trees
19 on our terrace. So if that terrace that they plan to
20 build at 51 to 53 White Street is a foot further in
21 front of ours, you will see some of their
22 construction. So, I would seriously take into
23 consideration what that plan is going to be because
24 anything further than what we have will be a problem,
25

2 and in addition to what she said, there is plenty of
3 room where the synagogue is to put the HVAC units on
4 that side. So to have them matched up to the 11 to
5 12 HVAC units that we have will create noise, dust
6 and additional material that could possibly go onto
7 our rooftop with the children there that should also
8 be taken into consideration.

9 DAVID GRAY: Hi. This is David Gray. I
10 don't have a lot to add. I think they covered
11 everything, but one thing I'll-I'll note I-I recently
12 attended the Landmark Committee meeting, and I was
13 very surprised to hear about this 2-story addition
14 because at that meeting there was a development at
15 131 or 135 Dwayne that was-that was turned down
16 because of the height issue. So, I was just
17 surprised to see that, you know, this was able to get
18 approved and, you know, we just have-we have issues
19 and the concerns about the-the height that they are
20 trying to put on this build-this building.

21 CHAIRPERSON MOYA: Great. Thank you very
22 much for your testimony today. Thank you for coming.

23 DAVID GRAY: Thank you.

24 SHANNON KAY: Thank you.

2 CHAIRPERSON MOYA: Are there any other
3 members of the public who wish to testify? Seeing
4 none, I now close the public hearing on this
5 application, and it will be laid over. [background
6 comments] Our next or was it?

7 LEGAL COUNSEL: Yep.

8 CHAIRPERSON MOYA: Yep. Our next public
9 hearing is on LU 323, the 59 Greenwich Avenue Special
10 Permit Application and for property in Speaker
11 Johnson's district in Manhattan. The applicant is
12 seeking a special permit pursuant to Section 74-711
13 of the Zoning Resolution to modify use regulations in
14 order to provide Use Group 6 uses on the second floor
15 for the existing building and to modify the bulk
16 regulations to reduce the minimum distance between
17 legally required windows and lot lines to reflect the
18 as-built condition. Approval of this Special Permit
19 would facilitate the reconstruction and enlargement
20 of this building, which is within the Greenwich
21 Village Historic District. As part of the Special
22 Permit, the applicant will renovate and restore the
23 building in line with its original appearance and
24 enter into a continuing maintenance program for the
25 building. I now open the public hearing on this

2 application, and we will be calling up Tim Campbell,
3 Judith Gallant and Brenda Levin. Counsel, if you can
4 please swear in the panel.

5 LEGAL COUNSEL: Before responding, please
6 state your names into the microphone making sure the
7 red light is on. Do you each swear or affirm that
8 the testimony that you're about to give will be the
9 truth, the whole truth and nothing but the truth and
10 to answer all questions truthfully?

11 JANE GALLANT: I do. Jane Gallant.

12 BRENDA LEVIN: I do. Brenda Levin.

13 TIM CAMPBELL: I do. Tim Campbell. [

14 BRENDA LEVIN: [pause/testimony no
15 recorded] a retail, oh, thank you. A retail boutique
16 on the ground floor for his products and he has
17 applied for this Special Permit that is the subject
18 of this Special Permit Application to allow a three-
19 chair small hair salon on the second floor. There
20 would be residential units on the third and fourth
21 floor, on each on the third and fourth floor that he
22 would use with his staff when he is in the city. It
23 would be the old fashioned living above the salon.
24 The second story salon requires a use modification
25 because in the C2-6 zoning district in a building

2 that is occupied by residential uses, there can be
3 only one story of commercial use. The project also
4 requires the bulk modification to allow six
5 residential windows in the rear wall of the building
6 to remain in the position [bell] they have been in
7 for the last 172 years. Community Board 2 voted
8 unanimously in favor. [pause]

9 CHAIRPERSON MOYA: You can continue.

10 BRENDA LEVIN: Oh, you're telling me to
11 keep going, not to stop. Okay. [laughs] Community
12 Board 2 voted unanimously in favor of the Special
13 Permit on condition that there be no eating and
14 drinking establishments on the second floor. Our
15 client had no objection to that and, in fact, offered
16 it when the subject came up. Manhattan Borough
17 President echoed the Community Board's recommendation
18 unanimously in favor of it on condition that there be
19 no eating and drinking on the second floor. The City
20 Planning Commission unanimously approved the Special
21 Permit, but with no conditions of the use of the
22 second floor, and I understand that that's why we're
23 here today. I would just like to note that if the
24 74-711 Special Permit is granted, the building would
25 be restored to the highest in preservation standards,

2 and Mr. Dean would be required to execute and record
3 a declaration a Maintenance Declaration that would
4 required that he keep the building in sound first
5 class condition for the life of the building. In
6 addition, the Special Permit would bring Mr. Dean's
7 salon and products to New York City and restore the
8 vibrancy on this block, which has been somewhat
9 diminished by the MTA Ventilation Plant. Happy to
10 answer any questions you might have.

11 CHAIRPERSON MOYA: And just--just one, and
12 it's just to confirm again. Just can you tell us one
13 more time what the commercial use is going to be for
14 the second floor in the building?

15 BRENDA LEVIN: The second floor would be
16 a salon, a hair salon where Mr. Dean would cut hair--

17 CHAIRPERSON MOYA: [interposing] Perfect.

18 BRENDA LEVIN: --and other hair services.

19 CHAIRPERSON MOYA: Great. Thank you.

20 Thank you for your testimony today.

21 BRENDA LEVIN: Thank you. [pause]

22 Frederika Segal. Am I saying that right?

23 FREDERIKA SEGAL: Uh-hm.

24 CHAIRPERSON MOYA: If you can just push
25 the button and state your name, and you can begin.

FREDERIKA SEGAL: Frederika Segal. My name is Frederika Segal and I represent Community Board 2. I'm the Co-Chair of our Land Use Committee. On October 10th, the Applicants for 59 Greenwich Avenue came before us for a Special Permit to allow a Use Group 6 on the second floor of an existing mixed-use building. As they said, as part of their presentation the applicants volunteered to exclude eating and drinking uses from the second floor of the premises in perpetuity. Their attorney announced—introduced as a precedence that this restriction an application at 19 East 72nd Street that City Planning approved in 2017 for another 74711 Use Modification. In this case, the applicant's attorneys explained to us the restriction against eating and drinking on the second floor was stated in the CPC Report and was also incorporated into the restrictive declaration. With this offer and precedent in hand, CBT voted 42 to nothing at its October full board meeting to recommend approval of this application provided that an exclusion for eating and drinking be handled in the same way. Recently the applicants offered to write a letter confirming that there will be no eating and drinking on the second floor, but as you

2 well know, such a letter is not even binding on the
3 current applicant let alone on future owners. The
4 applicant offered no eating and drinking on the
5 second floor. The community board accepted the
6 offer, and the Borough President has endorsed that
7 position. Based on the unanimity of these three
8 parties, and the proximity to-of the windows to the
9 lot line, and the precedent at 19 East 72nd Street,
10 we ask you to allow the stipulation to be written
11 into the restrictive declaration. Thank you.

12 CHAIRPERSON MOYA: Thank you. Thank you
13 for your testimony today. Are there any other
14 members of the public who wish to testify? Seeing
15 none, I now close the public hearing on this
16 application and it will be laid over. We will now go
17 to our last-our last hearing, which is on LU 321, the
18 100-103rd North Conduit Avenue Rezoning for property
19 in Council Member Ulrich's district in Queens. The
20 proposed rezoning to establish a C2-2 within an
21 existing R3X district would facilitate the
22 development of a new use-new-of a new use group 16
23 automotive service station subject to future BSA
24 approval on the southern portion of the development
25 site. The site would also include a one-story 3,990

2 square foot convenience store that will include 13
3 accessory parking spaces and room for at least five
4 reservoir spaces. I now open the public hearing on
5 this application and we call up Eric Palatnik and
6 Andrew—

7 ANDREW VILLARI: Villari.

8 CHAIRPERSON MOYA: Villari.

9 ANDREW VILLARI: I apologize. That's
10 better.

11 CHAIRPERSON MOYA: Thank you, and if
12 Counsel can please swear in the panel.

13 LEGAL COUNSEL: Do you each swear or
14 affirm that the testimony that you're about to give
15 will be the truth, the whole truth and nothing but
16 the truth and that you will answer all questions
17 truthfully? Please state your name before
18 responding.

19 ERIC PALATNIK: Eric Palatnik. I do.

20 ANDREW VILLARI: Andrew villari. I do

21 ERIC PALATNIK: Good afternoon again.
22 Eric Palatnik, and this time on time. Thank you for
23 hearing the application today. We're—we're happy to
24 be bringing you an application where we spoke minute
25 ago about gas stations in New York City and we're—

1 we're bringing a new gas station on a site that is a
2 good site. It's a 35,000 square foot site, which is
3 what I was alluding to before, which is what modern
4 day gas stations are all about. We've all driven up
5 and down on all of the different roadways all around
6 the state, in the city as you summed it up and
7 outside the city especially the trend in gas stations
8 these days is within the automotive with a
9 convenience store in the front as opposed to service
10 space and that—that's what—exactly what this site is.
11 We're located here in Council Member Ulrich's
12 district in Ozone Park. As you know, the North
13 Conduit, which is really better known as the service
14 road to the Belt Parkway. We are right next to
15 Aqueduct and the Casino, and we're immediately
16 adjacent to the A-Train. We are located within an
17 R3X zoning district, and we're asking you permission
18 to add a C2-2 overlay to the R3X zoning district. By
19 approving the C2-2 overlay, you will allow for the
20 development of the automotive service station, which
21 is still not as-of-right, but requires a companion
22 application under a special permit pursuant to
23 Section 73-211 of the Zoning Resolution for an
24 automotive service station. So, this will facilitate
25

1 that application. It's-it's interesting to note that
2 this site has had a gas station on it since the
3 1950s, and if you drove pas the site today, you can't
4 see any aerial. You'll see really the ruins of that
5 1950s gas station still there. So, the site has an
6 automotive service station history. The Councilman-
7 Councilman Ulrich has been actively involved in this
8 application since the beginning along with Community
9 Board 10. We've been meeting with them and the Land
10 Use Committee since we first started the-came up with
11 the idea, and we've been working very closely with
12 him. That's how we resulted I believe in a unanimous
13 approval from community-from the Community Board, and
14 resounding support from the Councilman. So, this
15 application will take this site, as I mentioned a
16 moment ago, which is a former automotive service
17 station, and bring it back to current glory. I'm
18 flipping through right now on the TV screen just to
19 get to a site plan for it so we show you what it will
20 look like, and you should have a sight plan in your
21 package there, but we could see the location there,
22 the pumps in front of the station as well as the curb
23 cut on the far right, and curb cut to the left. The-
24 the subway station is to the right of the site. As a

2 part of discussions with the Community Board, it was
3 agreed to that the site could be made available to
4 people who are picking people up at the subway
5 station, but right now people are waiting in cars on
6 the Belt Parkway service road. The Belt Parkway
7 service road right there is heavily congested, very,
8 very heavily trafficked especially during the rush
9 hour, and people waiting for people at the subway
10 station to get off the A-Train in cars, which is
11 causing a backup on the roadway. So, one of the
12 ideas we came up with the Community Board is to use
13 this site to allow for people to also park on our
14 site while they are waiting pickup. Another issue
15 that came up at the Community Board level, as you
16 should be aware of, of course you are more familiar
17 than anybody in the city, which is the proliferation
18 of hotels, and-and not everybody would like to see a
19 hotel within their community although some people
20 would, but in this particular community they don't
21 are not being fans, they're not fans of hotels. The
22 C-2 would allow for a hotel to be developed. So, we
23 have voluntarily agreed to enter into a restrictive
24 declaration with Community Board 10 as an interested
25 party-[sneezing] God bless you-with them named as an

2 interested part and Community Board 10, the
3 restricted declaration prevents us from building a
4 hotel. So, we have agreed to do that with Community
5 Board 10. They have signed off of on it as well, and
6 that was really the--the only concern that they had
7 other than making sure that the site is beautifully
8 landscaped and well designed. To that end, you
9 should know that we're coming before you with one of
10 the greatest gas station operators in New York City.
11 I say that because you'll take note of him now that
12 I've mentioned him. The name is Bolla- B-O-L-L-A.
13 They are the ones that are going to be operating this
14 site. Their stations are the ones that are nice when
15 you drive around New York City. They are well
16 landscaped. They have grass to the extent that they
17 can. They have winter plantings, they have summer
18 plantings. The facades on the buildings are nice.
19 They're with limestone and with marble with quasi
20 Gargoyles on them. The bathrooms are meticulously
21 maintained. If you ask any person over the age of 55
22 that has a prostate issue, they will tell you about
23 it. They will know this gas station very well
24 because they are very well maintained, and I say that
25 because gas stations sometimes are not well

2 maintained, and sometimes they could be considered to
3 be a blight on the community, and that was also part
4 of the reason Community Board 10 is willing to
5 support this application because of who the operator
6 is. So, that's essentially our application in
7 essence. I'd be happy to answer any questions and
8 Andrew is at Stonefield Engineering and they did the
9 traffic report and all the traffic consulting on this
10 and they'd be happy to speak also.

11 CHAIRPERSON MOYA: Yeah, just a couple of
12 quick questions. So will there be a turn lane added
13 to North Conduit to control the traffic.

14 ERIC PALATNIK: No, there will be no turn
15 lane on—on North Conduit at all. It's a—there's no
16 room for a turn lane, but the idea and what I was
17 trying to call out before is that the—the side of the
18 North Conduit where it's closest to our property, you
19 know the south side of the North Conduit is to—has
20 been right now if you drive by it during rush hour,
21 you'll see family members and friends picking people
22 up at the subway and stopping on the roadway. So,
23 we're hoping by providing a nice spot for them to
24 pull off where they get a cup of coffee, it wouldn't
25 be bad for the operator either, that we can serve two

2 goals and reduce traffic all at the same time
3 providing service.

4 CHAIRPERSON MOYA: And will all
5 construction materials be staged on site?

6 ERIC PALATNIK: Yes.

7 CHAIRPERSON MOYA: Okay.

8 ERIC PALATNIK: Yes.

9 CHAIRPERSON MOYA: Yeah, and I don't know
10 if you mentioned this before, but have you met with
11 the -the BSA to review the proposal?

12 ERIC PALATNIK: Yes, but I did not
13 mention that. We have met with the BSA on multiple
14 occasions. There's actually a pending application
15 that's in front of them right now that's scheduled
16 for a public hearing on February 12th. I believe
17 it's February 12th. I may be wrong with my date and
18 I don't mean to misspeak on this. I took an oath.
19 I'm going off memory, but it is in the middle of
20 February and that application was sitting on the
21 sidelines at the BSA until such time that this
22 application was certified, and once this applicant
23 has certified the BSA allow for that application to
24 move ahead with the understanding that it-it cannot
25 move for any potential decision until you act first.

2 CHAIRPERSON MOYA: Thank you very much.
3 Thank you for your testimony today.

4 ERIC PALATNIK: Thank you for your time.

5 CHAIRPERSON MOYA: Are there any other
6 members of the public who wish to testify? Seeing
7 none, I now close the public hearing on this
8 application and it will be laid over. This concludes
9 today meeting, and I would like to thank the members
10 of the public, my colleagues and, of course, always
11 the great counsel and Land Use staff for their great
12 work, and with this meeting is now adjourned. [gavel]

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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 January 29, 2019