

SUBCOMMITTEE ON ZONING AND FRANCHISES

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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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September 17, 2024

Start: 11:03 a.m.

Recess: 12:35 p.m.

HELD AT: 250 BROADWAY - COMMITTEE ROOM, 16TH  
FLOOR

B E F O R E: Kevin C. Riley, Chairperson

COUNCIL MEMBERS:

Shaun Abreu  
David M. Carr  
Kamillah Hanks  
Francisco P. Moya  
Yusef Salaam

OTHER COUNCIL MEMBERS ATTENDING:

Robert F. Holden  
Erik D. Bottcher

A P P E A R A N C E S

Zef Gjini, owner of Cozy Corner

Neil Weisbard, Seyfarth Shaw

Jason Diaz, VHB

Shlomo Steven Wygoda, SWA Architecture

Kieran Meehan, SWA Architecture

Rocki Brown

Barry Weinberg

Tiffany Khan

Shaneeka Wilson

Annette Robinson

Basia Nikonorow

Lisa Orrantia, Ackerman LLP

Eric Palatnik, Eric Palatnik, P.C.

2 SERGEANT-AT-ARMS: This is a microphone  
3 check for the Subcommittee on Zoning and Franchises.  
4 Today's date is September 17, 2024, located in the  
5 16th Floor Hearing Room. Recording is done by Rocco  
6 Mesiti.

7 SERGEANT-AT-ARMS: Good morning and  
8 welcome to the New York City Council Hearing of the  
9 Committee on Zoning and Franchise.

10 At this time, can everybody please  
11 silence your cell phones.

12 If you wish to testify, please come up to  
13 the Sergeant-at-Arms' desk to fill out a testimony  
14 slip. Written testimony can be emailed to  
15 landusetestimony@council.nyc.gov.

16 Thank you for your cooperation.

17 Chair, we are ready to begin.

18 CHAIRPERSON RILEY: [GAVEL] Good morning,  
19 everyone, and welcome to the meeting of the  
20 Subcommittee on Zoning and Franchises. I am Council  
21 Member Kevin Riley, Chair of this Subcommittee. Today  
22 I am joined by Council Member Abreu, Hanks, Carr,  
23 Bottcher, Holden.

24

25

2 Today, we are scheduled to hold four  
3 votes and four hearings so we have a busy calendar  
4 today.

5 Starting with those applications that we  
6 will vote on today, the first application concerns a  
7 residential rezoning known as 31-17 12th Street in  
8 Astoria, Queens. The second vote concerns a  
9 residential rezoning known as 250-86th Street in Bay  
10 Ridge, Brooklyn. The third vote concerns a project  
11 known as 21st Street in Astoria, Queens, which is  
12 also a residential rezoning. The fourth vote concerns  
13 an Article XI tax exemption application regarding the  
14 Marcus Garvey Affordable Housing Project in Bed-Stuy,  
15 Brooklyn.

16 Turning to the hearings, we will first  
17 hear concerns of a sidewalk cafe application  
18 regarding Cozy Corner in Maspeth, Queens. Next, we  
19 will hear a proposal that consists of residential  
20 mixed-use development known as 135th Street in  
21 Manhattanville. We will then hear a proposal to  
22 partially demolish a building located at 343 West  
23 47th Street in Clinton Hill section of Manhattan.  
24 Lastly, we will hear concerns of a mixed-use  
25

2 residential development known as 2390 McDonald Avenue  
3 in Gravesend, Brooklyn.

4           Lastly, we were scheduled to hear another  
5 sidewalk cafe application relating to Seis Vecinos  
6 located in the South Bronx. This hearing is being  
7 deferred to September 24, 2024.

8           I will now go over hearing procedures.  
9 This meeting is being held in hybrid format. Members  
10 of the public who wish to testify may testify in  
11 person or through Zoom. Members of the public wishing  
12 to testify remotely may register by visiting the New  
13 York City Council's website at  
14 [www.council.nyc.gov/landuse](http://www.council.nyc.gov/landuse) to sign up and, for those  
15 of you here in person, please see one of the  
16 Sergeant-at-Arms to prepare and submit a speaker's  
17 card.

18           Members of the public may also view a  
19 live stream broadcast of this meeting at the  
20 Council's website.

21           When you are called to testify before the  
22 Subcommittee, if you are joining us remotely, you  
23 will remain muted until recognized by myself to  
24 speak. When you are recognized, your microphone will  
25 be unmuted. Please take a moment to check your device

2 and confirm that your mic is on before you begin  
3 speaking.

4 We will limit public testimony to two  
5 minutes per witness. If you have additional testimony  
6 you would like to submit to the Subcommittee to  
7 consider or if you have written testimony you would  
8 like to submit instead of appearing in person, please  
9 email it to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Written  
10 testimony may be submitted up to three days after the  
11 hearing is closed. Please indicate the LU number or  
12 the project name in the subject line of your email.

13 We request that the witnesses joining us  
14 remotely remain in the meeting until you're excused  
15 by myself as Council Members may have questions.

16 Lastly, for everyone attending the  
17 meeting today, this is a government proceeding, and  
18 decorum must be observed at all times. Members of the  
19 public are asked not to speak during the meeting  
20 unless you are testifying.

21 The witness table is reserved for people  
22 who are called to testify and no video recording or  
23 photography is allowed from the witness table.  
24 Further, members of the public may not present audio  
25 or video recordings as testimony but may submit

2 transcripts of such recording to the Sergeant-at-Arms  
3 for inclusion in the hearing procedures.

4           The first proposal we are voting on today  
5 is the approval with modifications LUs 138 and 139  
6 relating to the 31-17 12th Street proposal located in  
7 Astoria, Queens in Council Member Cabán's District.  
8 The requested actions are to construct a residential  
9 building with approximately 35 apartments of which  
10 nine are anticipated to be affordable units. The  
11 proposal consists of two actions. The first is a  
12 zoning map amendment to change an existing  
13 residential RFB district to an R6B residential  
14 district. The related action is a zoning text  
15 amendment to map a Mandatory Inclusionary Housing  
16 area. Our modification will be to add the Deep  
17 Affordability Option which will make 20 percent of  
18 the proposed income-restricted apartments permanently  
19 affordable to households making an average of 40  
20 percent AMI which is approximately 56,000 for a  
21 family of three. Council Member Cabán is in support  
22 of this proposal as modified.

23           The second vote is to approve LUs 145 and  
24 146 relating to the 21st Street proposal also located  
25 in Council Member Cabán's District in Astoria. The

1 proposal is to construct a mixed-use residential  
2 building with approximately 55 apartments and between  
3 24 and 28 of these apartments are anticipated to be  
4 affordable units. The proposal consists of two  
5 actions. The first is a zoning map amendment to  
6 change the existing residential RFB and RFD districts  
7 with a C1-3 commercial overlay to an R6A residential  
8 district with a C1-4 overlay. The related action is a  
9 zoning text amendment to map a Mandatory Inclusionary  
10 area. Council Member Cabán is in support of this  
11 proposal.  
12

13           The third vote is to approve with  
14 modifications LU 140 relating to the 250 86th Street  
15 rezoning proposal located in Bay Ridge, Brooklyn and  
16 Council Member Brannan's District. This application  
17 seeks to legalize a doctor's office on the ground  
18 floor and first floor and a residential unit on the  
19 second floor. The proposal consists of two actions.  
20 The first is a zoning map amendment to change an  
21 existing residential R3-2 district to an R6B  
22 residential district. The related action is a zoning  
23 text amendment to map a Mandatory Inclusionary  
24 Housing area. Our modification will be to limit the  
25 rezoning to a residential R5D which will ensure the



1 rezoned area remains contextual with the existing  
2 surrounding buildings. We will also be reducing the  
3 rezoning area by removing mid-block properties to the  
4 west of applicant's property which are further away  
5 from the higher density block and along 3rd Avenue.  
6 This will further help maintain the well-defined  
7 built character of 86th Street. Council Member  
8 Brannan supports this proposal as modified. Lastly,  
9 regarding the second action the mapping of MIH  
10 applicant has submitted a letter withdrawing LU 141  
11 with the modification to an R5D district. The  
12 increase in FAR is not sufficient to impose MIH.  
13 Furthermore, the rezoning is not intended to spur new  
14 development. Therefore, pursuant to Council Rule  
15 11.60B, LU 141 is void, and I make a motion to file  
16 the items to remove them from the Council calendar.

17  
18           The fourth and final vote is to approve  
19 LU 147 relating to the Marcus Garvey Article XI tax  
20 exemption request for a residential housing project  
21 located in Bed-Stuy in Council Member Ossé's  
22 District. The tax exemption will facilitate the  
23 development of two new affordable housing buildings.  
24 Council Member Ossé supports this proposal as  
25 modified.

2 Counsel, are there any Council Members  
3 with questions or remarks at this time?

4 COMMITTEE COUNSEL VIDAL: No, Chair.

5 CHAIRPERSON RILEY: I now call for a vote  
6 to approve with modifications LUs 138 and 139  
7 relating to 31-17 12th Street rezoning proposal, to  
8 approve LUs 145 and 146 relating to the 12th Street  
9 rezoning proposal, to approve with modifications LU  
10 140 and to file LU 141 relating to the 250th 86th  
11 Street rezoning proposal, and to approve LU 147  
12 relating to the Marcus Garvey Article XI request.

13 Counsel, please call the roll.

14 COMMITTEE COUNSEL VIDAL: Chair Riley.

15 CHAIRPERSON RILEY: Aye.

16 COMMITTEE COUNSEL VIDAL: Council Member  
17 Moya.

18 COUNCIL MEMBER MOYA: I vote aye.

19 COMMITTEE COUNSEL VIDAL: Council Member  
20 Abreu.

21 COUNCIL MEMBER ABREU: Aye.

22 COMMITTEE COUNSEL VIDAL: Council Member  
23 Hanks.

24 COUNCIL MEMBER HANKS: Aye.

2 COMMITTEE COUNSEL VIDAL: Council Member  
3 Carr.

4 COUNCIL MEMBER CARR: Aye.

5 COMMITTEE COUNSEL VIDAL: By a vote of  
6 five in affirmative, zero opposing, and zero  
7 abstentions, the items are approved.

8 Please excuse me, Council Member Salaam,  
9 didn't see you come in. How do you vote?

10 COUNCIL MEMBER SALAAM: I vote aye.

11 COMMITTEE COUNSEL VIDAL: Okay, so let me  
12 restate that. By a vote of six in the affirmative,  
13 zero opposition, and zero abstention, the items are  
14 approved with the modification as described by the  
15 Chair, and all items are referred to the full Land  
16 Use Committee.

17 CHAIRPERSON RILEY: Thank you. Just want  
18 to note for the record we've been joined by Council  
19 Member Salaam and remotely by Council Member Moya.

20 I will now open today's hearing on public  
21 hearing on number LU 155 relating to the Cozy Corner  
22 sidewalk cafe application in Council Member Holden's  
23 District. The application seeks to operate a sidewalk  
24 cafe with approximately 13 tables and 52 seats at an  
25 existing establishment in Maspeth, Queens.

2 For anyone wishing to testify on these  
3 items remotely, if you have not already done, so you  
4 must register online. You may do that now by visiting  
5 the Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse).  
6 Once again, for anyone with us in person, please see  
7 one of the Sergeants to prepare and submit a  
8 speaker's card.

9 If you would prefer to submit written  
10 testimony, you can always do so by emailing it to  
11 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

12 I would now like to give the floor to  
13 Council Member Holden to give his remarks.

14 COUNCIL MEMBER HOLDEN: Good morning,  
15 Chair Riley and Members of the Subcommittee on Zoning  
16 and Franchises.

17 I'm here today to discuss the Land Use  
18 call-up application for Cozy Corner, LU 155, located  
19 at 6001 70th Avenue in Ridgewood, Queens which is  
20 within my District. Many constituents have raised  
21 concerns about the challenges posed by the current  
22 outdoor dining structure. Issues such as reduced  
23 parking availability, narrower roads, and the  
24 difficulties faced by first responders and sanitation  
25 services navigating the area have been repeatedly

2 mentioned. This this is like an ongoing problem,  
3 Sanitation especially. I spoke to the other day. They  
4 can't maneuver the trucks around the structure that  
5 exists in the street. I understand the potential  
6 benefits of a sidewalk cafe, and I'm open to the idea  
7 but I believe it's important to address these  
8 concerns before moving forward.

9 I would like to hear from the applicant  
10 about their willingness to consider foregoing the  
11 existing outdoor dining structure in favor of the  
12 sidewalk cafe license as having both will exacerbate  
13 the issues we're currently seeing so I look forward  
14 to hearing more from the applicant on how they plan  
15 to address these challenges and, again, I want to  
16 thank you, Chair Riley, for allowing me to speak.  
17 Thank you.

18 CHAIRPERSON RILEY: No problem, Council  
19 Member Holden.

20 I would now like to call the applicant  
21 panel for this item which consists of Zef Gjini.

22 ZEF GJINI: Yes.

23 CHAIRPERSON RILEY: Is Zef here?

24 ZEF GJINI: Yes, hello.  
25

2 CHAIRPERSON RILEY: Hello. How you doing,  
3 Zef?

4 ZEF GJINI: Zef Gjini. How are you?

5 CHAIRPERSON RILEY: All right. Counsel,  
6 please administer the affirmation.

7 COMMITTEE COUNSEL VIDAL: Could you please  
8 raise your right hand and state your name for the  
9 record?

10 ZEF GJINI: Zef, Z-E-F, Gjini, G-J-I-N-I.

11 COMMITTEE COUNSEL VIDAL: Please keep your  
12 right hand raised. Do you swear to tell the truth and  
13 nothing but the truth in your testimony today and in  
14 response to Council Member questions?

15 ZEF GJINI: Yes, I do.

16 COMMITTEE COUNSEL VIDAL: Thank you. You  
17 may proceed.

18 CHAIRPERSON RILEY: Thank you. For the  
19 viewing public, if you need an accessible version of  
20 this presentation, please send an email request to  
21 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

22 Now the applicant team may begin. I'll  
23 just ask that you please restate your name and  
24 organization for the record. You may begin.

2 ZEF GJINI: Zef Gjini, owner of Cozy  
3 Corner located at 6001 70th Avenue, Bridgewood, New  
4 York 11385. This sidewalk cafe has been there for  
5 since the virus started three and a half years now,  
6 and Sanitation has been going through for three and a  
7 half years and Fire Department, and I don't know if  
8 there is, even buses they go there when they do  
9 training. The last time that we did the application  
10 for sidewalk café, we had eight-foot outdoor seating  
11 on the street and then the question was raised about  
12 Fire Department trucks going through so we went from,  
13 I told the architect to go from eight feet to six  
14 feet, to get rid of two feet. Hello.

15 CHAIRPERSON RILEY: Are you finished?

16 ZEF GJINI: Yeah, so, yeah.

17 CHAIRPERSON RILEY: All right.

18 ZEF GJINI: So basically we went from  
19 eight feet the street closer to six foot. Basically,  
20 we have been following all the rules for three and a  
21 half years now with DOT and City (INAUDIBLE)

22 CHAIRPERSON RILEY: All right, Zef are you  
23 finished presenting?

24 ZEF GJINI: Yeah.

2 CHAIRPERSON RILEY: Okay. All right, so  
3 I'm going to ask a question that I'm going to pass it  
4 and see if Council Member Holden has any questions,  
5 okay.

6 ZEF GJINI: Sure.

7 CHAIRPERSON RILEY: So why are you  
8 applying for this right now, application?

9 ZEF GJINI: Because the DOT told us to  
10 amend the plans and the outdoor seating to comply for  
11 the new rules. For example, used to be the crosswalk  
12 used to be eight feet, now they want 20 feet, and we  
13 provide them 20 feet, and then they told me that  
14 there's not enough space on a roadside seating. We  
15 went from eight feet to six foot.

16 CHAIRPERSON RILEY: Okay. (CROSS-TALK)

17 ZEF GJINI: (INAUDIBLE) has been has been,  
18 the sales has been increased 70 percent. I think that  
19 is good for the community. I think it's good for the  
20 city, for the country. It's nice to see people  
21 sitting out there and then enjoying having a good  
22 time and (INAUDIBLE) it's just great.

23 CHAIRPERSON RILEY: Okay. Last question.  
24 How long has your business been in this community.

25 ZEF GJINI: Six years.



2 CHAIRPERSON RILEY: Six?

3 ZEF GJINI: Yeah.

4 CHAIRPERSON RILEY: Okay. Thank you.

5 Council Member Holden.

6 COUNCIL MEMBER HOLDEN: Yes. Thank you for  
7 your testimony. Why do you need both? Why do you need  
8 the street, because, you know, the problems of  
9 parking there. Now, Chair, I want to just talk about  
10 the parking in the area. The Fire Department has told  
11 me over and over again they can't find the fire  
12 hydrants, people are parking at the hydrants. People  
13 are parking on the corners. The applicant knows this.  
14 The applicant knows that people are parking  
15 everywhere. He's got a corner that he's taking up  
16 street parking and it's hard to maneuver on that  
17 corner and make the turns. He says he reduced the  
18 space, but I don't, I don't see, I wouldn't oppose  
19 your sidewalk cafe if you just gave up the street  
20 part, you know, actually dining in the street which  
21 it's a very narrow street by the way and, if anybody  
22 goes there, you can see it you, and I'm sorry I don't  
23 have photographs but if you look at it, it's so  
24 narrow that again trucks and Fire and Sanitation,  
25 they do have a problem even though the applicant says

2 they he's narrowed, it it's still a problem. It's a  
3 very, very narrow street so I don't see why you need  
4 both. You want the sidewalk cafe and you want the  
5 street so I would, again, want an agreement from you  
6 that you'll give up the street and then I think we  
7 can talk about approving the sidewalk café, but I  
8 think both is and, again, I'd rather see the street  
9 application just not go through because that is a  
10 very dangerous narrow corner. It's not all about  
11 profit. It's about safety, and it's also about being  
12 reasonable so, again, that's why I think that you  
13 know it's a narrow street. You know that parking is  
14 at a premium. You know it's a mixed-use area. It's  
15 not only commercial. It's residential, mostly  
16 residential so that's why I have a huge problem with  
17 both. Both will just create again what I mentioned  
18 before a situation that endangers everyone. Thank  
19 you.

20 ZEF GJINI: Yeah, you see, when you  
21 mentioned the pump, I don't think there is any  
22 (INAUDIBLE) city's narrow streets, these one-way  
23 street, but when it comes to parking on the pump or  
24 in a crosswalk, I mean I don't know how you can stop  
25 people by doing that. You can even tell from the lot

2 line where the (INAUDIBLE) the handicap is, you know,  
3 the (INAUDIBLE) you cannot tell people to not stand  
4 in there either so it's kind of hard to control, to  
5 tell people don't park on a fire hydrant, don't park  
6 on a crosswalk. It's kind of hard because they're  
7 going to say, you know what, call 9-1-1, get my car  
8 towed. When it comes to the roadside, we've followed  
9 all the rules so far. We went from eight feet to six  
10 feet, and I think why not have another 13 tables  
11 there.

12 CHAIRPERSON RILEY: All right. Thank you.  
13 Council Member, do you have any more questions?

14 COUNCIL MEMBER HOLDEN: No, but it sounds  
15 like the applicant's not willing to, or he wants  
16 both, and again that's why I will not approve the  
17 sidewalk cafe because, again, it's too much. It's too  
18 much for a mixed-use area, too much for residential,  
19 too much for a narrow street, and you're adding to  
20 the parking problem. Even though you won't admit it,  
21 you are adding to the parking problem by dining in  
22 the street and, again, I just don't get the  
23 unwillingness to negotiate a little bit so if you  
24 don't, then one's got to go. Thank you, Chair.

25 CHAIRPERSON RILEY: Thank you.

2 ZEF GJINI: Yeah, but it's New York City.

3 Parking is a problem everywhere. What do you expect?

4 It's New York City. Parking is a big issue. How about

5 the bike lanes? There's bikes everywhere.

6 CHAIRPERSON RILEY: Are you finished, Zef?

7 ZEF GJINI: Yes, I'm finished.

8 CHAIRPERSON RILEY: All right. Thank you.

9 Any Council Members have any questions for this

10 panel?

11 All right. There being no more questions

12 for this panel, this panel is now excused.

13 Counsel, are there any members of the

14 public who wish to testify on this application?

15 COMMITTEE COUNSEL VIDAL: No, Chair.

16 Neither online nor in person.

17 CHAIRPERSON RILEY: There being no members

18 of the public who wish to testify on LU 155 regarding

19 the Cozy Corner sidewalk cafe application, the public

20 hearing is now closed, and the item is laid over.

21 I will now open the public hearing on LUs

22 149 and 150 relating to the 135th Street rezoning

23 proposal in Council Member Abreu's District in

24 Manhattanville. The proposal seeks to develop a

25 residential mixed-use unit building just south of

2 Riverbank State Park and will have approximately 60  
3 apartments. The rezoning will involve the mapping of  
4 Mandatory Inclusionary Housing and, as a result, part  
5 of the new housing will be affordable apartments.  
6 This proposal also involves two special permits which  
7 will formally be heard next week on September 24,  
8 2024. However, today, the applicant team will discuss  
9 the entirety of the project and the testimony will be  
10 accepted about all aspects of the proposal.

11 For anyone wishing to testify on these  
12 items remotely, if you have not already done so, you  
13 must register online you may do that now by visiting  
14 the Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse).  
15 Once again for anyone with us in person, please see  
16 one of the Sergeants to prepare and submit a  
17 speaker's card.

18 If you would prefer to submit written  
19 testimony, you can always do so by emailing it to  
20 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

21 Council Member Abreu, would you like to  
22 give remarks regarding this application?

23 COUNCIL MEMBER ABREU: Thank you, Chair,  
24 and good afternoon, everyone. I am Council Member  
25 Abreu and, today, I'm here to discuss the 135th

1 Street rezoning application. The applicant proposes a  
2 rezoning text amendment and accompanying special  
3 permits to facilitate the development of a seven-  
4 story mixed-use building in West Harlem. This site is  
5 located on a narrow property between the Amtrak  
6 elevated railway tracks and 12th Avenue Riverside  
7 Drive. The development site features a vacant  
8 commercial building that has a history of failed  
9 commercial tenants and open parking. If activated  
10 with new development, this site can serve as a  
11 gateway to the Special Manhattanville District and  
12 connect the R8 residence district to the east of  
13 Riverside Park, the West Harlem Waterfront Park, and  
14 the C6 commercial districts to the south. This  
15 previously unsuccessful site deserves to be connected  
16 to the surrounding area and also experience much  
17 needed revitalization. A mixed-use building can  
18 promote community engagement as well as provide  
19 housing units amid New York City's housing crisis.  
20 Furthermore, a commercial and community facility  
21 space would keep the local community linked to the  
22 site as well as future residential tenants. I look  
23 forward to discussing the details of this application  
24 more today. I would like to thank Manhattan Community  
25

2 Board 9, the Borough President, the City Planning  
3 Commission, and my Colleagues on the Zoning Committee  
4 and in the Council for their review of this proposal.  
5 I look forward to hearing from the development team  
6 and from the public at today's meeting.

7 CHAIRPERSON RILEY: Thank you, Council  
8 Member Abreu. I will now call the applicant panel for  
9 this proposal, which consists of Neil Weisbard, Steve  
10 Wegoda, Jason Diaz, and Kieran Meehan.

11 Counsel, please administer the  
12 affirmation.

13 COMMITTEE COUNSEL VIDAL: Could you please  
14 raise your right hand and state your name for the  
15 record?

16 NEIL WEISBARD: Neil Weisbard.

17 JASON DIAZ: Jason Diaz.

18 SHLOMO STEVE WYGODA: Shlomo Steve Wygoda.

19 KIERAN MEEHAN: Kieran Meehan.

20 COMMITTEE COUNSEL VIDAL: Do you swear to  
21 tell the truth and nothing but the truth in your  
22 testimony today and in response Council Member  
23 questions?

24 NEIL WEISBARD: Yes.

25 JASON DIAZ: Yes.

2 SHLOMO STEVE WYGODA: I do.

3 KIERAN MEEHAN: Yes.

4 COMMITTEE COUNSEL VIDAL: Thank you.

5 CHAIRPERSON RILEY: Thank you, Counsel.

6 For the viewing public, if you need accessible  
7 version of this presentation, please send an email  
8 request to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

9 Now, the applicant team may begin. I'll  
10 just ask you please restate your name and  
11 organization for the record when you testify. Please  
12 begin.

13 NEIL WEISBARD: Thank you, Chair Riley. My  
14 name is Neil Weisbard from the law firm of Seyfarth  
15 Shaw, and I appear before you on behalf of Crosscap  
16 Holdings, the owner of 701 West 135th Street. Our  
17 team is very excited to present this proposal which  
18 we believe will result in the complete transformation  
19 of this little corner of northern Manhattan. Next  
20 slide, please.

21 The rezoning and project area is located  
22 on the west side of 12th Avenue in between West 135th  
23 Street and West 137th Street. The site currently is  
24 improved with a two-story building which is currently



2 not in operation. It was previously a eating and  
3 drinking establishment. Next slide, please.

4 The proposed rezoning area includes the  
5 development site 701 West 135th Street, a portion of  
6 Lot 56 extending to the edge of the railroad right of  
7 way and also 12th Avenue which is its own tax lot  
8 owned by the City and is a public park. Next slide,  
9 please.

10 The requested actions, there are numerous  
11 actions. One being a rezoning from an M1-1 to an R7-2  
12 district within a C2-4 commercial overlay. Within  
13 that C2-4 commercial overlay, most commercial uses  
14 are permitted. They will also include an amendment to  
15 the Mandatory Inclusionary Housing area, making the  
16 site as part of that, a special permit to allow the  
17 proposed development over the railroad right-of-way,  
18 an amendment to include the site in the Special  
19 Manhattanville Mixed-Use District, and then an  
20 amendment to the text of the zoning resolution to  
21 allow bulk modifications within the Special  
22 Manhattanville Mixed-Use District and for sites  
23 located adjacent to a railway. Next slide, please.

24 The proposal is to construct a 53,548  
25 square foot mixed-use building. It will be seven

1 stories and will be 71.5 feet high and, with the  
2 exception of two bulkheads, will be located below the  
3 height of Riverside Drive. The space will also  
4 contain approximately 7,400 square feet of commercial  
5 space as well as community facility space and, at the  
6 request of Council Member Abreu's Office, we've  
7 talked to the West Harlem Arts Alliance about  
8 possibly using this space and also Harlem Pride, and  
9 we are willing to work with the community on their  
10 needs for the spaces as well as potentially a public  
11 bathroom in this building as well. The proposed  
12 building will contain 60 dwelling units and  
13 approximately 15 and 18 units will be constructed  
14 pursuant to the Mandatory Inclusionary Housing  
15 program. The ground floor spaces will contain small  
16 retail shops such as a bike shop, a juice bar, and a  
17 healthy cafe which are perfectly suited to service  
18 the bikers of the Waterfront Greenway located right  
19 at the site, the kayak and canoers at the West Harlem  
20 Launch just three blocks south of the site, and the  
21 many active users of Riverside State Park just three  
22 blocks north of the site. Next slide, please.

24 The proposed building will contain 30  
25 studios, 26 one-bedroom, and four two-bedrooms and,

2 as you can see from this rendering, the sixth and  
3 seventh floors will cantilever over the railroad  
4 tracks and, as Amtrak noted in the application in  
5 their letter of authorization, the development cannot  
6 proceed without a full and thorough review by Amtrak  
7 and construction cannot commence without Amtrak's  
8 approval. Next slide, please.

9           The City owned this area between West  
10 135th Street and West 138th Street, the sidewalks are  
11 in disrepair and DOT is proposing improvements to  
12 this area which they anticipate to begin at the end  
13 of 2025, beginning of 2026 so we believe we're in  
14 alignment with the improvements and are willing to  
15 work with DOT on the improvements which include  
16 reconstructed sidewalks and, even if DOT does not  
17 proceed with the improvements on the east side of  
18 12th Avenue sidewalk, the applicant has volunteered  
19 to improve those sidewalks on its own if need be. It  
20 will also contain eight-foot parking lanes and shared  
21 vehicle and bicycle lanes. Next slide, please.

22           As you can see from this cross-section  
23 which does include the bulkhead which the building is  
24 located below the Riverside Drive and this is to  
25 minimize the impact on pedestrians on Riverside Drive

1 and homeowners on Riverside Drive. I also passed out  
2 a plan that shows where the bulkhead is located. The  
3 Conservancy who issued a letter in conjunction with  
4 the Community Board's approval believe that the  
5 bulkhead would encapsulate the entire area. However,  
6 the bulkhead is only in two small areas. It can also  
7 be made translucent so, if needed, can be seen  
8 through without obstructing views, but there's just  
9 two small areas where the bulkhead will be located.  
10 Otherwise, the site is a 363-foot long site which  
11 will be located below the height of Riverside Drive.  
12 Next slide, please.

14           These renderings tell a great story of  
15 the impact of the proposed building. As you can see  
16 on the right side is the existing condition and  
17 already the view is obstructed by the water treatment  
18 plant and on the left side are proposed renderings so  
19 the impact is minimal as you can see. Next slide,  
20 please.

21           Also, this area is densely populated by  
22 trees. On the left side is a rendering but on the  
23 right side is a picture taken from November with no  
24 leaves on the trees and you can see the area is  
25 completely surrounded by trees, and you can't even

2 see the barely seated proposed building in the  
3 rendering on the left. Next slide, please.

4 This is just a picture of the site with  
5 trees and, as you can see, if you're walking on  
6 Riverside Drive, the area as you walk north is  
7 completely obstructed by trees when there's full  
8 foliage. Next slide, please.

9 The requested actions are an M1-1  
10 existing manufacturing district to an R7-2 residence  
11 district. The project area is located in a  
12 manufacturing district which residences aren't  
13 permitted and so, under the proposal, residences will  
14 be permitted. Next slide, please.

15 Since this development will occur  
16 adjacent to a railroad right-of-way, the applicant  
17 also seeks a special permit from City Planning to  
18 construct the proposed development. Next slide,  
19 please.

20 The area circled will be added to the  
21 Special Manhattanville Mixed-Use District as an other  
22 area, and the reason for this is, next slide please.

23 Well, let me just briefly explain that we  
24 believe this proposal is consistent with the goals of  
25 the Special Manhattanville Mixed-Use District to

2 encourage the development of mixed-use neighborhood  
3 that complements a revitalized community-oriented  
4 waterfront and allow for residential development.

5 Next slide, please.

6           There is also an amendment to the Special  
7 Manhattanville Mixed-Use District, will permit a  
8 special permit to modify bulk regulations, and this  
9 is needed due to the narrowness of the site which a  
10 feasible building could not be built if a 30-foot  
11 rear yard is provided and also a modification of lot  
12 coverage

13           The next slides I have are plans, if  
14 anyone wants to see them, but we have our applicant  
15 team and we're happy to answer any questions that the  
16 Committee may have but, just in conclusion, I'd like  
17 to state that it's our belief that if approved along  
18 with DOT's plans to renovate 12th Avenue will  
19 completely transform this area between 135th Street  
20 and West 138th Street, will provide needed amenities  
21 to the local community and active users of the  
22 numerous surrounding public places, and most  
23 importantly will create 60 dwelling units of which 12  
24 to 15 will be affordable. We strongly agree with  
25 Borough President Mark Levine who stated in his

2 favorable recommendation that this project can be a  
3 transformation cornerstone for the area. Thank you  
4 for your time.

5 CHAIRPERSON RILEY: Thank you. I have a  
6 few questions then I'm going to pass it to Council  
7 Member Abreu and other Members of the Subcommittee.  
8 It is my understanding there are some infrastructure  
9 issues, I believe you touched on that a little bit in  
10 your presentation, at or around the proposed site  
11 such as a sinkhole. How are you working with City  
12 agencies such as DOT to address these issues?

13 NEIL WEISBARD: We reached out to DOT,  
14 it's about two, well, the applicant has been working  
15 with DOT but two years ago, I was personally involved  
16 and reached out to DOT to see if we could get this  
17 repaired and DOT didn't want to do any work because  
18 of the proposed development, the proposed  
19 improvements to 12th Avenue so, once DOT moves ahead,  
20 we're willing to work with them and get the sinkhole  
21 fixed. Steve, you may have some information on the  
22 sinkhole as well.

23 SHLOMO STEVE WYGODA: Okay. Shlomo Steve  
24 Wygoda. I've been practicing architecture for 53  
25 years in New York and been in front of this Committee

2 for a long time. The sinkhole was a result of  
3 improper drainage, and I've worked on this building  
4 for about 20 years, and I designed the restaurants,  
5 the clubs, etc., all of whom failed. The owner of the  
6 building, because the water used to come down 12th  
7 Avenue, there was no drainage, used to run right into  
8 the stores so he dug some trenches at the base of the  
9 curb which allowed the water to seep underneath so it  
10 eroded the soil underneath. When we went to take some  
11 borings in anticipation of this, they collapsed. This  
12 project will cure all of those things so Peter, who  
13 owned the building who I knew well, tried but we're  
14 going to do proper drainage, we're going to do  
15 everything that's required, we're going to beautify  
16 the street, and we're going to make this a successful  
17 project that for my 20 years working with a number of  
18 users and transform this building, this area to  
19 something that's really good for the community in  
20 many different ways. We really hope, I've been  
21 working on this building for years, really hope that  
22 the Council would support it. Thank you.

23 CHAIRPERSON RILEY: Could you please  
24 detail how you're addressing CB 9's concerns?



2 NEIL WEISBARD: Our understanding of some  
3 members of CB-9 are here is that their main concern  
4 was the occupants of the proposed building and their  
5 safety of being next to an active railway, and, as  
6 I've mentioned and I can read specifically from  
7 Amtrak's report, that no construction in the right-  
8 of-way can occur until applicant acquires from Amtrak  
9 the real estate rights necessary to construct the  
10 improvements in the right-of-way. If Amtrak agrees to  
11 convey the necessary real estate rights to the  
12 applicant, any proposed construction will be subject  
13 to Amtrak's prior review and approval which approval  
14 may be granted or withheld at Amtrak's sole and  
15 absolute discretion so Amtrak will not approve this  
16 until they believe that the railway is compatible  
17 with the building, and maybe Jason can speak to some  
18 of the sound attenuation and steven to the vibration  
19 to address those concerns of the occupants of the  
20 building.

21 JASON DIAZ: Sure. In terms of noise,  
22 sorry, my name is Jason Diaz. I'm with VHB, the  
23 environmental consultants working on the project. We  
24 prepared the EAS in accordance with SEQR, and noise  
25 analysis found that there would be no significant

2 impacts to any residential uses on the property.

3 There will be noise attenuation requirements for  
4 those sensitive uses to avoid those impacts but, like  
5 I said, we studied a mobile source analysis both for  
6 vehicles and the existing train uses along the Amtrak  
7 line and, again, both were found to not result in  
8 significant adverse impacts as long as the noise  
9 attenuation requirements are met, which will be  
10 enforced by an e-designation.

11 NEIL WEISBARD: And I also, just as I  
12 showed in those slides, that if the Community Board  
13 does have concerns about impacts of the building on  
14 the sight lines, I showed that there really is  
15 minimal to no impact.

16 CHAIRPERSON RILEY: If approved, what is  
17 your timeline to actually start construction on this  
18 project.

19 NEIL WEISBARD: I would say beginning of  
20 2026. We want to coordinate with DOT's improvements  
21 to the street so either end of 2025 or early 2026.

22 CHAIRPERSON RILEY: What type of  
23 businesses are you seeking to locate on the ground  
24 floor.

2 NEIL WEISBARD: So the commercial spaces  
3 would be a bike shop, a juice bar, a healthy cafe to  
4 serve all the active users in the area, as I  
5 mentioned, from the bike path, the kayakers, and the  
6 park to the north. The community space has not been  
7 decided but, as I mentioned, I spoke to the West  
8 Harlem Arts Alliance and they may not be interested  
9 in this space and we've also reached out to Harlem  
10 Pride, waiting to hear back, but we're willing to  
11 work with the community and Community Board 9 to find  
12 suitable spaces for the community space.

13 CHAIRPERSON RILEY: My last question, 30  
14 studios, 26 one-bedrooms and 4 two-bedrooms, what was  
15 the deciding factor on the units and why couldn't you  
16 produce more one-bedrooms or two-bedrooms.

17 CHAIRPERSON RILEY: (INAUDIBLE) but Steve  
18 will...

19 SHLOMO STEVE WYGODA: Yeah, and this is  
20 Kieran Meehan from my office, whose first meeting in  
21 front of City Council so we've modified that count  
22 and so, Kieran, you want to speak to what the new  
23 count is?

24 KIERAN MEEHAN: Yeah, the new count was 24  
25 studios, 20 one-bedrooms, and 10 two-bedrooms.

2 NEIL WEISBARD: Oh, I apologize. At the  
3 City Planning Commission, one of the Commissioners  
4 wanted to see more two-bedrooms so we've revised  
5 that. I apologize.

6 SHLOMO STEVE WYGODA: And they will be  
7 interspersed throughout the building so top, bottom,  
8 whatever, and the studios, Columbia University is  
9 nearby so this would afford some more places for the  
10 students. That's the need for the studios and the  
11 studios can always be combined into one bedroom so  
12 I've designed it that way but, right now, that's...

13 CHAIRPERSON RILEY: Can you explain that a  
14 little bit more, how can a studio be combined to one  
15 bedroom?

16 SHLOMO STEVE WYGODA: Take the wall out  
17 then you got two studios, one bedroom.

18 CHAIRPERSON RILEY: So two studios will  
19 convert to one-bedroom pretty much?

20 SHLOMO STEVE WYGODA: Yeah, if it comes to  
21 it but, right now, we're moving ahead with the studio  
22 concept and two-bedrooms. I've learned this doing a  
23 lot of work in New York City that when you get  
24 families in there with children, they tend to stay  
25 for a long time so that's why, yeah.

2 CHAIRPERSON RILEY: I mean that's why I'm  
3 always concerned about studios. I feel like a lot of  
4 people in New York City, specifically families, are  
5 transitioning and moving out. I feel like New York  
6 City, we're trying to produce as much units as  
7 possible and we usually try to do a lot of studios,  
8 but I did like the fact that you guys did make an  
9 adjustment to get at least 10 two-bedrooms so I  
10 appreciate that.

11 SHLOMO STEVE WYGODA: You're welcome.

12 CHAIRPERSON RILEY: I'm not too  
13 knowledgeable what the needs of that specific  
14 District is, but I think building more one-bedrooms,  
15 two-bedrooms, and three-bedrooms will be more  
16 suitable for people living in New York City now  
17 opposed to studios, just my personal opinion.

18 I'll pass it over to Council Member Abreu  
19 to give his comments.

20 COUNCIL MEMBER ABREU: Thank you, Chair,  
21 for your line of questioning. Question for the panel,  
22 how do you decide on proposed zoning of R7-2 with a  
23 C2-4 commercial overlay?

24 NEIL WEISBARD: So this project goes back  
25 to 2016 when we first met with City Planning and to

2 the south within the Special Manhattanville Mixed-Use  
3 District are a C6-1 and a C6-2. Originally, we went  
4 within R8 which is the C6-2 equivalent, and we had  
5 presented a 14-story building.

6 COUNCIL MEMBER ABREU: To who did you  
7 present that?

8 NEIL WEISBARD: To the Community Board 9  
9 informally, and the feedback at that time was that  
10 it's going to completely block the sight lines to the  
11 west to the river so we lower the height below the  
12 Riverside Drive to 71.5 feet as we are right now to  
13 seven stories and the maximum floor area we could fit  
14 in that was a 4.6 and that is consistent with the C6-  
15 1 to the south which is an R7-2 equivalent and that's  
16 what we're seeking.

17 COUNCIL MEMBER ABREU: The R7-2...

18 SHLOMO STEVE WYGODA: Sorry. Just one  
19 minor thing. Also we were up there doing, I've been  
20 working for this developer for many years so Borough  
21 President Mark Levine was Council Member up there. We  
22 had met with him numerous times. We tried to do a 14-  
23 story. We didn't acquiesce but we agreed to lower it  
24 to the level of the pedestrian level of that so we've

2 been sort of giving back and adjusting over all these  
3 years.

4 COUNCIL MEMBER ABREU: Thank you for that.  
5 Under the proposed zoning, is it possible for the  
6 building to be taller than proposed in your  
7 presentation?

8 SHLOMO STEVE WYGODA: No.

9 NEIL WEISBARD: No, because there's a  
10 special permit aspect of this.

11 SHLOMO STEVE WYGODA: Yeah.

12 COUNCIL MEMBER ABREU: Have you made  
13 changes to the bulkhead since making your initial  
14 proposal?

15 SHLOMO STEVE WYGODA: Yes. We're going,  
16 sorry...

17 NEIL WEISBARD: Right. We lowered it to 10  
18 feet.

19 COUNCIL MEMBER ABREU: What was it before?

20 NEIL WEISBARD: I believe our original  
21 plan was 12 to (INAUDIBLE) 12 feet.

22 SHLOMO STEVE WYGODA: Yeah, and we're also  
23 going to make it translucent. We're going to make it  
24 into glass to the extent we can.

2 COUNCIL MEMBER ABREU: So you'll be able  
3 to see to the other side?

4 SHLOMO STEVE WYGODA: Yeah, if you want to  
5 look in that direction, yeah.

6 COUNCIL MEMBER ABREU: We have some people  
7 who like to look at water.

8 SHLOMO STEVE WYGODA: So we're going to do  
9 that, and you've seen glass-enclosed elevators and  
10 all that. We're going to do that.

11 COUNCIL MEMBER ABREU: Is it also fair to  
12 say that you said in your presentation the building  
13 would be lower than the street, Riverside Drive  
14 itself, or... (CROSS-TALK)

15 NEIL WEISBARD: It's at the height of  
16 (INAUDIBLE) that's where it was capped at.

17 COUNCIL MEMBER ABREU: I'm only asking  
18 because there's been questions been raised by certain  
19 folks.

20 NEIL WEISBARD: Of course.

21 COUNCIL MEMBER ABREU: It's more something  
22 that it's my constituents who are asking about so I'm  
23 asking.

24 SHLOMO STEVE WYGODA: Sure.



2 COUNCIL MEMBER ABREU: Has outreach been  
3 done to try to fill the community facility space. I  
4 know you reached out to West Harlem Arts Alliance,  
5 Harlem Pride. Are you amenable to meeting other non-  
6 profits in the neighborhood as well?

7 NEIL WEISBARD: Yes, for sure. Anyone your  
8 office recommends, we'd be happy to reach out to and  
9 discuss community facility space.

10 COUNCIL MEMBER ABREU: Sounds great, and  
11 you can also do you know outreach on your own as well  
12 regardless of who we have to offer.

13 Have there been any businesses that have  
14 shown interest in the proposed commercial space. If  
15 so, which ones?

16 NEIL WEISBARD: We haven't marketed that  
17 yet so.

18 SHLOMO STEVE WYGODA: So just, very  
19 briefly, since I've been involved with this, the bike  
20 shop on the south end with the, I've done 3,000  
21 sidewalk cafes in New York and tons of restaurants so  
22 there's interest and I won't say from who in doing  
23 that. The bikes come down 12th Avenue, wrap around,  
24 and go up to the GW Bridge. It's a great spot to take  
25 a break.

2 NEIL WEISBARD: They actually have to get  
3 off the bike there and walk near the site and so.

4 SHLOMO STEVE WYGODA: Yeah, so there's a  
5 high interest on that location.

6 COUNCIL MEMBER ABREU: Without the proper  
7 approvals from Amtrak to build the cantilever over  
8 the rail right of way, what would be built there?

9 SHLOMO STEVE WYGODA: Say that again.

10 NEIL WEISBARD: I believe we would try to  
11 attempt to build a building without the cantilever.

12 SHLOMO STEVE WYGODA: I'm sorry. I didn't...

13 NEIL WEISBARD: If Amtrak didn't approve  
14 the cantilever...

15 SHLOMO STEVE WYGODA: I didn't  
16 understand. Oh.

17 COUNCIL MEMBER ABREU: I'll ask again.

18 SHLOMO STEVE WYGODA: Sorry, go ahead.

19 COUNCIL MEMBER ABREU: Yeah. Without the  
20 proper approvals from Amtrak to build the cantilever  
21 over the rail right of way, what would be built  
22 there.

23 SHLOMO STEVE WYGODA: Everything except  
24 the cantilever, and at a loss of residential units.

2 COUNCIL MEMBER ABREU: I have also heard  
3 from constituents about the risk of potential  
4 flooding here at this site. Can you speak to what  
5 potential risk of flooding there could be or what  
6 your mitigation plan would be if it's a likely site  
7 given this place near the water and it's placed in  
8 the lower levels.

9 KIERAN MEEHAN: Yeah, yeah. Kieran, SWA  
10 Architecture. Yeah, we're in two flood zones on X and  
11 E, and we basically raised the first floor to two  
12 foot seven and we're going to do wet flood proofing  
13 in the residential area and dry flood proofing at the  
14 commercial area and also take that into our site  
15 design.

16 COUNCIL MEMBER ABREU: So you've accounted  
17 for flooding as an issue.

18 KIERAN MEEHAN: Yeah.

19 SHLOMO STEVE WYGODA: (INAUDIBLE)

20 KIERAN MEEHAN: Yeah, we also raised the  
21 mechanical electrical boxes another two feet above  
22 that two foot seven.

23 COUNCIL MEMBER ABREU: We've also gotten  
24 complaints from constituents that there may be like a  
25

2 lot of noise and sound issues on the cantilever side.  
3 Are these walls soundproofed on the highway side?

4 SHLOMO STEVE WYGODA: These are solid  
5 walls. I'm sorry. We'll talk further, but we got the  
6 acoustical report. We're going to hire an acoustical  
7 firm to make sure that the noise doesn't penetrate.  
8 The cantilever is up above, the windows are facing  
9 the Hudson so there should be very little acoustical,  
10 but we want to make the quality of life for those  
11 residents good also so we're going to design it so  
12 that it has as little sound penetration as possible.  
13 You want to speak to that?

14 COUNCIL MEMBER ABREU: The application  
15 maps both MIH Options 1 and 2. Which MIH Option do  
16 you plan to use in the proposed development?

17 NEIL WEISBARD: Right now, 1, but I've  
18 spoken to ownership and they're willing to go Deep  
19 Affordability or and we're thinking Option One or  
20 Deep Affordability.

21 COUNCIL MEMBER ABREU: So Option 1 is  
22 feasible?

23 NEIL WEISBARD: Yes. That's the preferred  
24 option.

2 COUNCIL MEMBER ABREU: I have heard from  
3 constituents as well regarding the lack of public  
4 facilities like restrooms in the neighborhood. Do you  
5 have any thoughts on potential solutions to address  
6 this community concern?

7 NEIL WEISBARD: Yes. I actually spoke to  
8 the applicant yesterday, and they are open to a  
9 public bathroom on maybe one corner of the building  
10 in the north side.

11 COUNCIL MEMBER ABREU: It seems like it  
12 would be an area that that needs it, right, you have  
13 folks potentially riding bikes along the water, they  
14 may need a stop along the way.

15 NEIL WEISBARD: We think it'll be good too  
16 for the retail uses there so they're open to it.

17 SHLOMO STEVE WYGODA: And you have a  
18 garden on the north end so I know when you garden  
19 half the day, it would be nice to have a bathroom.

20 COUNCIL MEMBER ABREU: Well, we certainly  
21 love Jenny's Garden. You mentioned in your testimony  
22 beautifying our streets. Can you talk about what that  
23 would look like, the beautification?

24 NEIL WEISBARD: So it's all part of the,  
25 DOT has proposed improvements to 12th Avenue, and I

2 don't know if I could bring back that slide from my  
3 PowerPoint but basically this is DOT's plan. This was  
4 forwarded to us by City Planning when they were  
5 asking about the cracked sidewalk and they reached  
6 out to DOT, and DOT forwarded this so there'll be  
7 landscaping it, the sidewalks will be fixed, there  
8 will be eight-foot parking lanes, and also a shared  
9 vehicle and bike lane, and also street trees under  
10 the proposed development.

11 COUNCIL MEMBER ABREU: I just want to run  
12 back to a question I asked earlier. If for some  
13 reason you were to surrender the bulk special permit,  
14 could the proposed R7-2 then permit a building that's  
15 taller than what's proposed?

16 NEIL WEISBARD: It could, but the building  
17 wouldn't comply with the rear yard requirements so  
18 the 30-foot rear yards required. We could not build a  
19 feasible building without the waivers, without the  
20 special permit, and so we just couldn't drop the  
21 special permit and since it's so narrow a building, a  
22 feasible building could not be constructed.

23 COUNCIL MEMBER ABREU: Thank you. My last  
24 question is why is adaptive reuse of the site not  
25 feasible?

2 NEIL WEISBARD: Continuing the site as is?

3 COUNCIL MEMBER ABREU: Yeah, turning a  
4 building into something that it was not originally  
5 designed for.

6 NEIL WEISBARD: So the ownership did meet  
7 over the last, when they first purchased the  
8 property, with Columbia to see if it could be used  
9 for any purpose that Columbia had, and Columbia said  
10 the building was too small for what they were trying  
11 to do. They also met with the Brooklyn Brewery I  
12 believe and they were ready to enter into a lease  
13 actually but, when their architects and engineers  
14 looked at the site, they also said it was too small  
15 so when the applicant purchased the (INAUDIBLE)  
16 initially they didn't want to do any of this  
17 rezoning. They met with two parties where nothing  
18 could be done then they met with another party, said,  
19 well we could possibly do residential development  
20 here and that's why we proceeded with this  
21 application.

22 SHLOMO STEVE WYGODA: And also, just so  
23 you know, as I said, I worked on the commercial  
24 spaces and restaurants. We used to have the New York  
25 Yankees go there after games. We used to have, you

2 probably know Fernando Mateo run the club. I've  
3 worked with him for years and it lasted and it just  
4 died previous to.. (CROSS-TALK)

5 COUNCIL MEMBER ABREU: It was the P-H-U-K  
6 Lounge there?

7 SHLOMO STEVE WYGODA: Yeah, yeah, and  
8 before that it was an Asian Fusion restaurant.

9 COUNCIL MEMBER ABREU: I'm very familiar  
10 of that area.

11 SHLOMO STEVE WYGODA: Yeah. We had the ex-  
12 governor Patterson go there and have meetings, but it  
13 was a very difficult thing to continue which those  
14 things were tried before our client purchased the  
15 property to develop it and, as Neil said, he tried  
16 numerous other things so commercial uses for two  
17 floors just failed and it's going to continue to  
18 fail.

19 COUNCIL MEMBER ABREU: Chair, I have no  
20 more questions at this time.

21 CHAIRPERSON RILEY: Thank you, Council  
22 Member Abreu.

23 Council Member Bottcher, do you have any  
24 questions.



2 COUNCIL MEMBER BOTTCHEER: I would just  
3 like to commend my Colleague, Council Member Shaun  
4 Abreu, for his leadership on this application.  
5 There's nothing easier than coming out in opposition  
6 to something. I mean that's so easy. It's hard to sit  
7 down and negotiate something that's a win-win for the  
8 community which is what Council Member Abreu has  
9 done. There's people, both in his District and in the  
10 shelter system, who are desperately hoping for this  
11 application to get negotiated so congratulations,  
12 Council Member Abreu.

13 COUNCIL MEMBER ABREU: Thank you, Council  
14 Member, and we're still negotiating.

15 CHAIRPERSON RILEY: Thank you, Council  
16 Member Bottcher.

17 There being no more questions for this  
18 panel, this panel is now excused.

19 We do have people sign up to testify so  
20 I'm going to call on Rocki Brown and Barry Weinberg  
21 to come up to the panel.

22 For the members of the public here to  
23 testify, please note that witnesses will generally be  
24 called in panels of three.

2           If you are a member of the public signed  
3 up to testify on the proposal, please stand by when  
4 you hear your name being called and prepare to speak  
5 when I say you may begin. Please note that once all  
6 panelists in your group have completed their  
7 testimony, if remotely, you will be removed from the  
8 meeting as a group, and the next group of speakers  
9 will be introduced. Once removed, participants may  
10 continue to view the livestream broadcast of this  
11 hearing on the Council's website.

12           Members of the public will be given two  
13 minutes to speak. Please do not begin until the  
14 Sergeant-at-Arms has started the clock.

15           We will start with the two individuals  
16 who have signed up here, which is Ms. Rocki Brown and  
17 Barry Weinberg, and then we have eight people signed  
18 up virtually to testify so we will start first with  
19 Ms. Rocki Brown. Ms. Brown, you may begin.

20           ROCKI BROWN: Good morning. So I heard  
21 everything you guys were saying. However, no one  
22 spoke about the hazardous conditions, like my  
23 understanding is that there is petroleum in the soil  
24 so if we all start doing the construction, how that  
25 affect us in the community. I mean because it could

2 be very crippling on the body and no one mentioned  
3 that so I want to know like what's going on with that  
4 and my daughter had gotten sick some years back and  
5 she was very, she's healthy now, thank God, but she  
6 was healthy back then, she lost a lot of weight and  
7 was unable to walk because of the hazardous  
8 conditions in the neighborhood being built so what  
9 are you doing to ensure that that problem won't roll  
10 over into us so I'm on 135th Street. I'm between  
11 Broadway and Riverside Drive so I just want to know.  
12 No one spoke about it, no one spoke about the  
13 conditions so.

14 COUNCIL MEMBER ABREU: Chair, may I ask a  
15 question?

16 ROCKI BROWN: May I keep going or?

17 CHAIRPERSON RILEY: Yes, go ahead.

18 ROCKI BROWN: Yeah, so that's my main  
19 issue and just the hazardous condition, like what's  
20 going to happen, how you're taking care of it since  
21 it wasn't mentioned, and it's the concern, I'm also  
22 the President of the Association for Riverview, both  
23 1 and 2, and that is their main concern and that's  
24 what I have to say.

2 CHAIRPERSON RILEY: Thank you. Mr.  
3 Weinberg.

4 BARRY WEINBERG: Thank you. I'm Barry  
5 Weinberg, the First Vice Chair of Manhattan Community  
6 Board 9. We submitted a resolution in opposition to  
7 this application, and we have a lot of reasons listed  
8 there. The environmental conditions have been  
9 mentioned, but I want to talk today to correct some  
10 of the misrepresentations that have been presented  
11 about the existing structure. The existing structure  
12 is on a lot that was previously subdivided from its  
13 rear lot and is thus essentially over 100 percent  
14 overbuilt for its existing zoning and square footage.  
15 The failed tenancies have occurred because there is  
16 no power or water to the building when the street  
17 collapsed. Previously, the building was 100 percent  
18 leased by an operator who was opening three  
19 establishments there and was doing the work to begin  
20 when the street collapsed so the fact that there has  
21 been no tenancy for the past seven years is a result  
22 of the building not having any water or electricity  
23 because the building owner caused a street collapse  
24 that damaged the sewerage interceptor. The building  
25 is also not making any improvements to the

1 streetscape. The Community Board in conversation with  
2 DOT, DEP, DDC negotiated the scope of that repair  
3 project to include sidewalks on both the east and  
4 west side of the avenue as well as some ability to do  
5 murals on the wall adjacent to the Amtrak tracks, and  
6 so I think that like I want to correct this. This is  
7 an establishment, a building that has had successful  
8 commercial and industrial establishments up until the  
9 street collapse. It is already exceeding its existing  
10 zoned capacity due to a subdivision that resulted in  
11 substantial profits for the ownership of the lots,  
12 and their own environmental review has indicated that  
13 the contaminated soil, the adjacency to the highway,  
14 the adjacency of the railroad, and the presence in a  
15 floodplain merits an e-environmental hazard  
16 designation so you know we have communicated with  
17 Amtrak. Amtrak has expressed its deep concern that  
18 this rezoning was occurring before they had agreed to  
19 any development on the site and that those letters of  
20 concern I believe have also been submitted from  
21 Amtrak and from the Riverside Park Conservancy.,

22  
23 CHAIRPERSON RILEY: Thank you so much for  
24 your testimony.

25 Council Member Abreu.

2 COUNCIL MEMBER ABREU: No questions.

3 CHAIRPERSON RILEY: Thank you. There being  
4 no questions for this panel, this panel is excused.  
5 Thank you so much for testifying here today.

6 The first panel we're going to call  
7 online consists of Tiffany Khan, Shaneeka Wilson,  
8 Annette Robertson, and Basia Nikonorow, excuse me if  
9 I mispronounce your name.

10 We'll begin first with Tiffany Khan.  
11 Tiffany, if you can hear me please unmute and you may  
12 begin.

13 TIFFANY KHAN: Good afternoon, everyone.  
14 To the Council Member Eric Bottcher, have you  
15 actually read the resolution that Community Board 9  
16 sent in regards to this? Can you hear me?

17 CHAIRPERSON RILEY: Yeah, we can hear you  
18 Tiffany, but you're testifying right now.

19 TIFFANY KHAN: The reason why I'm asking  
20 is because when you come out publicly and say it's  
21 very easy to oppose a development like this, it is  
22 deeply frustrating and a gross misrepresentation of  
23 how the community feels about this development. I'm  
24 not going to reiterate the points that Barry Weinberg  
25 just stated, but you should perhaps just take a walk

2 through the neighborhood to get a sense of the size  
3 of this lot which is about as wide as a brownstone, a  
4 small single-family home, on one end, and you're  
5 going to put up, you, actually, you, the developer,  
6 have the audacity to propose a 14-story building on  
7 this site above an Amtrak track. The attorneys from  
8 Amtrak have twice told you you cannot build on this  
9 lot. And to degrade this as a matter of pretty views  
10 is absurd, it's false, and it shows how incredibly  
11 ignorant you are, and it's also in a FEMA flood zone  
12 so when the next Hurricane Sandy hits, it's going to  
13 be we, the taxpayers, that have to relocate those  
14 residents and let's be honest. More studios going to  
15 Columbia. This is not benefiting West Harlem, and I  
16 am tired of people like you that are ramming this  
17 down our throats.

18 CHAIRPERSON RILEY: Thank you, Ms. Khan.  
19 Next to testify, we're going to have Shaneeka Wilson.  
20 Shaneeka, if you can hear me you may begin.

21 SHANEEKA WILSON: All right. Thank you.  
22 Good afternoon, everyone. Really quickly, I just kind  
23 of want to reiterate what Council Member Holden said  
24 earlier in regards to Posy Corner, everything is not  
25 about profit. We have to encounter safety issues,

1 flooding issues. Again, as Ms. Khan just said, I  
2 don't need to reiterate everything that was already  
3 said and has been presented ad nauseum in testimony  
4 and in hearings. What I will just say is that you've  
5 mentioned you accounted for flooding but how will the  
6 residents leave their homes realistically, so the  
7 homes may not get flooded, the apartments may not get  
8 flooded because you're building that two-foot kind of  
9 ramp. They still have to leave their homes and go on  
10 about their day so you're aware that it's in a flood  
11 zone, you're taking measures to counteract it, but  
12 you can't counteract mother nature and, so to Ms.  
13 Khan's point, it's still going to be an issue. Those  
14 residents will still likely have to be displaced.  
15 There's so many points I want to make. I don't want  
16 to keep you all. I just will say air contamination,  
17 noise pollution. By the way, the MTA even asked that  
18 when developers are looking to build near their  
19 elevated trains that they consider 500 feet, and this  
20 obviously is not that, and then fumes, Amtrak fumes,  
21 which we've discussed, we talked about Jenny's Garden  
22 ad nauseam, and you're going to have an issue with  
23 those fumes for the residents so you've got the air  
24 pollution, you've got the noise pollution, you've got



2 flooding. This is not a good idea for residency. I  
3 don't know how to make it any clearer, and I think  
4 Councilman Abreu wants desperately to have housing in  
5 our District and I commend that. This is not the  
6 place for it. One last thing, Councilman Abreu, you  
7 did ask if it obstructs the view, but the bulkhead  
8 does. The bulkhead does obstruct the view so, yes, we  
9 have the riverbank on the side but it doesn't  
10 obstruct the view the same way a bulkhead will if  
11 you're going right to the vestibule to look over at  
12 the sunset over the water. Something to keep in mind  
13 that your residents..

14 SERGEANT-AT-ARMS: Your time is expired.

15 SHANEEKA WILSON: Do need to have, okay.

16 CHAIRPERSON RILEY: You can finish up, Ms.  
17 Wilson.

18 SHANEEKA WILSON: That's all, just that  
19 residents need to have a place to enjoy their lives.  
20 They're working two and three jobs to maintain their  
21 lives in the city. Thank you.

22 CHAIRPERSON RILEY: Thank you. Next, we're  
23 going to call Annette Robinson.

24 Annette Robinson, if you can hear me,  
25 please unmute and you may begin.

2 ANNETTE ROBINSON: Good afternoon, all,  
3 good day. As a 50-year resident of 135th Street and  
4 Broadway and a member of Manhattan Community Board 9,  
5 I come today along with the majority of the residents  
6 of this community who unfortunately aren't at this  
7 hearing opposed to this rezoning of 135th Street for  
8 the sole purpose of a developer who is determined to  
9 build housing on a lot that is over an Amtrak  
10 railroad, atop a sinkhole. It just makes absolutely  
11 no sense. Not to mention that it's a flood zone. We  
12 go through these conversations consistently with this  
13 developer. They come before Commissions  
14 disingenuously presenting facts that are not facts,  
15 they're not true, and so I simply ask our elected  
16 officials, City Councilman Shaun Abreu, I respect  
17 your desire to create affordable housing for this  
18 community. There is a commitment for that.  
19 Unfortunately, Councilman Bottcher, you are  
20 incorrect. This developer's project is not a win,  
21 okay. Borough President Mark Levine has the same  
22 desire to create housing for this community. He  
23 continues to support this project. This is not the  
24 answer so my ask in this hearing is that our elected  
25 officials that have the power to say no, please

2 listen to your constituents. This is not a win. We do  
3 not want this project, and we ask that you decline  
4 support because we do not want it. Thank you.

5 CHAIRPERSON RILEY: Thank you. We added  
6 one more person on this so we have two more people  
7 for this panel.

8 Next, I'm going to call Basia Nikonorow.

9 BASIA NIKONOROW: Hi. My name is Basia  
10 Nikonorow. I'm a long-term resident of this  
11 neighborhood. A lot of the views that I hold are  
12 shared, but I share a lot of the views of the people  
13 that have spoken before me. I also, as Barry  
14 mentioned, take issue with a lot of the inaccuracies  
15 that were presented at this presentation currently,  
16 and I take great issue with the fact that this was a  
17 site of failed businesses. I will echo what Barry  
18 said, there was a beloved restaurant, community  
19 restaurant in this neighborhood called Covo which had  
20 the very important role of bringing community members  
21 together but also working with the City to monitor  
22 the safety of this area, this tricky separate area  
23 and the stairs connecting to it in the evening. They  
24 always made sure that the lights were functioning,  
25 they advocated with Parks which is the Park's

2 property to have them repaired and also worked with  
3 our former local Council Members. I would like to  
4 also mention that the idea of having bike patronage  
5 for potential future commercial spaces is great, but  
6 this is pass-through. We need an evening activity  
7 here to be active. I take issue with the claim of  
8 minimal to no impact to the sight lines. As several  
9 people ahead of me have mentioned, the bulkhead, and  
10 also I'll remind you our city is now undergoing  
11 severe electrification and Local Law 97 has mandated  
12 electrification requirements for infrastructure that  
13 will also be populated up on that roof and among all  
14 the bulkhead. The idea of having glass that's partly  
15 translucent, I noticed that the word was to the best  
16 of our ability, is sounds incredibly misleading, and  
17 the fact that the owner has reached out to local  
18 businesses...

19 SERGEANT-AT-ARMS: Your time has expired.

20 BASIA NIKONOROW: Such as Columbia.

21 Honestly, they should come out to the community. We  
22 can reimagine this space and make it so that it  
23 benefits the community and not just re-enacting  
24 Robert Moses environmental justice inequities of  
25 putting poor people...

2 CHAIRPERSON RILEY: You can start wrapping  
3 up. Thank you.

4 BASIA NIKONOROW: Poor people in areas  
5 which are deeply flawed as a site for residential use  
6 adjacent to a six-lane highway. The air quality, as  
7 was mentioned earlier, the vibrations, the safety  
8 concerns of being...

9 CHAIRPERSON RILEY: Thank you.

10 BASIA NIKONOROW: Cantilevered over...

11 CHAIRPERSON RILEY: Thank you so much. You  
12 could present the rest of your testimony to us  
13 through writing. Thank you so much for testifying.

14 The last person on this panel I'm going  
15 to call up is Oscar Wang. Oscar, if you can hear me,  
16 please unmute and you may begin.

17 Oscar, if you can hear me, please unmute  
18 and you may begin. We're going to stand at ease to  
19 see if Oscar is still online. So Oscar dropped off of  
20 line so if you still want to testify on this  
21 application, you can still submit written testimony  
22 to [landusetestimony@nyc.council.gov](mailto:landusetestimony@nyc.council.gov).

23 We have another hearing on the special  
24 permits next week on September 24th.

2 Council Members, do we have any questions  
3 for this panel?

4 There being no questions for this panel,  
5 this panel is excused.

6 There being no other members of the  
7 public who is to testify on LUs 139 through 152  
8 regarding the 135th Street rezoning proposal, the  
9 public hearing is now closed, and the item is laid  
10 over.

11 I will now open the next hearing which is  
12 LU 153 relating to the demolition request regarding  
13 343 West 47th Street in Council Member Bottcher's  
14 District in Clinton Hill, Manhattan. The application  
15 seeks to proceed with the demolition of a building  
16 where work was stopped for failure to have the  
17 required demolition approvals.

18 For anyone wishing to testify on these  
19 items remotely, if you have not already done so you  
20 must register online and you must do that now by  
21 visiting the Council's website at  
22 [council.nyc.gov/landuse](http://council.nyc.gov/landuse).

23 Once again, for anyone with us in person,  
24 please see one of the Sergeants to prepare and submit  
25 a speaker's card.

2           If you would prefer to submit written  
3 testimony, you can always do so by emailing it to  
4 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

5           I would now like to give the floor to  
6 Council Member Bottcher for his remarks.

7           COUNCIL MEMBER BOTTCHER: Thank you,  
8 Chair. This applicant is pursuing a special permit  
9 for the partial demolition of an existing vacant  
10 four-unit residential building within the Special  
11 Clinton District. Demolition of more than 20 percent  
12 of a building in this District requires a special  
13 permit in order to protect the neighborhood from  
14 speculative development pressures. The owners of this  
15 building began demolition prior to obtaining the  
16 special permit permissions. Since requesting this  
17 permit, the owner has worked with the Community Board  
18 to identify practices and protocol to protect  
19 neighboring properties and community members. We want  
20 to make sure that the applicant follows through on  
21 these actions. Once completed, this project will  
22 convert a vacant four-unit building to a seven-unit  
23 building and will bring this building back into much  
24 needed residential use. I look forward to hearing the  
25 applicant presentation and updates.

2 CHAIRPERSON RILEY: Thank you, Council  
3 Member Bottcher.

4 I will now call the applicant panel for  
5 this proposal which consists of Lisa Orrantia.

6 Counsel, please administer the  
7 affirmation.

8 COMMITTEE COUNSEL VIDAL: Could you please  
9 raise your right hand and state your name for the  
10 record?

11 LISA ORRANTIA: Lisa Orrantia.

12 COMMITTEE COUNSEL VIDAL: Do you swear to  
13 tell the truth and nothing but the truth in your  
14 testimony today and in response to Council Member  
15 questions?

16 LISA ORRANTIA: Yes.

17 COMMITTEE COUNSEL VIDAL: Thank you.

18 CHAIRPERSON RILEY: Thank you. For the  
19 viewing public, if you need an accessible version of  
20 this presentation, please send the email request to  
21 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

22 Now, the applicant team may begin. I'll  
23 just ask that you please restate your name and  
24 organization for the record. You may begin.



2 LISA ORRANTIA: Good afternoon, Chair  
3 Riley and Council Member Bottcher and Members of the  
4 Subcommittee. My name is Lisa Orrantia. I'm from  
5 Ackerman LLP, land use counsel for the applicant.  
6 This application is for a special permit to allow a  
7 decrease of more than 20 percent of residential floor  
8 area in a building that is located in a Special  
9 Preservation Area of the Special Clinton District of  
10 Manhattan in Community District 4. The applicant  
11 proposes to remove the existing floor area and then  
12 restore it by enlarging the building to a greater  
13 amount of residential floor area. Next slide, please.

14 The site is on the north side of West  
15 47th Street between Eighth and Ninth Avenues. It's  
16 located immediately east of the Ramon Aponte  
17 Playground which is a small New York City park and  
18 west of the Professional Performing Arts High School.  
19 The building was originally a four-story one-family  
20 building constructed in the 1920s and was changed to  
21 a four-family building in 1989. The applicant  
22 purchased the property in 2018. All tenants moved out  
23 before January 2019. Portions of the first and fourth  
24 floors were in a deteriorated condition so the  
25 applicant applied for DOB permits to stabilize the

1 structure, which entailed the removal of  
2 approximately 1,200 square feet of floor area. DOB  
3 permits were issued in July of 2019 and October of  
4 2020. After work started, DOB conducted an audit and  
5 determined that more than 20 percent of residential  
6 floor area was being removed and told the applicant  
7 that a special permit was necessary. Next slide,  
8 please.  
9

10 The site has a lot area of 2,510 square  
11 feet. It's an interior lot with 25 feet of frontage  
12 on west 47th Street and a depth of about 100 feet.  
13 Next slide.

14 The project area is located in an R8  
15 zoning district mapped within the Special Clinton  
16 District's Preservation Area. In the Preservation  
17 Area, a special permit is required to remove more  
18 than 20 percent of residential floor area. This is in  
19 order to preserve and strengthen the residential  
20 character and protect the community from speculative  
21 development pressure. The application demonstrates  
22 the required findings in that the building will be  
23 substantially preserved by alteration permits to  
24 renovate or restore all four existing dwelling units  
25 and enlarge the building to a total of seven stories

1 and seven dwelling units. All former occupants  
2 vacated the building before January 2019. HPD issued  
3 certificates of no harassment. The most recent one is  
4 in effect until May of 2026. The number of new  
5 dwelling units and residential floor area is equal to  
6 the floor area demolished. Here, units are increasing  
7 from four to seven, and floor area is increasing from  
8 about 5,000 to 10,000 square feet. Next slide,  
9 please.

10  
11 The site photos show you protective  
12 equipment that is currently installed at the site.  
13 Next slide.

14 The proposed development is a seven-story  
15 building with seven apartments including the  
16 renovation, restoration of the four existing  
17 apartments, three additional floors with three new  
18 apartments, and a total of 10,296 square feet of  
19 floor area. The proposed action will further the  
20 Special District goal of facilitating rehabilitation  
21 and new construction character with the existing  
22 scale of the community. Next slide.

23 The development will comply with all  
24 applicable use and bulk regulations, maximizing floor  
25

2 area, and creating three new apartments as of right,  
3 and preserving a large rear yard. Next slide, please.

4 This slide summarizes the written  
5 commitments our client has made. Our client will  
6 continue to work with the Community Board and the  
7 adjoining residential neighbor to resolve all items.  
8 Earlier this week, the neighbor's attorney shared a  
9 revised draft access and protection agreement that  
10 incorporates terms that were discussed and accepted  
11 in concept on both sides. Our client is currently  
12 reviewing that revised draft and, while I was here  
13 today, my colleague at Ackerman was on a conference  
14 call with the Community Board to discuss these recent  
15 updates. Next slide, please.

16 In conclusion, this slide is showing an  
17 architect's rendering that shows an illustrative mix  
18 of brick and metal panels with glass. The brick  
19 matches older brick buildings in the neighborhood  
20 while the metal panel façade matches the newer  
21 buildings in the area. That concludes the  
22 presentation.

23 CHAIRPERSON RILEY: Thank you so much. I  
24 just have a few questions then I'm going to pass to  
25 Council Member Bottcher.

2 How much of the current building is torn  
3 down.

4 LISA ORRANTIA: So currently they've  
5 removed approximately 1,200 square feet.

6 CHAIRPERSON RILEY: When did you start  
7 this unlawful demolition.

8 LISA ORRANTIA: Unlawful in the sense that  
9 it required a special permit, it did start with DOB  
10 permits that were erroneously issued. That was in  
11 2019.

12 CHAIRPERSON RILEY: It's still unlawful  
13 because it did require a special permit.

14 LISA ORRANTIA: Correct.

15 CHAIRPERSON RILEY: Okay. What measures  
16 are you taking to protect neighbors and pedestrians.

17 LISA ORRANTIA: Well, currently, there's a  
18 sidewalk shed in place, and there's also protective  
19 equipment that protects the adjoining public park  
20 and, as I mentioned earlier, our client is currently  
21 in negotiations to develop a access and protection  
22 agreement with the adjoining building owner.

23 CHAIRPERSON RILEY: Lastly before I pass  
24 over to Council Member Bottcher, when do you expect

2 the completion of the demolition phase of this  
3 project.

4 LISA ORRANTIA: The demolition has  
5 completed so at this point the work is to commence  
6 the enlargement.

7 CHAIRPERSON RILEY: Thank you. Council  
8 Member Bottcher.

9 COUNCIL MEMBER BOTTCHEER: Community Board  
10 4 has described, there's been extensive conversations  
11 with you and your team, and there's been some  
12 requests for conditions to be met to ensure the  
13 safety of the site and the surrounding property. I  
14 understand you've been working to comply with the  
15 community requests, and I just wanted to run through  
16 some of them and get an update for you from you on  
17 the status of these, okay? Executing an agreement  
18 with the neighboring property to repair damages to  
19 341 West 47th Street prior to the City Planning  
20 Commission hearing.

21 LISA ORRANTIA: That's done.

22 COUNCIL MEMBER BOTTCHEER: Immediately  
23 complete pest abatement for rats and insects at 341  
24 West 47th Street.

25 LISA ORRANTIA: Also completed.

2 COUNCIL MEMBER BOTTCHEER: Ensure  
3 construction protection for neighboring properties  
4 through fences, lights, providing a cleaning and  
5 maintenance plan.

6 LISA ORRANTIA: Yes, also done.

7 COUNCIL MEMBER BOTTCHEER: Wasn't there  
8 like a missing section of a fence?

9 LISA ORRANTIA: Yeah, we've had  
10 conversations with the adjoining owner who sent us a  
11 photo of the missing section. We're aware of it, and  
12 the repairs have either been completed or are in  
13 progress.

14 COUNCIL MEMBER BOTTCHEER: Okay. Providing  
15 adequate construction protection for 341 West 47th  
16 Street for both roof and overall building.

17 LISA ORRANTIA: That will be covered in  
18 the pending access and protection agreement.

19 COUNCIL MEMBER BOTTCHEER: Work with the  
20 NYC DPR to develop a park protection plan for Ramon  
21 Aponte Park.

22 LISA ORRANTIA: Yes. When construction is  
23 ready to resume, a new permit will be needed from the  
24 Parks Department and will be obtained.

2 COUNCIL MEMBER BOTTCHEER: Increase the  
3 height of the sidewalk shed and provide adequate  
4 lighting.

5 LISA ORRANTIA: That's completed.

6 COUNCIL MEMBER BOTTCHEER: Provide updated  
7 floor plans with the location of the kitchen and  
8 bathroom, use of the cellar, and ADA accessibility  
9 for ground floor and elevator.

10 LISA ORRANTIA: Yes, that's done.

11 COUNCIL MEMBER BOTTCHEER: Relocate roof  
12 mechanicals to the east side of the building to  
13 mitigate shadows on the park. I understand that it  
14 was determined that that's not possible.

15 LISA ORRANTIA: Right, because the  
16 bulkhead is over the existing stairway, and to move  
17 it would require shifting the staircase so that's not  
18 possible.

19 COUNCIL MEMBER BOTTCHEER: Okay, so let's  
20 stay in touch with each other and ensure that  
21 everything is 100 percent completed, all the  
22 commitments that were made.

23 LISA ORRANTIA: Okay, will do.

24 CHAIRPERSON RILEY: Thank you, Council  
25 Members Bottcher.



2           There being no more questions for this  
3 panel, this panel is now excused.

4           Counsel, are there any members of the  
5 public who was to testify on 343 West 47th Street.

6           COMMITTEE COUNSEL VIDAL: No, Chair.  
7 There's no one online or in person to testify.

8           CHAIRPERSON RILEY: There being no members  
9 of the public who was to testify on LU 153 regarding  
10 the demolition request at 343 West 47th Street, the  
11 public hearing is now closed, and the items are laid  
12 over.

13           I will now open the last hearing for  
14 today, Pre-Considered LUs relating to the 2390  
15 McDonald Avenue proposal in Council Member Yeger's  
16 District in Gravesend, Brooklyn. The proposal seeks  
17 to develop a residential mixed-unit building with  
18 approximately 80 units. The rezoning would involve  
19 the mapping of Mandatory Inclusionary Housing and, as  
20 a result, part of the new housing would be affordable  
21 apartments.

22           For anyone wishing to testify on these  
23 items remotely, if you have not already done so, you  
24 must register online and you may do that now by  
25

2 visiting the Council's website at  
3 council.nyc.gov/landuse.

4           Once again for anyone with us in person,  
5 please see one of the Sergeants to prepare and submit  
6 a speaker's card.

7           If you prefer to submit written  
8 testimony, you can always do so by emailing it to  
9 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

10           I will now call the advocate panel for  
11 this proposal which consists of Eric Palatnik.

12           Counsel, please administer the  
13 affirmation.

14           COMMITTEE COUNSEL VIDAL: Can you please  
15 state your name for the record?

16           ERIC PALATNIK: Eric Palatnik.

17           COMMITTEE COUNSEL VIDAL: Do you swear to  
18 tell the truth and nothing but the truth in your  
19 testimony today and in response to Council Member  
20 questions?

21           ERIC PALATNIK: I do.

22           COMMITTEE COUNSEL VIDAL: Thank you, Eric.

23           CHAIRPERSON RILEY: Thank you. For the  
24 viewing public, if you need an accessible version of  
25

2 this presentation, please send an email request to  
3 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

4 Now, the applicant team may begin. I'll  
5 just ask that you please restate your name and  
6 organization.

7 ERIC PALATNIK: Sure. Thank you very much  
8 for your time. My name is Eric Palatnik, and I am  
9 representing the owner of 2390 McDonald Avenue, and I  
10 appreciate you giving me the time, Council Member,  
11 for Chairing the Committee and being the sole  
12 remaining Member here. It's actually a good one for  
13 you to be the sole remaining member here. We have the  
14 unanimous support of Community Planning Board 15, we  
15 have the support of the City Planning Commission, we  
16 have the support of the Borough President, and I do  
17 not believe we have anybody objecting to this  
18 application. It's one of the first developments that  
19 has affordable housing in this community in a very  
20 long time so we're happy to be here, and this is the  
21 application. It's at 2390 McDonald Avenue. Next  
22 slide, please.

23 I'll go through it quickly here for you.  
24 It's a proposed eight-story building that will have  
25 approximately 90,000 square feet, 4.6 FAR. It'll have

1 about 17,000 square feet of commercial floor area at  
2 the ground floor and about 74,000 square feet above,  
3 80 units of housing which 24 and 28 units will be  
4 affordable, and I'll call to your attention that when  
5 we met with City Planning Commission as well as with  
6 the Borough President, they asked us to add three-  
7 bedroom affordable units into the development so the  
8 plan that you don't have here but that will be  
9 approved, that we've submitted to City Planning  
10 Commission and we'll make sure the Council has it has  
11 that updated proposal to include three-bedroom  
12 affordable units. Next slide, please.

14           The site is located on McDonald Avenue  
15 right next to Gravesend Neck Cemetery which is the  
16 oldest cemetery in New York City having been created  
17 in the 1600s. There is a restrictive declaration that  
18 has been created to protect the cemetery. We are  
19 located right on, of course, the subway which you can  
20 see right in front of you, which is why C4-4L has  
21 been proposed.

22           If you can click forward two slides,  
23 please. This shows you again the site in relation to  
24 the subway and it's next to the F train so it's a  
25 suitable location for development like this, transit-

2 oriented, and if you can go to the next slide, I can  
3 show you the rezoning itself.

4 This is the zoning map, and we are taking  
5 a C8 zoning district and it will be rezoned to a, if  
6 you should approve this, to a C4-4L.

7 If you can click forward just so we don't  
8 waste the Council Member's time, maybe you could just  
9 click forward two or three slides to page 9, and that  
10 really gives you the whole development and you can  
11 see it all in its entirety and I could (INAUDIBLE)

12 This shows you the development from two perspectives.  
13 The one at the top of the screen shows you from  
14 Gravesend Neck Road or Village Road South, there's  
15 another name for it, and you could also see it from  
16 the bottom which is along McDonald Avenue, and you  
17 can see the way it's been designed so it takes  
18 advantage of the C4-4L district, four stories up to  
19 the subway and then it steps back.

20 Nothing else for me to tell you. That's  
21 the whole application. Thank you for your time.

22 CHAIRPERSON RILEY: Thank you so much,  
23 Eric. Just a few questions. Why are you proposing a  
24 C4-4L commercial district rather than mapping the  
25 residential district with a commercial overlay.

2 ERIC PALATNIK: The reason why and you may  
3 not be familiar with this because there's not that  
4 many applications along McDonald Avenue recently. The  
5 C4-4L district was created by the Brooklyn Office of  
6 City Planning specifically for being up against  
7 elevated trains, and what it allows for is the  
8 setback up above the fourth story or third story like  
9 I showed you a second ago which other districts don't  
10 allow for that setback at that location, and the  
11 reason for that setback is it pushes the tower back  
12 away from the elevated train so that the commercial  
13 uses are the lower floors and then the residents are  
14 the upper floors and that's a C4-4L. You'll really  
15 only see it along elevated trains.

16 CHAIRPERSON RILEY: You indicated that you  
17 plan on providing 120 parking spaces.

18 ERIC PALATNIK: Yeah.

19 CHAIRPERSON RILEY: How many are actually  
20 required?

21 ERIC PALATNIK: Not that many. 30 and, if  
22 City of Yes is approved, none will be required. This  
23 is hats off to you and the rest of the Council in the  
24 conversations you'll be having when this comes up.  
25 Some of the community boards when you get into the

2 more quasi suburban type settings such as this  
3 portion of Brooklyn feel very strongly that people  
4 all have cars and some households have two cars so  
5 when somebody such as myself comes in and tries to  
6 suggest that we have no cars or the minimum required,  
7 for example, Community Board 15, for example, will  
8 always retort with that doesn't fly with us and we'd  
9 like to see more parking so the owner here has the  
10 room, we've agreed to provide it. We do agree with  
11 him somewhat that there will be a need for it, but  
12 the other token, they asked us to do it.

13 CHAIRPERSON RILEY: And the bus stops, I  
14 saw (INAUDIBLE) the N was seven minutes away and the  
15 F is like right around... (CROSS-TALK)

16 ERIC PALATNIK: The F is right out front.  
17 Everything is right out front. It's well-serviced by  
18 mass transit.

19 CHAIRPERSON RILEY: So what is the  
20 breakdown of the unit types?

21 ERIC PALATNIK: The breakdown of unit  
22 types is between, I have a document here which I  
23 could find my notes, here you go. The breakdown of  
24 unit types is approximately 17 one-bedrooms, 41 two-  
25 bedrooms, and 22 three-bedrooms and, in that

2 scenario, 21 of those, that is 80 units, 21 of which  
3 will be affordable, and there'll be a breakdown  
4 within that of one-bedroom, two-bedroom, three-  
5 bedroom in the affordable. In that scenario, there  
6 will be 3 three-bedrooms and, as I said before, there  
7 were previously no three bedrooms in any scenario at  
8 all for the affordability so we've included that, and  
9 that's for Option 1. And Option 2, there are 4 three-  
10 bedrooms.

11 CHAIRPERSON RILEY: All right. Thank you  
12 for those studios. If the parking is limited, how  
13 many more units do you think the applicant can  
14 produce.

15 ERIC PALATNIK: Can't provide any more.  
16 We're not being limited by the unit count on the  
17 parking. It's going at the cellar level. Really, the  
18 only thing that we're not providing, we could provide  
19 maybe more space for commercial users...

20 CHAIRPERSON RILEY: Okay.

21 ERIC PALATNIK: Or maybe storage space for  
22 residential tenants and things like that, but we  
23 couldn't actually...

24 CHAIRPERSON RILEY: (INAUDIBLE) Electric  
25 charging station?



2 ERIC PALATNIK: We have that proposed in  
3 the development now, but there's really no more  
4 units. Parking is not the limiting factor here just  
5 because of the size of the property.

6 CHAIRPERSON RILEY: Okay. Last question.  
7 The proposed development site is located underneath  
8 the elevated MTA tracks. Can you please explain what  
9 measures will be taken to mitigate noise for  
10 prospective tenants, what measures will be taken to  
11 ensure privacy for prospective residential tenants,  
12 and are there setbacks, which you did mention there  
13 are setbacks for the elevated subway.

14 ERIC PALATNIK: Well, they're on their own  
15 for privacy. I don't know if you've ever ridden the 7  
16 train through Long Island City, but you do come right  
17 up against some windows when you do that.

18 CHAIRPERSON RILEY: Okay.

19 ERIC PALATNIK: It's up to them with their  
20 curtains. But as far as noise goes, the windows will  
21 be sound attenuated. A lot of the technology in  
22 windows is what you hear and see in airports. You  
23 walk through an airport, you don't hear the  
24 airplanes. That same technology is available in most  
25 residential applications, and there'll be windows

2 specified at those dBA levels that will allow for no  
3 sound to penetrate.

4 CHAIRPERSON RILEY: Thank you, Eric. There  
5 being no more questions for this panel, this panel is  
6 excused.

7 Counsel, are there any members of the  
8 public who wish to testify on 2390 McDonald Avenue?

9 COMMITTEE COUNSEL VIDAL: No, Chair.

10 CHAIRPERSON RILEY: There being no members  
11 of the public who wish to testify on Pre-Considered  
12 LUs regarding 2390 McDonald's rezoning proposal, the  
13 public hearing is now closed, and the items are laid  
14 over.

15 That concludes today's business. I would  
16 like to thank the members of the public, my  
17 Colleagues, Subcommittee Counsel, Land Use and other  
18 Council Staff, and the Sergeant-at-Arms for  
19 participating in today's meeting. This meeting is  
20 hereby adjourned. Thank you. [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 September 18, 2024