

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON PLANNING, DISPOSITIONS
AND CONCESSIONS

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December 5, 2013
Start: 1:46 p.m.
Recess: 5:07 p.m.

HELD AT: Committee Room
City Hall

B E F O R E: STEPHEN T. LEVIN
Chairperson

COUNCIL MEMBERS:

Inez E. Dickens
Peter A. Koo
Charles Barron
Letitia James
Diana Reyna
Mark Weprin

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

Chris Gonzalez
Assistant Commissioner
New York City Department of Housing
Preservation and Development

Charles Marcus
Director of Operations
Planning Division
New York City Department of Housing
Preservation and Development

Nadja Ratcliff
Director of Homeownership Programs
New York City Department of Housing
Preservation and Development

Ken Fisher
Attorney/Public Policy Consultant
Cozen O'Connor Law Firm

Wayne Hamilton
Facilities Director
Long Island University, Brooklyn, NY

William Kenworthy
Architect/Partner
Cooper, Robertson and Partners

John Suarez
Director of Athletics
Long Island University, Brooklyn, NY

Justin Gomez
Organizer
SEIU Local 32BJ

Carlos Galvez
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Kenrick Ou
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Darren Lipman
Greenpoint Resident
Brooklyn, NY

Jennifer Charles
Greenpoint Resident
Brooklyn, NY

Elizabeth Long
On Behalf of Greenpoint Resident
Brooklyn, NY

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Research Analyst
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On Behalf of Samuel Valle
Member
Local 32BJ SEIU

Jessica Ramos
On Behalf of Brian Cardona
Member
Local 32BJ SEIU

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Andrew Steininger
Vice President for Economic
Development
The Brooklyn Chamber of Commerce
On Behalf of Carlo Scissura
President/CEO
The Brooklyn Chamber of Commerce

Paimaan Lodhi
Vice President of Urban Planning
Real Estate Board of New York

Alexandra Hanson
Policy Director
New York State Association for
Affordable Housing

Andrew Hollweck
Vice President
New York Building Congress

Mark Chertok
Environmental Lawyer
Sive, Paget & Riesel

2 COUNCIL MEMBER DICKENS: [gavel] Good
3 morning. This opens the Planning, Dispositions and
4 Concessions Committee hearing of December the 5th,
5 2013. I am Council Member Inez Dickens. The chair
6 of this committee, Chair Levin, has a... he opened,
7 but he has a hearing right next door and I will be
8 taking his place momentarily. I want to announce
9 that we have members of the Planning Committee,
10 Council Member Peter Koo of Queens and Council
11 Member Charles Barron of Brooklyn, and we've been
12 joined at this committee hearing by Council Member
13 and Public Advocate-elect Tish James of Brooklyn,
14 but really of the City of New York.

15 [Pause]

16 COUNCIL MEMBER DICKENS: We're going to
17 open the hearing on Land Use Item Number 991, 503
18 Onderdonk Avenue in Brooklyn in Council Member
19 Reyna's district. We have for testimony Assistant
20 Deputy Commissioner of HPD, Chris Gonzalez and
21 Charles Marcus. Thank you.

22 ASSISTANT COMMISSIONER GONZALEZ: Good
23 afternoon, Chair and members of the subcommittee.
24 I am Chris Gonzalez, Associate Commissioner at HPD
25 and I'm...

2 COUNCIL MEMBER DICKENS: [interposing]

3 Is your mic on?

4 ASSISTANT COMMISSIONER GONZALEZ: Is it
5 not? Hello? Hello? Hello? Oh, it's on. Should
6 I speak up? Oh, closer, alright. How's that?

7 Good afternoon, members of the subcommittee. I am
8 Chris Gonzalez, Associate Commissioner at HPD. I
9 am joined by Charles Marcus, Director of Operations
10 for HPD's Division of Planning, Marketing and
11 Sustainability. Land Use Item 991 consists of a
12 proposed amendment to a previously approved project
13 located at 503 Onderdonk Avenue, Block 3405, Lot
14 11. On January 29th, 2003, the council approved
15 the disposition of 503 Onderdonk Avenue. The
16 original project required the sponsor to offer all
17 existing tenants two-year leases at their current
18 rents and sell to an income-eligible family that
19 would agree to owner-occupy the building for three
20 years. If the sponsor was unable to sell the
21 building, then with HPD's prior approval they'd
22 have the option to sell the building to a non-
23 eligible family or to rent the dwelling units. The
24 building contains four mixed use units and
25 currently the two ground floor units are being used

2 as an ambulance station for the Ridgewood Volunteer
3 Ambulance Corps. The two units on the second floor
4 are vacant. HPD has consented to the continued use
5 of the community facility spaces and ambulance
6 station; therefore, we are before the subcommittee
7 today requesting that the project be amended in
8 order to allow the sponsor to rent the upper units
9 to tenants with annual incomes at or below 165
10 percent of AMI, while keeping the ambulance station
11 in place. Council Member Reyna is supportive of
12 this amendment. We're happy to take any questions.

13 COUNCIL MEMBER DICKENS: Do any of my
14 colleagues have any questions? Council Member
15 Barron? Your mic.

16 COUNCIL MEMBER BARRON: Did you say 165
17 percent of the AMI?

18 ASSISTANT COMMISSIONER GONZALEZ: I
19 said up to 165...

20 COUNCIL MEMBER BARRON: [interposing]
21 Up to.

22 ASSISTANT COMMISSIONER GONZALEZ:
23 Percent of AMI.

24

25

2 COUNCIL MEMBER BARRON: So some
3 developer can actually go below that if they
4 choose.

5 ASSISTANT COMMISSIONER GONZALEZ: If
6 they choose, yes.

7 COUNCIL MEMBER BARRON: And I'm
8 supposed to feel real good about that with the...
9 [laughter]

10 ASSISTANT COMMISSIONER GONZALEZ: We
11 would encourage them to... we would encourage the
12 developer-owner to maintain the... to hopefully
13 rent out the units...

14 [crosstalk]

15 COUNCIL MEMBER BARRON: Could you just
16 let...

17 [crosstalk]

18 ASSISTANT COMMISSIONER GONZALEZ: At
19 affordable rates.

20 [crosstalk]

21 COUNCIL MEMBER BARRON: Everybody know
22 what 165 percent of the AMI is?

23 ASSISTANT COMMISSIONER GONZALEZ: 165
24 percent I believe is...
25

2 COUNCIL MEMBER BARRON: The AMI is
3 what, \$84,000? Is that it for...

4 ASSISTANT COMMISSIONER GONZALEZ: It's
5 about \$85,000 so...

6 [crosstalk]

7 COUNCIL MEMBER BARRON: \$85,000?

8 ASSISTANT COMMISSIONER GONZALEZ: So
9 165 percent of AMI for a family of four is
10 \$144,000.

11 COUNCIL MEMBER BARRON: \$144,000 and
12 what is the AMI of that neighborhood?

13 ASSISTANT COMMISSIONER GONZALEZ: I do
14 not have the AMI for the neighborhood, but I can
15 get that.

16 [crosstalk]

17 COUNCIL MEMBER BARRON: This is
18 critical information for a project that's coming
19 into a neighborhood and to... if we want to make
20 those units available for the people in the
21 neighborhood that would be critical information for
22 you to know. Do you have any idea or what about
23 the surrounding AMIs?

24 ASSISTANT COMMISSIONER GONZALEZ: I
25 don't have that information.

2 COUNCIL MEMBER BARRON: And what is
3 that area anyway?

4 ASSISTANT COMMISSIONER GONZALEZ: It's
5 Ridgewood.

6 COUNCIL MEMBER BARRON: Ridgewood?

7 ASSISTANT COMMISSIONER GONZALEZ: Yes,
8 so it's in Queens. [background voices]

9 COUNCIL MEMBER BARRON: Mm-hm. Thank
10 you.

11 COUNCIL MEMBER DICKENS: Council Member
12 Tish James.

13 COUNCIL MEMBER JAMES: Just following
14 up on the questions by Council Member Barron, are
15 you going to establish a grid? So for instance, a
16 certain number of units will be set offside for
17 individuals making obviously much lower than 100
18 and whatever percent of AMI and those who are you
19 know, for low, moderate and middle-income families?
20 I think that's a better program that should be
21 implemented in the City of New York as opposed to
22 up to 165 percent of AMI.

23 ASSISTANT COMMISSIONER GONZALEZ: So I
24 hear exactly what you're saying. You know, for
25 this specific program, these units are... those are

2 the terms of the program and a lot of the... most
3 of our programs, if not all of our programs, are
4 capped out at specific AMIs and those are set,
5 usually within state law.

6 COUNCIL MEMBER JAMES: Do you... does
7 HPD have the authority to set aside the program
8 that I'm describing?

9 ASSISTANT COMMISSIONER GONZALEZ: I'm
10 sorry, could...

11 COUNCIL MEMBER JAMES: Does HPD have
12 the authority to set aside a program; to establish
13 a program, which establishes x number of units for
14 low, moderate and middle-income families up to 165
15 percent of the AMI?

16 ASSISTANT COMMISSIONER GONZALEZ:
17 Depending on the program. The terms of the program
18 most of our lending authority comes either through
19 federal statute or state statutes, so they're
20 capped out based on law, but depending on the
21 finances of the specific project. This one is a
22 small project. It's only four units, but depending
23 on the financing of the project.

24 COUNCIL MEMBER JAMES: Two...

2 ASSISTANT COMMISSIONER GONZALEZ: Two
3 units and the...

4 [crosstalk]

5 COUNCIL MEMBER JAMES: Oh, it's two
6 units.

7 ASSISTANT COMMISSIONER GONZALEZ: Two
8 vacant units, right?

9 COUNCIL MEMBER JAMES: It's two vacant
10 units.

11 ASSISTANT COMMISSIONER GONZALEZ: Yes.

12 COUNCIL MEMBER JAMES: So what you're
13 saying is that you don't have the legal authority
14 to create a program which says the following: of
15 the units in this building, although it's up to 165
16 percent of AMI, let's say, five percent of those
17 units are for individuals making between... making
18 up to \$40,000 or \$30,000, the next group \$60,000,
19 the next group \$80,000 and then up to the maximum
20 of 165 percent of AMI. Do you have the legal
21 authority to create such a product?

22 ASSISTANT COMMISSIONER GONZALEZ: Well,
23 yeah, absolutely and really what normally happens
24 is it depends on the specific projects... on the
25 project and the financing of that project so...

2 [crosstalk]

3 COUNCIL MEMBER JAMES: So it's
4 project...

5 [crosstalk]

6 ASSISTANT COMMISSIONER GONZALEZ: We...

7 [crosstalk]

8 COUNCIL MEMBER JAMES: By project.

9 ASSISTANT COMMISSIONER GONZALEZ:

10 Right, so if there's... so there's the terms of...
11 there's the loan authority that we're given and the
12 terms of that loan authority.

13 COUNCIL MEMBER JAMES: Mm-hm.

14 ASSISTANT COMMISSIONER GONZALEZ: And
15 then anything... any deeper affordability depends
16 on really additional subsidy.

17 COUNCIL MEMBER JAMES: I see.

18 ASSISTANT COMMISSIONER GONZALEZ: So if
19 you know, if we have that additional subsidy to
20 allocate, then...

21 COUNCIL MEMBER JAMES: [interposing]

22 Mm-hm.

23 ASSISTANT COMMISSIONER GONZALEZ: We'll
24 get lower AMIs. If we don't, then it's really the
25 terms of the...

2 [crosstalk]

3 COUNCIL MEMBER JAMES: Yeah, it just
4 suggests to me that we should create, going
5 forward, a product such as that and that's a
6 conversation for the next Mayor of the City of New
7 York, but clearly given what you just described,
8 there's no incentive on the developer to offer
9 units at a lower rate. He would probably tried to
10 maximize his return and try to appeal to families
11 who are at the highest end of that spectrum, which
12 is \$144,000 for a family of four. Thank you.

13 COUNCIL MEMBER DICKENS: Alright,
14 there's one correction I want to make is that
15 Onderdonk includes the Ridgewood area. Council
16 Member Diana Reyna, in whose district this is?

17 COUNCIL MEMBER REYNA: Thank you very
18 much. This particular property was disposed of to
19 a non-profit by the name of Greater Ridgewood
20 Restoration for the purpose of making sure that the
21 Ridgewood Volunteer Ambulance Corps, which is
22 occupying what would be the first floor, to occupy
23 for community space what would be the response for
24 an opportunity to preserve the Volunteer Ambulance
25 Corporation of Ridgewood at 503 Onderdonk Avenue.

2 The issue as far as the two units above; this is a
3 three unit property, correct?

4 ASSISTANT COMMISSIONER GONZALEZ: Well,
5 it's...

6 [crosstalk]

7 COUNCIL MEMBER REYNA: Two units?

8 ASSISTANT COMMISSIONER GONZALEZ: The
9 two lower units, which are used by the Ridgewood
10 Ambulance and then the two upper units, which are
11 currently vacant.

12 COUNCIL MEMBER REYNA: And the issue
13 here as far as the housing is concerned... I had to
14 go into the next door committee hearing for zoning,
15 so I'm just trying to catch up on what issues were
16 raised regarding the property based on what you had
17 presented. So I apologize for...

18 COUNCIL MEMBER DICKENS: [off mic]
19 Council Member... Council Member, the main issue
20 that was raised by Council Member Barron was the
21 AMI, which the Assistant Deputy Commissioner
22 indicated was 165, and that meant percent up to,
23 not... that's the maximum, up to. A developer
24 obviously could do it for less and the maximum
25 income; the maximum would be \$144,000. That was

2 the main issue raised by both Council Member Barron
3 and by Council Member James; the concern of the
4 area residents. With all due respect, the
5 Commissioner was unable to provide the AMI of the
6 area or the surrounding area.

7 COUNCIL MEMBER REYNA: This is a
8 primarily homeowner, low rise area. This has less
9 than five units of housing primarily within the
10 area. There is... it's a primarily market rate
11 affordable neighborhood as far as the Ridgewood
12 Queens area is concerned. The subsidies that have
13 been attached to this is the land disposition and
14 this project dates back what would be at least
15 seven...

16 CHARLES MARCUS: [off mic] 2003 I think
17 it was?

18 ASSISTANT COMMISSIONER GONZALEZ: Yeah.

19 COUNCIL MEMBER REYNA: Yeah, 10 years
20 to be exact and so the affordable subsidies that
21 are attached to this is what?

22 ASSISTANT COMMISSIONER GONZALEZ:
23 There's no subsidies that are attached.

24 COUNCIL MEMBER REYNA: Correct. That's
25 what I thought.

2 ASSISTANT COMMISSIONER GONZALEZ: Yeah.

3 COUNCIL MEMBER REYNA: So the land
4 disposition as far as the property is concerned,
5 was to preserve what was the Ridgewood Volunteer
6 Ambulance Corps in a joint venture with the
7 Ridgewood... the Greater Ridgewood property owners
8 and the organization in need to preserve the
9 Volunteer Ambulance Corps knowing that there would
10 be cross-subsidizing of having the Volunteer
11 Ambulance Corps occupy those first two floors.

12 COUNCIL MEMBER DICKENS: now a
13 question, Council Member. The ambulance station
14 that's going to be on the first floor, will that be
15 paying rent to the families or is that going to be
16 occupied...

17 COUNCIL MEMBER REYNA: A nominal rent.

18 COUNCIL MEMBER DICKENS: A nominal
19 rent.

20 COUNCIL MEMBER REYNA: Correct, to help
21 assist with the payment of what would be the issues
22 of utilities.

23 COUNCIL MEMBER DICKENS: Who negotiates
24 that rent for the ambulance station?

25

2 COUNCIL MEMBER REYNA: The actual
3 organization, the developer non-profit, Greater
4 Ridgewood Restoration Corps.

5 COUNCIL MEMBER DICKENS: But the rent
6 once it's collected will be given to the homeowner
7 or...

8 COUNCIL MEMBER REYNA: The non-profit
9 is the homeowner...

10 [crosstalk]

11 COUNCIL MEMBER DICKENS: Yeah, that's
12 what I'm talking about.

13 COUNCIL MEMBER REYNA: And that is
14 collected to support what would be the maintenance
15 of the building.

16 COUNCIL MEMBER DICKENS: And the units
17 that the... rental units above will be for
18 community residents with an AMI up to 165.

19 COUNCIL MEMBER REYNA: Mm-hm.

20 COUNCIL MEMBER DICKENS: 'Kay, I just
21 wanted to be clear, so the first floor will be for
22 the ambulance service.

23 COUNCIL MEMBER REYNA: The first two
24 floors, correct?

25

2 ASSISTANT COMMISSIONER GONZALEZ: The
3 first floor and it's two units on the first floor.

4 COUNCIL MEMBER REYNA: Two units above.
5 Mm-hm.

6 COUNCIL MEMBER DICKENS: Thank you.

7 COUNCIL MEMBER REYNA: Thank you.

8 COUNCIL MEMBER DICKENS: Are there any
9 other...

10 [crosstalk]

11 COUNCIL MEMBER REYNA: And I'm in...
12 I'm sorry, Madam Chair. I'm in full support of
13 this project as far as the two above units, the up
14 to 165, I want there to be an understanding that
15 the market in the area; there is no market that
16 goes up to that particular AMI, but it is a private
17 market in the area of Ridgewood homeownership
18 primarily; landlord occupied homeownership that
19 stabilizes that community and we want to make sure
20 that we are sensitive to that and that the Greater
21 Ridgewood Restoration project is committed to both
22 the affordable housing as well as the community
23 facility use of the Ridgewood Volunteer Ambulance
24 Corps.

2 COUNCIL MEMBER DICKENS: So therefore
3 then the sale price and/or rents is market driven
4 in essence. Okay, thank you. Are there any other
5 questions from my colleagues? Seeing none, I will
6 close the public hearing on Land Use Item 991 and
7 open the public hearing on Land Use Item 992, 154-
8 11 118th Avenue in Queens in Council Member Wills'
9 district. We have for testimony again, HPD's
10 Assistant Deputy Commissioner Gonzalez and Nadja
11 Ratcliff.

12 NADJA RATCLIFF: Director of
13 Homeownership Programs.

14 COUNCIL MEMBER DICKENS: Could you
15 speak into the mic, please? Press the button.

16 [crosstalk]

17 NADJA RATCLIFF: Director of
18 Homeownership Programs.

19 COUNCIL MEMBER DICKENS: Alright, thank
20 you.

21 ASSISTANT COMMISSIONER GONZALEZ: Good
22 afternoon, Chair and members of the subcommittee.
23 I am Chris Gonzalez, Associate Commissioner at HPD
24 and I am joined by Nadja Ratcliff, Director of
25 Homeownership Programs. Land Use Item 992 consists

2 of a proposed UDAPP tax exemption for a property
3 located in Queens at 154-11 118th Avenue. In 2002,
4 the subject property, which is a single-family home
5 had been submitted to the City Council as part of a
6 cluster of homes proposed for sale under the
7 Neighborhood Homes Program. New York State statute
8 regarding UDAPP Applications requires the council
9 act within 150 days of submission. This property
10 was deemed approved once the 150 days elapsed.
11 Subsequently, the city conveyed the property to the
12 sponsor in 2004. Once the rehabilitation was
13 complete, the sponsor sold the property to the
14 current homeowner in 2007. Given that the project
15 was deemed approved, the associated UDAPP tax
16 exemption did not get approved; therefore, we are
17 before the subcommittee today seeking approval of a
18 tax exemption, which will have a term of 10 years.
19 Council Member Wills is supportive of this item.

20 COUNCIL MEMBER DICKENS: Do my
21 colleagues have any questions in regards to Land
22 Use Item 992?

23 [Pause]

24

25

2 COUNCIL MEMBER DICKENS: Alright, let
3 me ask you, Commissioner, 154-11, that's only the
4 one property that was in a cluster.

5 ASSISTANT COMMISSIONER GONZALEZ:
6 Right.

7 COUNCIL MEMBER DICKENS: So that's the
8 only one that's being removed from the cluster.

9 ASSISTANT COMMISSIONER GONZALEZ: Well,
10 the...

11 [crosstalk]

12 COUNCIL MEMBER DICKENS: Or is it the
13 whole cluster that's included in the application?

14 ASSISTANT COMMISSIONER GONZALEZ: No,
15 it's the one-family home.

16 COUNCIL MEMBER DICKENS: I'm sorry?

17 ASSISTANT COMMISSIONER GONZALEZ: It's
18 the one-family home, so there's a specific
19 adjust...

20 [crosstalk]

21 COUNCIL MEMBER DICKENS: And so and how
22 many use this? Is it one-family, two-family,
23 three-family, four-family?

24 NADJA RATCLIFF: [off mic] It's a
25 one...

2 COUNCIL MEMBER DICKENS: It's a one-
3 family.

4 NADJA RATCLIFF: It's a single-family
5 home.

6 COUNCIL MEMBER DICKENS: It's a single-
7 family home, alright. Do my colleagues have any
8 questions? And Council Member Wills approves?

9 ASSISTANT COMMISSIONER GONAZALEZ:
10 Correct.

11 COUNCIL MEMBER DICKENS: Alright, so we
12 will close the public hearing on Land Use Item 992
13 and open the public hearing... [background voice]
14 well, correction, we're going to couple 991 and 992
15 and at this time we will take a vote on just those
16 two.

17 [Pause]

18 LEGAL COUNSEL: A coupled vote on Land
19 Use Items 991 and 992. Chair Levin.

20 CHAIRPERSON LEVIN: I vote aye.

21 LEGAL COUNSEL: Council Member Barron.

22 COUNCIL MEMBER BARRON: I vote no on
23 991 and aye on 992.

24 LEGAL COUNSEL: Council Member Dickens.

25 COUNCIL MEMBER DICKENS: Aye on both.

2 COUNCIL MEMBER KOO: Aye on both.

3 LEGAL COUNSEL: Council Member Koo.

4 COUNCIL MEMBER KOO: Aye on both.

5 LEGAL COUNSEL: Alright, hang on one
6 second. Hang on one second. Land Use Item Number
7 992 is approved by a vote of four in the
8 affirmative, zero abstentions and zero negatives
9 and referred to the Full Land Use Committee. Land
10 Use Item 991 is approved by a vote of three in the
11 affirmative, one in the negative and zero
12 abstentions and is likewise approved and referred
13 to the Full Land Use Committee.

14 [Pause]

15 COUNCIL MEMBER DICKENS: Council Member
16 Barron, I do need you here for a minute longer.
17 We're going to... I'm closing on the 991, 992 and
18 we're opening... we're staying with... the hearing
19 is open and we're now opening on Land Use Item
20 Number 989, Long Island University in Council
21 Member Tish James' district. Who's here?

22 [Pause] [background voices]

23 COUNCIL MEMBER DICKENS: This panel
24 will consist of and welcome the Honorable Ken
25 Fisher; Wayne Hamilton. Is that correct? John

2 Suarez and William... help me, please. [background
3 voices] Kimworth? That... before you start your
4 testimony, would each of you gentlemen, and I will
5 start with the Honorable Ken Fisher if it's
6 alright, please give your name again.

7 KEN FISHER: Ken Fisher, Cozen
8 O'Connor, Counsel to Long Island University. I'll
9 ask my colleagues to introduce themselves and then
10 with your permission, Mr. Kenworthy, who is our
11 planner, he'll take you through the plan so you
12 know what we're here about and then Mr. Hamilton
13 and Mr. Suarez will tell you it's important to the
14 university and then I'll talk a little bit about
15 the process that's led us to this point, and we'll
16 be happy to answer your questions.

17 WAYNE HAMILTON: Wayne Hamilton,
18 Director of Facilities. All our facilities.

19 WILLIAM KENWORTHY: William
20 Kenworthy. I'm an architect at Cooper, Robertson
21 and Partners.

22 JOHN SUAREZ: John Suarez. I'm the
23 Director of Athletics.

24 WILLIAM KENWORTHY: So I'll start with
25 the slides behind you on the T.V.

2 COUNCIL MEMBER DICKENS: Please
3 identify yourself again.

4 WILLIAM KENWORTHEY: Sure.

5 COUNCIL MEMBER DICKENS: Each of you,
6 before starting any testimony.

7 WILLIAM KENWORTHEY: Not a problem.

8 William Kenworthy, a partner at Cooper, Robertson
9 and Partners. The slides are behind me on the T.V.
10 The Long Island University Campus in Brooklyn is
11 bound on the west side by Flatbush Avenue and Fleet
12 Street; on the north side by Willoughby Street; on
13 the east side by Ashland Place and on the south
14 side DeKalb Avenue. The university owns the
15 entirety of the block other than the public place
16 on the west side on Flatbush and the Brooklyn
17 Hospital lot on the bottom right hand corner, owned
18 by the hospital. It's across of Ashland Place.
19 The area of the fields that we're dealing with
20 today are on the northeast corner bounded by
21 Willoughby Street and Ashland Place. The
22 university has certain needs to expand the size of
23 the fields based on the dimension needed for
24 regulation Division One fields for play-off use.
25 Today they're forced to play some of the post-

2 season games off campus because of the tight
3 dimension of the fields today. Part of the program
4 for the design of the perimeter of the campus is
5 the integration of the fields and heading into a
6 new field enclosure, creating one identity along
7 Willoughby Street, maintaining service entrances
8 along Willoughby Street, providing bleacher seating
9 for various types of events that are permanent
10 along the Ashland Place side and providing a new
11 public entrance on the Ashland Place side, as well
12 as on the Willoughby Street corridor. Willoughby
13 Street is the main connector into Downtown
14 Brooklyn. It connects down to Fort Greene Park.
15 Ashland Place is very much a service street that
16 sits across from some of the uses for the Brooklyn
17 hospital. The idea is to try to create that as a
18 new front door for the Athletics Program. They've
19 got a new facility over there called The Wellness
20 Center. It's on the southern edge of the athletic
21 fields, so it's been built within the last few
22 years. In terms of the project area, we're dealing
23 with streetscape improvements from Fleet Street on
24 the northern side all the way along Willoughby
25 Street to the Ashland corner and then down the

1 entirety of the Ashland Place frontage past The
2 Wellness Center today. In terms of the
3 dispositionary that we're asking to acquire from
4 the existing wide right-of-ways, we're looking for
5 a 21-foot dimension along the Willoughby Street
6 corridor, which would leave a 15-foot sidewalk.
7 It's an accessibly wide sidewalk today. It was
8 modified as part of the superblock plan... sorry,
9 it was modified as part of the superblock plan.
10 Today, there's a 36-foot wide sidewalk in
11 existence, so we're going to acquire that land for
12 the field's expansion, and areas that we don't need
13 for the field expansion on the western side will be
14 left as a public access easement. On the Ashland
15 Place side, we're leaving 14 feet taking... excuse
16 me, asking for a 14 feet dimension and we're
17 achieving that by taking out the existing six foot
18 wide painted median in the middle of Ashland Place
19 and 18 parking spaces that are along the on street
20 edge of the sidewalk today. Those spaces have been
21 relocated to DeKalb Avenue already. In terms of
22 the streetscape project, we're proposing
23 improvements from Fleet Place, again, in a new
24 project called Fleet Plaza, a realignment of the
25

2 curb and we'll show you some more information on
3 that in a second. We are keeping a double width of
4 trees along the western side of Willoughby Street,
5 adding 47 trees along the entirety of the project,
6 many of them occurring on the western side of
7 Willoughby; a new fence enclosure around the
8 perimeter for the athletic fields that matches the
9 aesthetics of The Wellness Center from Willoughby
10 Street down to Ashland Place along the area's
11 expansion of the field. Again, I mentioned the
12 modifications to Ashland Place. We're narrowing
13 the upper portion curb to curb. It'll still allow
14 all the same traffic movements that are there
15 today. We just relocated parking spaces to DeKalb,
16 and two small structures or proposals are part of
17 this for the baseball bleachers with some
18 concessions and restrooms on Willoughby Street and
19 a small concessions over on Ashland Place near the
20 entry to the fields next to The Wellness Center.
21 So all this is in support of the renovation of the
22 fields to create the fields that meet the
23 dimensions required by NCAA Division One standards.
24 We're installing permanent bleachers along the
25 Ashland Place frontage as well as new field

2 lighting along the entire fields; enhancement of
3 the campus perimeter in terms of the design of the
4 fence to create more continuity with the design of
5 The Wellness Center; improved street lighting. All
6 the yellow dots that just flashed on the screen,
7 those are all existing lighting locations. We've
8 worked with DOT to create a set of lighting
9 standards that work for Willoughby Street that's
10 coordinated with their plans for all of Downtown
11 Brooklyn's Willoughby Street streetscape and as
12 well as the Ashland Place frontage. We're
13 replacing all of the existing locations with new
14 lighting standards. We're proposing public seating
15 along Fleet Plaza; all the red dots that showed up
16 with Willoughby Street as well as along the wall at
17 Ashland Place. The double alley of trees that I
18 mentioned earlier, keeping the existing mature
19 trees and adding additional trees of the same
20 similar scale and character of those trees; a
21 single line of new street trees along the
22 Willoughby Street eastern edge along the field's
23 expansion and down the Ashland Place edge; climbing
24 vines along the fence line at Ashland Place, and
25 these are the two entries that we're referring to

2 on Willoughby Street on Ashland Place, where will
3 be the main public entries into the fields.
4 There's also additional viewsheds, and the smaller
5 red arrows on the drawing allow for additional
6 views from the sidewalk into the fields and could
7 be used on major events for additional entries and
8 exits from the field. The red dots that just
9 popped up are your bike rack locations. This is
10 the relocation of the on street parking, which has
11 already moved by DOT onto DeKalb Avenue. Those
12 spaces didn't exist you know, as much as a year or
13 two ago. A new reconfiguration of the existing
14 parking count next to the Fleet Plaza project that
15 I mentioned, there's some existing spaces there
16 today. We're realigning the curb. We're not
17 losing any parking spaces as a part of that
18 improvement. That's my presentation.

19 KEN FISHER: [off mic] Do you have
20 those before and after pictures?

21 WILLIAM KENWORTHY: I do. I can flip
22 through those if you'd like. Ken has asked that I
23 show a couple more renderings of before and after
24 so...

25 [Pause]

2 WILLIAM KENWORTHEY: Okay, that image
3 is Ashland Place on the left hand side. You'll see
4 The Wellness Center on the... the image on the left
5 you see The Wellness Center on the left and the
6 existing fence line today, which is the blue
7 cycling fence on the right hand side. It looks
8 like the computer crashed, but you see a rendering
9 of the new fence line, the concessions and the new
10 curb alignment that I refer to in the drawing.

11 KEN FISHER: [off mic] Council Member,
12 Ken Fisher. Council Members, Ken Fisher. In the
13 packages we've given you the full presentation and
14 that includes before and after pictures, as well as
15 a lot of the details about the streetscape
16 improvements. The computer seems to be having
17 difficulty with the PowerPoint, and rather than
18 take the time to go through that, it's all in the
19 materials that you have before you. [off mic]
20 Introduce yourself, Wayne.

21 WAYNE HAMILTON: Wayne Hamilton,
22 Director of Facilities. Over at LIU, we've been
23 there for a long time and we aren't going anywhere.
24 We think this project not only would benefit LIU,
25 but it also will benefit our neighbors with the

2 number of improvements going on in Downtown
3 Brooklyn. We think a new streetscape and new
4 lighting, new song would definitely enhance this on
5 the neighborhood and it also would keep... the
6 expansion would also give us an opportunity to
7 allow our neighbors access to the facilities.
8 Thank you.

9 JOHN SUAREZ: John Suarez, Director of
10 Athletics at Long Island University, Brooklyn.
11 This is my 17th year here. Those are not familiar,
12 we are a Division One NCAA Program, along with...
13 one of the very few in the city along with St.
14 Johns', Manhattan and Fordham. We play a very
15 competitive schedule against very, very competitive
16 universities all over the country. What started
17 this project was our inability to host championship
18 play-off games because of the size and dimension of
19 our soccer and lacrosse fields. In the past, our
20 teams have had to play on other teams' fields in
21 hopes of winning a championship because our field
22 was not large enough. We have a very unique
23 situation, as five sports teams share one field, so
24 it is a very crucial project for us for the success
25 of our student athletes that this gets done and

2 gives them the opportunity to succeed further along
3 in the NCAA Championship sports. We obviously look
4 at our field also as a community field and right
5 now the PSAL and the Catholic leagues can also not
6 use our field. We would love to host their soccer
7 championships, but we can't because the field is
8 too short and they won't play on a regulation sized
9 field either. So it not only involves us; it
10 involves much more than just the LIU athletic
11 field. Obviously, being here 17 years, I've seen
12 the rebirth of Downtown Brooklyn and the
13 beautification of the project. This is a crucial
14 project for us, not only that, but also the
15 beautification and the fence that you currently see
16 is from 1951, so in 1951 the Brooklyn Dodgers were
17 still here, so the lights are from 1993. We
18 have... the facility is completely outdated and
19 we're well in need of something like this. Thank
20 you.

21 KEN FISHER: Council Members, Ken
22 Fisher again. So let me just put a little
23 perspective on this. What's before you is the
24 acquisition of a strip of sidewalk on two sides of
25 the campus. There's no zoning action involved;

2 there's no air rights involved. The university
3 wants to buy parts of double width sidewalk and
4 they're doing that because right now if the student
5 athletes, mostly women, mostly of color on the
6 soccer team and the lacrosse team are fortunate to
7 make it into a championship tournament, their home
8 games are being played on Long Island and New
9 Jersey or someplace else. For a school like LIU,
10 which stuck it out in the tough times in Downtown
11 Brooklyn; they've been there for 100 years; 12,000
12 students, being in a Division One League is
13 something that's important, not just for the
14 athletes themselves, but it's a point of pride for
15 the entire university. Some of you may follow the
16 Blackbirds there, their basketball team. This
17 project is long overdue. The sound system is a
18 boom box that dates from the '80s. It annoys
19 everybody that goes by. It'll be replaced. The
20 lighting also dates from the '80s. It needs to be
21 updated and replaces. Sometimes buses now park on
22 the sidewalk when teams come to visit. We've made
23 arrangements to address that as well. So from the
24 university's point of view, it's a critical project
25 in terms of updating the athletic fields and sends

2 a powerful message to the students that the
3 university cares and has some momentum behind it.
4 The Downtown Brooklyn community feels the same way.
5 The Chamber of Commerce testified at the City
6 Planning Commission, and not just from the point of
7 view of Downtown Brooklyn, but one of the elements
8 of this; you may wonder why if we're buying a piece
9 of sidewalk we had to show you trees and benches
10 and other things. Well, the university has
11 committed to the city to spend \$3.5 million to fix
12 up the sidewalk. In fact, the public realm
13 improvements will cost more than the athletic field
14 itself. They're going to be taking an area that's
15 now used for illegal parking and creating a public
16 plaza. They're going to be putting in trees and
17 benches, the design of which was approved by both
18 the Community Board and the Public Design
19 Commission. So they're making a real commitment to
20 improving the neighborhood and as a result of that,
21 let me tell you something remarkable that happened
22 in my experience, and this is not my first
23 barbeque. When we first launched this project, the
24 nearest residential neighbors was a co-op across
25 the street called University Towers. It's actually

2 on land that the university sold many years ago,
3 and folks in University Towers were concerned about
4 this because it means change. Was it going to
5 affect their traffic; no negative impacts according
6 to the studies? Were we going to fix up the lights
7 and the sound system, which had bothered people for
8 years? They had a lot of questions and we got put
9 through the wringer at the Community Board. We met
10 with the University Towers Board; we met with
11 residents. We had several public hearings of the
12 Community Board and we told them what our plans
13 were and what our commitments were including to an
14 open dialogue going forward, and guess what
15 happened at the City Planning Commission? The
16 University Towers' lawyer stood up and testified in
17 favor of our application and not only that, but
18 there were three or four residents of University
19 Towers who stood up and said, "When I first heard
20 about it, I was worried about it, but now that I
21 actually understand what it is I don't have a
22 problem with it." There was one issue having to do
23 with some construction stuff and what's going to
24 happen during construction and we're completely
25 committed... and it was addressed by City Planning

2 and we're completely committed to address that. We
3 don't think it's going to be an issue. So what you
4 have here is a project that was approved twice by
5 the Community Board overwhelmingly, once with
6 respect to the urban design elements for the Public
7 Design Commission; once with respect to what is
8 technically a demapping action. We have a project
9 that was recommended by the Brooklyn Borough
10 President. In fact in the out years, the Borough
11 President committed \$500,000. It's the only public
12 money that's involved with the project, at least at
13 the moment, but the Borough President supported the
14 project. It was unanimously approved at the
15 Planning Commission and we're asking the City
16 Council to approve the demapping action and the
17 disposition as well. So as somebody who lives not
18 far from here and is in Downtown Brooklyn on a
19 frequent basis, this is something that has more
20 positives going for it and to the best of my
21 recollection, there was no testimony at the
22 Planning Commission about the plan itself and the
23 application itself that was in any way negative
24 except with respect to the one concern about a
25 particular aspect of what might happen during

2 construction, which we've already addressed. So
3 given the strong positive impact that it would have
4 for the residents nearby, for the Downtown Brooklyn
5 community and its continued momentum, for the
6 university's reputation and for most importantly,
7 for the hundreds of students who have pride in
8 their student athletes, we would ask you to support
9 this application and we'd be happy to answer any
10 questions.

11 COUNCIL MEMBER DICKENS: Well, I want
12 to thank all of you for coming in for testimony. I
13 have a couple of questions before I open it up to
14 my colleagues. How many residents... well, how
15 many units are in University Towers?

16 KEN FISHER: It's multiple buildings.
17 I would say there's got to be...

18 COUNCIL MEMBER DICKENS: [interposing]
19 Approximately how many units?

20 KEN FISHER: Approximately 1,500.

21 COUNCIL MEMBER DICKENS: So...

22 [crosstalk]

23 KEN FISHER: Of which, by the way, the
24 university... it's... maybe it's 1,000, I'm not
25 sure but...

2 COUNCIL MEMBER DICKENS: Alright,
3 multiple buildings, approximately 1,500 units.

4 KEN FISHER: Yeah, and a number of
5 which house LIU faculty and stuff.

6 COUNCIL MEMBER DICKENS: I understand,
7 I understand, and how many did you say came down?
8 How many of those residents of those 1,500 came
9 down and provided testimony?

10 KEN FISHER: I think there were three
11 or four at the Planning Commission. Four is my
12 recollection, as well as University Towers as a co-
13 op engaged a lawyer and the lawyer came and
14 testified on behalf of the Board of Directors in
15 favor.

16 COUNCIL MEMBER DICKENS: Alright and
17 pardon my ignorance, but I need to... I wanted to
18 have an understanding. The Long Island Hospital is
19 right across the street, is it not?

20 KEN FISHER: Brooklyn Hospital is
21 across the street.

22 COUNCIL MEMBER DICKENS: Alright and
23 there's a garage on the other side of it?

24 KEN FISHER: Yes.
25

2 COUNCIL MEMBER DICKENS: Alright and
3 what's going to happen with the parking along
4 Ashland Place? There's parking; currently metered
5 parking...

6 KEN FISHER: [interposing] Mm-hm.

7 COUNCIL MEMBER DICKENS: According to
8 this there's metered parking. Now, tell me what's
9 going to happen with that metered parking for those
10 who don't want to go into the garage or are there
11 for a very short time.

12 KEN FISHER: There were 18 parking
13 spaces that were going to be impacted by our plan
14 and in the spring, Community Board raised that
15 issue with us, so we worked... our Traffic
16 Engineer, Philip Habib, worked cooperatively with
17 the Department of Transportation and we identified
18 18 new spaces that could be created on DeKalb
19 Avenue simply by changing it from no parking areas
20 to areas where parking were allowed. So those new
21 spaces were created over the summer so we could
22 make sure that they did not create new traffic
23 problems. They have worked successfully. There
24 hasn't been a single complaint about them and so
25

2 those 18 spaces have already been replaced without
3 concern.

4 COUNCIL MEMBER DICKENS: Now...

5 [crosstalk]

6 KEN FISHER: Their parking regulations
7 are different. The hours may be different, but in
8 terms of number of parking spaces, 18 will be lost;
9 18 have been created.

10 COUNCIL MEMBER DICKENS: Now, the 18
11 that will be lost, are they in existence today?

12 KEN FISHER: I believe so.

13 COUNCIL MEMBER DICKENS: And then what
14 about the 18 that's on DeKalb that you just spoke
15 about?

16 [crosstalk]

17 KEN FISHER: Those are also...

18 [crosstalk]

19 COUNCIL MEMBER DICKENS: How many...

20 KEN FISHER: [interposing] Those have
21 already been...

22 [crosstalk]

23 COUNCIL MEMBER DICKENS: They've been
24 opened up...

25 [crosstalk]

2 KEN FISHER: Right.

3 [crosstalk]

4 COUNCIL MEMBER DICKENS: Already.

5 KEN FISHER: Yes so unlike...

6 [crosstalk]

7 COUNCIL MEMBER DICKENS: So then...

8 then there's 36 opened right now.

9 KEN FISHER: There's 36 open now,
10 but...

11 COUNCIL MEMBER DICKENS: [interposing]
12 As a result, I understand. As a result there's 36.

13 KEN FISHER: Right.

14 COUNCIL MEMBER DICKENS: And so the
15 community has gotten used to 36 spaces now and they
16 are going to be cut back to 18...

17 KEN FISHER: [interposing] But...

18 COUNCIL MEMBER DICKENS: Which is was
19 originally... yeah, I mean I got it, I got it.

20 KEN FISHER: And one more thing on
21 that, Council Member, which is that some of those
22 spaces are directly in front of what the university
23 calls its Wellness Center...

24 COUNCIL MEMBER DICKENS: [interposing]
25 Right.

2 KEN FISHER: Which is a facility that
3 provides therapeutic services; it's a training
4 facility, but it also provides many services,
5 particularly for the elderly; water therapies, a
6 whole variety of programs. One of the things that
7 we identified during the course of the process is
8 that there is no place for Access-A-Ride or any
9 other transportation for the elderly to pull up in
10 front of the building because of the parking
11 spaces.

12 COUNCIL MEMBER DICKENS: Now is this on
13 Ashland that we're talking?

14 KEN FISHER: Yeah, on Ashland, so even
15 if none of this were going on, I think the
16 university would be asking to have the parking from
17 directly in front of The Wellness Center removed
18 anyway, so in my mind at least I don't think of it
19 as 18 spaces. I think of it at more like 15 or 16
20 spaces because there probably shouldn't be parking
21 in front of that building...

22 COUNCIL MEMBER DICKENS: No, as tough
23 as parking is...

24 [crosstalk]

25 KEN FISHER: Anyway.

2 COUNCIL MEMBER DICKENS: In Brooklyn, I
3 appreciate when there's 36, 34 or 30, but now I
4 want to get an understanding on the Access-A-Ride.
5 Is there space currently now for Access-A-Ride to
6 pull in to allow for the seniors or those that are
7 physically challenged? Will that be created under
8 this?

9 [crosstalk]

10 KEN FISHER: Yes.

11 COUNCIL MEMBER DICKENS: Now, I have...

12 [crosstalk]

13 KEN FISHER: It's not part of our...

14 [crosstalk]

15 COUNCIL MEMBER DICKENS: A

16 suggestion...

17 [crosstalk]

18 KEN FISHER: Plan... yeah, it's not
19 part of our plan, but we've already had
20 conversations with DOT and the answer to that would
21 be that it's our understanding there will not be
22 parking in front of The Wellness Center.

23 COUNCIL MEMBER DICKENS: But Access-A-
24 Ride will be allowed.

25 KEN FISHER: Absolutely.

2 COUNCIL MEMBER DICKENS: Now what about
3 on Willoughby? There's metered parking. How many
4 spots are on Willoughby 'cause there's currently
5 metered parking on Willoughby? [background voice]

6 KEN FISHER: We don't know the count,
7 but we're not removing anything.

8 COUNCIL MEMBER DICKENS: I'm sorry?

9 KEN FISHER: I don't know what those
10 numbers are because none of that parking on
11 Willoughby is changing.

12 COUNCIL MEMBER DICKENS: So that's
13 going to remain.

14 KEN FISHER: Correct.

15 COUNCIL MEMBER DICKENS: Mm-hm.
16 Alright, I'm going to open up questions to my
17 colleagues. Well, to my one colleague that stayed
18 with me, Council Member Tish James.

19 COUNCIL MEMBER JAMES: Thank you, Madam
20 Chair. Isn't it true that the wellness program,
21 we've cut back on the number of programs for
22 seniors?

23 KEN FISHER: Not to the best of my
24 knowledge.

25

2 COUNCIL MEMBER JAMES: It's my
3 understanding that we've reduced services
4 significantly for the seniors 'cause I've heard
5 from a significant number of them in the
6 neighborhood in addition to my...

7 [crosstalk]

8 KEN FISHER: Alright, Council Member,
9 if I can respond to that, that is... if that's a
10 concern it's not one that's been communicated to
11 us. We toured the building with the chair of the
12 Community Board and the district manager over the
13 summer...

14 COUNCIL MEMBER JAMES: [interposing]
15 Mm-hm.

16 KEN FISHER: And if we can get back to
17 you on that and if it's a question of funding, we
18 would be happy to work with you to secure
19 additional funding for that purpose, but that's not
20 a concern that's been raised to the university to
21 the...

22 [crosstalk]

23 COUNCIL MEMBER JAMES: Yeah.

24 [crosstalk]

25 KEN FISHER: Best of my knowledge.

2 COUNCIL MEMBER JAMES: It was primarily
3 access to the pool that was cut back. I know that
4 for a fact and I know it had to do with funding.
5 Will the public have access to the field?

6 KEN FISHER: I think that's something
7 that's under discussion. The university makes the
8 field available now for a limited number of leagues
9 of different kinds that are not directly related to
10 the university. We've had a lot of discussion
11 about trying to make that more available. There
12 was actually some resistance to that...

13 COUNCIL MEMBER JAMES: [interposing]
14 Mm-hm.

15 KEN FISHER: From some members. I'm
16 not saying the University Towers Board itself...

17 COUNCIL MEMBER JAMES: [interposing]
18 Mm-hm.

19 KEN FISHER: Felt that way, but there
20 were some members of the University Towers Board
21 that when we met with them they were actually
22 against it, and the same thing; the Community Board
23 did not take a position on. We invited them to
24 give us a recommendation one way or the other.
25 What will not happen is that the university will

2 not just open its gates and have anybody who wants
3 to come in. It would have to be by permit and
4 that's for security reasons. You're going to
5 understand when you're responsible for the lives of
6 young people, that campus security is maintained,
7 but I think it's... there's a willingness on the
8 part of the university and I'm doing all the
9 taking, but we can ask Mr. Hamilton to confirm
10 that, but the university is definitely open to
11 that, it is exploring it and I think that once the
12 field is actually built, they'll have a better idea
13 of their ability to accommodate outside use.

14 COUNCIL MEMBER JAMES: So in addition
15 to University, there's also Kingsview, which is on
16 Ashland Place; Kingsview, right? It's another
17 development. It's another co-op, which is right
18 across the street from this field as well. You
19 border it. I know you've talked a lot about
20 University, but Kingsview residents are also
21 concerned, and let me just go on to say I recognize
22 that the leagues are winning leagues. I have
23 applauded them; I have awarded them; have honored
24 them and have attended a number of the games, but
25 there still remains to be a number of concerns with

2 regards to this project; this expansion.

3 [background voice] In addition, you mentioned the
4 City Planning hearing. As you know, I testified in
5 opposition, as well as the Assembly Member.

6 Assembly Member Walter Mosley was present and there
7 were a number of members of a union known as 32BJ
8 and they expressed opposition, particularly as it
9 relates to the security officers' employment by the
10 university and issues that they are dealing with,
11 and of today, the university has opposed any
12 efforts to address the concerns of those security
13 workers, who are primarily individuals who
14 represent the working people in the City of New
15 York, who basically want to organize and be
16 recognized and would like to be respected and
17 unfortunately, there's been a lack of disrespect
18 coming from the university towards working people
19 in the City of New York. And so, although this
20 project is subject to the approval of the City
21 Council, I believe the City Council really needs to
22 take a stand with regards to a larger issue and
23 that is how we treat its workers; how we treat all
24 workers, but specifically the workers at LIU, and
25 as of today, there have been no discussions...

2 there have been discussions, but there's no
3 agreement with regards to the conditions of these
4 security men and women and the concerns that they
5 have brought to my attention, the Assembly Member's
6 attention, the Senator's attention, as well as the
7 Congress Member, who represents this district. And
8 so, someone's got to take a stand and
9 unfortunately, this project may be caught in the
10 crosshairs of a larger discussion related to the
11 well-being of workers in the City of New York. You
12 all know this past election really represented a
13 change. We made a radical left turn and I am part
14 of that change and clearly, if I'm right now in a
15 position to use this as... this project as an
16 example of the vision for the city and the
17 priorities of this City Council going forward. So
18 I want to ask you what is the status of
19 negotiations with security officers at LIU
20 currently?

21 KEN FISHER: Thank you for asking that
22 question 'cause I want to make sure that the record
23 is clear, so whatever action the council takes on
24 this we all understand exactly what the issues are
25

2 based on the facts. First of all, I want to say
3 with respect to the other...

4 COUNCIL MEMBER JAMES: [interposing]
5 Let me just say that there are additional facts.
6 That's just one fact.

7 KEN FISHER: Okay.

8 COUNCIL MEMBER JAMES: There were other
9 factors related to the zoning application and this
10 demapping, which directly relate to what we are
11 voting on, but in addition to that, it includes the
12 treatment of workers. Let's be...

13 [crosstalk]

14 KEN FISHER: Yeah.

15 COUNCIL MEMBER JAMES: If you want to
16 set the record straight.

17 KEN FISHER: 'Kay, so let's start with
18 this no zoning action. There's a demapping action
19 and a disposition action. Secondly, with respect
20 to the other housing development picture mentioned,
21 I'm not familiar with them, and at no time during
22 the multiple public hearings as the project has
23 gone forward do I believe anybody from that
24 development or anyone else in Downtown Brooklyn
25 testified. With respect to the 32BJ workers, who

2 testified at the City Planning Commission and I was
3 present for, what I heard very clearly from all of
4 them; what they said was that they wanted to be
5 treated with respect and that they worked hard for
6 the university and many of them spoke favorably
7 about 32BJ, as well they should. I did not hear
8 anybody specifically say at that time that they
9 wanted the project killed, although that may be
10 different today. So let's talk about LIU and
11 unions. LIU's workforce currently includes
12 employees who are represented by seven different
13 unions and I don't believe that you've heard about
14 any labor discord, at least in my memory, with
15 respect to any of them.

16 COUNCIL MEMBER JAMES: Oh, I've heard
17 of it.

18 [crosstalk]

19 KEN FISHER: And the... excuse me. And
20 with respect to those seven unions, one of them is
21 32BJ, and 32BJ represents the janitorial workforce
22 at Long Island University and that... and they have
23 a collective bargaining agreement and it has been
24 in place for many years. There were 19 security
25 officers who were employed by the university. They

2 are not currently represented by a collective
3 bargaining organization. As we may know, under the
4 Federal Labor Relations law, there are two ways
5 that a union can seek to be recognized as the
6 collective bargaining agent. One is that they can
7 file a petition and that would... with an NLRB, and
8 that results in a secret ballot election and the
9 outcome of that is up to the workers themselves.
10 The other way that they can do it is by signing
11 cards that they want to be members of the union,
12 and if a majority of the bargaining unit signs
13 those cards, they can ask the employer to recognize
14 them and enter into a collective bargaining
15 situation and negotiate the first contract. It is
16 my understanding that 32BJ has not presented cards
17 from a majority of their workers or from any of the
18 workers, for that matter, to the university asking
19 to be recognized. Rather, it's my understanding
20 that what they have asked the university to do is
21 to enter into what's known as a neutrality
22 agreement, which means that if they decide to go
23 talk to the workers, which we expect they would.
24 If they go to organize the workers, the university
25 will stand silent during the course of that... of

2 that effort. Now, sometimes employers will do
3 that; sometimes they'll resist it. Well, where is
4 LIU in this process? And the answer is that LIU
5 has a new president. She's only been the president
6 for a few months. She's new to the situation.
7 There have been some meetings between the
8 leadership of LIU and the leadership of 32BJ. We
9 expect that those meetings will continue because
10 what the administration has said is we need to
11 think about this. We want to make sure that we're
12 comfortable. We have some history with respect to
13 the bargaining unit of janitors. Sometimes that's
14 good; sometimes that's bad. That's the history of
15 collective bargaining. You know, sometimes you
16 have good years and bad years and hopefully over a
17 period of time, people are able to work out their
18 differences. That's why we have the labor laws,
19 but in this situation, they don't know whether they
20 are going to stand down and leave it up to the
21 union to talk to the workers without any comment by
22 the university or whether they would like to talk
23 to the workers themselves and tell them what their
24 perspective on that is. They don't even know
25 exactly what it is that they want to know before

2 they can make a decision because the situation is
3 too new and quite frankly, the engagement hasn't
4 progressed to that point. That's a function of the
5 ULURP clock you know, that we are at state without
6 those circumstances having arisen and it might've
7 been different if President Steinberg, who had been
8 there for many years, was still there, but he's not
9 and the new president at this point in time simply
10 isn't prepared to stand mute, so what I can say to
11 you on behalf of the university is that the door to
12 that conversation is opened. The university has
13 been met with the leadership of 32BJ; they are
14 prepared to continue to meet with the leadership of
15 32BJ. The union has suggested that they speak to
16 other employers about what their experience has
17 been. That process has started. They just haven't
18 come to a conclusion yet, so...

19 [crosstalk]

20 COUNCIL MEMBER JAMES: So I... so I...

21 [crosstalk]

22 KEN FISHER: That's possible and at the
23 end of the day, that 32BJ will represent the
24 officers, just like they represent the janitorial
25 staff and just like there are six other unions at

2 the university, but at the moment, the university
3 is not prepared to say that they're going to stand
4 silent when 32BJ goes to organize those workers.

5 COUNCIL MEMBER JAMES: So clearly the
6 university has not stood silent; in fact, the
7 university has stood in the way of men and women
8 trying to organize, but and notwithstanding the
9 fact that we have a new president, Gale Haynes is
10 responsible for the negotiation and Gale Haynes,
11 who's the provost, has been at LIU for eons and for
12 a number of years. That notwithstanding, the fact
13 is is that that's just one issue related to the
14 objection of this disposition and the fact is is as
15 you clearly... well, you didn't note, but you were
16 surprised to note that there is another development
17 right across the street known as Kingsview and just
18 based on the surprise and the look at the... and
19 the fact that you're making... you're looking at
20 your colleague's faces, you were unaware that
21 there's another development across the street known
22 as Kingsview and they, too, have expressed concerns
23 with respect to this disposition and with respect
24 to this application and...

25 [crosstalk]

2 KEN FISHER: But they haven't expressed
3 in thoughts.

4 [crosstalk]

5 COUNCIL MEMBER JAMES: And they...
6 excuse me. It includes... but I am telling you it
7 includes, but is not limited to the following: the
8 fact is is that there are concerns regarding noise
9 from the athletic field; lights coming from the
10 athletic field; the lack of parking as a result of
11 demapped city streets; the lack of parking as a
12 result of increased traffic during game days;
13 street closures during the field on game days; in
14 addition to the fact, the absence of a detailed
15 security plan for the field, and those are
16 legitimate concerns that have yet to be addressed
17 and until such time as those issues are addressed,
18 I would urge my colleagues to vote no on this
19 application.

20 KEN FISHER: So I'm happy to address
21 every one of those right now. With respect to the
22 lighting, we agree it needs to be improved. If the
23 application is approved and the project moves
24 forward, the lighting will be redesigned using new
25 technology that minimizes light pollution. With

2 respect to the sound system, we agree, the sound
3 system is antiquated and is a form of pollution.
4 Even though Mr. Suarez has limited the hours in
5 which it's played, the fact is it's not a great
6 system. If the application is approved and the
7 project moves forward, the sound system will be
8 replaced with... we're in the process of engaging
9 an acoustical engineer, specifically with
10 instructions to design it in such a way to minimize
11 impact on the surrounding area. There is no street
12 closures. That is a... I think it's a
13 misunderstanding that's come from the fact that
14 technically this is a street demapping action
15 because in the ULURP world, sidewalks are considere
16 street, but as a layperson will understand it,
17 there's no closure of the streets. The streets are
18 not closed on game days. Mr. Suarez can confirm
19 that and streets will not be closed on game days.
20 It's nice to think of the prestige of being a
21 Division One team, but this is not you know, Penn
22 State University's football team where thousands of
23 people are coming. The audiences that they get for
24 the student athletes for the lacrosse team or the
25 soccer team are measured in the hundreds, not

2 thousands. With respect to the parking issue, as I
3 previously mentioned, the number of parking spaces
4 directly displaced by the project have already been
5 replaced pursuant to the Community Board's request
6 and has field tested over the summer by DOT. With
7 respect to a security plan, we don't have a
8 specific security plan, but during the course of
9 the public hearings the university committed to
10 taking additional steps to make sure that buses
11 don't park on the sidewalk; that we've identified a
12 place where they can... where visiting teams can
13 park during the games. There'll be additional
14 signage. We've agreed to additional security
15 cameras and the development of a security plan to
16 address all of the relevant issues as the project
17 moves forward, and more than that, we agreed to
18 create a forum through the Community Board for
19 concerns that were expressed before, during and
20 after construction. and we will be happy to reach
21 out to the additional housing development that you
22 mentioned to include them in that project together
23 with other stakeholders in the area. I think I
24 covered every one of your concerns, Council Member.

2 If there are others that I missed, I'll be happy to
3 do so.

4 COUNCIL MEMBER JAMES: So the fact that
5 you mentioned all of that today is great, but the
6 reality is I've not seen any of it in writing, and
7 there has been no meetings with the residents of
8 Kingsview. I would urge you to meet with
9 Kingsview. I represent the interest of my
10 constituents, and until such time as you meet with
11 them and you satisfy their concerns, I'm not
12 prepared to support this project.

13 KEN FISHER: If you can provide with a
14 contact person, we'll contact them today and we'll
15 be happy to meet with them before the Council takes
16 this up and Madam Chair, and control the timing of
17 that. There are two council meetings before the
18 expiration of the ULURP clock. We will be happy to
19 meet with anyone, and as far as commitments in
20 writing being made, everything that I've said to
21 you so far is on the record of both the Community
22 Board, the Borough President's hearing and the City
23 Planning Commission hearing.

24 COUNCIL MEMBER JAMES: Having it on the
25 record is fine. I would like it in writing. If

2 you could reduce it to writing that would be
3 greatly appreciated.

4 KEN FISHER: 'Kay.

5 COUNCIL MEMBER JAMES: And Kingsview is
6 right across the street from the complex and
7 there's a guard at their front door and the names
8 of all of the officers are listed on the gate.

9 KEN FISHER: So if you don't have a
10 phone number to share for us, we'll be happy to go
11 and talk to the security guard about it.

12 COUNCIL MEMBER DICKENS: Thank you.
13 Thank you, Council Member James. There's one
14 question that I have. What is the significance of
15 demapping the street if you will not be closing the
16 street and/or it will not impact upon the parking?

17 KEN FISHER: Council Member, I'm glad
18 you asked that 'cause this was something that was
19 of concern to some of the community members also.
20 Technically speaking, from a regulatory point of
21 view, sidewalks are streets. We think of a
22 sidewalk as something that we walk on and streets
23 are something where vehicles go, but for this
24 purpose, for purpose of the city map, sidewalks and
25 streets are treated the same. So order for the

2 city to sell us a piece of sidewalk, they are going
3 to demap it, so it won't technically be street
4 again or street anymore on the city map and then
5 once it's not technically street, then it can be
6 sold to us, but the lane widths from curb to curb
7 for where the vehicles go will be approximately the
8 same and more important than that, the entire
9 lengths of the sidewalks on Ashland and Willoughby
10 that are not being used by the university, and I'm
11 actually glad you asked me this, everything that
12 we're not using for that field expansion on the
13 corner, the rest of the two blocks, we're buying it
14 anyway, we're fixing it up and it will be subject
15 to a public access easement, which means it will
16 continue to be sidewalk, so you won't know. If you
17 came and you walked on that block, you won't know
18 whether the city owns the sidewalk or LIU owns the
19 sidewalk. All you'll know is it looks better than
20 it does today and it'll be completely open to the
21 public and that is something that is recorded
22 against the property in perpetuity, so there... I
23 want to be absolutely clear about this. No streets
24 are closed today on game days; no streets are going
25 to be closed on games days for our best

2 professional judgment and no street is being closed
3 to the public as a result of this action.

4 COUNCIL MEMBER DICKENS: Now a
5 question. Once it's demapped, then the street or
6 the sidewalk or whatever will then be owned by the
7 university and no longer by the city.

8 KEN FISHER: Correct.

9 COUNCIL MEMBER DICKENS: Wait, I'm not
10 finished.

11 KEN FISHER: Alright.

12 COUNCIL MEMBER DICKENS: Which means
13 then that any time in the future if Long Island
14 University decided to close the street, that could
15 be effectuated without having to return to the City
16 Council.

17 KEN FISHER: No, it could not.

18 COUNCIL MEMBER DICKENS: It could not.

19 KEN FISHER: It could not because an
20 easement; a restriction was being recorded against
21 the property in the deed. The deed is going to say
22 that forever the public has the right to use that
23 sidewalk just the way they do today.

24 COUNCIL MEMBER DICKENS: Is the
25 restrictive or easement going to be in perpetuity

2 or is it going to be... do you have a certain
3 number of years 'cause some have a certain number
4 of years?

5 KEN FISHER: It's going to be in
6 perpetuity and it's going to run in the land so if
7 someday LIU isn't LIU anymore, whoever owns that
8 piece of sidewalk will have to keep the same
9 commitments that LIU has made as a matter of law.

10 COUNCIL MEMBER DICKENS: Thank you.
11 Council Member James?

12 COUNCIL MEMBER JAMES: Yes, Madam
13 Chair, thank you for allowing me some discretion.
14 Will Fleet Street be demapped?

15 KEN FISHER: No.

16 COUNCIL MEMBER JAMES: Will Fleet
17 Street... will you allow for parking on Fleet
18 Street?

19 KEN FISHER: We don't control the...
20 we're not acquiring any part of Fleet Street.
21 Fleet Street is not being demapped. Parking
22 regulations will be determined by the Department Of
23 Transportation. The only thing... impact on
24 parking on Fleet Street is right now you have an
25 unregulated free-for-all. Mr. Kenworthy and I and

2 our traffic engineer went down and inspected it one
3 day. I personally... and actually I was surprised.
4 I thought that we were going to find a lot of
5 permit parking because of the...

6 COUNCIL MEMBER JAMES: [interposing]
7 I've parked on Fleet Street...

8 KEN FISHER: [interposing] Yeah.

9 COUNCIL MEMBER JAMES: Many a day.

10 KEN FISHER: Right, because the
11 Department of Health is across the street.

12 COUNCIL MEMBER JAMES: Yes.

13 KEN FISHER: But actually I was
14 surprised because I don't think we saw more than or
15 two permits, so whoever is parking illegally in the
16 middle of this public plaza is doing so completely
17 illegally. That will be eliminated and it will now
18 be a publicly accessible public plaza with seating
19 that is maintained by LIU, but owned by the city.

20 COUNCIL MEMBER JAMES: So in addition
21 to losing 18 spaces, we would be losing the parking
22 on Fleet Street, albeit illegal, the fact is is
23 that it has been allowed...

24 KEN FISHER: [interposing] Well, I...

25 [crosstalk]

2 COUNCIL MEMBER JAMES: To happen.

3 [crosstalk]

4 KEN FISHER: Well, I can't... I can't
5 speak...

6 [crosstalk]

7 COUNCIL MEMBER JAMES: But can I
8 finish, please?

9 [crosstalk]

10 KEN FISHER: For whether ..

11 [crosstalk]

12 COUNCIL MEMBER JAMES: Can I...

13 [crosstalk]

14 KEN FISHER: The City of New York...

15 [crosstalk]

16 COUNCIL MEMBER JAMES: Excuse me.

17 [crosstalk]

18 KEN FISHER: Allows illegal parking.

19 COUNCIL MEMBER JAMES: Excuse me, can I
20 finish?

21 KEN FISHER: I'm sorry, I thought you
22 had.

23 COUNCIL MEMBER JAMES: Thank you. No,
24 it was a pause. So the fact is is that although
25 Fleet Street is illegal, the fact is is that

2 residents from both University and Kingsview have
3 used that for years and it has been allowed and
4 people have not been ticketed; not withstanding
5 your point that it is illegal, they will losing at
6 least 10 spaces in and around Fleet Street and we
7 are turning it into a pedestrian plaza, correct?

8 KEN FISHER: I'm not sure about the
9 count, but if you're asking me whether people who
10 are illegally appropriating public space will be
11 displaced from having to be able to park for free
12 illegally so that we can create a public parking...
13 a public seating area that's maintained by the
14 university, yes, those people who shouldn't be
15 parking there in the first place and are getting
16 away with something that they don't deserve are
17 going to have to go someplace else.

18 COUNCIL MEMBER JAMES: Parking that has
19 been allowed for at least 50 years, which you
20 describe as being illegal, but the point is is that
21 it's been grandfathered and recognized by DOT and
22 most individuals who park there have not been
23 ticketed, including myself. The point is is that
24 parking spaces will be lost for another pedestrian
25 plaza and that is undeniable but...

2 [crosstalk]

3 KEN FISHER: I think you'd have to
4 refer to the...

5 [crosstalk]

6 COUNCIL MEMBER JAMES: Because you call
7 it...

8 [crosstalk]

9 KEN FISHER: Corporation Council as to
10 whether they would consider it...

11 [crosstalk]

12 COUNCIL MEMBER JAMES: Just because
13 you...

14 [crosstalk]

15 KEN FISHER: Grandfathered in.

16 [crosstalk]

17 COUNCIL MEMBER JAMES: Call it
18 illegal...

19 [crosstalk]

20 COUNCIL MEMBER DICKENS: Please wait,
21 wait, wait. Both cannot talk at the same time.

22 COUNCIL MEMBER JAMES: Just because
23 you...

24 [crosstalk]

25

2 COUNCIL MEMBER DICKENS: So Council
3 Member?

4 [crosstalk]

5 COUNCIL MEMBER JAMES: Call it legal
6 today...

7 [crosstalk]

8 COUNCIL MEMBER DICKENS: Council
9 Member?

10 [crosstalk]

11 COUNCIL MEMBER JAMES: The fact is is
12 that's it's been allowed to exist for the last 50
13 some odd years and it's been recognized as such,
14 even by parking inspectors in the City of New York.

15 COUNCIL MEMBER DICKENS: Council
16 Member, when you speak...

17 [crosstalk]

18 COUNCIL MEMBER JAMES: The point is is
19 that...

20 [crosstalk]

21 COUNCIL MEMBER DICKENS: I'd like...
22 Council Member, when you speak I'm going to ask him
23 to give you respect.

24 COUNCIL MEMBER JAMES: Thank you. My
25 point is...

2 [crosstalk]

3 COUNCIL MEMBER DICKENS: And vice
4 versa.

5 COUNCIL MEMBER JAMES: Madam Chair, my
6 last point is that we will lose additional parking
7 in addition to the 18 that you identified, and that
8 is why I still remain opposed to this project.
9 Thank you.

10 COUNCIL MEMBER DICKENS: Thank you so
11 much and I want to thank this panel that's in
12 support, Ken Fisher and Wayne Hamilton, William...
13 pronounce your last name again.

14 WILLIAM KENWORTHY: Kenworthy.

15 COUNCIL MEMBER DICKENS: Ken... alright
16 and John Suarez, I want to thank you for your
17 testimony. Thank you for coming and it will be
18 taken under consideration. The next panel in
19 opposition 'cause we alternate in all fairness.
20 Carlos Galvez. Is Carlos here? Carlos and Justin
21 Gomez.

22 [Pause]

23 COUNCIL MEMBER DICKENS: seeing that
24 there are no others... and are there anyone else...
25 is there anyone else here to testify either in

2 support or against the LIU, the Long Island
3 University plan as proposed here? Alright, seeing
4 none, this will... [background voice] Seeing no
5 others, this will be the final panel on this.
6 Please give us your name and your affiliation.

7 JUSTIN GOMEZ: My name is Justin Gomez
8 and I work for Local 32BJ, SEIU.

9 CARLOS GALVEZ: My name is Carlos
10 Galvez and I represent the Public Safety Offices at
11 LIU.

12 COUNCIL MEMBER DICKENS: Please, who
13 wants to go first?

14 JUSTIN GOMEZ: [off mic] Why don't you
15 read the statement?

16 CARLOS GALVEZ: I've been working for
17 LIU for 23 years and for the last two years we've
18 been organizing to...

19 COUNCIL MEMBER DICKENS: [interposing]
20 I'm going to ask you to pull it closer to you.

21 CARLOS GALVEZ: Yes.

22 COUNCIL MEMBER DICKENS: And speak a
23 little louder.

24 CARLOS GALVEZ: Yes, as I said, that
25 I've been working for LIU for 23 years, and for the

2 last two years we've been organizing the union and
3 we have very little response from the
4 administration. We have 46 workers. Three are on
5 disability and three just resigned, so we used to
6 have 52 workers. For the last five years, we have
7 not received any raise. We had a freeze on our
8 contract. Just this year, we received a two
9 percent raise because the university recognized
10 that the workers were not unionized and deserved a
11 raise and for the last two years they've been
12 getting a two percent raise, so we just received
13 that two percent for the last year and for this
14 year. Our main issue is the health insurance
15 because for the last two years we have been
16 participating in the health insurance that the
17 university offers to us and it cost them a lot of
18 money and we have to consider that myself I paid
19 \$422.00 a month plus the co-payments; like it will
20 add up to \$600.00 a month and a lot of officers
21 don't have that luxury to pay for that health
22 insurance, so they decided not to have health
23 insurance. Right now we have three officers on
24 disability, one officer is dying of cancer and he
25 doesn't have health insurance. To me, it has cost

2 me to file for bankruptcy and I'm not the only one.
3 We have a lot of officers doing the same thing for
4 the last three years. I represent the officers at
5 LIU and we believe that before LIU is allowed to
6 expand their field, they need to fix their problems
7 at home first. They have spent a lot of money for
8 this project and right now, we have to cover for
9 those officers that are not working and every time
10 we have to stay and work a double shift, we don't
11 get paid overtime. We get an extra day off plus
12 they have spent a lot of money on this and we
13 consider that it's not fair to us. We've been
14 rated number one for the safest campus in the city
15 and number three nationally. We owe our careers to
16 the security of LIU, Brooklyn campus. I thank this
17 panel and also Miss Jones for her support to the
18 public safety at LIU. Thank you.

19 COUNCIL MEMBER DICKENS: Thank you so
20 much, Mr. Galvez, for your testimony and please,
21 give your name again.

22 JUSTIN GOMEZ: Yes, my name is Justin
23 Gomez and I work with Local 32BJ and I just want to
24 say that for the record, it takes a lot for the
25 officers to come here and speak. It's a very

1 difficult process for them. There's been a lot of
2 intimidation during this campaign, so I am actually
3 just answering to some of the things that Mr.
4 Fisher brought up, just in response. So there were
5 a couple of points of misinformation and I just
6 want to clarify it for the record. So this
7 campaign has been going on for two years. For the
8 record, we... our union cannot do an election
9 process, so that option is not open to our union.
10 We've announced this to Long Island University;
11 they understand that. The lawyer is aware of that,
12 so it's just important that that's cleared up.
13 Kingsbridge actually did give testimony at the
14 Brooklyn Borough hearing. I know that because I've
15 been in communications with Kingsbridge, and so if
16 Mr. Fisher would like some contacts for people at
17 Kingsbridge, I can provide... Kingview, I
18 apologize, Kingview, I can provide contacts for
19 that. He mentioned that LIU has not had the time
20 to make a decision. As I said, this is a two-year
21 campaign. We've been talking to them for about
22 two months now. We've given them all the
23 information, all copies of other contacts for other
24 schools that have the same situation. They've
25

1 called all of them; they still haven't returned our
2 calls. Just to clarify, I'm in really close
3 communication with the other unions at Long Island
4 University and I don't think it's quite as good as
5 perhaps described. Back in 2009, the teachers went
6 on strike. They ended up getting a pretty bad
7 contract out of that and it was a nasty fight, and
8 I can tell you they're still pretty unhappy.
9 There's been a three-year contract fight with Local
10 153 of OPIU. They still haven't settled that for
11 three years and LIU is having... they're not
12 being... they're not negotiating in a good way, and
13 they just finished a four-year fight with the
14 Engineers Local; again, four years after their
15 contract expired, they were still discussing it.
16 And for our own cleaning contract, it went a year
17 and a half past the expiration of the contract.
18 LIU was being difficult in their negotiations and
19 it took an extra year and a half. So they don't
20 really have a great union history and I'm in close
21 contact with all the unions there. It's important
22 that you note that there's not 19 security
23 officers. There's actually 52 positions at LIU,
24 currently filled by 46 officers, which means that a
25

2 lot of them are overworked and overtaxed, and the
3 two percent raise that Carlos mentioned, it's true
4 they hadn't had a raise in five years. LIU gave a
5 two percent raise the day before we met with the
6 Brooklyn Borough President about this hearing at
7 his... when he had the hearing at his office and I
8 don't believe that that was a coincidence. I
9 believe that that happened to fall on that exact
10 day for very specific reasons since it had been
11 five years since LIU had not given a raise and so I
12 don't believe that there's a coincidence behind...
13 I believe if there is coincidence, I believe that
14 they were trying to quiet the officers from
15 speaking up, and that's what I wanted to say for
16 the record to clarify some of the misinformation I
17 felt was given.

18 COUNCIL MEMBER DICKENS: I want to
19 thank both of you for coming down to give
20 testimony. It's always good. This is the people's
21 house.

22 JUSTIN GOMEZ: Thank you.

23 COUNCIL MEMBER DICKENS: And it's good
24 when the workers come in to provide testimony and
25

2 input on the decisions that are made in the
3 people's house, so I want to thank you and...

4 [crosstalk]

5 JUSTIN GOMEZ: Thank you for all your
6 time. I appreciate it.

7 COUNCIL MEMBER DICKENS: Thank you.

8 CARLOS GOMEZ: Thank you.

9 COUNCIL MEMBER DICKENS: Thank you to
10 both of you. I'm going to close now the public
11 hearing on Land Use Item 989 and...

12 [Pause]

13 COUNCIL MEMBER DICKENS: And then I'm
14 going to open, but I want to take a few minutes
15 before I do, on Land Use Item 971, the Greenpoint
16 Landing. [background voice] 971 to 974 and 990 are
17 the actual Greenpoint Landing Numbers; Land Use
18 Numbers. So we're going to take a break for about
19 six minutes. Thank you.

20 [Pause]

21 [background voices]

22 CHAIRPERSON LEVIN: Okay, resuming.
23 [background voice] Okay, we had a break over. I
24 have replaced Council Member Dickens to chair the
25 committee. I want to wish everybody a good

1 afternoon. Today, we are here for an item in my
2 own district, in District 33, the Greenpoint
3 Landing project. In total, this project
4 encompasses approximately 20 acres along the North
5 Brooklyn Waterfront, most of which is privately
6 owned. The action before the subcommittee today
7 includes both disposition and designation of 16
8 DuPont Street, Lot Number 6 or the quote unquote
9 "Sludge Tank" and 219 West Street, Lot 32 as an
10 Urban Development Action area. These proposed
11 actions would facilitate the construction of a 640
12 seat school, 431 units of affordable housing and
13 approximately 3.3 acres of open space. I just want
14 to make sure that I'm being very clear here for
15 members of the community that have raised concerns
16 about this project... this UDDAP action today. A
17 disapproval of these actions before us today would
18 not prevent the Greenpoint Landing project from
19 going forward, so the Greenpoint Landing project,
20 which includes approximately 10 towers that would
21 rise between 30 and 40 stories on the East River
22 Waterfront were made possible by the 2005 rezoning,
23 and while I have my issues with that rezoning, that
24 rezoning is not on the table today and it cannot be
25

2 undone today. That being said, the actions that
3 this subcommittee is considering today are very
4 complicated and I do have a number of questions
5 about this project. It is a project that will
6 transform the Greenpoint community. Greenpoint is,
7 as many of you are aware and as I am aware because
8 I live, an already overburdened community. We have
9 transportation issues, environmental issues and
10 infrastructure issues. In fact, as we were hearing
11 next door, you've heard quite a bit about that
12 already. Additionally, our community is facing
13 increased pressures from the influx of new luxury
14 housing development and there's not a day that goes
15 by where a senior citizen or a long-time resident
16 doesn't tell me or my staff that they are facing
17 rising rents or in worst cases eviction by a
18 landlord looking to capitalize on the growing
19 popularity of the neighborhood. Rents, if you
20 follow, in the neighborhood have increased at a
21 staggering pace, and are threatening the very
22 stability of the neighborhood as it has been, and
23 many people who have worked and sought to stabilize
24 the neighborhood over the years have fought to stay
25 there. We clearly need more affordable housing,

2 but we need to make sure that the development of
3 affordable housing is done responsibly and not at
4 the expense of other aspects of the community
5 fabric. And so with that, I look forward to an
6 informative hearing today that allows us to have a
7 real dialogue, an honest dialogue about this
8 project and some of the larger issues that are
9 facing the neighborhood of Greenpoint, and with
10 that... [background voice] Okay, we have three...
11 [background voice] Oh, excuse me? Five, excuse me,
12 five actions that we are contemplating today. They
13 are Land Use Number 971; that's Application Number
14 C 140019 HAK, Greenpoint Landing; related
15 Applications 972, N 140028 ZRK; Land Use Number
16 973, Application N 140022 ZAK; Land Use Application
17 Number 974, Application N 140020 ZAK and Land Use
18 Number 990, Application Number 20145125 SEK, which
19 is the 640 seat primary intermediate school for
20 related application, testifying on this item this
21 afternoon, Chris Gonzalez of HPD; Jack Hammer of
22 HPD; Melanie Meyers of Fried Frank representing
23 Greenpoint Landing Associates; Steven Lenard of
24 City Planning and Kenrick Ou of the School
25 Construction Authority.

2 ASSISTANT COMMISSIONER GONZALEZ: Good

3 afternoon, Chair Levin and members of the
4 subcommittee. I am Chris Gonzalez, Associate
5 Commissioner of the Department of Housing
6 Preservation and Development and I am joined by
7 Jack Hammer, Director of Brooklyn Planning at HPD;
8 Steven Lenard, Team Leader at Department of City
9 Planning's Brooklyn office; Melanie Meyers of the
10 law firm Fried Frank Harris Harris Shriver and
11 Jacobson representing Greenpoint Landing
12 Associates. We appear before the Planning,
13 Disposition and Concessions Committee to offer
14 testimony in support of the ULURP Applications for
15 Land Use Item Numbers 971 through 974 and 990, also
16 known as Greenpoint Landing. The Application is
17 for a series of Land Use Approvals related to
18 development of several parcels of land in the
19 northwest corner of Greenpoint, Brooklyn in
20 accordance with the 2005 Greenpoint-Williamsburg
21 points of agreement, the points of agreement
22 developed by the City Council in connection with
23 the 2005 Greenpoint-Williamsburg rezoning. The
24 project area is comprised of city-owned parcels
25 located at Block 2472, Lot 32 and Block 2494, Lot 6

2 and nearby privately owned parcels. The proposed
3 actions will facilitate the construction of 431
4 units of affordable housing on three privately
5 owned parcels, the construction of an approximately
6 120,000 square foot Pre-K to eighth grade public
7 school on a private site, as well as publicly
8 accessible Waterfront open space. Development of
9 the city-owned parcels would proceed in accordance
10 with zoning. To enable the proposed project, the
11 city would convey the city-owned parcels and
12 development rights associated with adjacent city-
13 owned land to the private owner, Greenpoint Landing
14 Associates, in three phases. As a condition of
15 each closing, Greenpoint Landing Associates will
16 develop affordable housing on privately owned
17 parcels. Overall, the city property and associated
18 development rights would generate approximately
19 589,000 square feet of development rights or
20 approximately 693 dwelling units, of which 431
21 would be affordable to households earning from 40
22 to 120 percent of AMI. The city would retain
23 ownership of the remainder of Lot 32, for which the
24 developer will donate \$2.5 million to the New York
25 City Department of Parks and Recreation. These

2 funds will facilitate the incorporation of an
3 additional approximate 1.3 acres from the northern
4 portion of the lot into the existing Newtown Barge
5 Park.

6 Land Use Item Number 971 consists of
7 HPD's UDDAP proposal for the disposition of city-
8 owned parcels and associated development rights
9 allowing for the construction of one seven-story
10 building and two six to 16-story buildings that
11 collectively would provide 431 dwelling units of
12 affordable housing that reflect the 2005 points of
13 agreement. The 431 units of affordable housing are
14 a key component of the points of agreement.

15 Land Use Item Number 972 consists of
16 zoning text amendments that would apply to the
17 properties described above. The amendments would
18 facilitate the disposition and development of city-
19 owned land and development rights and the provision
20 of a private site to the SCA for construction of a
21 proposed 640 seat public school.

22 Land Use Items 973 and 974 consist of
23 zoning authorizations to modify certain zoning
24 requirements related to Waterfront public access to
25 enable the proposed development to be more

2 resilient to future flood events and to accommodate
3 a high quality design for required public open
4 space along the water's edge.

5 We thank you for this opportunity to
6 testify in support of these actions. Kenrick Ou,
7 Director of Real Estate at the School Construction
8 Authority will provide separate testimony on Land
9 Use Item 990 with details about the proposed public
10 school.

11 KENRICK OU: Good afternoon,
12 Chairperson Levin. My name is Kenrick Ou and I'm
13 Senior Director for Real Estate Services for the
14 New York City School Construction Authority. I am
15 here to speak on Land Use Item Number 990 at
16 today's hearing. The New York City School
17 Construction Authority has undertaken its site
18 selection process for a new public school facility
19 on a site consisting of a portion of Lot 1 on Block
20 2494 in the borough of Brooklyn. The site is
21 located at the southwest corner of Franklin Street
22 and DuPont Street in the Greenpoint section of
23 Brooklyn within Brooklyn Community District Number
24 1 and Community School District Number 14. The
25 proposed site consists of a total of approximately

2 20,000 square feet of land, currently containing a
3 vacant one-story building and paved area. This
4 site is owned by the developer of a large earnings
5 one and Greenpoint Landing Development. Under the
6 proposed plan, the SCA would enter into a long-term
7 ground lease with the developer and would construct
8 a new approximately 640 seat public school facility
9 on the site. The SCA is in the process of
10 negotiating the ground lease with the developer,
11 but execution of the ground lease and the
12 construction of the school will be contingent upon
13 final approval of the site by the Mayor and
14 Council, consistent with the requirements of the
15 public authority's law. The notice of filing for
16 the site plan published in the New York Post and
17 City Record on August 1st, 2013. Brooklyn
18 Community Board Number 1 was notified of the site
19 plan on August 1st, 2013 and was asked to hold a
20 public hearing on the site plan. The Community
21 Board held its public hearing on August 13th, 2013
22 and subsequently submitted written comments
23 recommending that the proposed school facility be
24 used for a District 14 school, and not a Charter
25 School and that the programming of that school be

2 developed with School District 14 and be based on
3 the latest information regarding projected needs in
4 the area. The City Planning Commission was also
5 notified of the site plan on August 1st, 2013 and
6 it recommended in favor of the proposed site. The
7 SCA has considered all comments received on the
8 proposed site plan and affirms the site plan
9 pursuant to Section 1731 of the Public's
10 Authority's Law. In accordance with Section 1732
11 of the Public Authority's Law, the SCA has
12 submitted the site plan to the Mayor and City
13 Council on December 3rd, 2013, and we look forward
14 to your subcommittee's favorable consideration of
15 this proposal. Thank you.

16 CHAIRPERSON LEVIN: Thank you very
17 much, Mr. Ou and Mr. Gonzalez. I want to start
18 actually with discussion just about the school, if
19 you wouldn't mind. I guess first off, one concern
20 that I've been hearing a lot from the community is
21 concern about environmental impacts in the
22 neighborhood pre-existing. We have a myriad of
23 environmental hazards going back many years due to
24 an industrial pass in the neighborhood where you
25 have state superfund sites, brownfields, a federal

2 superfund site just a few blocks away, the largest
3 terrestrial oil spill, which is in the history of
4 the United States, and now that's you know maybe a
5 mile away, but also along the Newtown Creek. I
6 wanted to ask in terms of where the school is going
7 to be located, have you done borings there to
8 determine whether or not there's any environmental
9 issues and if there are or if there's potential for
10 environmental issues, if SCA has a plan for how to
11 address that because I've heard from people of the
12 community who are going to be the ones that we'd be
13 asking to send their children there on a daily
14 basis and they have concerns; unanswered questions
15 about it, so if you could speak to that a little
16 bit.

17 KENRICK OU: Yeah, so I think the first
18 response is that the city through the Department of
19 City Planning certainly did undertake an
20 environmental review associated with the 2005
21 Greenpoint-Williamsberg rezoning and I believe
22 others on the panel probably can speak to the
23 recent updates associated with this broader view of
24 environmental conditions in addition to what was
25 undertaken in the context of City Planning's

2 review, the SCA did, in fact, on its own undertake
3 phase one investigation and a phase two
4 investigation of the site. The phase two
5 investigation did include actual testing of the
6 site to determine site conditions. We are aware of
7 the concerns that we have heard both in the past
8 and also more recently regarding the environmental
9 concerns of the area, and as part of the proposed
10 school's design and construction, it would be
11 designed to include an active sub-slab
12 depressurization system and a soil vapor barrier to
13 prevent the potential migration of petroleum
14 associated or other organic vapors into the
15 building, while as I understand it is an ongoing
16 investigation and I believe there is a state
17 superfund program underway on the nearby side as
18 well.

19 CHAIRPERSON LEVIN: So there... the
20 results of sampling has shown that there is some
21 petroleum or other organic compounds or...

22 KENRICK OU: I think... I don't have
23 the results right in front of me, but I can tell
24 you that the investigation ended up recommending
25 both... and I don't believe it was because of on-

2 site conditions as much as it was the concern about
3 the potential context in future migration that this
4 sub-slab depressurization system and vapor barrier
5 be installed and I would also just contextualize
6 that by saying that the sub-slab depressurization
7 system and vapor barrier are engineering controls
8 that the SCA has used not infrequently across the
9 city to address concerns that exist in the moment,
10 but also to provide protection across time for the
11 occupants and users of the school building.

12 CHAIRPERSON LEVIN: If we can continue
13 to work together around those issues as those
14 issues come up to me, I would like to be able to
15 share them with SCA and Greenpoint Landing and have
16 ongoing dialogue about that because when residents
17 come to me about it, you know it's obviously a
18 source of concern. But with regard to the
19 school... the programming of the school, can you
20 describe a little bit about what SCA has in mind?
21 There's you know, a need for seats, but with the...
22 you know, with development that is as-of-right from
23 the 2005 rezoning and obviously there's a projected
24 need that far exceeds that. Can you speak a little
25 bit about whether it's going to be... and I think,

2 isn't it; it's supposed to be now a K to Eight
3 school; whether that's set in stone; whether
4 there's additional measures that we can take here
5 to guarantee that or how we want to advance that
6 discussion.

7 KENRICK OU: So the... what we are
8 proposing right now is to construct on the site a
9 school building that could accommodate 640 students
10 and would have the instructional features necessary
11 to support instruction for students from Pre-
12 Kindergarten up through grade eight, so and that
13 includes for example, toilets that are proximate to
14 the classrooms for the youngest children, as well
15 as signs, instructional facilities and gymnasium
16 facilities that are appropriate for use by older
17 students. This is a policy on the part of the
18 Department of Education and the SCA that when
19 possible, and we have these school buildings that
20 are designed to serve that full range of
21 instructional needs because across time, as needs
22 may change, we found that it's really most cost-
23 effective to bake in at the beginning these
24 facilities. That speaks to the building itself.
25 The actual use and how and what that school

2 organization would be using the building when it
3 opens is actually something that would be discussed
4 and determined between the Department of Education
5 and I believe the Community Education Council as
6 well, closer to the point when a school opens. I
7 can give you an example where we built a building
8 that can serve grades K through eight in Council
9 Member Garodnick's district. It's known as PS 281.
10 That was designed to serve all of those grades, but
11 based on the latest data and consultation between
12 the Community Education Council, local schools and
13 the Department of Education's Office of Portfolio
14 Planning, the decision was that when that school
15 building opened, the organization that would occupy
16 it would serve up Kindergarten through fifth grade.

17 CHAIRPERSON LEVIN: Would the SCA agree
18 to have a Task Force in place that would address
19 both the issues of construction, SCA related issues
20 and configuration of the school programmatically
21 from the DOE side? Can we get a commitment that we
22 can have like an ongoing Task Force that's
23 established so we could discuss these issues in a
24 form that is open to the public and that allows for
25 meaningful participation from the community?

2 KENRICK OU: I think absolutely. I
3 mean we've worked with your and Council Member
4 Lander's leadership with another school in
5 Brooklyn, PS 133. We found that model to be very
6 effective and would be happy to participate in
7 that.

8 CHAIRPERSON LEVIN: Thank you. I
9 wanted to ask about... there's an issue regarding
10 child care slots that... so in the 2005 rezoning,
11 it's contemplated or it's agreed to that there
12 would be funding that would be provided for child
13 care slots by Greenpoint Landing for a specific
14 amount of child care slots that was discussed in
15 the 2005 rezoning, but there doesn't seem to be
16 community facility space that is designated within
17 the development site for a child care facility. Is
18 there a possibility or is SCA willing to examine
19 having space in the school for potential child care
20 facilities that will... essentially the slots have
21 been agreed to be funded by Greenpoint Landing?

22 KENRICK OU: I think this is the first
23 that I've really heard about this idea of possibly
24 creating child care space within the school. I
25 think we would have to look at that very closely

2 because... in large part because of the size of the
3 site and the proposed envelop under this action
4 really has been designed and contemplated with the
5 amount of space that was needed to accommodate the
6 programmatic requirements for the K to eight DOE
7 public school. I do want to clarify that our new
8 public school building with 640 seats would include
9 two Pre-Kindergarten classrooms, which is part of
10 the Department of Education's policy of providing
11 space for a Pre-Kindergarten in new school
12 buildings. I think we would have to look at that
13 very carefully and would defer to City Planning and
14 Greenpoint Landing to speak to the broader issues
15 of child care.

16 CHAIRPERSON LEVIN: 'Kay, thank you.
17 So I think those are all my questions for the
18 moment on the school issues. I want to turn to the
19 broader development and to the issue of the Points
20 of Agreement units. So I wanted to ask with regard
21 to the Points of Agreement affordable units. Can
22 you explain how those would be... would those be
23 integrated units in the rest of the development or
24 are those going to be set aside in individual
25

2 buildings? Please identify yourself for the
3 record.

4 MELANIE MEYERS: Sure. Melanie Meyers
5 from Fried Frank. Did I do it the other way?

6 CHAIRPERSON LEVIN: Speak a little bit
7 closer into the microphone, please.

8 MELANIE MEYERS: Okay, is that better?

9 CHAIRPERSON LEVIN: Yep.

10 MELANIE MEYERS: Okay, so as you know,
11 the project that you were looking at before is
12 really related to the city-owned properties in the
13 middle and how the Points of Agreement units would
14 be included in the site. The conversation that
15 we've had with HPD regarding the Points of
16 Agreement units has contemplated that there's three
17 sites within the larger Greenpoint Landing project
18 and you have that site plan here. They're the
19 lightest orangey color and those would be the three
20 sites that would be... have been identified as the
21 location for Points of Agreement housing. Those...
22 the first unit is... the first building is at the
23 corner of Eagle and West Street and that would be
24 98 units of housing affordable to 40 to 120 percent
25 AMI, so it is a stand-alone individual building.

2 The Points of Agreement units would be integrated
3 into a larger Greenpoint Landing project, which
4 will include a variety of building types and we
5 expect then in that larger project that there'll be
6 a mixture of projects, which might have stand-alone
7 affordable. For example, we're doing a LAMP
8 project or hope to do a LAMP project on one of the
9 privately owned sites, but we also expect that the
10 project will have other sorts of affordable
11 housing, such as 80/20 and there will be a mixture
12 and for example, for the 80/20s that would be a
13 situation where you would have the affordable
14 distributed throughout the building, so it will be
15 a mixture. There will be some stand-alone
16 buildings and there will be some that we expect
17 will have units that are distributed with market
18 rate.

19 CHAIRPERSON LEVIN: And for those units
20 that are within the same building as market rate
21 that would be distributed through all the floors or
22 would it...

23 [crosstalk]

24 MELANIE MEYERS: We would follow...

25 [crosstalk]

2 CHAIRPERSON LEVIN: For 80/20 is there
3 a requirement in the 80/20 program that spells that
4 out or can you explain...

5 MELANIE MEYERS: There is a
6 requirement; I think Jack can probably talk to it a
7 bit as well. It requires distribution through the
8 building. It's not 100 percent, but it's very
9 close to that and we would look and we would follow
10 those rules.

11 CHAIRPERSON LEVIN: Can you... so those
12 are the non-POA units. Can you... is there... and
13 I know that there's a tremendous need in the
14 community, as I spoke to in my opening statement,
15 for housing for senior citizens; affordable housing
16 for...

17 [crosstalk]

18 MELANIE MEYERS: Mm-hm.

19 CHAIRPERSON LEVIN: Senior citizens.
20 Is there a commitment on the part of Greenpoint
21 Landing to explore either a 202 program or if the
22 city HPD works under a new administration on
23 developing a new program for senior housing that's
24 city-based, if there's a commitment to exploring
25

2 that as meeting some of the affordable needs for
3 senior citizens?

4 MELANIE MEYERS: Yeah, absolutely. I
5 mean we would be looking at all of the programs
6 that are available to the city. We understand that
7 there is a particular need and desire to see
8 housing for senior citizens and subject to
9 programs, subject to funding, that's something that
10 we would want to explore and something we would
11 want to work and talk to HPD about.

12 CHAIRPERSON LEVIN: Mr. Hammer, do I
13 have your commitment to start working on a program?

14 JACK HAMMER: So we've also had, as
15 described by...

16 [crosstalk]

17 CHAIRPERSON LEVIN: You need to
18 identify yourself for the record.

19 JACK HAMMER: Oh, sorry. Jack Hammer,
20 Director of Brooklyn Planning, HPD. So just to
21 piggyback on what Melanie is saying, we've had you
22 know, a consultation on exploring other programs
23 going forward, especially you know, the second or
24 third phases, which you know, there had been
25 concern, as you had indicated, for a senior citizen

2 component and you know, other potential concerns
3 you know, for example larger bedroom sizes or
4 whatever the case may be that could be accommodated
5 through available programs in you know, going
6 forward and that could include city housing
7 programs, Housing Development Corporation, as well
8 as state and federal programs pending funding
9 availability, so we're certainly you know, prepared
10 to work with Greenpoint Landing Associates on
11 pursuing those options.

12 CHAIRPERSON LEVIN: And speaking to the
13 issue of unit sizes, what's proposed in terms of
14 size of units for Points of Agreement units and
15 then...

16 MELANIE MEYERS: The plan for the
17 Points of Agreement unit currently is 25 percent
18 studios, 25 percent one bedrooms and 50 percent two
19 bedrooms. Again, the first Points of Agreement
20 project, a 98 unit project, is following that
21 breakdown and that's the... that is what we would
22 propose to have for all of the Points of Agreement
23 units. The LAMP project, the individual private
24 project, has a similar breakdown; 25 percent

2 studio, 25 percent one bedrooms and 50 percent two
3 bedrooms.

4 CHAIRPERSON LEVIN: We've been joined
5 by Council Member and Chair of the Zoning
6 Subcommittee, Mark Weprin. And then in terms of
7 the affordability, the AMI levels...

8 MELANIE MEYERS: [interposing] Mm-hm.

9 CHAIRPERSON LEVIN: Could you just
10 speak to that for a minute?

11 MELANIE MEYERS: Sure. I mean again,
12 in our initial discussions with HPD, we were
13 looking at units ranging from 40 percent to 120
14 percent AMI. We thought that was quite consistent
15 with the Points of Agreement thresholds and that is
16 going to be the breakdown for the first Points of
17 Agreement building. We certainly heard at the
18 community board level... actually we heard a range
19 of opinions, but we heard from the Community Board
20 that there was a desire to look at more units at
21 the lower income levels and again, that's certainly
22 something that we're prepared to work with HPD to
23 see if that's feasible for the Points of Agreement
24 buildings.

2 JACK HAMMER: And if I could just add
3 to that just piggybacking on what Melanie had said,
4 is that the Community Board did have a
5 recommendation for... and I think it was the
6 majority of 60 percent of AMI units. The Borough
7 President recommendation did call for more of a mix
8 between 60 and 130 percent of AMI, so we're
9 prepared to again, moving forward to facilitate
10 hopefully income thresholds that are consistent
11 with what this approval process will lead us to.

12 MELANIE MEYERS: Right and again, just
13 one other item, the LAMP project again, not before
14 you today because it's one of the other projects,
15 would be a mixture of 40 percent and 60 percent AMI
16 units, so that project, which would be one of the
17 first buildings would be skewed towards a lower AMI
18 level.

19 CHAIRPERSON LEVIN: And just for the
20 record and to make clear reading from the Points of
21 Agreement on page nine and letter D, the section
22 titled Commitment on Public and Partner Sites,
23 which I imagine these units would be covered under
24 that, it says, "The administration commits to
25 developing affordable housing using available

2 public sites and to work with the existing owners
3 to develop affordable housing on the partner sites
4 listed below. The administration anticipates that
5 these sites will generate 1,345 affordable units.
6 These units will target the following income
7 groups: 20 percent between 20 and 30 percent of
8 AMI; 40 percent between 30 and 60 percent of AMI."
9 So that is 60 percent... under 60 percent of AMI;
10 20 percent between 60 and 80 percent of AMI and 20
11 percent between 80 and 120 percent... 25 percent of
12 AMI, so that would leave between the non-POA units,
13 which are covered under either 80/20 or LAMP or
14 another program, all being up to 80 percent of AMI
15 probably; then really only the 20 percent of the
16 POA units being up to 125 percent of AMI.

17 MELANIE MEYERS: Jack, do you want
18 to...

19 JACK HAMMER: Yeah, so when we started
20 looking at the income thresholds for this project,
21 we still were well aware of the Points of Agreement
22 thresholds, so to the extent that the 431 units
23 could reflect the Points of Agreement breakdowns,
24 that has been the attempt, to make an honest
25 attempt to establish thresholds that were you know,

2 fairly similar to the thresholds in the Points of
3 Agreement. We know they're not exact, but we don't
4 think the projected 1,345 units contemplated an
5 exact breakdown for every single project in
6 Greenpoint in Williamsburg, but we, in working with
7 Greenpoint Landing Associates, made an honest
8 attempt to come close to those thresholds and to
9 the extent that there are concerns about the exact
10 tiers well, our ears are open, but that was our
11 joint attempt to be respectful of the Points of
12 Agreement thresholds.

13 CHAIRPERSON LEVIN: So you've been
14 actively hewing to those guidelines.

15 JACK HAMMER: I mean for this, that's
16 actually been very important to us in planning for
17 this development. It is... you know, since the 431
18 units of the single largest site identified in the
19 Points of Agreement for the development of
20 affordable housing and we felt it was important to
21 the extent possible to come close to matching those
22 thresholds to the extent we can given our funding
23 resources through HPD, HDC to meet those guidelines
24 to the extent we can.

2 CHAIRPERSON LEVIN: I'm going to switch
3 gears for a second here and just ask about
4 transportation issues in the neighborhood. So the
5 neighborhood, as you're aware, is transportation
6 starved I would call it. You know, it's like a
7 transportation desert. You know, you don't... you
8 have some MTA bus lines; you have one subway line
9 that goes not into Manhattan. You need to transfer
10 to get into Manhattan and it does not... it's
11 not... you know, the train isn't long enough and
12 it's doesn't adequately serve the transportation
13 needs of the community. We're looking at an
14 increase and the magnitude you know, thousands upon
15 thousands of new residents that could come in as a
16 result of this development. What type of
17 transportation mitigations is Greenpoint Landing
18 looking at because without, nobody's going to want
19 to live there if they can't get to work.

20 MELANIE MEYERS: Yeah and we appreciate
21 that and you know, there's a broader discussion I
22 think about transportation generally, but the
23 things that Greenpoint Landing is looking at is
24 some adjustments at the local train station, but
25 you know, which is in terms of facilitating access

2 more directly on the site, and we have discussed
3 and we... a shuttle bus service, which will help
4 get people from the site to the other mass transit
5 in the area and across the bridge into Queens to
6 the 7 Line. We have identified a location for
7 ferry service on the site and that's something that
8 we are very interested in pursuing and would...
9 [background voice] oh, sorry. The sound goes
10 through that door very well. And so we also are
11 interested and we started discussions with the city
12 about having a ferry service at the site and that's
13 something that we want to pursue and we want to
14 pursue collectively. I know there's been some
15 upgrades and increases in bus service in the area,
16 and we certainly want to work as we can as an owner
17 and a neighbor to the neighborhood to work on
18 trying to encourage and improve transit in the
19 area.

20 CHAIRPERSON LEVIN: Okay, 'cause
21 it's... I appreciate that. I think that there
22 needs to be a broader discussion with all of the
23 transportation stakeholders about this. There
24 is... right now we have a very limited toolbox with
25 which we can... we have access to for real

2 transportation issues without significant capital
3 upgrades and support from City Administration and
4 the MTA and I think that it is... we are... if you
5 look at it, there's a G Train study that was done
6 earlier in the year that was commissioned by MTA,
7 but with support from Senator Squadron and Senator
8 Dilan and Assemblyman Lentol and you know, they
9 basically admitted that there's significant
10 limitations, but they don't have the resources to
11 overcome them and so you know, again, we're going
12 to you know, over the course of time if things
13 don't change we're going to be facing a significant
14 and real problem about how we're going to address
15 all of this, and so just then not just only for
16 public transportation, but our roads as well and so
17 I don't want to kind of sound like a Cassandra here
18 and say you know, that this is going to happen,
19 this is going happen and then nothing happens and
20 so that we all need to kind of take a hard look at
21 that. Let's see, I wanted to go back to non-
22 transportation related question and if you'll just
23 give me a moment here, I got too many pieces of
24 paper.

25 [Pause]

2 CHAIRPERSON LEVIN: Actually I do want
3 to ask another question about transportation and
4 infrastructure. There is... can you speak a little
5 bit about the conditions of West Street and
6 Commercial Street and is it DuPont Street; as they
7 exist right now where there doesn't seem to be...
8 there's... it's a pretty desolate area as it exists
9 right now and what do we think is going to be
10 needed there to you know, make for reasonable
11 upgrades to the sewer system; to the roadways and
12 are those commitments there from the city or if
13 they're not can we lay out what's not there at this
14 point?

15 MELANIE MEYERS: So I can answer to
16 some degree. I'm going to ask, Steven, if you're
17 in a position to answer for the city more
18 generally. But at this point and I know that this
19 is the best image for this, the roadway... West
20 Street basically terminates at the end of Eagle
21 Street and then Commercial Street dead ends at
22 DuPont Street, so at this time, there's actually
23 not a connection through the site that connects
24 West Street and Commercial Street. We're aware
25 that the city is in the midst of an improvement

2 to... I think it's West Street at this point and
3 that there are plans for the budget in the next
4 coming years for Commercial Street and I may have
5 that backwards, but I think that's the right way.
6 We do think... and one of the things that we have
7 talked to the city about is you know, the value and
8 the importance of actually connecting those
9 streets; improving those streets; upgrading those
10 streets and that's a conversation that we you know,
11 plan to you know, continue to participate in and we
12 welcome the opportunity to be a part of that
13 conversation.

14 CHAIRPERSON LEVIN: But right now,
15 there's no resources allocated. It's my
16 understanding that there's resources earmarked
17 for... or funding earmarked for West Street up to
18 Eagle Street, Commercial Street down, but then no
19 planning... there's no plan for how to...

20 [crosstalk]

21 MELANIE MEYERS: Our under...

22 [crosstalk]

23 CHAIRPERSON LEVIN: Or total resources
24 to make that work.

25

2 MELANIE MEYERS: I think there's two
3 parts to that. Our understanding is that DOT has
4 the programs to the north and the south. We've had
5 discussions with the city about the need to... you
6 know, and the desire to have that connection and
7 that's a conversation that you know, we will
8 continue to have and as part of our discussion with
9 the city in terms of this project.

10 CHAIRPERSON LEVIN: Mr. Lenard, do you
11 want to maybe speak to that a little bit from City
12 Planning's perspective? I know there's no
13 representative from DOT here, but the issue of
14 connectivity and making sure that a portion of the
15 area is being addressed with street reconstruction
16 that the whole thing is.

17 STEVEN LENARD: Yeah, I know that DOT
18 has projects, as you said, for West Street and for
19 Eagle as part of the Brooklyn Greenway and for
20 Commercial as well, so that's most of the streets
21 in the area and I know that I'm not familiar with
22 the exact details of the designs for those. Some
23 of them haven't been set yet, although that it
24 addresses some of the concerns you had in terms of
25 storm water and resurfacing and making those

2 streets flow better. I also... you know, the
3 connection of Commercial to West Street is intended
4 to be part of this project and so that connection
5 through the site will help to you know, make the
6 traffic network work a little more smoothly in the
7 area.

8 CHAIRPERSON LEVIN: It's also my
9 understanding that there's no water mains under
10 West Street right now. Is that... do you know
11 anything about that or...

12 STEVEN LENARD: No, I'm not familiar
13 with the water infrastructure beneath each street.

14 CHAIRPERSON LEVIN: I mean is the
15 city... I mean as... again, this is an as-of-right
16 project, so as the project gets underway I mean is
17 the city going to be looking at and is the city
18 committed to doing whatever necessary
19 infrastructure upgrades are necessary to handle how
20 many thousands of units; 4,000 units?

21 MELANIE MEYERS: 5,400.

22 CHAIRPERSON LEVIN: More? I mean if
23 there's not water mains on West Street, you know
24 how are they going to get water?

25

2 STEVEN LENARD: Right. Well, you know,
3 so the 4,000 units is really part of the
4 development that is permitted under the 2005
5 rezoning and so the incremental increase that is
6 represented by these actions was analyzed in the
7 environmental assessment statement and is not
8 expected to have any impacts. In 2005, you know,
9 we looked at the potential for impacts in these
10 areas for the overall development of the Waterfront
11 and didn't see any unmitigable impacts in terms of
12 infrastructure. So yeah, you know, the city
13 basically is committed to maintaining a high level
14 of service in this area and is going to... moving
15 forward as the need arises to take the steps
16 necessary to do that.

17 CHAIRPERSON LEVIN: Is there someone
18 from the city that can kind of make a commitment
19 that we have an interagency either a Task Force or
20 an ongoing discussion interagency so that we have
21 DEP and DOT and Greenpoint Landing all in the room
22 at the same time and other city agencies planning
23 to deal with some of these infrastructure issues
24 because the last thing that I want to see... and
25 I'm sure that that will happen, but the last thing

2 I want to see is DOT come in or Greenpoint Landing
3 come in, do a street repaving or do a nice new
4 protected bike lane and then it's well, we don't
5 have the... you know, we have to tear it up because
6 we have to lay down a new sewer infrastructure or a
7 water main infrastructure. Can we kind of agree
8 that that is something that should happen so that
9 we're not making efforts that have to then be
10 redone?

11 STEVEN LENARD: We can certainly...
12 there isn't a representative from City Hall here?
13 She was here before, but I'm not sure, so we can
14 certainly take it back and get back to you on that.

15 CHAIRPERSON LEVIN: Okay, okay, I think
16 that that's an important piece. I wanted to talk
17 for a moment about retail and space in you know, in
18 the project that's a part of this or part of the
19 project that's part of this UDDAP, but then if I
20 could potentially talk about the larger Greenpoint
21 Landing project in terms of the type of retail that
22 we're expecting to see there. This is a community
23 that has a lot of inventive entrepreneurs and a lot
24 of folks that are you know, kind of small
25 businesses; Mom and Pop type businesses and you

2 know, one fear that we would have is that it would
3 become kind of more bland or generic and so we're
4 wondering if there's a possibility that we could
5 limit the size of the retail spaces so that we're
6 not allowing for box stores or you know, big Duane
7 Reade; no offense to Duane Reade, but those types
8 of kind of more generic type stores.

9 MELANIE MEYERS: Well, let's talk about
10 what the goal is at this point. I think it might
11 be a discussion that continues. The zoning, as I'm
12 sure you know, allows for one story of retail along
13 the main streets, so along West Street, along
14 Commercial Street and then actually up at the lower
15 level, which is a ways away, along Green Street.
16 So the footprints that exist on each block, it's
17 about 100 feet deep and about 150, 200 feet long.
18 The intention is that the retail along those
19 streets are retail that helps frankly to define the
20 project, which they want to be Brooklyn-based.
21 They want to have it be... you know, they want the
22 retailers to be, you know, local retailers. They'd
23 love to work with the Greenpoint Chamber of
24 Commerce to help identify users of those spaces, so
25 the goal is the same. There is not a plan to have

2 a large you know, department store. There's not a
3 plan to have large big-box there. There might be
4 an idea that it would be nice to have a nice
5 supermarket, which would be more than say, 3,000
6 feet. It would probably be more like 10,000,
7 15,000 feet. So I think the goals are the same. I
8 think we need to figure out sort of what might make
9 sense you know, in terms of the discussion, so I
10 think our goals are the same. I don't know that a
11 restriction of a certain amount is the way of
12 necessarily achieving that goal.

13 CHAIRPERSON LEVIN: Okay, I think that
14 there's... there's a balance I think to be struck
15 out there and I think and while...

16 [crosstalk]

17 MELANIE MEYERS: Right and that's what
18 we'd like to do and work...

19 [crosstalk]

20 CHAIRPERSON LEVIN: You know and...

21 [crosstalk]

22 MELANIE MEYERS: To do.

23 [crosstalk]

24 CHAIRPERSON LEVIN: And while there's a
25 need for... you know, for an affordable and high

2 quality supermarket, I think in the neighborhood,
3 there's you know, certainly you know the fear that
4 everything's going to be a big-box and we don't
5 want to incentivize that. So in going to... if you
6 could maybe just describe a little bit about what
7 the plan is for Newtown Barge Park and how it
8 relates to this action. I think that that's part
9 of the neighborhood infrastructure that is
10 certainly... needs resources and maybe if somebody
11 could speak to that a little bit? I don't think we
12 have a rep from the Parks Department here.

13 MELANIE MEYERS: We're actually looking
14 to see if our rep from the Parks Department is
15 still here. Mary certainly was.

16 ASSISTANT COMMISSIONER GONZALEZ: She
17 was here earlier.

18 MELANIE MEYERS: Yeah.

19 CHAIRPERSON LEVIN: Okay.

20 MELANIE MEYERS: But we... I mean...

21 [crosstalk]

22 CHAIRPERSON LEVIN: We'll come back to
23 that in a second actually. Kind of on a different
24 type of open space, I actually want to go back to
25 the school. Is there a plan for any type of

2 schoolyard or open space for the school or a place
3 outdoors where these 600 children can run around?

4 KENRICK OU: Based on our test fit
5 studies, which had informed the zoning envelop, I
6 think we were anticipating and again, this is not a
7 design, but that, given the footprint of the land,
8 that open space would have to be provided at an
9 upper level, so it would be a terrace or a rooftop
10 open space and not necessarily a street level
11 schoolyard. That is, of course, subject to working
12 through the entire design process once it begins.
13 The other component that has been discussed just or
14 considered in a very preliminary was the potential
15 to work with the Parks Department because there is
16 that park right across the street from the school
17 site.

18 CHAIRPERSON LEVIN: Okay, but the park
19 would be then available for recess or something
20 like that or...

21 [crosstalk]

22 KENRICK OU: Yeah, that... if that
23 happened, then that would have to be discussed with
24 the Parks Department. It's not uncommon across the
25 city where the Parks Department and the Department

2 of Education have partnered to make spaces
3 available for public school students during certain
4 hours exclusively and then opened to the general
5 public outside of those school hours. That is a
6 long you know, complicated discussion, which is
7 really in its infancy. I think that the... one of
8 our goals with our new school buildings is to
9 provide as much on-site recreational space as
10 possible, but unfortunately, sometimes that has to
11 be at an upper level or a terrace level of the
12 building.

13 CHAIRPERSON LEVIN: And there is
14 resources... there would potentially be resources
15 available to do that or does that make everything a
16 lot more expensive or I mean is the...

17 KENRICK OU: It really depends. I mean
18 that's part of what's worked out through the design
19 process; the structural requirements, the egress
20 requirements and the code requirements are factored
21 in by our architects and engineers. I can tell you
22 that not too far from here at the Gehry Building,
23 where we have a public school condominium, there is
24 a terrace level play area at Peck Slip where we are
25 in construction to develop a new school on a former

2 post office facility that will be a rooftop play
3 area because the footprint; the land footprint you
4 know, really didn't allow for an appropriately
5 sized open space.

6 CHAIRPERSON LEVIN: Well, I do think
7 that there actually is a marching band outside so
8 you're not hearing things. Okay, the Parks
9 Department is here. Can we maybe just... I have a
10 couple of questions about Newtown Barge Park and
11 what the Parks Department is envisioning there; a
12 timeline; a process; kind of a long-term goal; how
13 it... what you know, you know explain the nexus to
14 this proposal today.

15 MARY ZELIG: Okay, well, so we don't
16 have...

17 [crosstalk]

18 CHAIRPERSON LEVIN: If you can identify
19 yourself for the record, please.

20 MARY ZELIG: Oh, Mary Zelig [phonetic]
21 from the Parks Department. So we don't have a
22 design as of yet for the expansion.

23 CHAIRPERSON LEVIN: Closer to the
24 microphone, please.

25

2 MARY ZELIG: We don't have a design yet
3 for the expansion of Newtown Barge Park. We
4 envision incorporating the current park into the
5 larger space, but again, we don't have a design
6 just yet.

7 CHAIRPERSON LEVIN: Well, what type
8 of... what's the process going to look like going
9 forward? Are there resources available to build up
10 the whole park? Maybe that's one question.

11 MARY ZELIG: We do have \$4.5 million in
12 the budget now to build out the park. There was a
13 donation from Greenpoint Landing to the park of
14 \$2.5. That would give us \$7 million for the build
15 out and the incorporation of the expansion site
16 into the whole park.

17 CHAIRPERSON LEVIN: Okay and then the
18 process going forward for how can they design that.

19 [crosstalk]

20 MARY ZELIG: So we have consultants on
21 board right now and they are currently looking at
22 the sites. We hope to soon have some sort of a
23 conceptual design to share with the public.

24 CHAIRPERSON LEVIN: [interposing] Mm-
25 hm.

2 MARY ZELIG: We've been working with
3 the Community Board; with the community itself to
4 come up with you know, with community need and what
5 the public would want to see there, so we just...
6 we don't have the design as of yet though.

7 CHAIRPERSON LEVIN: Okay and would it
8 be a mix of active pass or that's all to be
9 decided?

10 MARY ZELIG: It's all to be decided and
11 we do... you know, we do envision working with the
12 community to decide that.

13 CHAIRPERSON LEVIN: Okay, so does the
14 Parks Department view it as that the design will
15 fit the budget or the budget has to fit the design?

16 MARY ZELIG: Well, currently we
17 envision that the design will fit the budget that
18 we have for the park.

19 CHAIRPERSON LEVIN: Okay, so a greater
20 budget would yield the expanded design or more
21 bells and whistles?

22 MARY ZELIG: For an enhanced park,
23 correct.

24 CHAIRPERSON LEVIN: An enhanced park.
25 Okay, we have a commitment from the Park Department

2 and there's been ongoing dialogue around the
3 configuration and the type of park it's going to
4 be?

5 MARY ZELIG: Yep.

6 CHAIRPERSON LEVIN: Okay, those were my
7 questions about the park. Hold on moment.

8 [Pause]

9 CHAIRPERSON LEVIN: Okay, I think
10 because obviously it's late in the afternoon and
11 there are many individuals that seek to testify on
12 this item, I will yield the rest of my questions
13 for a follow up discussion in private, but I think
14 that in the interest of time and in the interest of
15 those that are here to testify, I think we should
16 move on to public testimony, but I want to thank
17 this panel for presenting and if we can agree to
18 keep up the conversation over the next several days
19 I think that would be very helpful on our part. If
20 any questions arise, I hope that you'll be
21 available to answer. Thank you. Thank you very
22 much. Okay, so we're going to call the public
23 testimony and I again, want to apologize to
24 everyone who's been waiting throughout the entire
25 day here to testify. Like I say, we have a lot of

2 items on the agenda and a lot of very important
3 items that have been keeping us occupied today.

4 [background voice] Panel one in opposition...

5 [background voice] [off mic] Did you? Panel one in
6 opposition, Michael Brown; Jennifer Charles;
7 Elizabeth Long and Lana Scott Walker.

8 [Pause]

9 CHAIRPERSON LEVIN: Sorry, if you
10 can...

11 JENNIFER CHARLES: Lance is not here,
12 so you might want to call someone else.

13 CHAIRPERSON LEVIN: I'm sorry?

14 JENNIFER CHARLES: Lance had to leave,
15 so you might want to...

16 CHAIRPERSON LEVIN: [interposing] Oh.

17 JENNIFER CHARLES: Call someone else.

18 CHAIRPERSON LEVIN: Okay, Lance... I'm
19 sorry, Lance. Is this... oh and Michael. So we're
20 going to... [background voice] Teo Gonzalez. 'Kay,
21 Kevin Corrigan.

22 JENNIFER CHARLES: He had to leave as
23 well.

24 CHAIRPERSON LEVIN: Peter Spagnuolo.

25

2 JENNIFER CHARLES: Spagnuolo. He, too,
3 had to leave.

4 CHAIRPERSON LEVIN: Okay, Kim Masson.
5 Okay, come on up, Kim. Oren Bloedow.

6 [crosstalk]

7 JENNIFER CHARLES: Bloedow, Bloedow.

8 CHAIRPERSON LEVIN: Bloedow, alright.

9 JENNIFER CHARLES: He also had to
10 leave. He had a rehearsal.

11 CHAIRPERSON LEVIN: Thomas Smolenski?
12 Stephanie Vivers?

13 JENNIFER CHARLES: She also had to
14 leave.

15 CHAIRPERSON LEVIN: Okay, Meg McNeil?
16 'Kay, Lily Peachin and Darren Lipton; Lipman, I'm
17 sorry, Darren. [background voice] Mm-hm. So the
18 panel is Darren Lipman, Kim Masson, Elizabeth Long,
19 Jennifer Charles; panel in opposition. Thank you
20 all very much for waiting all day. Whoever wants
21 to go first.

22 DARREN LIPMAN: [off mic] I can go
23 first. My name is Darren Lipman. I'd like to
24 summarize the issues. Toxicity: these buildings
25 are to be built next to a superfund site. The air

2 and land are toxic and will negatively impact the
3 health of the new residents for years to come.
4 Infrastructure: the increased population will put
5 a strain on infrastructure; not enough hospital
6 beds; a local Fire Department incapable of high-
7 rise fires; sidewalks that are not wide enough and
8 are only some of the issues. Transportation:
9 overcapacity, subway trains will make the commute
10 even worse for the current and future residents. A
11 water taxi to nowhere or a bus to the overcrowded
12 subway won't fix the issue. Stop building until we
13 can address these issues. Flood zone: we have to
14 stop building in flood zones. No set of guidelines
15 is going to protect us. The Fukushima Nuclear
16 Plant was built to withstand a tsunami; 18 feet
17 high concrete walls, four back-up systems all
18 failed. New Orleans: the levees were built to
19 withstand a Category 5 hurricane and they failed.
20 No amount of planning could ready us for nature's
21 wrath. Sandy hit us as a tropical storm with very
22 little rain. 77 of Greenpoint Landing's lots were
23 completely submerged in toxic water during Sandy.
24 What happens when we get hit by a real Category 5
25 hurricane with 20 inches of rain? And don't

2 forget, sea levels are rising. You are a
3 legislative body charged with protecting the people
4 and the property of this city. Let's put a stop to
5 these two doomed projects. I request you to draft
6 a forward thinking bill that bans the building on
7 flood zones in New York City. Back to toxicity:
8 these two projects are to be built on over 20 acres
9 of brownfield. They are going to have to remediate
10 these lots. I'd like to make the point that
11 brownfield remediation is really brownfield
12 relocation. We're going to haul away a bunch of
13 toxic dirt and put it in someone else's backyard to
14 leach into their water table. I hope it's not the
15 Catskills. With this remediation, we, in New York
16 City are going to be the biggest polluters of this
17 decade. [chime]

18 CHAIRPERSON LEVIN: And you need to...

19 [crosstalk]

20 DARREN LIPMAN: Greenpoint Landing
21 should go...

22 [crosstalk]

23 CHAIRPERSON LEVIN: You can finish, by
24 the way 'cause since it's a small panel and you've

25

2 all been waiting all day, you can take as long as
3 you want for your testimony.

4 DARREN LIPMAN: Appreciate it.

5 CHAIRPERSON LEVIN: Well, not as long
6 as you want.

7 DARREN LIPMAN: No, I got about 30
8 seconds.

9 CHAIRPERSON LEVIN: Within reason,
10 within reason.

11 DARREN LIPMAN: 30 seconds left.
12 Greenpoint Landing should build their schools
13 inside one of the towers. This happened in Battery
14 Park City and is loved by the tenants of the
15 building, as they feel secure in knowing their
16 children attend school right below where they
17 reside. Think of the space we could save as well
18 and the school lot could become additional park
19 land. I also request that we have much more than
20 \$2.5 million to pay for Newtown Barge Park. It's a
21 very little amount of money, and that's the
22 conclusion.

23 CHAIRPERSON LEVIN: Thank you, Darren.

24 JENNIFER CHARLES: Jennifer Charles
25 here. As a long time resident of Greenpoint and a

2 New Yorker since the eighties, I'm very concerned
3 and disturbed at the unethical GPL has been knotted
4 through this far along the ULURP process; so many
5 reasons why Greenpoint Landing doesn't belong here.

6 1. Scale. It's completely out of scale;
7 disproportionate with any other buildings in
8 Greenpoint. Where the average height is four or
9 five stores, these buildings propose 30 to 40
10 stories. 2. Density. These developments would
11 bring an estimated 15,000 new residents to the
12 small community of Greenpoint, where I and
13 thousands of others live, not an industrial area
14 for years and a 40 percent increase in population.

15 3. Infrastructure. There's barely enough
16 infrastructure to support the community as it is.
17 Overpopulating the area is going to be very
18 dangerous. I need to add that five groups of
19 people waiting for one L train this morning to get
20 here. Did anyone else go through that? It's quite
21 spectacular, but normal from what I understand. 4.
22 Zone A. These developments are to be built on a
23 flood zone, officially known as Zone A. Residents
24 saw these entire areas where Greenpoint Landing was
25 slated under filthy water just last year during

2 Sandy. Even if developers put their structures on
3 a perch, in another such disaster, residents will
4 suffer, as the toxic water will then have to go
5 somewhere and there will be a gully effect. 5.
6 Loss of character. As fellow New Yorkers, I think
7 you can agree that New York as a whole is becoming
8 a little less original, sadly homogenized as big
9 businesses come in and plow through once distinct
10 neighborhoods of character. The Mom and Pop
11 stores, the multi-cultural diversity, the artist
12 communities are all endangered. Did everyone read
13 David Byrne's piece in The Guardian? Where will
14 the artists go? 6. Displacement. These
15 developments displace working class immigrant
16 households in favor of luxury living. Small
17 businesses go under as chain stores come in. This
18 is bad for income equality as well as diversity in
19 our city. This area has also been very attractive
20 to the film and TV business over the last decade.
21 We had a well known film actor here earlier who had
22 to leave and they'll be no longer able to film here
23 is what attracted him here will no longer exist.
24 7. Loss of views and light. Everyone has a favorite
25 view. Mine happens to be riding down Franklin,

2 Greenpoint's second main street as you approach
3 Commercial Street. That view of the Empire State
4 and majesty of the city never cease to take one's
5 breath away. Well, with GPL we'll kiss that
6 goodbye. That's life giving stuff, folks. The
7 long time community here will no longer have the
8 views of the water, the city, the sky and light
9 that they once had, making views only for the
10 wealthy, the people in the sky, while old-time
11 residents would be in the shadows in all dark and
12 their already humble priorities of life will be
13 degraded. I'll be certain to remind the welfare
14 children we'll always have Paris. 8. Perhaps the
15 most egregious is the toxicity factor. The GPL
16 sites would be built atop a toxic nightmare. Many
17 residents already suffer immune disorders and
18 cancers, including many young friends of mine.
19 Hell, it's even evidenced in our beloved wild cat
20 colony that resides on Commercial where Greenpoint
21 Landing would build. According to Mary Bernstein,
22 the caretaker there, all the neighborhood cats died
23 prematurely of cancer. This is the why doctors
24 treating people here first inquire about the status
25 of the person's pet. It's no dirty little secret

2 that that's how they find out if the person might
3 be suffering from an environmental disease.
4 Residents will be exposed to all kinds of toxins
5 for at least a decade as this toxic ground is dug
6 up and developed with these neighborhood projects.
7 Would you sent your child to school there? I just
8 want to say one word to you, just one word. Are
9 you listening? Plastics. Greenpoint is one of the
10 last boroughs/neighborhoods that reflect its
11 colorful tapestry, where artists, Latino, Polish,
12 Italian communities, working families of different
13 colors, space and backgrounds co-exist in harmony
14 and have for decades. We're not an affluent
15 community, but we are a happy and peaceful one with
16 great schools and great independent businesses. I
17 might add that it's disturbing how good at the
18 games you play our ears trying to let their great
19 wall of towers slide under the guise of affordable
20 housing or even philanthropy. They're building a
21 community where there is one. We're lucky. These
22 are not the last parcels in New York and there is
23 no shortage of luxury housing in this town.
24 Greenpointers don't want their sacred community
25 highjacked for luxury living. The Waterfront, the

2 sky, the panorama of our beautiful NYC across the
3 river should be for everyone, not just the highest
4 bidder. This is a blatant money game before us,
5 folks, blatant. If buildings get built, they
6 should be no more than six stories or 60 feet and
7 restricted to West Street and this is only after
8 remediation, of course. Commercial Street should
9 just be ah, a beautiful park. Commercial Street
10 Waterfront has the potential to be a real class
11 natural landscape. It could blow people's minds
12 and we sorely lack green space. We have a
13 community, a community fighting tooth and nail
14 against these gross developments. We beg you, hear
15 us; make the responsible choices to please vote no.

16 CHAIRPERSON LEVIN: Thank you, thank
17 you.

18 JENNIFER CHARLES: Thank you.

19 ELIZABETH LONG: Hi, my name is Bess
20 Long. I am reading on behalf of a friend who isn't
21 here today.

22 CHAIRPERSON LEVIN: You need to speak a
23 little closer to the mic, please.

24 ELIZABETH LONG: Alright. Rejection of
25 the Greenpoint Landing, due in part to the

1 significant negative desperate impact that this
2 mega-development and its requested structure of
3 subsidies it will create on the low-income
4 residents of this part of Greenpoint, many of whom
5 are Latino. The City Council should undertake a
6 hard look at the structure of both inclusionary
7 housing program IHP and the 421-A tax abatements
8 that the developer's pursuing as part of the
9 development's government subsidies; specifically,
10 the movement of developers with the blessing of
11 HPD, DCP and DCHR apparently to retool the IHP
12 program to meet the required affordable units
13 percentage of project square footage by making the
14 affordable units for moderate and middle-income
15 applicants and not low-income creates a distinct
16 disparate impact upon the very low and low-income
17 residents of the immediate census tract situated in
18 and around the Greenpoint Landing project. To
19 illustrate, the following census tracts that create
20 the northernmost point of Greenpoint have the
21 following percentage of households that make less
22 than \$30,000 a year: Census Tract 563 is 32
23 percent below \$30K; Tract 579 is 38 percent below
24 \$30K; Tract 575 is 27 percent less than \$30K and
25

2 Tract 565 is 31 percent below \$30K. Also, it is
3 important to note that many of these households are
4 Latino. Census Tract 563 has a 30 percent Hispanic
5 population and the Census Tract 579 has a Hispanic
6 population of 48 percent. The Furman Center at NYC
7 calculates the median income sub-borough for the
8 Greenpoint-Williamsburg for Hispanic households in
9 2009 of just \$22,243 annual [chime] income a year.
10 When you compare this fact to the fact that many of
11 the residents in the census tracts within the
12 quarter mile and half mile radius of the Greenpoint
13 Landing project don't even make 50 percent of the
14 IHP's base AMI of \$85,000, one can see that most
15 likely to be displaced can't even... one can see
16 that those most likely to be displaced can't even
17 apply for the project's affordable even in the low-
18 income band of HPD's IH program of 50 to 80 percent
19 AMI. In fact, with so many HH in the area below
20 \$30,000 in income, they would be zero to 35 percent
21 of AMI. The recent zoning resolution text
22 amendment requested by Two Trees for the Domino
23 Site would affect the GPL project as well. See ZR
24 tax amendment and 140131 ZRK. This text amendment
25 appears to allow the swapping of moderate income

1 for low income; hence, codify the ability of
2 developers aided by city agents, the Council, HPD,
3 DCP and DCHR to discriminate against the long-time,
4 low income residents of both Williamsburg and
5 Greenpoint and further push them out of these
6 developer targeted neighborhoods, where even so-
7 called affordable units allotted for local
8 residents aren't meant for them to utilize. The
9 City Council, as well as city agencies involved in
10 both the IHP and the 421 programs should stop and
11 pause in the approval of these mega-developments,
12 funded with hundreds of millions of taxpayer
13 dollars that are applying those programs utilizing
14 public funds in a way that clearly is
15 discriminatory via the desperate impacts created
16 upon populations of race and income. It should not
17 be lost on the City Council that the IHP program
18 and its related subsidies has created less than
19 acceptable results in the building of new
20 affordable, as per these figures from a recent AMHD
21 study. Quote, "It is estimated that the more
22 that... excuse me, quote, "It is estimated that
23 over the more than 21,000 new market rate housing
24 units built as a direct result of major upzonings
25

2 in designated areas, IHP, only 15 percent of those
3 units, 2,700 units, are affordable housing." One
4 can also say that the "affordable housing" quote,
5 unquote, is often unaffordable to the true low-
6 income, as the situation in Greenpoint today now
7 illustrates. With this factual data in mind and
8 the duty of the City Council as agents to uphold
9 their fiduciary, excuse me, responsibilities to the
10 public, we ask that the Council votes no on the
11 Greenpoint Landing project at this time. Thank
12 you, signed the Community of Greenpoint and
13 Williamsburg. And in addition, I just have two
14 random questions to put forward. The additional
15 garbage will go where? To East Harlem? And the
16 introverted radially planned towers will create a
17 large, dark, solid mass equivalent to a solid wall
18 of construction on Brooklyn's Northwest Waterfront.
19 Thank you.

20 CHAIRPERSON LEVIN: Thank you. Thank
21 you very much.

22 KIM MASSON: Hi, my name is Kim Masson.
23 I am a Greenpoint resident. I'm going to keep this
24 brief. Do you mind if I get off the mic for a sec
25 'cause I want to use this map? [background voices]

2 CHAIRPERSON LEVIN: I'm sorry, you have
3 to speak into mic in order for it to be on record.

4 KIM MASSON: Okay, can I just reach
5 that mic over?

6 CHAIRPERSON LEVIN: Sure.

7 KIM MASSON: Okay, yeah.

8 CHAIRPERSON LEVIN: Or you can pick up
9 that mic and do it that way. Just hold it from the
10 base, please. [background voices]

11 KIM MASSON: In the meantime, the anti-
12 harassment area...

13 [crosstalk]

14 CHAIRPERSON LEVIN: Hold it from the
15 base.

16 KIM MASSON: Needs to outspanded.
17 Okay, I just wanted to show you this school site
18 here. This building right here is Newhart Plastics
19 superfund site. It's 100 feet or less away from
20 the school site. Councilman Levin, I have walked
21 around with a staff member. We counted 21 water
22 stations to test. There are two pools of liquid
23 plasticizers going that are uncontrolled right now
24 and are going through remediation. I think it
25 would be obvious that putting a school so close to

2 a superfund site would be wrong morally and
3 ethically, but apparently, the School Construction
4 Authority doesn't seem to think so. Alright, hold
5 on. I'm going to sit back down again. [off mic] I
6 just wanted to share that with you. Okay, alright,
7 I'm back. Alright, let's see here. Both the SCA
8 and Greenpoint Landing have done environmental
9 tests but yet, after many request, this information
10 has not been released to the public. Why is that?
11 Yesterday, the EPA wasn't even able to get the test
12 results from the School Construction Authority.
13 They were deferred to the New York City Department
14 of Lawyers. Again, why is that? What are they
15 hiding, evidence of a superfund site? I didn't
16 think that would be something to hide because it's
17 there, but apparently that might be the case.
18 Also, according to the School Construction
19 Authority, they'd never even heard of any
20 contamination. This is a lie. Because Greenpoint
21 Landing plans on leasing the land for a nominal
22 fee, the School Construction Authority is not
23 looking into any alternative sites. This is not
24 acceptable. The School Construction Authority has
25 lost millions through reckless school siting. Just

2 to give you a couple of examples, PS 51 was built
3 on toxic ground. Residents sued, but the city
4 lost; they won. PS 20 sunk into a landfill, which
5 was delayed opening for three years. PS 43,
6 affectionately known as the floating school,
7 because it was flooded with 400,000 gallons of sea
8 water. [chime] And now they have plans to build a
9 school next to a superfund site on an E-designated
10 brownfield. This is a public health threat. I am
11 urging you to get the results, see what they're
12 doing and vote no against this project. The health
13 and safety of our kids and the residents are not
14 worth the risk. Also, I would just like to point
15 one other quick thing; that my building and other
16 residents within their map is not even listed as
17 residential. We're considered industrial, so
18 according to the developers, we don't even exist.
19 That's it. Thank you.

20 CHAIRPERSON LEVIN: Thank you very
21 much. So I just want to ask a question about... so
22 you sought the test results for the borings that
23 have been done and they haven't... they've...

24 KIM MASSON: No, I have asked; I've
25 called. I had a very interesting conversation with

2 someone at the SCA, who didn't know anything about
3 it. I was making phone calls all day to the DEC.
4 I even went down to the repository. I even went
5 down to the Community Board repository to get any
6 kind of information not only on the superfund site,
7 but on the other testings. I have asked your
8 office; they haven't been able to get results. I'm
9 at a loss. I don't know; I've tried every outfit I
10 can.

11 CHAIRPERSON LEVIN: And so the EPA
12 asked for the results on that?

13 [crosstalk]

14 KIM MASSON: And the EPA has asked for
15 the results and they were referred to the New York
16 City Department of Lawyers.

17 CHAIRPERSON LEVIN: The corporation
18 counsel.

19 KIM MASSON: What?

20 CHAIRPERSON LEVIN: Corporation
21 counsel? They were referred to...

22 KIM MASSON: On the email it said the
23 New York City Department of Lawyers.

24

25

2 CHAIRPERSON LEVIN: And would you mind
3 forwarding that? There's an email from the EPA to
4 you?

5 KIM MASSON: Absolutely.

6 CHAIRPERSON LEVIN: You're going to
7 forward that to our office?

8 KIM MASSEY: Mm-hm.

9 CHAIRPERSON LEVIN: Okay, I thank this
10 panel for your patience and for, you know, your
11 dedication to your neighborhood and for staying to
12 testify this afternoon. So and I want to just
13 acknowledge that the names that we called before
14 are people that had to leave. It was a pile of
15 eight in opposition and two that were neither in
16 opposition nor in favor. Thank you very much.
17 Thank you very much for your testimony.

18 ALL PANELISTS: Thank you.

19 CHAIRPERSON LEVIN: We have individuals
20 here to testify in favor. I will call them up as
21 they are listed here. Aditi Sen representing 32BJ
22 SEIU; Jessica Ramos, also representing 32BJ SEIU;
23 Sandra Guillermo, representing herself and Carlo
24 Scissura, represented by Andrew Steininger from the
25 Brooklyn Chamber of Commerce. So we're going to

2 have one more panel after this. If you could
3 identify yourself for the record, please.

4 ADITI SEN: Good afternoon. Thank you
5 for the opportunity to testify today. I'm going to
6 be reading a statement on behalf of Samuel Valle,
7 who could not stay for the nine hours that this
8 hearing has taken. My name is Samuel Valle and
9 I've been a member of Local 32BJ for seven years.
10 SEIU 32BJ represents 70,000 members in New York
11 City, including janitors, security officers and
12 residential member such as myself. I work as a
13 porter at City Lights in Long Island City.
14 Previously, I was a contractor and there would be
15 times where I would not have work for a couple of
16 weeks at a stretch. I was looking for a job with
17 benefits because I didn't have any; no health plan,
18 no sick days, vacation or retirement. I have an
19 injury that had to be treated, but I could not get
20 the proper medical attention. Once I got the job
21 at City Lights, I became a 32BJ member and finally
22 got health insurance. Being in the union has given
23 me support and access to schooling. I've been able
24 to get certified in electrical, plumbing and
25 carpentry and I hope to finish my HVAC

2 certification soon. The union job has also
3 provided me the stability that was missing before
4 through having a job every week to go to and the
5 benefits it gives me and my family. The attention
6 I put into my job every day means a higher quality
7 of service for the tenants. Residents are treated
8 with respect and know they'll come home to a
9 familiar face. I'm glad Park Tower Realty Group
10 has committed to creating good jobs. For this
11 reason, I urge you to vote in favor of this
12 project. Thank you.

13 CHAIRPERSON LEVIN: Thank you very
14 much.

15 JESSICA RAMOS: Good afternoon. My
16 name is Jessica Ramos of 32BJ, Service Employees
17 International Union and I'll also be reading one of
18 our member's stories for the record. My name is
19 Brian Cardona [phonetic] and I've been a member of
20 32BJ for almost four years. Before becoming a
21 member of Local 32BJ, I worked at the non-for-
22 profit the HOPE Program for five years. Then the
23 financial crisis hit. First, my hours were cut
24 from full-time to part-time, and then eventually I
25 was let go. After working numerous jobs, I landed

2 a job as a vacation replacement and then from
3 vacation replacement I became a full-time
4 residential member of Local 32BJ. As the single
5 parent of a five-year old son, being a member of
6 32BJ has given my family financial security and
7 affordable health care. My son suffers from asthma
8 and I'm now able to take him to the clinic to make
9 sure he's well, getting all of his check-ups and
10 his medicine. With the Greenpoint Landing project,
11 I feel positive that the developer, Park Tower
12 Realty Group, is going to give other people the
13 opportunity I had because of 32BJ and give them a
14 chance to improve their way of life. Thank you.

15 CHAIRPERSON LEVIN: Thank you.

16 SANDRA GUILLERMO: Good afternoon, New
17 York City Council members. My name is Sandra
18 Guillermo and my three children and I have
19 benefitted greatly from living in an affordable
20 apartment. I'm happy to be here to briefly share
21 my story and support the Greenpoint Landing project
22 and the affordable housing it will provide to help
23 other families like mine. I was born and raised in
24 a tough neighborhood in Williamsburg. Back then,
25 it was not the safe and exciting community it is

1 now. I grew up in the environment circled with
2 gangs, violence and drugs. My family and I spent
3 most of our time indoors for fear of becoming a
4 product of or a casualty of our dangerous
5 surroundings. Something I will never forget is on
6 one occasion when we were watching TV at night and
7 all of a sudden in the hallway there was a big
8 shouting noise of people. When I opened my door to
9 look, there was two guys fighting each other. I
10 got so scared and nervous thinking oh, my God, what
11 if they start shooting? I remember telling my kids
12 at the time to go into the bedroom and not to come
13 out until I told them so. That's when I decided
14 and realized that I had to get out of there. I
15 often tried to move to a safer neighborhood, but
16 limited resources did not allow me to do so. One
17 day, some friends told me about a lottery for new
18 affordable rent restricted apartments that were
19 financed in part by the city. I was very excited
20 to have the opportunity to move to a safer
21 neighborhood and into a brand new apartment. I
22 entered the lottery, but unfortunately, did not get
23 awarded an apartment. Over the years, I continued
24 to look for and apply to similar affordable housing
25

1 developments. Unfortunately, I was not awarded the
2 opportunity to reside in a new affordable
3 apartment. Despite being disheartened, it was
4 encouraging to see that affordable housing projects
5 continued to be developed and opportunities were
6 provided to families in need. Moving became
7 increasingly important as I became an adult and
8 needed to raise my three children in a secure
9 environment. On another day, my cousin told me
10 about a new project in Williamsburg called 15
11 Dunham Place. As was done with similar projects
12 before, the apartments would be rented through a
13 lottery process. After years of trying, [chime] my
14 cousin told me, "You might as well apply. What do
15 you have to lose?" Try I did and unlike many times
16 before, I was awarded a new affordable rent
17 restricted apartment in a transformed Williamsburg
18 community. In March 2013, my children and I moved
19 into our new apartment in a very safe neighborhood.
20 The new apartment represented a new life and a new
21 beginning for me and my family. The transformation
22 that my affordable new apartment has had in my life
23 and my children's lives has been invaluable. I
24 look forward to new doors of opportunities for my
25

1 family. I urge you to support and approve the
2 Greenpoint Landing project. Creating hundreds of
3 affordable apartments is extremely important. It
4 would help hundreds of families that are currently
5 in the situation that I was in; looking to escape,
6 but not having the finances to do so. Please
7 approve the project and open new doors of
8 possibilities in the future of the other families.
9 Thank you for your time. I greatly appreciate it.

11 CHAIRPERSON LEVIN: Thank you.

12 ANDREW STEININGER: Good evening. My
13 name is Andrew Steininger and I am here on behalf
14 of Carlo Scissura, who was here earlier today and
15 really wishes he could be here to testify, but
16 couldn't stay, and I am the Vice President for
17 Economic Development at the Brooklyn Chamber of
18 Commerce. The Brooklyn Chamber is a membership-
19 based business assistance organization, which
20 represents the interests of nearly 1,500
21 businesses. Brooklyn is booming and its growth has
22 been reflected everywhere, particularly its
23 Waterfront. The Greenpoint Landing project will
24 transform a half mile stretch of Brooklyn;
25 Brooklyn's Waterfront from its current state, a

1 largely underused vacant area into a world class
2 and vibrant mixed use development that will have a
3 positive impact on both residents and area
4 businesses. The Greenpoint Landing project is a
5 wonderful development because it seeks to create
6 three very important elements that are needed in
7 Brooklyn; affordable housing, Pre-K through eight
8 grade school and more park space. The creation of
9 431 affordable housing units within this project
10 will greatly help the Greenpoint-Williamsburg
11 community at a time when rents continue to balloon
12 in Brooklyn. This will allow those already living
13 nearby with a chance to stay in the neighborhood.
14 This is an opportunity we can't pass up. In
15 addition, the construction of a new 120,000 square
16 foot District 14 school will help alleviate
17 overcrowding in the neighborhood. The construction
18 of a 640 seat Pre-K through eight grade school will
19 be designed and built by the School Construction
20 Authority on a parcel of land belonging to
21 Greenpoint Landing. Again, this will greatly
22 benefit the community. Finally, the addition of
23 public space is essential for this project to work.
24 The Greenpoint Landing project calls for a total of
25

2 four acres of publically accessible open space.
3 Greenpoint Landing will also be building
4 approximately 30,000 square feet of publically open
5 space than what is required by zoning, and if that
6 wasn't enough, the Park Tower Group will donate
7 \$2.5 million to the New York City Parks Department
8 towards the development of a 2.5 acre park, which
9 is scheduled to open in 2016. The park in
10 Esplanade will also serve as a storm barrier going
11 a long way in serving as a rebuilding and
12 resiliency tool [chime] following Hurricane Sandy.
13 If we learned anything from last year's storm and
14 subsequent flooding, it's that we need to fortify
15 and protect our Waterfront from future storms.
16 There is no doubt this project will greatly benefit
17 Greenpoint and all of Brooklyn. It is also great
18 to see developers continuing to invest in the
19 borough's Waterfront post-Sandy. This project will
20 not only be of great benefits to its residents, but
21 the community as a whole. The creation of a school
22 and a park will go a long way in making this now
23 abandoned area come alive. The area is currently
24 serviced by the G Line and the B32 bus that
25 connects Williamsburg to Long Island City and

2 Queens. Like we have done before in Red Hook and
3 in Sunset Park, I would like to see a ferry stop
4 place at this new location. It will go a long way
5 in getting Brooklynites to other parts of the
6 borough and Manhattan in a timely manner. It will
7 alleviate subway congestion and reduce the need for
8 the use of cars. Local businesses will also
9 benefit from this project and new ones will be
10 created as a result. Residents and increased foot
11 traffic help local businesses grow. We want to see
12 Mom and Pop stores sprout up in the area alongside
13 national chains. The goal is to make this area
14 vibrant. The Greenpoint Landing project does all
15 that and more and therefore, needs your approval.
16 We want to continue to make Brooklyn and New York
17 City a great place to live and visit. Thank you
18 very much. I hope you enjoyed your birthday and
19 thanks for convening all of us here.

20 CHAIRPERSON LEVIN: Thank you, Andrew.
21 Thank you very much to this panel. I appreciate
22 you all staying so long throughout the course of
23 the day. I know that it's long and possibly
24 boring, but I appreciate your time and your
25 patience. Last panel I'm going to call Paimaan

2 Lodhi from the Real Estate Board of New York;
3 Andrew Hollweck from New York Building Congress;
4 Alexandra Hanson of the New York State Association
5 for Affordable Housing and Mark Chertok of
6 Greenpoint Landing, LLC.

7 [Pause]

8 CHAIRPERSON LEVIN: Okay, whoever wants
9 to start, go ahead.

10 PAIMAAN LODHI: Thank you. Good
11 evening, my name is Paimaan Lodhi, Vice President
12 for Urban Planning at the Real Estate Board of New
13 York, representing over 15,000 owners, brokers and
14 developers, builders in the New York area and we're
15 here today to support this application that would
16 amend in a favorable way the Greenpoint-
17 Williamsburg rezoning from 2005. REBNY supported
18 the original Greenpoint-Williamsburg rezoning,
19 which provided a sound and comprehensive planning
20 framework to transform the underutilized industrial
21 section of Brooklyn, especially its Waterfront.
22 This planning framework was rich in public open
23 space requirements, encouraged a scale of housing
24 development that could support affordable housing
25 on the same zoning lot and provided for the

1 integration of a nascent ferry service that would
2 enhance transportation to these new developments.
3 This project will create 431 affordable housing
4 units above the 20 percent that will be built as-
5 of-right within the Greenpoint Landing project,
6 includes the development of a new 640 seat Pre-K
7 through eight school and additional open space
8 totaling approximately four acres and a \$2.5
9 million contribution by Greenpoint Landing to the
10 creation of the Newtown Barge Park. This
11 development builds on well conceived plans of the
12 Greenpoint-Williamsburg rezoning in a way that
13 brings to realization these plans and makes us a
14 better neighborhood for Brooklyn and for New York.
15 We urge the Council to approve this application.
16 And finally, I would like to add that with the new
17 Mayor's Administration coming in and the focus on
18 affordable housing and creating enough new housing
19 to meet the demand in this city, the numbers that
20 have come out look at something about 20,000 new
21 residential units needed to be created each year,
22 including 8,000 affordable housing units. [chime]
23 The Council, the community, they all need to
24 determine where in their neighborhood they're going
25

2 to allow growth. We can't continue to keep
3 designating historic districts and mapping
4 contextual zoning districts and not allow for
5 additional growth. Thank you.

6 CHAIRPERSON LEVIN: Thank you.

7 ALEXANDRA HANSON: Hi, good afternoon.
8 My name is Alexandra Hanson and I am here
9 representing the New York State Association for
10 Affordable Housing or NYSAFA. I would like to
11 thank chair Levin and the members of the
12 Subcommittee on Planning, Dispositions and
13 Concessions for the opportunity to testify today in
14 support of Land Use Items 971, 972, 973, 974 and
15 990 regarding Greenpoint Landing. NYSAFA's 300
16 members include for-profit and non-profit
17 developers, lenders, investors, syndicators,
18 attorneys, architects and others active in the
19 financing, construction and operation of affordable
20 housing. Together NYSAFA's members are responsible
21 for much of the housing built in New York State
22 with federal, state and local subsidies. On behalf
23 of our membership, I would like to state our
24 support for the Land Use Items before the
25 subcommittee related to Greenpoint Landing. New

2 York City currently ranks near the bottom of the
3 list of major U.S. metro areas in housing
4 affordability; 21st out of 25 according to the
5 Center for Housing Policy. Without action, this
6 affordability crisis facing our city will only
7 worsen. New York City's growing prosperity and
8 appeal is driving up not only the cost of rent, but
9 also the cost of land for new affordable housing.
10 Lotteries for affordable apartments built by our
11 members often attract thousands of applicants, with
12 applicants outnumbering available apartments by as
13 much as 100 to one. There is a huge unmet need,
14 which is why NYSAFA supports the Land Use Items
15 before the subcommittee today regarding Greenpoint
16 Landing, which will transform an underutilized half
17 mile stretch of Waterfront into a vibrant community
18 with significant increases in affordable housing.
19 The approval of these items will bring even more
20 positive impacts to an area in need of additional
21 affordable housing and Greenpoint Landing promises
22 and additional 431 affordable apartments, bringing
23 the total to 1,386 units of affordable housing for
24 the entire development. 75 percent of the units
25 for eligible individuals and families range from

2 incomes as low as \$19,000 annually for a studio to
3 \$69,000 for a two-bedroom unit. In addition to
4 providing low-income families with stable housing
5 arrangements, affordable housing has shown to have
6 myriad improvements in the quality of life.

7 Affordable housing has shown to improve childhood
8 development, [chime] school performance, general
9 health for families and individuals and
10 additionally affordable housing provides increased
11 economic development, neighborhood revitalization
12 and job opportunities for New York City residents.
13 Furthermore, affordable housing is an important
14 economic driver of New York City's economy with
15 every dollar invested in affordable housing
16 generating over a dollar in private investment, as
17 well as providing thousands of construction jobs
18 and permanent jobs every year. Finally, affordable
19 housing is critical to building and retaining
20 strong, vibrant communities. Every Greenpointer
21 deserves access to safe high quality affordable
22 housing, and under HPD's policies 50 percent of the
23 units will be set aside for families that have been
24 displaced from Community Board 1 in Brooklyn.
25 Further, these investments will create jobs, grow

2 New York City's economy, help revitalize
3 neighborhoods and provide thousands of residents
4 with an affordable place to call home. NYSAFA
5 fully endorses the Greenpoint Landing development
6 for all of the benefits it will bring to those in
7 need of affordable housing and to the Greenpoint
8 Community in general. Thank you very much for the
9 opportunity to testify today in support of this
10 important project.

11 CHAIRPERSON LEVIN: Thank you.

12 ANDREW HOLLWECK: Good afternoon,
13 Council Member and members of the committee, staff.
14 My name's Andrew Hollweck. I'm a Vice President at
15 the New York Building Congress, which is a
16 membership coalition serving the design,
17 construction and real estate industry and we are
18 very pleased to support the Land Use Applications
19 enabling Greenpoint Landing's ambitious proposal to
20 proceed. The City Council's action to approve this
21 project is an opportunity to encourage the
22 continued resurgence of the building industry and
23 the broader New York City economy. The Building
24 Congress recently reported that the residential
25 construction market, which came to a virtual

2 standstill with the recession, is steadily
3 improving and was forecast to return to
4 prerecession levels in the coming years. At the
5 bottom of the market, which we all remember very
6 well just a few years ago, thousands of
7 construction jobs simply disappeared and are only
8 slowly returning. This is a critical observation
9 because... and we're talking tens of thousands of
10 middle-class jobs that disappeared and the way to
11 returning is high... is not directly related to the
12 actual value of construction and volume of
13 construction, so we need to spend more to get the
14 equal number of jobs back, so that's a critical
15 fact, so we really need to encourage as much
16 investment as possible on that and the jobs front.
17 Moreover, projects lay unfinished throughout the
18 city, representing billions of dollars of dormant
19 economic activity and all the ancillary benefits
20 that that activity provides. The rebound has
21 benefitted not just the building industry, but has
22 been an essential component of the city's overall
23 economic recovery. Greenpoint Landing is also an
24 integral part of this story of recovery, but that's
25 not all. It will also in addition, as we have

2 observed and we've heard from our other panelists,
3 it will create hundreds... and I just found out
4 more than hundreds; over a thousand [chime] units
5 of affordable housing in addition to a new
6 elementary school, several acres of park land and
7 other public open spaces. There's more important
8 context to this project. The Building Congress has
9 mounted an extensive infrastructure campaign that
10 urges continued investment in the city's core
11 systems to allow the city to continue to thrive in
12 the coming century; it's a planning concept. For
13 example, the city's population grew... and this
14 is... and when I look at this, it's hard to imagine
15 this. I mean I moved the city 20 years ago, but
16 the city's population grew by one million people in
17 the last 20 years or approximately and can grow by
18 one million more in the next 30. Even before this
19 population explosion, the city has been in official
20 housing emergency for a century, so as a city, we
21 must areas capable of accommodating those millions.
22 Greenpoint Landing takes advantage of the city's
23 visionary 2005 rezoning and will add vital housing
24 stock in a moment it is sorely needed. Increasing
25 density in neighborhoods with good transportation

2 access, open space, developable land and
3 opportunities for school construction and the
4 creation of amenities to meet a growing population
5 are frankly limited. While we must proceed
6 rationally and follow through on the creation of
7 those amenities to serve a diverse population, the
8 city has no choice but to take advantage of key
9 locations in the city capable of accommodating this
10 phenomenal growth and success. Much of the project
11 does not require further public review, as you
12 know. The disposition of city-owned properties and
13 much of the associated modification of the zoning
14 resolution being discussed today is for fulfillment
15 of the project's most important goals; the
16 affordable housing creation, the new public school
17 and the public open space, the core infrastructure,
18 which is so urgently needed for the city to retain
19 its position as a global leader. We urge the
20 Council to approve this project so that these
21 important goals can be realized. Thank you.

22 CHAIRPERSON LEVIN: Thank you very
23 much.

24 MARK CHERTOK: Good afternoon. My name
25 is Mark Chertok. I'm an environmental lawyer with

1 the law firm of Sive, Paget and Riesel. Although
2 I'm a lawyer, I'll try to be brief, given my
3 position as the last speaker of the day. I just
4 wanted to set some context to a lot of the comments
5 that have been made about contamination in the
6 site. First of all, the site's been subjected to
7 date to three rounds or four round of sampling; two
8 by GLA's consultants, one, as you heard this
9 afternoon, by a consulting firm for SCA and the
10 city itself did sampling on the dock area and along
11 the pipelined area from the tank. And so
12 altogether there were probably about close to 60
13 soil samples and nearly 20 groundwater samples.
14 The results are remarkably consistent. They show
15 basically what you have is typical urban fill, the
16 same type of fill that has limited amounts, very
17 nominal amounts of metals and semi-volatiles and
18 other constituents, which are all over the city,
19 but nothing unusual and no hazardous waste was
20 found. So this a site that frankly the testing
21 shows is far less contaminated than other sites in
22 the city along the Waterfront that have been
23 developed, such as Queens West; not even close in
24 terms of a comparison. There's been a number of
25

2 claims about the terrible contamination, which have
3 not been documented, but what is documented are
4 test results here. And first, there was a claim
5 about and I think you mentioned it, about the Exxon
6 spill. That spill is over two miles away. There's
7 been no indication that it's approached the site
8 and in fact, it hasn't even had any indication...

9 [crosstalk]

10 CHAIRPERSON LEVIN: I acknowledged that
11 when I said that.

12 [crosstalk]

13 MARK CHERTOK: Yeah, that it approached
14 McCarren Park, so it's... but it's not just yours,
15 it is...

16 CHAIRPERSON LEVIN: [interposing] I
17 live on top of it right now so yeah.

18 MARK CHERTOK: If you look at the blog
19 site you know all things are brought up so...

20 [crosstalk]

21 CHAIRPERSON LEVIN: Yeah, right.

22 [crosstalk]

23 MARK CHERTOK: We're trying to address
24 these with facts and, you know, science so to
25 speak. Second, there's been a claim that there is

2 tanks below the site that hold I think 58 to 60,000
3 gallons of petroleum. Very recently, we [chime]
4 did a ground penetrating radar test on the project
5 site, which showed no basis for finding any tanks
6 on the project site. That's radar that goes deep
7 ground. It indicates whether there's structures
8 that are underground. You'd have to have a vast
9 member of tanks to have 85,000 gallons in tanks
10 underground and not one of the borings on the site
11 or even on the rest of this property have ever hit
12 a tank like that in a boring. There's only one
13 tank been found in a former auto repair area with a
14 mild spill taken care of; cleaned up. You
15 mentioned Newtown Creek. As you all know, the
16 testing done by EPA has shown that the mouth of the
17 creek, which is where this site is close to, is far
18 less contaminated than upstream and it's even
19 unclear whether that will be kept then as a
20 superfund site and the site planning takes full
21 account of flooding. And finally, in a sense is a
22 Newhart superfund site. Now, that is a superfund
23 site that is listed by the New York State DEC.
24 It's undergoing remediation under the auspices of
25 DEC. To date, sampling has not indicated that the

2 phthalates, which are used in plasticizers, have
3 reached the site we're talking about today. So the
4 plume, so to speak, of plasticizers has not yet
5 migrated off the site and should not migrate off
6 the site because DEC will be imposing... it has
7 imposed and will continue to impose remediation to
8 keep that, so there's not a threat to anyone
9 outside that site. And finally, this site is an E-
10 designation, which means that in addition to the
11 sampling that was done, additional sampling will
12 have to be done under the Office of Environmental
13 Remediation protocols. It'll be expensive. That
14 office will impose conditions on the construction
15 and remediation, which will include things like
16 dust control, air monitoring, making sure that the
17 construction process is safe and will not endanger
18 the community and that after the development is
19 done this site will be capped with clean soil or
20 concrete or asphalt and won't pose any danger. And
21 finally, I can assure you that when soil, if it has
22 any contamination and a lot of this is mild
23 contamination because it's urban fill, it'll be
24 sampled and it'll be shipped to an appropriate
25 landfill, which will not be in the Catskills,

2 'cause I don't believe there are any open landfills
3 anymore in the Catskills. It'll be in a licensed
4 landfill and it'll be taken care of. So in short,
5 the E-designation will ensure that this entire
6 site, including the property that's the subject of
7 the development today, will be safe and won't have
8 any issues of contamination. Thank you.

9 CHAIRPERSON LEVIN: Thank you very
10 much. Sir, I just wanted to follow up with a
11 question. So there's been sampling that's been
12 done by the SCA and other sampling that's gone on
13 on the site where the school is set to be?

14 MARK CHERTOK: Correct.

15 CHAIRPERSON LEVIN: Can we have access
16 to those results?

17 MARK CHERTOK: Those results have all
18 been provided to the Office of Environmental
19 Remediation and...

20 [crosstalk]

21 CHAIRPERSON LEVIN: So if I call OER
22 tomorrow and ask for the results, they'll give them
23 to me?

24 MARK CHERTOK: They should.

25 CHAIRPERSON LEVIN: Mm-hm.

2 MARK CHERTOK: I can't speak for the
3 city, but they are part of...

4 [crosstalk]

5 CHAIRPERSON LEVIN: Mm-hm.

6 [crosstalk]

7 MARK CHERTOK: Your organization the
8 last time I checked.

9 CHAIRPERSON LEVIN: Mm-hm. And then so
10 the reason I'm concerned about it is that
11 there's... anecdotally there's been a lot of cases
12 of brain cancers and autoimmune disorders, other
13 cancers in the area and it's... if you talk to
14 anybody that's lived in Greenpoint you know, old-
15 timer that's been around for a while, that's again,
16 a notorious site, the one that's the adjacent site
17 that manufactured the vinyl, so it was... you know,
18 it used to run 24/7 and it's a kind of a nasty
19 imposing place and it's has... you know, there's...
20 I mean honestly we've been in discussions with a
21 medical school about doing an environmental health
22 review for the neighborhood you know, widespread
23 and so I'm trying to quantify if there are you
24 know, hot spots in terms of different health
25 impacts and so this is an area... that site

2 regardless of its proximity to Greenpoint Landing,
3 having nothing to do with Greenpoint Landing, has
4 become an area of focus because of its potential
5 impacts over the years and those are substances
6 that don't you know, don't just go away.

7 MARK CHERTOK: There's no question that
8 Greenpoint, like many other areas of the city, have
9 an industrial past, but I think what's important
10 for this particular site is that there's been
11 sampling done, including groundwater, which is
12 basically how contaminates migrate, and there's
13 been no hits, so to speak, or groundwater showing
14 any kind of concern, including the phthalates from
15 the new park facility.

16 CHAIRPERSON LEVIN: So that plume has
17 not migrated at all off-site; it's all entirely...

18 [crosstalk]

19 MARK CHERTOK: The most recent data
20 that we've seen and now, we don't have all the data
21 'cause it's on... DEC hasn't processed it yet. It
22 shows that it's not gone off that site.

23 CHAIRPERSON LEVIN: So there's no
24 evidence of phthalates then down on the site...

25 [crosstalk]

2 MARK CHERTOK: We found...

3 [crosstalk]

4 CHAIRPERSON LEVIN: Where the...

5 MARK CHERTOK: We found no phthalates
6 in the sampling that was done on our site and I
7 don't believe TRC, which is the consulting firm
8 used by SCA, found phthalates in the groundwater
9 samples that were done there. Their samples were
10 very similar... their results were consistent with
11 existing urban fill on the site.

12 CHAIRPERSON LEVIN: Okay, in my
13 experience with DEC, we've... they've in different
14 types of plumes, they've been able to essentially
15 draw on a map where the plume is. Is that
16 available now? Do we know where the plume is? Do
17 we know...

18 [crosstalk]

19 MARK CHERTOK: We don't know because
20 you know, DEC is... there's been an ongoing for
21 more information from what we can get through
22 follow up requests, which is the only thing we can
23 do.

24 CHAIRPERSON LEVIN: Mm-hm.

25

2 MARK CHERTOK: Because we're not the
3 property owner or responsible party is that the
4 remediation was ongoing and DEC believed it should
5 be enhanced and more aggressive remediation should
6 be put in place. That's the last we heard.

7 CHAIRPERSON LEVIN: What are the health
8 impacts potentially of phthalates?

9 MARK CHERTOK: I believe it can affect
10 the endocrine system. If it's... obviously, it's
11 sufficient quantities over sufficient time like
12 many contaminates.

13 CHAIRPERSON LEVIN: Okay, I appreciate
14 everybody's testimony and I appreciate you all
15 taking the time this afternoon and this morning to
16 be here for this hearing. I just wanted to keep
17 everybody 'til after 5:00, so it's after 5:00, so
18 I'll let you all go home. We're going to close the
19 public hearing on Land Use Numbers 971, 974 and
20 990. [background voice] Hm? Oh, oh, I'm sorry,
21 971 to 974 and 990, thank you and with that, this
22 meeting is adjourned.

23 [gavel]

24

25

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. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Date: 12/24/2013