

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

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August 27, 2024
Start: 12:48 p.m.
Recess: 2:41 p.m.

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

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

COUNCIL MEMBERS:

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

A P P E A R A N C E S

Richard Lobel, Sheldon Lobel PC

Valon Pilku

Nicholas Liberis, Archimaera

Kevin Williams

Karen Blondell, founder of Public Housing and
Civic Association

Shirley Gilyard

Tyrell Gibbs

Marcella Williams

Frances Brown, Resident Leader of Red Hook East

Marjorie Booth

Tiffiney Davis

Father Eamon Murray

Frank Chaney, land use attorney with the law firm
Rosenberg and Estis

Demetrius Drogades

Fayanne Betan

2 SERGEANT-AT-ARMS: Check, check. This is a
3 microphone check for the Subcommittee on Zoning and
4 Franchises on the 16th Floor recorded on the 27th of
5 August 2024 by Patrick Kurzyna.

6 SERGEANT-AT-ARMS: Good morning and
7 welcome to today's New York City Council hearing for
8 the Subcommittee on Zoning and Franchises.

9 At this time, we ask that you silence all
10 electronic devices and at no time is anyone to
11 approach the dais.

12 If you have any questions during the
13 hearing, please see the Sergeant-at-Arms.

14 Chair, we're ready to begin.

15 CHAIRPERSON RILEY: [GAVEL] Good morning,
16 everyone, and welcome to a meeting of the
17 Subcommittee on Zoning and Franchises.

18 I am Council Member Kevin Riley, Chair of
19 this Subcommittee. Today, I'm joined by Council
20 Members Hanks, Abreu, Carr, Avilés, and remotely by
21 Council Member Moya.

22 Today, we are scheduled to hold three
23 hearings. The first hearing concerns LU 137 for a
24 project known as 150 Mill Street. The second hearing
25 concerns LUs 138 and 139 for a project known as 31-17

2 12th Street Rezoning. The third and last hearing
3 concerns LUs 140 and 141 for a project known as 250
4 86th Street.

5 This meeting is being held in a hybrid
6 format. Members of the public who wish to testify may
7 testify in person or on Zoom. Members of the public
8 wishing to testify remotely may register by visiting
9 the New York City Council's website at
10 www.council.nyc.gov/landuse to sign up and, for those
11 of you here in person, please see one of the
12 Sergeant-at-Arms to prepare and submit a speaker's
13 card.

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

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

24 We will limit public testimony to two
25 minutes per witness. If you have additional testimony

2 you would like the Subcommittee to consider or if you
3 have the written testimony you would like to submit
4 instead of appearing in person please email it to
5 landusetestimony@council.nyc.gov. Written testimony
6 may be submitted up to three days after the hearing
7 is closed. Please indicate the LU numbers or the
8 project name in the subject line of your email.

9 We request that the witnesses join us
10 remotely remain in the meeting until excused by
11 myself as Council Members may have questions.

12 Lastly for everyone attending today's
13 meeting, this is a government proceeding and decorum
14 must be observed at all times. Members of the public
15 are asked not to speak during the meeting unless you
16 are testifying. The witness table is reserved for
17 people who are called to testify and no video
18 recording or photography is allowed from the witness
19 table. Further, members of the public may not present
20 audio or video recording as testimony but may submit
21 transcripts of such recordings to the Sergeant-at-
22 Arms for inclusion in the hearing records.

23 I will now open the first public hearing
24 on LUs 137 relating to the 150 Mill Street rezoning
25 proposal in Council Member Avilés' District in Red

2 Hook Brooklyn. The proposal consists of rezoning a
3 manufacturing area from M1-1 to M1-5 to create
4 primarily new office space. The proposed site is
5 located within the Southwest Brooklyn Industrial
6 Business Zone.

7 For anyone wishing to testify on these
8 items remotely, if you have not already done so, you
9 must register online and you may do that now by
10 visiting the Council's website at
11 council.nyc.gov/land use and, once again, for anyone
12 with us in person, please see one of the Sergeants to
13 prepare and submit a speaker's card. If you would
14 like to prepare to submit a written testimony, you
15 can always do so by emailing it to
16 landusetestimony@council.nyc.gov.

17 We've been joined by Council Member
18 Schulman, and I would like to give the floor to
19 Council Member Avilés to give her remarks for this
20 project.

21 COUNCIL MEMBER AVILÉS: Thank you so much
22 Chair. Good morning. I've been here for hours. Good
23 morning, everyone. Good to see you. Again, thank you,
24 Chair, and thank you to Members of the Committee who
25 are here today. I am Council Member Alexa Avilés here

1 to discuss the 150 Mill rezoning application. The
2 application proposes a zoning map amendment from an
3 M1-1 to an M1-5 to facilitate the development of a
4 new 10-story commercial building in Red Hook
5 Community District 6 Brooklyn. The development site
6 falls within the Southwest Brooklyn Industrial
7 Business Zone, the IBZ. While the application seeks a
8 higher density industrial zoning designation, the
9 development proposal as filed in the official
10 documents with the Department of City Planning
11 describes an entirely commercial and so-called
12 community facility building with very little space
13 for industrial or manufacturing uses. The proposed
14 M1-5 does not require or incentivize industrial
15 space. From the start, unfortunately, the applicant
16 never sought to use tools specifically geared for
17 industrial manufacturing. I'm dedicated to the growth
18 and the preservation of the industrial sector and
19 industrial jobs in District 38. Despite the historic
20 decline of manufacturing sector in New York City, the
21 larger industrial sector remains an important source
22 of middle-wage jobs with low barriers to entry.
23 According to an analysis by DCP, 33 percent of all
24 New York City jobs at least pay 50,000 dollars and
25

2 are available to those without a college degree and
3 are in the industrial sector. Because this property
4 falls within the industrial business zone, we must
5 see a strong credible commitment to industrial use.

6 I'm passionate about keeping the character and
7 function of the IBZ alive as this is a major land use
8 principle I use to guide development in our District.

9 This sentiment has been evident throughout the
10 application process and made clear to all parties
11 involved. While I appreciate the involvement
12 throughout the ULURP process, I feel this application
13 falls short of a credible commitment to an industrial
14 use while falling within the IBZ and the heart of
15 industrial businesses. I do not wish to see the
16 integrity of the IBZ compromised. Mapping an M1-5
17 district here without a concrete and credible plan to
18 preserve and grow industrial jobs could set a
19 precedent for commercial conversion of this entire
20 portion of the IBZ. As the Borough President's
21 recommendation for disapproval states, without a
22 viable mechanism to hold the applicant to a
23 commitment that maintains industrial character and
24 uses, the proposed zoning change introduces
25 flexibility contrary to the broader goals of the IBZ.

2 The Department of City Planning is about to begin
3 intensive work on a citywide industrial strategic
4 plan required by Local Law 172 of 2023. The IDSP will
5 involve detailed analysis of citywide needs and
6 trends for the industrial sector and each IBZ
7 including recommendations for economic development
8 goals, potential capital investments, and land use
9 policy goals. This plan will provide much needed
10 analysis to better inform appropriate zoning
11 districts and policy goals for each IBZ.

12 I would like to thank Community Board 6,
13 the Borough President, the City Planning Commission,
14 and my Colleagues on the Zoning Subcommittee and the
15 Council for their thoughtful evaluation of this
16 proposal. I look forward to hearing from the
17 development team, from my constituents, and from the
18 public at today's meeting to further address the
19 concerns that I and many other stakeholders have
20 about this proposal. Thank you, Chair.

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

23 I will now call the applicant panel for
24 this item which consists of Richard Lobel, Will
25 Pilku, and Nick Liberis.

2 Counsel, please administer the
3 affirmation.

4 COMMITTEE COUNSEL VIDAL: Please raise
5 your right hand and state your name for the record.

6 RICHARD LOBEL: Richard Lobel.

7 VALON PILKU: Valon Pilku.

8 NICHOLAS LIBERIS: Nicholas Liberis.

9 COMMITTEE COUNSEL VIDAL: Do you swear to
10 tell the truth and nothing but the truth in your
11 testimony today and in response to Council Member
12 questions.

13 RICHARD LOBEL: I do.

14 VALON PILKU: I do.

15 NICHOLAS LIBERIS: I do.

16 CHAIRPERSON RILEY: Thank you. For the
17 viewing public, if you need an accessible version of
18 this presentation, please send an email request to
19 landusetestimony@council.nyc.gov.

20 Now the applicant team may begin. Please,
21 gentlemen, just please restate your name and
22 organization for the record. You may begin.

23 RICHARD LOBEL: Thank you, Chair Riley.
24 Richard Lobel of Sheldon Lobel PC for the applicant.
25 Good morning/afternoon. We're here today to discuss

1 the 150 Mill Street rezoning. This rezoning has been
2 in process for close to four years and Willie and the
3 entire applicant team has really worked diligently to
4 create a coalition which resulted in a 28 to 2 vote
5 in favor of this application at Community Board 6, no
6 easy feat. In addition to which we have
7 representatives from powerful community organizations
8 in the room with us today who I know will provide
9 testimony and support.

11 With regards to the land use rationale of
12 the application, the next slide, here's a description
13 of the application. This is a proposed zoning map
14 amendment which would change an existing M1-1
15 district to an M1-5 district, and we'll go through
16 some of the maps and photos to demonstrate why we
17 think that there's a strong land use rationale here,
18 and then Nick Liberis, the project architect, will go
19 through some plans and materials to show the
20 illustrative plans. This rezoning would cover the
21 entirety of six lots and portions of six other lots,
22 constituting roughly four zoning lots, the
23 development site, two adjacent lots and a gas
24 station. Right here on our development site, this
25 would facilitate the development of a roughly 10-

2 story building, 64,000 square feet, which would have
3 a mix of uses including commercial, would have light
4 manufacturing, community facility, and office space.
5 There would be a supermarket on the ground floor,
6 light manufacturing and community space on the second
7 floor, ambulatory diagnostic uses on the fourth
8 floor, and offices on the remaining floors. We have
9 been in diligent discussions with local non-profits
10 in order to secure a community benefits agreement
11 which would be executed and recorded prior to the
12 time of any Council determination, and we've also had
13 significant conversations with the Southwest Brooklyn
14 IBC and reached out to them, had conversations,
15 meetings, emails and such, no fewer than six or seven
16 communications with them. They basically said that
17 they would be unable to sign a restrictive
18 declaration but we did draft that, send it to the
19 Council, and are confident that we could record
20 something at the site which would be binding and
21 require the applicant to allow for the requisite
22 light manufacturing uses.

23 The next slide demonstrates some of the
24 community benefits which have been the subject of
25 frequent conversations with the Community Board and

1 other stakeholders. There's a supermarket proposed
2 for the ground floor of the site which would provide
3 access to fresh and affordable groceries. One of the
4 things that kind of compelled us to move forward with
5 the food market and a fresh store is our conversation
6 with the community when they demonstrated that there
7 were not good options in the area for produce, for
8 fresh foods, etc., and so the opportunity to provide
9 that in this expanded building was very important to
10 the applicant and to the community in general. There
11 were lengthy conversations about the lack of fresh
12 options, about the sad state of produce in nearby
13 supermarkets, and it was something which really
14 compelled our action here. There would also be
15 community space for local non-profits as is recorded
16 in the community benefits agreement. There would be
17 meeting rooms for local non-profits to collaborate
18 and serve the community. There would be light
19 industrial space. Again, this is mentioned in the
20 community benefits agreement and would also be in the
21 restrictive declaration with regards to small scale
22 manufacturing and production space. There's maker
23 space which would empower local individuals in kind
24 of smaller, tailored space to allow for creative and
25

2 entrepreneurial work, provide for innovation and
3 craftsmanship within the local community, and then
4 there also, importantly, would be job training. This
5 was an important aspect of the application as was
6 requested by local non-profit organizations which
7 would allow for classroom space for job training
8 programs, something which is absent from the
9 surrounding area.

10 The next slide is a zoning map which kind
11 of gives an overview. We'll go into the area map
12 which is a little bit more detailed, but you can see
13 generally speaking that to the north northeast on the
14 second map and to the west there are residential
15 districts which abound here, including the Red Hook
16 houses which is the largest NYCHA development in
17 Brooklyn.

18 To the east here, next slide, please, you
19 can see to the east, the southeast, and the south are
20 M districts, manufacturing districts, specifically as
21 we are located along the Gowanus Expressway.

22 The next slide is the tax map which shows
23 the specific delineation, again, with these four
24 zoning lots included. Although there are portions of
25

1 other lots, it's really these four sites, including
2 the applicant site in red, 9,900 square feet.

3
4 The next slide is the area map which I
5 think really tells the story of why this rezoning is
6 important and not just one which is elective. You've
7 got an area where you have a dense residential
8 population, and the idea here of the opportunity to
9 build commercial uses, light manufacturing uses, job
10 generation is something which is extremely important
11 as has been expressed both by the Commission and by
12 the City Council. This allows for walk-to-work
13 opportunities. It's the next slide, if you can just
14 advance that to the area map. Thank you. You can see
15 the dense residential, specifically the Red Hook
16 houses to the west. We are creating walk-to-work
17 opportunities in an area where it is appropriate. The
18 existing M1-1 district at the site, which has existed
19 for over 60 years, has produced what M1-1 districts
20 produce, which is low job-generating manufacturing
21 uses/open uses, and M1-1 use has a 1 FAR or a
22 relatively small floor area, high parking
23 requirement. It results in what the applicant site is
24 now used for and has been used for for 20 years,
25 which is a scaffolding business on an open site. This

1 is doing no good for anybody. The fact that Community
2 Board 6 so strongly came out in favor of this, and
3 really the request of the applicant was that we
4 continue along on our memorandum of understanding and
5 sign a community benefits agreement, really indicates
6 how this site is just poorly utilized and is
7 underutilized for the opportunity that presents here.
8 You're basically adjacent to the Gowanus Expressway.
9 The area, given transportation, the South 9th Street
10 Station can easily handle the additional bulk that is
11 proposed at the site and is really, for those
12 attending the Community Board meeting, was welcome at
13 the site to put a building of this nature in this
14 location.
15

16 The slides which are after this
17 demonstrate pictures of the surrounding area. Again,
18 the looming expressway immediately adjacent to the
19 property as well as the open nature of the existing
20 site.

21 After the photos, there's a copy of the
22 zoning change map, which, again, shows the minor
23 change highlighted in black on the right, which would
24 create the M1-5 here. While this zoning change is
25 minor in terms of the map, it is major in terms of

2 the hopes and desires of this community. Again, this
3 is an applicant who's really gone out of its way with
4 numerous meetings in the local area, outreach, and
5 other communications to try to build a coalition
6 here, which is what we've got. It's very
7 disheartening to face the prospect of a loss of this
8 potential building, which really engages so much of
9 the community and really has invested much of the
10 hope in the surrounding area, because basically, I
11 think the applicant here, in good faith, has talked
12 to everybody and has really tried to get everyone on
13 board.

14 I think with that, I would hand the mic
15 over to Nick Liberis, our project architect, who can
16 talk a little bit about what might be possible at the
17 site, given the proposed rezoning.

18 NICHOLAS LIBERIS: All right. Thank you,
19 Rich. Nick with Archimaera. So, in 2018, Willie came
20 to me, and the question that he had was, where can we
21 put a good office space, and he and I were both
22 looking for office space, and we had some friends
23 that are subs that we all use that were also looking
24 for office space so we looked around, and he showed
25 me this piece of land that's been in his family for

1 many, many years, and I thought, you know, maybe this
2 is a good spot so we went to DCP, and the first
3 question DCP asked us was, how high do you think that
4 we should go, because apparently, they had been
5 thinking about this entire strip for some time so
6 they were thinking that M1 and M1-5 was completely
7 appropriate for this entire strip, and this was maybe
8 like late 2018. So we said, okay, fine. This is what
9 we'll do. So, we went to Menchaca, and everything
10 that we had done with him is everything that you see
11 here. So there was a big emphasis on making sure that
12 we had reached out to the community. Out of maybe 20
13 applications that I've worked on like over the past
14 however many years, this one stands out as it has the
15 most outreach, it had the most, like the most earnest
16 outreach, and we've gone to great lengths to really
17 do something which is really, finally, like, catering
18 to what everybody asked for. So, to that end, we have
19 a supermarket that's on the ground floor. We have
20 this incredible jobs-training program. We have all of
21 this community space, which is on the second floor
22 also. So I'm just going to walk you guys through
23 quickly what this thing looks like as of right now,
24 and then I'll kick it back.

2 This slide just shows what we propose.

3 The ground floor has to deal with the fact that we're
4 right next to the highway so the highway goes about
5 almost 50 feet over here. What we did was that we end
6 up shielding the front of the building from the
7 highway, and then we end up with some more normative
8 office space up above. So you can see that the
9 building tops out at about 145 feet. We have 10
10 floors, and it's currently contemplated as being
11 office space from the third floor to the tenth floor.
12 Most of it is actually spoken for so this is not like
13 a speculative building. This is something where
14 people will be ready to move in very, very quickly.
15 Next slide, please.

16 One other very significant site
17 consideration is the fact that you are right down the
18 street from this 9th Street stop, and you can see
19 that like there's this terminus to this access going
20 down Mill that kind of passes underneath the highway
21 so, thank you so we have this condition where we have
22 the office space, which has to be shielded from the
23 highway, and then we have something where we could
24 make some sort of urbanistic mark. We reached out to
25 DOT, and it turned out that this pathway over here is

2 actually something which is contemplated as being
3 part of the future improvement for the area so we
4 thought this is great, we can have like this brand-
5 new sidewalk, this nice thing that kind of leads into
6 the building so the focus was both on making this
7 thing pop from underneath the highway and also
8 dealing with the highway for the program up above.
9 Next slide, please.

10 We have something which we think very,
11 very strongly anchors the corner, starts something
12 that we hope proliferates up and down the street, you
13 know, which is to say that there will be retail
14 fronting the street. You'll have some care and some
15 consideration as to how this thing works with the
16 street and adds to the neighborhood also. You can see
17 here that we have the building poking up above the
18 highway. At one point, we had something which was
19 much more polychrome, but we were getting advice to
20 tone it down just because it may be too distracting
21 because this is right up against the highway. Next
22 slide, please.

23 This is Mill Street. This is looking
24 southeast. You could see that we have the supermarket
25 program here. The way it's been set up, we have entry

2 and exit off of the corner and off of Mill because we
3 have an extra-wide sidewalk over here. There's a bus
4 station which is directly to the south of us, and
5 then we have this very nice, almost like 20-foot-wide
6 sidewalk that then goes out even further so it's
7 very, very safe, you know, very, very well set up to
8 receive a lot of people coming in and out. Then, off
9 of Hamilton, you could see kind of in the distance,
10 you have the entry to the office spaces. Next slide,
11 please.

12 This is the office spaces up above. Next
13 slide, please.

14 Okay. This is a cellar floor plan. Right
15 now, the supermarket gets much of the cellar, and
16 then everything else will be storage space for the
17 offices, bike parking, stuff like this. Next slide.

18 Okay, so this is the ground floor. This
19 is where we have, you can see the entry and the exit
20 to the supermarket. Right now, this is an
21 illustrative plan, and there's a tenant who has
22 signed an LOI. Typically, what happens with these
23 projects is that we do (INAUDIBLE) for these
24 projects, and then we will work with whoever they
25 hire as an interior designer to kind of make this

2 what they want so this was something that we had done
3 based on some other supermarket plans that we've done
4 in the past so, you know, I think this would work,
5 but I can't really attest to the final positions of
6 these entries and exits, but it will be somewhere on
7 this thicker sidewalk piece that you see over here on
8 the right side of the screen. One other thing that
9 we've done is that we've put in a pretty significant
10 freight, and this is both to service the supermarket
11 and also to service the second floor uses, which are
12 contemplated as being a mix of light manufacturing
13 and also community facility. Next slide, please.

14 The second floor, on this floor, this is
15 where we have all of the space which has been deeded
16 to the community. At the top right in this shaded
17 area here, we have a space which has been
18 contemplated as being a shared conference
19 space/gathering spot that can be booked by the
20 community, and then next to it, we have this
21 classroom which has been configured so that it could
22 flexibly work also as a woodshop workshop type of
23 use. What's happened in the past few months is that
24 the same entity has now spoken for both of these
25 spaces so we would probably make it more flexibly

2 laid out so it could be configured in a way that
3 could take advantage of the whole space because it's
4 a pretty long space. So we have that use, and then
5 the second use is this crosshatched use that's right
6 next to the dark shaded use and also below it, and
7 this is what has been contemplated as being the light
8 manufacturing. Like Rich said, we would be into
9 signing something that would restrict the use for
10 this space, and the square footage which has been
11 dedicated to this is proportionally very, very
12 similar to other stuff which has been approved in the
13 neighborhood recently so I think, from what you're
14 saying, Council Member, I think that we kind of fall
15 into this kind of trap where we have a small site.
16 The site is about 10,000 square feet so it could be
17 difficult to give the amount of space that might be
18 wanted across an entire neighborhood with such a
19 small site, but I think that through these other
20 rezonings, you should be able to get what you guys
21 need just in terms of the square footage. It's very,
22 very difficult on such a small site to fit everything
23 in there. This is the third floor, and this is the
24 typical third through fifth floor. You can see that
25 we have balconies here facing south so this is also

2 something where we're not just presenting this blank
3 face to the neighborhood. We have some nice
4 balconies. We think it'll make it a much more
5 attractive office space, and it also functions to
6 shade everything from the south. Then, if you keep
7 going up, you can see that there's a setback. We have
8 the setback at the, I think, sixth floor, and then
9 the building proceeds up, and we have a nice rooftop,
10 and we've been talking to local groups also about the
11 use of the rooftop so maybe that's something that
12 could also be part of what we're offering to the
13 community. Thank you for your time, and I'm going to
14 kick it back. Thanks.

15 RICHARD LOBEL: Thank you, Nick. I think
16 to conclude, and then we're happy to answer
17 questions. I think it is something that we can't take
18 for granted that development happens, and Willie and
19 his family, who've had this site for 20 years, they
20 went out and they asked people questions and they
21 asked neighbors questions and they asked what they
22 wanted to see here, and the nature of the
23 conversations at the Red Hook Tenants Association
24 meetings as well as at the Community Board, they
25 listened, and the agreements which have been drawn

up, they hold Willie's feet to the fire when it may not even be necessary. I mean, here's someone who's basically not just come to the community in the last one to two years. They've been here for decades, and so this building right now represents a lot because it provides a lot to a lot of people, and to listen to actual conversations from local tenants who couldn't buy fresh food for their families, I think was very meaningful. To even have people who talked about the fact that having a tall building next to the expressway might be a nice thing as shielding some of the local area from some of the effluent and other materials from the expressway was a really nice thing. To hear about how there's local youth, young men who are in the area who don't have jobs and have no opportunity for training, and that this site actually goes out on day one after it's built and provides that space for nonprofits to do that, I think that that was meaningful. So yes, this is in an M1-1 district, and an M1-5 district is requested, and the truth of the matter is there's room for everything here, and we've made very strong efforts and are willing to commit to over 6,000 square feet

2 of manufacturing space here in order that the
3 manufacturing community can gain from this as well.

4 In conclusion, you know, we hope that the
5 Council and the Council Members here can support
6 something which has had the overwhelming support of
7 Community Board 6 and the City Planning Commission,
8 and, with that, we're happy to answer any questions.

9 CHAIRPERSON RILEY: Thank you, Richard.
10 Just a few questions for you until I turn over to
11 Council Member Avilés.

12 What percentage of the building will be
13 used for office space?

14 RICHARD LOBEL: Nick, do you have the
15 numbers?

16 NICHOLAS LIBERIS: It's about 65,000
17 square feet less less, let's say 17,000 square feet,
18 so 48 divided by 60, maybe like 75 percent, 80, like
19 80 percent almost.

20 CHAIRPERSON RILEY: Given that this site
21 is located in an area specifically for industrial
22 businesses, could you explain why you think
23 developing an office building here is appropriate and
24 consistent with the IBZ designation?

2 RICHARD LOBEL: Yeah, I'm going to start
3 because one of the things that's important, I think,
4 in ULURP generally is that people operate in good
5 faith and, when we were in this for maybe six, seven
6 months, we took a meeting with the Industrial
7 Development Corporation, and so at some point, if you
8 come to the table, someone has to come back to the
9 table and talk to you. There's other applications
10 that have been approved by this Zoning Subcommittee
11 and by the Council, for example, 41 Richard Street,
12 200 Huntington Street, which sought larger buildings
13 in which the IBZ was involved in. With regards to 41
14 Richard Street, you had a rezoning there, which was
15 an M1-1 to an M1-5, much like our rezoning, and the
16 IBZ came out and the IBZ came out strongly in favor
17 of that application. There were no restrictions on
18 that property. It's not located in the IBZ, but the
19 IBZ actually came out and made strong statements in
20 favor on the record saying how important it was for
21 them to have this property. The IBZ themselves has an
22 interest in that property. They have a grant from the
23 EDC to allow them space in that building, so the
24 truth is that we came out to the IBZ. We have
25 agreements in place. We gave them the same

2 documentation that they've signed in 200 Huntington
3 Street, almost to the letter, the exact same document
4 that they signed, and they basically said, no, thank
5 you. So the truth of the matter is we do contribute
6 to the central goals of the IBZ in terms of job
7 creation, in terms of training, and also in terms of
8 light manufacturing space, but yes, the building
9 itself needs to have a host of uses, and frankly, the
10 office use here will be harmonious with the light
11 industrial use, will be able to, in some sense,
12 subsidize some of the buildings so that the non-
13 profits and other light industrial potential users
14 can use the space.

15 CHAIRPERSON RILEY: My last question, have
16 you explored other uses at this site with the
17 Southwest Brooklyn Industrial Development
18 Corporation, which assists in overseeing the IBZ?

19 RICHARD LOBEL: Yeah, we've been exploring
20 uses with them, and we also, interestingly, as they
21 requested, and again, we're happy to provide all of
22 this correspondence to the Zoning Subcommittee, we
23 basically wanted to limit the industrial space in
24 accordance with their request to certain industrial
25 uses, and essentially the email came back yesterday

2 that they weren't interested because they weren't
3 interested in being a party to the restrictive
4 declaration when they had already served as a party
5 to other restrictive declarations that had been
6 approved for rezonings.

7 CHAIRPERSON RILEY: Thank you, Richard.

8 Council Member Avilés?

9 COUNCIL MEMBER AVILÉS: Thank you. I guess
10 I'll just start by saying the comparison to 40
11 Richards is actually not a correct comparison,
12 because while that property is not in an IBZ, the
13 majority of that building is actually geared towards
14 industrial manufacturing, so they are actually
15 meeting a mandate that they currently don't have,
16 whereas we have the opposite. We have a building in
17 the industrial business zone who is proposing a 75 to
18 80 percent usage of office rate with a slight
19 giveaway for light industrial manufacturing, which I
20 still don't know so I think the two examples that you
21 provide are not quite right and slightly
22 disingenuous. So let's talk about has this
23 application changed at all since our first meeting
24 way long ago in '21?

2 RICHARD LOBEL: Nick, do you want to
3 start?

4 CHAIRPERSON RILEY: Yes.

5 COUNCIL MEMBER AVILÉS: How so? Can you
6 walk me through the changes?

7 NICHOLAS LIBERIS: We had the supermarket,
8 and there was a period where you had asked us to look
9 for other uses, so we considered other uses, we went
10 back to the community, and they were very, very
11 adamant about that being the only use so that was
12 something where, even though it may not have like
13 registered, that was something that was deeply
14 considered. Then second floor was without anything,
15 and then as we spoke more and more, we got closer and
16 closer. What always happens is that when we get past
17 DCP, at that point, then you have to kind of firm up
18 these commitments so, at that point, they had to be
19 firmed up. They had to be put on other plans. So at
20 that point, we put everything on the second floor,
21 and then we went back and forth with the South
22 Brooklyn IBZ several times. We met with them, I
23 think, three times, and we discussed uses. We
24 discussed placement of where this stuff would go on
25 the floors, and they were asking us to consider all

2 sorts of smaller, like watchmaking uses, clothes
3 making stuff, stuff like this, and we think that we
4 did a pretty good job accommodating them with what we
5 have. So obviously, there's another...

6 COUNCIL MEMBER AVILÉS: So in terms of,
7 I'm sorry, I'm hearing a lot of conversation about
8 possibilities, but no concrete terms in terms of
9 actual changes to the proposal. Proposals always
10 included what I would call a mini-mart because it's
11 too small to actually be a supermarket, which was
12 what you went out and promised community members at
13 the beginning of the process. But what are the
14 changes of allocation? We are currently 80 percent
15 commercial use in this space. What actually changed
16 in the proposal from 2021?

17 NICHOLAS LIBERIS: Two things. Number one,
18 this is actually like a pretty...

19 COUNCIL MEMBER AVILÉS: Like in concrete
20 terms. Can you tell me space allocations?

21 NICHOLAS LIBERIS: Yeah. It's all on that
22 second floor, basically. So the second floor has been
23 re-set-up. We have this very large freight elevator,
24 which was put in. We have the inclusion of this
25 second part of this second floor, whereas before, we

2 had less space that we were given after speaking to
3 them and after speaking to you.

4 COUNCIL MEMBER AVILÉS: What's the total
5 square footage of the second floor?

6 NICHOLAS LIBERIS: The total square
7 footage of the second floor is about 7,500, and we
8 have 4,800 light manufacturing total on that floor,
9 and that does not include...

10 COUNCIL MEMBER AVILÉS: And that is the
11 fundamental change of this application?

12 NICHOLAS LIBERIS: That's the change.
13 That's the change. And also just to quickly rebut for
14 the supermarket, this is like a pretty well-sized
15 supermarket. It's like a common size that you see all
16 over Brooklyn. It's about, I think, 4,000 square feet
17 that's in the cellar, and then another 6,000 or on
18 the ground floor so that's a pretty large
19 supermarket. It's about 11,000 square feet.

20 COUNCIL MEMBER AVILÉS: How many
21 supermarket purveyors did you actually talk with, and
22 how many proposals have you received concretely from
23 supermarket purveyors about that?

24 NICHOLAS LIBERIS: We talked to several. I
25 think we had three. We had three. We have, how many

2 LOIs? We have one that was signed that I think, so
3 Met Fresh is the one that we're going with.

4 COUNCIL MEMBER AVILÉS: Right. It's the
5 LOI saying, I met with you. We had a nice
6 conversation.

7 NICHOLAS LIBERIS: No, no, no. We've done
8 significant outreach, because part of what makes us a
9 lot different than other applications that I've seen
10 is that we have somebody who really isn't a
11 developer. This guy owns this scaffolding business so
12 he's not really thinking in that way. He's very into
13 giving back to the community so these all have been
14 very real conversations.

15 COUNCIL MEMBER AVILÉS: So have you
16 submitted concrete proposals from, the LOI that I saw
17 was just a recording of a conversation with one
18 person from Met Fresh. It was not a substantive
19 proposal around what a supermarket would entail and
20 price points, the things that our community deserves,
21 right? A real meaningful proposal, not a we met and
22 this was a great conversation.

23 NICHOLAS LIBERIS: Well, I mean, I'm just
24 seeing this right now. This looks like a pretty

2 standard LOI. I don't see any pricing info so there
3 should be pricing info in there.

4 COUNCIL MEMBER AVILÉS: Let's take a step
5 back. Tell me why did you decide to propose an M1-5
6 for this location?

7 RICHARD LOBEL: Yeah, I can start. The
8 choice of zoning districts during the course of the
9 application was from an existing M1-1, you've got M1-
10 2 and M1-4, which would allow for a 2 FAR for
11 commercial and an M1-3 and M1-5, which would allow
12 for a 5 FAR for commercial. The M1-5 had the added
13 benefit of not requiring parking, which in this area,
14 given that it's so transit rich, nearby subways, two
15 bus lines was not deemed necessary so that was the
16 decision point. The 2 FAR for commercial would not
17 make a meaningful building here and the 5-FAR would
18 allow for the mix of uses as was expressed and
19 desired by the local community. I mean, some of these
20 other projects we've been discussing have serious
21 grants from the EDC and from the City of New York in
22 order to allow for their feasibility. This is not,
23 you know, essentially the office space which is being
24 used here is in essence cross-subsidizing non-profit
25 space, the fresh food market as well as other uses

2 within the building so that's the square footage that
3 was chosen in order to allow for this building to
4 work.

5 COUNCIL MEMBER AVILÉS: How can we be sure
6 that an M1-5 district is appropriate for this part of
7 the IBZ without a more comprehensive plan? As you
8 know, I stated in my testimony, the City will be
9 engaging in a comprehensive plan and particularly
10 looking at the IBZs.

11 RICHARD LOBEL: Understood. So you've got
12 really two aspects of the application where you have
13 to satisfy the City and the City Council. There's the
14 land use perspective and then there's the public
15 hearings and the community perspective. From a land
16 use perspective, as is demonstrated by the vote of
17 City Planning and the density in the area, there's no
18 doubt that an M1-5 works at this site. It produces a
19 10-story building which basically clears the
20 expressway. There's other, you know, the other
21 buildings in the area. This is not an area of low
22 density. There's commonly six- to eight-story
23 buildings within the area of the buildings, including
24 in the Red Hook area so really what you're looking at
25 is whether or not the M1-5 is appropriate for this

1 area in terms of public perception and in terms of
2 the public discussion. The square footage that was
3 chosen for this building, as Nick said, it's not a
4 huge building and it's not a huge site. The site
5 itself is 9,900 square feet, so the opportunity here,
6 the 64,000 square feet, would allow for the exact mix
7 of food store, which, Council Member, I know you're
8 going to hear other testimony here as far as local
9 neighborhood residents are concerned. There was never
10 a question about the quality of the food store that
11 would be coming in here. Met Fresh is an applicant
12 who we've brought through other applications before
13 the City, who has received tax incentives from the
14 EDC for purposes of fresh applications, who has
15 multiple locations throughout Brooklyn, so this is
16 not a, you know, it is a real applicant here, and I
17 think probably what we would convey to you is that
18 we're not getting out of this deal, nor do we want to
19 be out of this deal. Like the CBA right now, there's
20 experienced counsel on the other side that is
21 finalizing the CBA. The restricted declaration, which
22 was offered to the IDC, was a binding agreement of
23 the same form that they have already signed in other
24 deals.
25

2 COUNCIL MEMBER AVILÉS: Richard, is there
3 any such thing in this circumstance that is actually
4 a binding agreement? If Mr. Pilku decides to sell
5 this property two days from now, is there any such
6 thing as a binding agreement?

7 RICHARD LOBEL: I think there's two.

8 COUNCIL MEMBER AVILÉS: Yes or no?

9 RICHARD LOBEL: It's yes in two parts.

10 COUNCIL MEMBER AVILÉS: (INAUDIBLE)

11 RICHARD LOBEL: The first is that I can
12 include legal terms...

13 COUNCIL MEMBER AVILÉS: There is no
14 binding agreement here.

15 RICHARD LOBEL: I can include legal terms
16 in a restricted declaration and in a CBA that is
17 recorded against a property that is binding on the
18 applicant.

19 COUNCIL MEMBER AVILÉS: Who is going to
20 hold that restrictive declaration? There's no entity
21 on the other side.

22 RICHARD LOBEL: The Public Housing Civic
23 Association is on the other side of the CBA, and they
24 are funded, they receive, they basically are ensured
25 that they will have legal counsel.

2 COUNCIL MEMBER AVILÉS: Richard.

3 RICHARD LOBEL: Yes, but there's another
4 point to this, Council Member Avilés, which is you
5 have to, this is a Body which is conducting a factual
6 hearing and accepting testimony, and you can look at
7 my applicant and see whether or not this is some sort
8 of ploy. I mean I don't know how Willie would be
9 involved and given this level of care and concern and
10 have people come out and support him if he didn't
11 mean what he said so, yes, there's documents and
12 there's CBAs, and frankly, when I talk to community
13 boards, they tell me that the best CBAs are the ones
14 you stick in a drawer and never see again because you
15 know you trust your guy and we trust our guy.

16 COUNCIL MEMBER AVILÉS: And CBAs are not
17 legally binding, right?

18 RICHARD LOBEL: That is an incorrect
19 statement. You are wrong.

20 COUNCIL MEMBER AVILÉS: Okay. Okay. We'll
21 see whatever this agreement is.

22 RICHARD LOBEL: Okay.

23 COUNCIL MEMBER AVILÉS: Much like the Met
24 Fresh LOI, which said much of nothing. I know you
25 have seen a good number of CBA documents that were

2 thorough and meaningful and engaged. I have yet to
3 see, but let's go back...

4 RICHARD LOBEL: If this comes down to Met
5 Fresh, we can give you better documentation.

6 COUNCIL MEMBER AVILÉS: Let's go back to
7 the SBIDC reluctance around the M1-5 zoning. You
8 noted that, my understanding is they never committed
9 to signing any CBA that would have to go to their
10 board. However, they did have a good number of
11 conversations, some of which I was privy to and some
12 which you had independently. I think it's important
13 to note that there were never commitments there, and
14 the two examples that you noted earlier are quite
15 distinct and very different, and thing that this
16 proposal has often been described as is skeptical.
17 Not skeptical, excuse me. Oh, I'm losing my words.
18 I'm going to leave that point.

19 RICHARD LOBEL: Okay.

20 COUNCIL MEMBER AVILÉS: And I will get
21 back to it. But if you would describe to me how this
22 proposal enriches the goal for industrial
23 manufacturing.

24 RICHARD LOBEL: The current Select Uses
25 Industrial Space Agreement, as was forwarded to the

1 Council, has a binding commitment for 6,800 square
2 feet that would be used in this building and, so to
3 the extent that, call it, you know, rounding to 7,000
4 square feet, to the extent that not only that, which
5 is committed to light manufacturing uses. By the way,
6 we have an applicant here who has a business which is
7 considered under current zoning or under prior zoning
8 Use Group 16, which itself is a light manufacturing
9 use in a scaffolding establishment. But taking that
10 aside, there's 6,800 square feet that are committed.
11 And by the way, that commitment is recorded against
12 the property and basically is, you know, as we've
13 discussed, binding on the applicant. So, it's not
14 just that. It's also job training space. And there
15 was a lot of conversation at the Community Board
16 where there's questions as to what the commitment has
17 been in the area to providing that space so if that
18 is an important part and parcel of the application to
19 allow for local youth to be trained in these light
20 manufacturing jobs, then this is an important aspect
21 of the proposal, and it exceeds the opportunity just
22 to provide light manufacturing space. It provides the
23 opportunity to train people in that use so that
24 you're sending them out into the workforce and
25

2 they're better able to stay within Red Hook to work
3 in manufacturing jobs and to be able to prosper.

4 COUNCIL MEMBER AVILÉS: So in terms of, I
5 realize we're burning through time and my brain is so
6 slow today. Thank you. In terms of, I think the word
7 that I was trying to use earlier, which I said
8 skeptical, which it was not, was speculative, that
9 this proposal as described by DCP was speculative,
10 and the reason why that word came up over and over
11 again, and certainly this is not at all to suggest,
12 Mr. Pilku, I know you're in this and you're fighting
13 for this property to do an office space building that
14 you imagined long ago. My role here is to protect and
15 ensure accountability and guard an industrial
16 business zone that is being eaten at by uses that do
17 not conform, right? We are seeing this on a daily
18 basis. In terms of the, it's clear that you have
19 engaged and had conversations with many residents who
20 are here today and others whom you have not. Have you
21 talked to all the adjacent properties about your
22 plans and impacts?

23 VALON PILKU: Yes, I've had conversations
24 with the neighboring properties.

2 COUNCIL MEMBER AVILÉS: Can you tell me
3 who you spoke to and when?

4 VALON PILKU: Sure, I've spoken to the
5 immediate neighbor on Hamilton Avenue.

6 COUNCIL MEMBER AVILÉS: Who is that?

7 VALON PILKU: It's the building that has
8 the Pizza Moto.

9 COUNCIL MEMBER AVILÉS: And?

10 VALON PILKU: He has an air conditioning
11 company, and he didn't have much to say about it. His
12 own property has been in their family for over four
13 decades so he showed no interest in like, you know,
14 let's say for an example, tearing down his building
15 and building up anything there.

16 COUNCIL MEMBER AVILÉS: Anyone else?

17 VALON PILKU: Yeah, I've spoken with the
18 neighbor in the rear. It's sanitation. They do
19 garbage removals. He's actually interested in staying
20 as he has been in the sanitation business for at
21 least 30 years so he needs that location for his own
22 sanitation business where he is.

23 COUNCIL MEMBER AVILÉS: Anyone else?

24 VALON PILKU: There's only two additional
25 neighbors. One is a gas station that's been a gas

2 station for many long times. They own the car wash
3 that's connected to the gas station. They've been
4 there forever. I guess they're doing good. Fuel
5 prices are high so. And then you have left just
6 another construction guy which, you know, they're
7 just waiting to see what happens.

8 COUNCIL MEMBER AVILÉS: So, I guess I'm a
9 little concerned that you did not mention any of the
10 other properties on the other side. You are abutted
11 by a school, a pre-K center, who has reported to me
12 they've had no conversations with you or anyone from
13 your team in the time that you have been pursuing
14 this application. They're literally abutting your
15 property. Was that just an oversight in engagement?

16 VALON PILKU: That property was owned by a
17 private entity, let's say.

18 COUNCIL MEMBER AVILÉS: It's a school for
19 children, three years and four year olds.

20 COUNCIL MEMBER AVILÉS: Yeah, it was sold
21 in the last couple of years.

22 COUNCIL MEMBER AVILÉS: It's been there
23 for a while.

24 VALON PILKU: Yeah, it's been there for a
25 while, but it was owned privately as the owner of the

2 property and then it was sold, I believe, to a City
3 organization.

4 COUNCIL MEMBER AVILÉS: It's a New York
5 City school.

6 VALON PILKU: Right, and they bought it
7 within the last few years so I wouldn't know who from
8 New York City to speak to specifically.

9 COUNCIL MEMBER AVILÉS: Okay, you've been
10 working on this for four years. They've been there
11 for four years.

12 VALON PILKU: We're working on this longer
13 than that.

14 COUNCIL MEMBER AVILÉS: Yeah.

15 VALON PILKU: Longer than they've owned
16 it.

17 COUNCIL MEMBER AVILÉS: Okay. I guess what
18 I'm pointing out is there are a good number of other
19 properties that abut your property that you have not
20 engaged with and, as a good neighbor, given
21 construction impacts of any potentiality, that is a
22 huge oversight.

23 NICHOLAS LIBERIS: It sounds like as a
24 single neighbor and this is like within...

2 COUNCIL MEMBER AVILÉS: No, there are
3 more, sir.

4 NICHOLAS LIBERIS: Are there more?

5 COUNCIL MEMBER AVILÉS: There are more.

6 NICHOLAS LIBERIS: I thought it was just
7 the school.

8 COUNCIL MEMBER AVILÉS: There's a church.
9 There's a food bodega. There's a transitional...

10 NICHOLAS LIBERIS: The bodega guy...

11 COUNCIL MEMBER AVILÉS: And there's also
12 the school.

13 VALON PILKU: Those are all the same owner
14 as the sanitation. He owns four lots. It's one guy
15 that owns four lots.

16 COUNCIL MEMBER AVILÉS: I understand that,
17 but there are other people there as well, in addition
18 to the church, in addition to the school.

19 NICHOLAS LIBERIS: I think it's just the
20 church and the school, yeah.

21 COUNCIL MEMBER AVILÉS: Okay, so I'm
22 sorry. One out of the three you spoke to.

23 Okay, exactly.

24 NICHOLAS LIBERIS: (INAUDIBLE) like five
25 or six.

2 COUNCIL MEMBER AVILÉS: Let's move on. I
3 think we spoke to four out of the six.

4 COUNCIL MEMBER AVILÉS: I think my point
5 is there is a school that would be deeply impacted,
6 and you haven't had a conversation with them in the
7 four years.

8 VALON PILKU: It's true.

9 COUNCIL MEMBER AVILÉS: Yeah, and that's
10 my point, and I think you're saying you didn't, and
11 that's okay, and now we know.

12 NICHOLAS LIBERIS: I think the point that
13 he was making, though, too, was that we've actually
14 been, this is our, I think, seventh year doing this
15 because of the switch from Carlos. When you came in,
16 we had to start over, basically, so I think that's
17 where that comes from because I think back then it
18 was not a school.

19 COUNCIL MEMBER AVILÉS: Okay, the
20 timeframe continues to change. The point remains the
21 same.

22 NICHOLAS LIBERIS: We haven't (INAUDIBLE)

23 COUNCIL MEMBER AVILÉS: There is a school
24 there who's been there more than four years that you
25 have not had a conversation with that houses three

2 and four-year-olds and staff, and that would be
3 deeply impacted by anything.

4 NICHOLAS LIBERIS: (INAUDIBLE)

5 COUNCIL MEMBER AVILÉS: I'm not saying yes
6 or no. I'm saying it is a big misstep to have not
7 also engaged a property of children that is right
8 abutting your property. That's all I'm saying. I
9 don't think we need to belabor that. I'm just making
10 the quick point.

11 NICHOLAS LIBERIS: I would just go on the
12 record just...

13 COUNCIL MEMBER AVILÉS: I only get three
14 minutes.

15 NICHOLAS LIBERIS: To kind of dispute that
16 just because it is kind of a strange characterization
17 (INAUDIBLE)

18 COUNCIL MEMBER AVILÉS: I only have three
19 minutes, and this is my time to ask you questions.

20 NICHOLAS LIBERIS: Okay, sure.

21 COUNCIL MEMBER AVILÉS: So I think we're
22 going to move forward just because we need to get a
23 couple more questions...

24 NICHOLAS LIBERIS: Let's go.

2 COUNCIL MEMBER AVILÉS: On so we can talk
3 some more afterwards.

4 NICHOLAS LIBERIS: Sure.

5 COUNCIL MEMBER AVILÉS: In terms of the,
6 why should the community have confidence in a non-
7 binding commitment for industrial space when you've
8 had no history or involvement in the industrial
9 sector?

10 RICHARD LOBEL: We regularly engage in
11 rezonings, as the Council Members are aware. We
12 regularly have entered into...

13 COUNCIL MEMBER AVILÉS: You as a law firm...

14 RICHARD LOBEL: Correct.

15 COUNCIL MEMBER AVILÉS: Engage the
16 applicant, however.

17 RICHARD LOBEL: Correct. And so,
18 applicants, you know, to the extent that they have
19 entered into the CBAs, there is often a mix of
20 residential uses, commercial uses, light
21 manufacturing uses, and despite the fact that in the
22 history of rezonings in the City and Community
23 Benefits Agreement, we have applicants who have no
24 opportunity to engage in manufacturing activity, we
25 do know that the zoning resolution limits

2 manufacturing to certain use groups, and so, to the
3 extent that there is a document where you can point
4 to use groups and light manufacturing use groups, and
5 as the applicant has said here and has expressed, is
6 willing to limit themselves to those use groups, then
7 regardless of experience in manufacturing, and by the
8 way, again, Willie's family has a scaffolding
9 business and has engaged in the construction
10 community now for decades so there is experience
11 there, and even if there weren't experience there,
12 you're able to engage and to work with local
13 stakeholders to provide those uses so we have all
14 confidence in the world, to the extent we were
15 successful, that we would be able to fill the space
16 with productive use.

17 COUNCIL MEMBER AVILÉS: Has...

18 CHAIRPERSON RILEY: One second, real
19 quick. Kevin Williams is from your team?

20 RICHARD LOBEL: He is, yes.

21 CHAIRPERSON RILEY: Is he supposed to be
22 testifying, too?

23 RICHARD LOBEL: He's available for
24 questions.

2 CHAIRPERSON RILEY: All right. Do you want
3 him to answer any questions because he's raising his
4 hand.

5 RICHARD LOBEL: I would be happy to have
6 him answer.

7 CHAIRPERSON RILEY: All right. And we only
8 have about a good three more minutes. Three more
9 minutes, please. I need you guys to answer the
10 questions really, really quick. Thank you.

11 COUNCIL MEMBER AVILÉS: Yes. I'm sorry.
12 Thank you. Thank you, Chair. And you mentioned..

13 CHAIRPERSON RILEY: I'm sorry, Council
14 Member. We just got to swear Kevin in real quick.

15 COUNCIL MEMBER AVILÉS: Okay.

16 COMMITTEE COUNSEL VIDAL: Is Mr. Williams
17 here? Okay.

18 Mr. Williams, please raise your right
19 hand. Do you swear to tell the truth today, nothing
20 but the truth in your testimony and in your response
21 to Council Member questions?

22 KEVIN WILLIAMS: I do.

23 COMMITTEE COUNSEL VIDAL: Please proceed.

24 KEVIN WILLIAMS: I don't know if Council
25 Member Avilés wants to finish her questioning or

2 would you want me just to? I just wanted to respond
3 to the construction concern and some general
4 discussion as an urban planner about the land use
5 context so I don't know if you want me to proceed or
6 just wait until Council Member finishes her comment.

7 COMMITTEE COUNSEL VIDAL: Council Member
8 Avilés, what would you like to hear from this
9 applicant?

10 COUNCIL MEMBER AVILÉS: I guess he should
11 respond, and then I'll wrap up with a question so it
12 doesn't shift.

13 KEVIN WILLIAMS: Yeah. So just very
14 quickly, on the construction impact, we evaluate that
15 in the environmental assessment process. I realize
16 that does not obviate the need to communicate with
17 your neighbors. I think it's often an overlooked
18 aspect of the rezoning process. But having said that,
19 you know, given the size of the building, the
20 construction impact is relatively limited in terms of
21 duration. It falls under what's called a significant
22 impact sort of threshold for evaluation by
23 Environmental Assessment Review Division, but we do
24 consider that. Of course, there are in place
25 Department of Building requirements related to

2 vibration and noise exposure for construction term
3 impacts. In addition, I would note, given the texture
4 of this building and the adjacency to this type of
5 community facility, whether it's a nearby church or
6 whether it's a daycare, the type of uses proposed are
7 probably more commensurate and the quality of the
8 building is of higher quality. You know, you're not
9 going to have fugitive dust from an open lot. You're
10 going to have a building where there's availability
11 to get food for teachers and staff, and you're going
12 to have a professional office building that also has
13 a combination of community facilities, training
14 center, grocery store, manufacturing, and offices,
15 all which are probably more compatible than an M type
16 of industrial use that's currently present, you know,
17 on the adjacent streets. The other thing I would say
18 is, just in terms of impact and land use, you know,
19 what I'd like you to consider is what's happening in
20 the Southwest IBZ in the section of the Brooklyn
21 Waterfront Park area, where New York City Economic
22 Development Corporation has been engaged in a long-
23 term plan to redevelop the waterfront, similarly
24 zoned M1-1, M1-2, from a long dilapidated waterfront
25 into a mixed-use type of environment that engenders

1 not sort of Euclidean zoned types of land uses, but
2 mixed uses that combine community uses, job training,
3 maker hub space, commercial offices, all of which
4 work together, reduce vehicle miles traveled, reduce
5 unnecessary trips, and also the buildings are of
6 higher quality. They're flood resilient. There's an
7 environmental cleanup that's required here. They're
8 required to be vibration and noise resistant. All of
9 that is afforded by the movement from M1-1 to M1-5.
10 The last thing I would like to note is there's
11 nothing in the M1-1 except a lot of old regulations
12 that I do not believe are helping to transition this
13 corridor to a modern, integrated, commercial,
14 industrial mixed-use corridor, and I don't think that
15 this corridor, given the overpass, the access to the
16 site, is particularly well-suited to heavy industrial
17 of a significant amount. The amount that's proposed,
18 and given the access limitations of this site, better
19 serve as a type of mixed-use as proposed. If you look
20 at development along the stretch of the corridor, gas
21 station, partially used warehouse, a multi-story
22 residential that's non-compliant. There's not been
23 any redevelopment, any investment, any sidewalk
24 improvements, any crosswalk improvements, any
25

2 neighborhood benefit provided by this zone in this
3 place, and so I think if you follow what EDC is doing
4 along this corridor, along what they're doing on the
5 Brooklyn waterfront, that this zone, and I get your
6 concerns about the free range of uses, but I would
7 note this does not displace any of the uses you could
8 currently put on that site right now. Office, gas
9 station..

10 CHAIRPERSON RILEY: Sorry to cut you off,
11 Will. Sorry to cut you off.

12 Council Member, if we could just do two
13 more questions real quick.

14 COUNCIL MEMBER AVILÉS: Thank you. Thank
15 you so much. I appreciate you pointing out, oh, you
16 disappeared. I appreciate you pointing out. The
17 question around the neighbors and the construction
18 impacts were certainly not what, not in terms of the
19 illustrative potential for future uses, but just
20 construction impacts and how it would affect children
21 on the site, and I would agree with you. I would not
22 put a school there, but it is there, and they are
23 neighbors, and they must be considered in that.
24 Certainly, if it was my two-year-old, I'd be very
25 concerned, right? So it really is a matter of just

2 the present conversations with your current
3 neighbors.

4 I guess the last thing, I guess I'd like
5 to know in terms of, I mean, is it true for the
6 record that if this property were sold, none of these
7 commitments would mean anything?

8 RICHARD LOBEL: No, that is not true.

9 COUNCIL MEMBER AVILÉS: That is not true.
10 So if we sold the property tomorrow, the new owner
11 would be binded to what?

12 RICHARD LOBEL: Correct. So there's
13 provisions and agreements which would be recorded
14 prior to the time of the Council's vote which would
15 dictate that upon a change in control, they would be
16 bound by the terms of the current agreements so, upon
17 a change in control, these regulations would remain
18 in effect.

19 COUNCIL MEMBER AVILÉS: Okay, and then
20 lastly, what are the community groups that you are
21 working with and supporting this application, and
22 have you made any financial contributions, Mr. Pilku,
23 to any of those groups?

24 RICHARD LOBEL: Well, I'm just going to
25 start with the non-profit with representatives here

2 who would administer the CBAs, the Public Housing
3 Civic Association, and in addition to which there
4 are, may I have that, in addition to which there are,
5 we've had discussions with the Red Hook West Resident
6 Association and the Red Hook Art Project so those are
7 just some of the non-profits we've been discussing
8 this with. Willie, have there been any...

9 COUNCIL MEMBER AVILÉS: My understanding
10 is that the Red Hook Arts Project is no longer party
11 in these conversations.

12 RICHARD LOBEL: They're no longer a party
13 to the CBA, but they are still supportive of the
14 project.

15 COUNCIL MEMBER AVILÉS: Okay, so we're
16 just talking about the Red Hook Housing Civic
17 Association, which is a new entity, and the Red Hook
18 West.

19 RICHARD LOBEL: Public Housing Civic
20 Association.

21 COUNCIL MEMBER AVILÉS: Public housing,
22 right. So those are the only two entities...

23 RICHARD LOBEL: Correct.

24 COUNCIL MEMBER AVILÉS: That are currently
25 party.

2 RICHARD LOBEL: And I think that there's
3 representatives here who can have a further
4 discussion about that.

5 COUNCIL MEMBER AVILÉS: They will tell me
6 all about it.

7 RICHARD LOBEL: I know, and I'd also just
8 mention that there's financial commitments in the CBA
9 to allow them to administer the CBA, but there's been
10 no present...

11 COUNCIL MEMBER AVILÉS: Mr. Pilku, have
12 you made any financial contributions over the last
13 two years to any of these entities?

14 VALON PILKU: I don't recall at the
15 moment. Maybe if they had a fundraiser on a page,
16 I've maybe donated a minimal, nothing specific to
17 this project.

18 COUNCIL MEMBER AVILÉS: Has anyone
19 involved in these conversations been paid as a
20 consultant?

21 RICHARD LOBEL: Well, I would tell you,
22 Council Member, that as a matter of course, in
23 negotiations of a CBA for a non-profit who has not
24 yet entered into agreement and may not enter into an
25 agreement, there is a third-party agreement where we

2 give them money for their lawyers. The attorney-
3 client privilege runs to the non-profit. We have no
4 communication with that attorney other than to pay
5 their fees as are incurred by the non-profit so that
6 would be...

7 COUNCIL MEMBER AVILÉS: Right, but there's
8 not been direct, I'm asking if there's direct
9 contributions to anyone involved in any of these
10 conversations to their non-profit entities over the
11 last two years.

12 VALON PILKU: No.

13 COUNCIL MEMBER AVILÉS: No, for the
14 record?

15 VALON PILKU: For the record.

16 COUNCIL MEMBER AVILÉS: You've made no
17 contributions to anyone involved in these
18 conversations in the last two years to their non-
19 profit entities?

20 VALON PILKU: None of the non-profits that
21 have issued letter other than an annual fundraiser
22 they may had for a toy drive or anything...

23 COUNCIL MEMBER AVILÉS: If so, how much
24 did you contribute to these entities?

25 VALON PILKU: Not more than 1,800 dollars.

2 COUNCIL MEMBER AVILÉS: To each? You said
3 maybe.

4 VALON PILKU: It varies. It depends. It
5 could be a few hundred dollars for toy drive for
6 Christmas or very small amounts.

7 COUNCIL MEMBER AVILÉS: Over a two-year
8 period?

9 VALON PILKU: Yes.

10 COUNCIL MEMBER AVILÉS: Okay. Okay, thank
11 you so much. Thank you for your time.

12 CHAIRPERSON RILEY: Thank you, Council
13 Member.

14 I just want you to clarify this with one
15 sentence, please. Don't give me no, no, please.
16 Richard, you just said a future buyer would be bound
17 to the proposed agreement. How could they be bound to
18 a proposed agreement if they're not a part of this
19 agreement right now?

20 RICHARD LOBEL: So there's provisions in
21 our CBAs where we basically say that there's no
22 change of control without documentation and
23 agreements satisfactory to the non-profit partner
24 that the subsequent owner will be bound by the
25 agreement.

2 CHAIRPERSON RILEY: All right. I just want
3 to be clear. This agreement would not be conditioned
4 by the Council's approval.

5 RICHARD LOBEL: That's correct. Due to
6 limitations in terms of contract zoning, the Council
7 can't take an active role so it would not be
8 conditional by the Council approval, but it would be
9 entered into prior to the time of any vote.

10 CHAIRPERSON RILEY: All right. Thank you.

11 RICHARD LOBEL: Thank you, Chair.

12 CHAIRPERSON RILEY: You are excused.

13 RICHARD LOBEL: Thank you, Chair.

14 CHAIRPERSON RILEY: All right. For the
15 members of public here to testify, please note that
16 the witnesses will generally be called in panels of
17 three. If you are a member of the public signed up to
18 testify on the proposal, please stand by when you
19 hear your name being called and prepare to speak when
20 the Chair says that you may speak, which is myself.
21 Please also note that once all panelists in your
22 group have completed their testimony, if remotely you
23 will be removed from the meeting as a group, the next
24 group of speakers will be introduced. Once removed,

2 participants may continue to view the live stream
3 broadcast of this hearing of the Council's website.

4 Members of the public will be given two
5 minutes to speak. Okay. I'm looking at everyone. Two
6 minutes to speak. All right. Please do not begin
7 until the Sergeant-at-Arms has started the clock.
8 Individuals who signed up to testify should not come
9 to this witness table with any devices to record or
10 anything like that. If you want to submit something,
11 you can submit a transcript to us after. Okay?

12 The first panel I'm going to call up is
13 Ms. Karen Blondell, Ms. Shirley Gilyard, sorry if I
14 mispronounced your name, Ms. Shirley, and Tyrell
15 Gibbs.

16 We are going to call up first in-person
17 witnesses, and then we'll go to online witnesses.

18 We will start with Ms. Karen Blondell.

19 KAREN BLONDELL: Can you hear me? Yeah.
20 Okay. Good afternoon. Hello, Alexa Avilés, our City
21 Council Member, and to the Chair, and I don't
22 remember who you are but, anyway, I am the founder of
23 Public Housing and Civic Association. I founded it in
24 2020 after securing 240 million dollars for Gowanus
25 and Wyckoff Houses. That was from the City of New

2 York because I was able to build a coalition of
3 public housing residents. That money goes towards
4 their bathrooms and kitchens. Red Hook was built way
5 before that. As a part of 150, and what I see at 150
6 Mill Street, right across the street is a central
7 heating plant that was built by FEMA. It is about 10
8 to 12 stories tall, and it's supposed to take all of
9 the heat or (INAUDIBLE) all of the heat across Red
10 Hook. One of the things, as a person who's an
11 engineer assistant, a 10-story building that abuts
12 the Hamilton Expressway, is not that concerning to me
13 in regards to heights when you have a building
14 adjacent that NYCHA built without a ULURP that's
15 going to have other effects. Secondly, Public Housing
16 and Civic has been running on air, Holy Spirit air.
17 Okay. I won a David Prize, and I have not received
18 any money from anybody. As a matter of fact, I
19 haven't even worked in the last eight months because
20 I'm giving back to my community, the Red Hook houses.
21 A part of that is building a workforce corridor. I've
22 asked the IBZ, as an organizer, since 2016, show me
23 the numbers of the people in public housing that you
24 have helped get a job in your IBZ. What kind of jobs
25 are in the IBZ? Oh, that would be Amazon. They don't

2 want Amazon in Red Hook. So we cannot suffice this
3 City Council in regards to this area so what I'm
4 saying is, it's going to be a workforce corridor
5 that's going to help us get from Gowanus through Red
6 Hook to that beautiful site that the Port Authority
7 just gave up to the EDC so that we can make some
8 money in the projects too and get some trades. Thank
9 you.

10 CHAIRPERSON RILEY: Thank you, Ms. Karen.
11 Next, we'll hear from Ms. Shirley.

12 Ms. Shirley, how do you pronounce your
13 last name?

14 SHIRLEY GILYARD: I'm fine, yourself? I
15 used to work in Red Hook.

16 CHAIRPERSON RILEY: Oh, how do you
17 pronounce your last name?

18 SHIRLEY GILYARD: Gilyard.

19 CHAIRPERSON RILEY: Gilyard.

20 SHIRLEY GILYARD: Yes.

21 CHAIRPERSON RILEY: Go ahead.

22 SHIRLEY GILYARD: And when we used to go
23 looking for lunch and stuff like that, the
24 supermarkets that you have out there are the worst.
25 They sent me out. You had a lot of rats, a lot of

2 skunks, squirrels, raccoons, and I did the killing of
3 most of them. As soon as you turn around, it was more
4 and more. Nobody did nothing. When you go in the
5 supermarket to get their food, horrible, horrible. So
6 I feel like they really do need supermarkets because
7 you've got to walk a mile here and a mile there, and
8 I live in Gowanus. And when I come to Red Hook, I
9 can't find hardly any stores. The little bodegas,
10 they're not that good. They do need definitely a
11 supermarket. Okay. Yes.

12 KAREN BLONDELL: Shirley said I can have
13 her time. I just want to..

14 CHAIRPERSON RILEY: It doesn't work like
15 that in here, but I'll give you grace because you
16 came today. Go ahead.

17 KAREN BLONDELL: Thank you. I also want to
18 say that we're not food insecure. We're a food
19 desert. Red Hook is over 40 acres, just the
20 development. For me to go food shopping, I literally
21 have to take a bus to get to Food Bazaar. I'm in my
22 60s. I know I look good, but I'm in my 60s. We got
23 construction everywhere. A little more construction
24 is not going to make a big difference in Red Hook for
25 the next 10 to 20 years because that's how long we'll

2 be under construction in Red Hook. We do need office
3 space. We need to level up Red Hook. And this is one
4 of the things that I think we can do to do that. And
5 I do trust Willie. I'm a good judge of characters. I
6 trust Willie.

7 CHAIRPERSON RILEY: Thank you. Ms. Tyrell.

8 SHIRLEY GILYARD: I just want to say thank
9 you, guys.

10 CHAIRPERSON RILEY: You're welcome.

11 TYRELL GIBBS: Okay. Good afternoon. I
12 just feel like, others feel like Red Hook is secluded
13 from everywhere else, and I feel like what's going on
14 now is nothing but pollution. We have nothing but
15 drug addict buildings. We have gas stations. We have
16 sanitation, and all this is doing nothing but
17 polluting the air. So building this building and
18 including the supermarket, which will help the
19 residents that people do not care about, obviously,
20 and giving job trainings and get these kids off the
21 street. If these kids are off the street and these
22 kids are working in job trainings, that's doing
23 nothing but helping the future and helping the
24 residents of the area. I feel like people don't even
25 care about the residents of the area because,

2 obviously, our work means nothing. And I feel like in
3 other neighborhoods, i.e., Sunset Park and Park
4 Slope, they're up and coming, so what about us?

5 CHAIRPERSON RILEY: Thank you. That was
6 it, Tyrell?

7 TYRELL GIBBS: That's all I got to say.

8 CHAIRPERSON RILEY: Thank you so much.
9 Council Member Avilés, do you have any questions for
10 this panel?

11 COUNCIL MEMBER AVILÉS: Well, I guess,
12 first, thank you for being here. Red Hook Strong, and
13 with the leadership of Ms. Blondell, among other
14 residents, this is all about definitely making sure
15 we hold folks accountable. We have seen in Red Hook,
16 as in Sunset Park and the rest of the district,
17 developers make a lot of promises that don't
18 materialize important things for our community so
19 this is certainly about making sure that
20 accountability is to be had. Mr. Pilku, I'm sure, is
21 a lovely human with a lovely family. This is not a
22 personal situation. This is business. This is about
23 protecting our community in all the ways we know how
24 so I just want to thank you for being here, and
25 there's a lot of work, including EDC, which we could

2 talk about all day long, and we will, because we have
3 a lot of conversations to be had around the City's,
4 in many ways, archaic laws and policies, and the ways
5 people get around all those things and things move
6 forward, and the benefits for our community doesn't
7 materialize in the way they should so we are
8 certainly on the same team here about wanting to do
9 better and get better for our residents because they
10 deserve not to have to take a bus to get fresh food.
11 We deserve a meaningful, real proposal, not the same
12 letter that doesn't say much so I'm with you, and I
13 want to thank you for being here.

14 CHAIRPERSON RILEY: Thank you, Council
15 Member Avilés, and thank you to the panel for taking
16 the time to come down here. We really do appreciate
17 when constituents take the time for projects like
18 this to come testify. It means a lot so we really
19 appreciate y'all coming down here.

20 The next panel we're going to call up is
21 Ms. Marjorie Booth, Francis Brown, and Marcella
22 Williams.

23 First, we're going to begin with Ms.
24 Marcella Williams.

2 MARCELLA WILLIAMS: Good afternoon,
3 everybody.

4 CHAIRPERSON RILEY: Good afternoon.

5 MARCELLA WILLIAMS: Well, I've been living
6 in Red Hook for 34 years, a long time.

7 CHAIRPERSON RILEY: Speak right into the
8 mic. There we go.

9 MARCELLA WILLIAMS: Yes, good afternoon,
10 everybody. I've been living in Red Hook for 34 years,
11 and I remember when I first came out to Red Hook,
12 there was a bunch of shootings and killings, and you
13 had to hide in your bed. You had to get under your
14 table. Your kids didn't want to go outside to play.
15 And I remember that it was like that for a long time,
16 and we still have a lot of problems out there,
17 because they have no jobs for nobody. The kids is
18 running around. The teenagers are getting high.
19 They're killing one another. In the supermarket, the
20 food over there, you buy some meat, it stinks. You
21 buy some lettuce. In two days, the lettuce are
22 rotten. The cucumbers are soft. You know, it's just a
23 lot going on out there, and we need to improve Red
24 Hook. See, I'm getting personal with this right now,
25 because it's been a long, long time, and why

2 everybody is looking over us. Why? We pay rent. My
3 rent just went up to 700 dollars more, 1,200-
4 something dollars, and I can't get a decent
5 supermarket. We can't get enough for our children to
6 have some kind of training and program and health
7 centers, things that they need out there. So what is
8 the problem? Why everybody can get what they need to
9 get, and we can't get anything. So I don't think it's
10 fair. I think if they want to come in and develop
11 something that's going to help the community, get
12 them back on their feet, why not? We got rats running
13 all around our feet. You got ha, ha, ha, y'all
14 hollering for them to run out your sight. You have
15 Housing that don't come and do the work that they're
16 supposed to. I put in a ticket for 2018, still
17 waiting for plastering. Now, you count the years, and
18 they don't even know me because I don't complain. A
19 couple of times I complain, they like who you are,
20 but I pay my rent faithfully so why should we have to
21 suffer? Why? Why do our children have to go through
22 these things? Scared to take your kids outside. You
23 scared to even go outside sometimes. They need to do
24 this development, let these people get the jobs, and
25 let these kids do the right thing. Help, help the

2 neighborhood. Help these young men and children.

3 Thank you.

4 CHAIRPERSON RILEY: Thank you. Next, Ms.
5 Frances Brown.

6 FRANCES BROWN: Good afternoon. My name is
7 Frances Brown. I'm the Resident Leader of Red Hook
8 East. I've been living here over 30 years, been
9 working right where, in the middle of development
10 over 25 years, and I want to first say to say, I'm
11 not rented, leased, you know, so as far as the
12 questions about money, no, I'm not rented or lease
13 because I'm gonna speak my mind and I don't care who
14 it is but, since I met these gentlemen here, they
15 kept their word. When they say they're gonna do
16 something, they do it. They follow. And I can't say
17 that about a lot of people because a lot of things in
18 Red Hook is terrible because we don't get no help.
19 Everybody else get what they want. We don't get
20 nothing, nothing at all. I haven't seen Council,
21 whatever, I haven't seen nobody do nothing for Red
22 Hook. I've seen them do it for other developments,
23 other places, but not for Red Hook. I go to Coney
24 Island, have meetings in Coney Island, and the
25 Council and Senators, they awesome. They're awesome

2 because they work for the community. I want to see
3 somebody working for my community, doing right by my
4 community. I've been here before when we wanted a
5 nursing home that got shot down because other people
6 didn't want it. We have seniors that go all the way
7 to Dumbo to go shopping. I'm not trying to get rid of
8 no supermarket. I just want a better supermarket. I
9 can go to any supermarket I want because I have an
10 automobile that can take me there, but I have a lot
11 of seniors in my community. They don't have that.
12 They have to get on the bus, and then after they buy
13 groceries, they got to lug it back on a little
14 pulley. I think about how would I feel if my mother
15 had to go through this. I wouldn't want my mother or
16 my grandmother to have to go through this, even
17 though I'm a grandmother because I'm over 60, way
18 over 60, and I know I look good, though. I just had
19 to throw that card in. Thank you, dears.

20 CHAIRPERSON RILEY: Thank you. Next, I'm
21 going to have Ms. Marjorie Booth.

22 MARJORIE BOOTH: Good afternoon to the
23 panel. My name is Marjorie Booth, and I've been
24 living out in Red Hook since, I came to Red Hook when
25 I was nine. I'm 69 now. Red Hook used to be a lovely

2 place. We had things, but now we don't have anything.
3 We have to go so far to go shopping. We need a
4 grocery store. I don't want to go in a grocery store,
5 and I get food, meat. It stinks when you're in there.
6 We need better service than what we're getting. We
7 vote these people in. All (INAUDIBLE), we vote in,
8 but they forget about Red Hook. We looked over, and
9 it's not fair to us, for the simple fact is we worked
10 hard, the ones that could work. I worked until I
11 could no longer work. I raised my kids there, but now
12 it's a mess. If we vote y'all in, y'all supposed to
13 help us, not help somewhere else and forget about us.
14 We're the lost community, and it's not fair to us at
15 all.

16 CHAIRPERSON RILEY: Thank you so much.

17 Council Member Avilés, you want to address this
18 panel?

19 COUNCIL MEMBER AVILÉS: Sure. Again, thank
20 you for being here. We know it takes a lot to come
21 all the way down here and wait so I appreciate you. I
22 guess I just want to directly point out that there
23 was no insinuation that anyone was purchased. It was
24 a direct question that has come from numerous
25 community members. For the record, to lay facts on

2 the ground, if you ask the question, the facts are on
3 the ground. I think it's important for you to know
4 that, and 100 percent about the supermarket
5 situation. I think, again, we don't want speculation.
6 We want real proposals that reflect the community and
7 price points that make sense, as opposed to a
8 Gristedes, which is some high-end supermarkets. I
9 know, they're good, but they're expensive as hell.
10 That is besides the point, because we are talking
11 about a land use application here and upscaling of a
12 property that is not necessarily in keeping with its
13 use and proposal and some weaknesses in that
14 application. I just want to thank you again, and I
15 hear you 100 percent about one of the many concerns
16 that Red Hook has, and Red Hook has many concerns and
17 so I thank you.

18 CHAIRPERSON RILEY: Thank you. I'm going
19 to give the same message. We really appreciate you
20 ladies coming out, making the time, and we heard your
21 concerns so thank you so much.

22 You can leave that there. We really don't
23 have the witness panel ask us questions. If you want,
24 you can speak with her right after this.

2 The next panel I'm going to call up is
3 online. It's going to be Tiffany Davis and Johannes
4 Siegert. Excuse me if I mispronounce your name.

5 We'll begin first with Ms. Tiffany Davis.

6 SERGEANT-AT-ARMS: You may begin.

7 CHAIRPERSON RILEY: Ms. Davis, if you can
8 hear me, you may begin.

9 TIFFINEY DAVIS: Hello?

10 CHAIRPERSON RILEY: Yes, we can hear you,
11 Ms. Davis.

12 TIFFINEY DAVIS: I'm sorry. I'm currently
13 in program with my students, so please forgive me.

14 CHAIRPERSON RILEY: No problem.

15 TIFFINEY DAVIS: I've been on the call. I
16 heard everyone. Thank you, guys, for inviting me and
17 allowing me to speak today. I do want to just say
18 that when this project first was brought to my
19 attention, I am very in tune to making sure that our
20 community has space. That's the one thing that we are
21 lacking. As you guys know, we work with young people,
22 but as our young people age out of programming, all
23 the non-profits here, trying to make sure they have
24 another space that they can go to so they can do job
25 readiness, job training, and being able to lock in

2 the different careers that they would like, whether
3 that's in their community or outside of their
4 community, but also just need a safe space so that we
5 can expand off of the work that we've already been
6 doing in the neighborhood. I think that we have
7 amazing youth programs. We have amazing leaders and
8 stakeholders in the community, and I just want to see
9 more done when it comes to our young adults. As you
10 guys know, between the ages of 20 to about 30, that's
11 the age that we are forgetting about, and they need
12 other spaces other than just being outside in the
13 parks and playing basketball, just really looking for
14 a safe, vibrant space, and I think that 150 Mill
15 Street can be supportive with this space. We're just
16 making sure we're holding everyone accountable, and
17 we're getting the things that we do need that's going
18 to benefit Red Hook. As me being a Red Hook resident,
19 my first apartment was in Red Hook, I've seen how
20 much Red Hook has been left behind. I know that
21 there's a lot of work to do in Red Hook, but there
22 are leads on the ground doing that work, and we just
23 need supporters like you to expand off that work by
24 making sure we have vibrant spaces that can take on
25 the work that we need to be done with our students as

2 they age out of these programs, and of course, we
3 also need healthy food. We can't make art, we can't
4 go to work if we're hungry and not having a healthy
5 meal, so I'm in tuned and inclined to make sure that
6 we have more space and a healthy restaurant,
7 especially for our elders, but as we grow Red Hook
8 and continue to, you know, do the work here, we want
9 to make sure our communities stay beautified, stay
10 safe, vibrant, and that everybody have access to the
11 different resources, and only how to do that is
12 providing space. Thank you.

13 CHAIRPERSON RILEY: Thank you. Next, we'll
14 hear from Johannes Siegert. Johannes, if you can hear
15 me, please begin.

16 Johannes. Johannes, if you can hear me,
17 please unmute, and you may begin.

18 Johannes, if you could please unmute.
19 Okay, it looks like we lost Johannes. Johannes, if
20 you hear me and you can't unmute, you have to accept
21 the invitation.

22 All right, Johannes, you may begin.

23 Okay. All right, we're going to give
24 Johannes about 30 seconds. If we don't get them, they
25 can also submit their testimony to us online.

2 Johannes, are you there?

3 FATHER EAMON MURRAY: Yes. Hello. Can you
4 hear me?

5 CHAIRPERSON RILEY: Yes. There you go. You
6 may begin.

7 FATHER EAMON MURRAY: Yeah, it's actually
8 Father Eamon. Johannes was listening. He went away to
9 get something to eat so I have been listening with
10 him for most of it. I've been here for the last 15
11 years, working as a priest in the community. I have
12 just come back because we're in a pilgrimage, so I
13 don't know enough about the project. Anything that
14 helps the life and the well-being of the people is
15 good, and we need a lot of help spiritually and
16 physically so I just commend the efforts to do
17 something good and beautiful for the community, and
18 that's all I can say. I pray it's going to be a good
19 project, and the needs of the people, first of all,
20 will be taken care of so that's all I have to say.
21 Father Johannes is not available at the minute so I
22 just pray for the success of the project and that
23 something very beautiful and good happens.

24 CHAIRPERSON RILEY: Sir, are you Johannes?

25

2 FATHER EAMON MURRAY: I'm Father Eamon
3 Murray.

4 CHAIRPERSON RILEY: Oh, thank you, Father.
5 So is Johannes, you said Johannes is not available?

6 FATHER EAMON MURRAY: Not available at the
7 minute.

8 CHAIRPERSON RILEY: All right, no problem.
9 Do you know if they support or they disapprove the
10 project?

11 FATHER EAMON MURRAY: Yes, we support.

12 CHAIRPERSON RILEY: They support it. Okay.
13 All right.

14 FATHER EAMON MURRAY: Yes.

15 CHAIRPERSON RILEY: Thank you.

16 FATHER EAMON MURRAY: Okay, no problem.

17 CHAIRPERSON RILEY: If there are no more
18 members of the public who wish to testify regarding
19 the special permit proposal, we're going to stand at
20 ease for about 20 seconds to see if anyone raised
21 their hand or, if anyone wants to run in this room
22 and submit a speaker's card, I'll stand at ease for
23 20 seconds.

24 All right, going once, going twice.

2 All right. If there being no more members
3 of the public who wish to testify on LU 137 regarding
4 150 Mill Street rezoning proposal, the public hearing
5 is now closed and the item is laid over.

6 I will now open the second public hearing
7 on LUs 138 and 139 relating to the 31-17 12th Street
8 rezoning proposal in Council Member Cabán's District
9 in Astoria, Queens. The proposal consists of a
10 residential development with approximately 35
11 apartments. The rezoning would involve the mapping of
12 a Mandatory Inclusionary Housing and, as a result,
13 part of the new housing will be affordable
14 apartments.

15 For anyone wishing to testify on these
16 items remotely, if you have not already done so, you
17 must register online, and you may do that now by
18 visiting the Council's website at
19 council.nyc.gov/landuse.

20 Once again, for anyone with us in person,
21 please see one of the Sergeants to prepare submit a
22 speaker's card. If you prefer to submit a written
23 testimony, you can always do so by emailing it to
24 landusetestimony@council.nyc.gov.

2 I will now call the applicant panel for
3 this item, which consists of Frank Chaney and
4 Demetrius Drogades (phonetic). I'm sorry, man. I'm
5 trying. I'm trying here.

6 Counsel, please administer the
7 affirmation once these gentlemen get settled.

8 COMMITTEE COUNSEL VIDAL: Please raise
9 your right hand. Do you swear to tell the truth and
10 nothing but the truth in your testimony today in
11 response to Council Member questions?

12 FRANK CHANEY: Yes.

13 DEMETRIUS DROGADES: Yes.

14 COMMITTEE COUNSEL VIDAL: Thank you.

15 CHAIRPERSON RILEY: Thank you. For the
16 viewing public, if you need an accessible version of
17 this presentation, please send an email request to
18 landusetestimony@council.nyc.gov.

19 Now the applicant team may begin. You may
20 just restate your name and your organization for the
21 record before you begin.

22 FRANK CHANEY: Good afternoon. My name is
23 Frank Chaney. I'm a land use attorney with the law
24 firm Rosenberg and Estis representing the applicant
25 and the owner of the property at 31-17 12th Street.

I'm joined today by Demetrius Drogades, the owner's representative, and we'll both be available to answer questions after the presentation. This application is for two actions. Next slide, please.

The first action is an amendment of the zoning map to rezone a portion of a block in Astoria, Queens from an existing R5B district to R6B. Next slide.

The second action is a text amendment to Appendix F of the Zoning Resolution to designate the rezoning area for MIH Option 1, and we'll talk a little bit more about the specifics of Option 1 in a minute. Next slide, please.

The rezoning will extend the existing R6B zoning district directly to the north down across the western half of the block to 31st Drive, covering 150 feet back from 12th Street. Next slide.

In addition to the development site, which is outlined in red on this slide, it's Lot 13, the rezoning will include eight other lots and small slivers of two lots, which under the split lot rules would be unaffected by the rezoning. Next slide.

The text amendment will designate the rezoning area shown here on the right, outlined in

red, as a Mandatory Inclusionary Housing area subject to MIH Option 1. Next slide.

Within the surrounding area, the predominant land use is residential with a scattering of institutional uses, which are blue, and light industrial uses purple. As you can see, there's a community facility use directly adjacent to the development site and another one at the corner. The zoning in the surrounding area is a mix of R5B, R6B, and R7A. The predominant residential building type ranges from two- and three-story semi-detached and attached houses in the R5B districts to six- and nine-story apartment buildings in the R7A district to the south and to the west. Next slide, please.

The site is currently occupied by five buildings, one of which is a two-story, two-family house, and the other four buildings are single-story commercial buildings, three garages, and one building occupied by a window display business. It's a residential zoning district so all the commercial uses on this property are legally non-conforming. Altogether, the five buildings locate a total of 5,826 square feet total floor area. That gives the property a 0.48 FAR, which, as you can see, makes the

2 site a substantially underutilized site. Next slide,
3 please.

4 Our proposed rezoning will change a
5 portion of the existing R5B district to R6B, which
6 will increase the allowable FAR from 1.35 to 2.2.
7 Next slide.

8 We'll increase the maximum building
9 height from 33 feet without a setback to 55 feet
10 after a 15-foot setback above a maximum 45-foot-high
11 base. Next slide.

12 The rezoning will enable the development
13 of a five-story residential building consisting of a
14 four-story, 43-foot-high base, and a fifth floor set
15 back 15 feet from the street, reaching a total
16 building height of 53 feet. Next slide.

17 The building will contain approximately
18 35 dwelling units and approximately 26,500 square
19 feet and will have an FAR of 2.2. Next slide, please.

20 Subject to the MIH Option 1, the building
21 will have 25 percent affordable floor area consisting
22 of approximately nine dwelling units in approximately
23 6,629 square feet. It will have a maximum of three
24 income bands averaging 60 percent AMI with a minimum
25

2 10 percent at 40 percent AMI, and the maximum income
3 band is 130 percent AMI. Next slide, please.

4 This is a site plan. Looking in plan
5 view, the site will have 42 percent lot coverage and
6 58 percent open space consisting of approximately
7 2,000 square feet of green landscaped area and 15
8 parking spaces accessed by a driveway through the
9 building on the left-hand side of the site. Next
10 slide.

11 With that, we'd be happy to answer
12 questions.

13 CHAIRPERSON RILEY: Thank you. I did not
14 announce this, but we were joined by Council Member
15 Yusuf Salaam.

16 The proposed site has an existing
17 residential and commercial uses. Do you have a
18 relocation plan, and are the tenants aware of this
19 proposal?

20 DEMETRIUS DROGADES: Yes, they are aware.
21 The two commercial tenants that are there are very
22 small-use companies. One has three employees. The
23 other one has two. They are aware. At the point that
24 we do decide to break ground, they'll have plenty of
25 time to relocate.

2 CHAIRPERSON RILEY: Do you have a
3 relocation plan for them or do they have to figure
4 this out themselves?

5 DEMETRIUS DROGADES: No. Well, I will
6 assist with relocating them. That's one of my other
7 jobs.

8 CHAIRPERSON RILEY: What is the breakdown
9 of unit sizes you are proposing to build?

10 FRANK CHANEY: Currently, it will be
11 primarily one-bedroom apartments with perhaps as many
12 as half a dozen studios and a small number of two-
13 bedrooms. The exact distribution of unit sizes is
14 still open.

15 CHAIRPERSON RILEY: How many units?

16 FRANK CHANEY: Approximately 35. It could
17 vary depending on discussions with HPD. Once we get
18 our approval, we begin having discussions with HPD.

19 CHAIRPERSON RILEY: And the studios, are
20 the Community Boards supporting the studios? I'm
21 trying to stray away from studios, to be honest, but
22 are the community boards supporting the studio units
23 being proposed?

24 FRANK CHANEY: Yes. I think the vote was
25 almost unanimous at the Community Board.

2 CHAIRPERSON RILEY: The proposed
3 development includes 15 parking spaces. Are these
4 parking spaces all required by the proposed zoning?

5 FRANK CHANEY: They are required by the
6 current proposed zoning but, of course, as you know,
7 the parking requirement will be eliminated under City
8 of Yes, and we spoke about this with Council Member
9 Cabán, and she expressed her interest in and desire
10 that we could do without so many parking spaces.

11 CHAIRPERSON RILEY: Will this increase
12 more units if you do without these 15 parking spaces?

13 FRANK CHANEY: I don't think so, because
14 we're already maxing out the FAR.

15 CHAIRPERSON RILEY: Okay.

16 FRANK CHANEY: But, you know, providing
17 perhaps some additional open space is a possibility
18 for sure that we'll be taking a look at.

19 CHAIRPERSON RILEY: Okay. What about like
20 an electric charging station or something like that?
21 Is that something...

22 FRANK CHANEY: There'll be electric
23 charging stations in the parking area.

24 DEMETRIUS DROGADES: Yeah. We've discussed
25 this with our architect so we've planned to have

2 electric vehicle charging as well as scooter charging
3 and enclosed safe fireproof storage for those.

4 CHAIRPERSON RILEY: Just going to ask
5 that. Good. That's good. Well, thank you. I have no
6 more questions.

7 FRANK CHANEY: Okay.

8 CHAIRPERSON RILEY: That was easy, right?

9 FRANK CHANEY: Thank you so much.

10 CHAIRPERSON RILEY: Richard, take some
11 notes, man.

12 FRANK CHANEY: Thank you.

13 CHAIRPERSON RILEY: All right. Do we have
14 any members of the public who wish to testify on this
15 project?

16 COMMITTEE COUNSEL VIDAL: No, Chair.
17 Neither online nor in person.

18 CHAIRPERSON RILEY: There being no members
19 of the public who wish to testify on LUs 138 and 139,
20 regarding the 31-17 12th Street rezoning proposal,
21 the public hearing is now closed, and the items are
22 laid over.

23 I will now call the third and last public
24 hearing on LUs 140 and 141 relating to the 250 86th
25 Street rezoning proposal in Council Member Brannan's

2 District in Bay Ridge, Brooklyn. The proposal seeks
3 to rezone applicant's property along with several
4 other lots to make an existing building complaint
5 with zoning. This will also increase the maximum
6 allowed size of community facility uses within the
7 building.

8 For anyone wishing to testify on these
9 items remotely, if you have not already done so, you
10 must register online and you may do that now by
11 visiting the Council's website at
12 council.nyc.gov/landuse.

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

16 If you would prefer to submit written
17 testimony, you can always do so by emailing it to
18 landusetestimony@council.nyc.gov.

19 I will now call the advocate panel, which
20 consists of Richard Lobel and Fyanne Betan.

21 Counsel, we already swore in Richard so
22 we could swear in Ms. Fyanne Betan. Sorry, I know I
23 mispronounced your name. Sorry.

24 FAYANNE BETAN: It's okay. It's Fyanne.

25 CHAIRPERSON RILEY: Fyanne.

2 COMMITTEE COUNSEL VIDAL: Can you please
3 raise your right hand?

4 Do you swear to tell the truth and
5 nothing but the truth in your testimony today and in
6 response to Council Member questions.

7 FAYANNE BETAN: Yes, I do.

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

12 Now the applicant team may begin. Just
13 please reinstate your name and organization for the
14 record.

15 RICHARD LOBEL: Thank you, Chair. Richard
16 Lobel of Shelton Lobel PC. Good afternoon. We're here
17 today to discuss the 250 86th Street rezoning. Next
18 slide.

19 This is a very straightforward rezoning
20 application. The property, along with nine adjacent
21 parcels, are currently zoned R3-2. They are within
22 the Special Bay Ridge District. 86th Street here is
23 an extra-wide street, as we'll demonstrate in the
24 maps, and can easily handle the proposed rezoning,
25 which would allow for the zoning of the property to

1 be R6B. On the site, this would allow for the
2 applicant's medical office to occupy a two-story and
3 basement building at 250 86th Street. There are no
4 enlargements proposed pursuant to this rezoning, but
5 it would legalize that condition. In addition to the
6 rezoning, of course, we would also have an
7 accompanying text amendment to allow for Mandatory
8 Inclusionary Housing in the rezoning area.

9
10 The next slide is the proposed project
11 area. You can see that the site is zoned R3-2 in the
12 Bay Ridge Special District.

13 Next slide is a tax map, which
14 demonstrates the site as well as eight other full
15 sites and a portion of an adjacent site to the east,
16 and all these would be R6B. You can also see the
17 existing R6B along 3rd Avenue. This would be
18 continued to the west in order to cover the site and
19 these adjacent sites.

20 The next slide is the area map, which I
21 think well demonstrates why the rezoning is
22 appropriate. 86th Street here is a wide street at 100
23 feet wide, an extra-wide street, and a major
24 thoroughfare in the area, and can easily handle the
25 additional density. The existing R3-2 is not really

1 productive for a wide street, given that the
2 residential FAR is only 0.5, community facility FAR
3 is only 1. In addition to that, there exists an R6B
4 adjacent to the proposed rezoning area. This would
5 merely be stretched to cover the site and these other
6 sites as well as the subway system, which exists two
7 blocks to the east along 4th Avenue so transportation
8 in the area is good. The wide street condition
9 supports the modest additional density, which would
10 be allowed pursuant to the R6B, which would be
11 currently a 2.2 FAR.

12
13 The next slide shows pictures of the
14 buildings in the area. These really reflect an R6B
15 typology. Most of them are roughly three to four
16 stories. The R6B itself caps out at four and a half
17 to five stories so, you know, easily 86th Street here
18 could accommodate this additional proposed density,
19 despite the fact that no additional density is
20 proposed at this site were anyone to redevelop. You
21 can see again the building typology along 86th
22 Street, along the next slide, which are these three-
23 story buildings. And to add a note, the existing
24 Floor Area Ratios of the 10 properties located within
25 the rezoning area, most of them, if not all of them,

2 I think eight of them, 80 percent, are currently non-
3 complying so they're already all overbuilt. Four of
4 them are actually built to a Floor Area Ratio of
5 greater than an R6B so prior to the rezoning, call it
6 80 percent of the existing properties do not comply
7 with zoning. After the rezoning, a full 100 percent
8 would either comply or, in the case of those
9 properties built closer to a 2.4 to a 2.5 FAR, would
10 come closer to complying.

11 I would have the presentation forwarded
12 through the remaining slides, which merely
13 demonstrate the proposed modification of the existing
14 building to allow for community facility medical
15 office at the site. Dr. Helen Kim, who is the owner
16 of the site, is a doctor who has had a longstanding
17 practice in Bay Ridge but has been unable to use this
18 building for years because she's unable to convert it
19 in light of the limitations of the R3-2.

20 In conclusion, we think that the bulk
21 would be appropriate here and that the rezoning
22 should be supported by the Council, and we're happy
23 to answer any questions.

24 CHAIRPERSON RILEY: Thank you, Richard.
25 That was good.

2 RICHARD LOBEL: Got you.

3 CHAIRPERSON RILEY: Given the built
4 character of the mid-block along 86th Street, why are
5 you proposing to rezone to R6B? I know you stated
6 that the block is wide and it could support the
7 density, but why are you proposing R6B?

8 RICHARD LOBEL: Yeah. Chair, in all
9 honesty, on wide streets in other areas of Brooklyn,
10 we have achieved rezonings of R6A or greater. In this
11 community district, there have been long
12 conversations. I brought many applications...

13 CHAIRPERSON RILEY: Is Ken on? Ken is a
14 part of this project, too?

15 RICHARD LOBEL: Say that again?

16 CHAIRPERSON RILEY: Is Ken Williams?

17 RICHARD LOBEL: Ken is a part of the
18 project.

19 CHAIRPERSON RILEY: All right. Just wanted
20 to state for the record that Ken Williams...

21 RICHARD LOBEL: Kevin.

22 CHAIRPERSON RILEY: Kevin, excuse me,
23 Kevin Williams is also on this panel.

24 RICHARD LOBEL: Thank you. We would think
25 that this block could probably support Floor Area

2 Ratios greater than the R6B. Having said that and
3 having done much work in Bay Ridge before Community
4 Board 10 and in the Bay Ridge Special District, we
5 understand that in certain cases there are
6 limitations as far as what an area will support and
7 potentially what would be productive in terms of the
8 ask, and so, here, the R6B would allow our applicants
9 to move forward, would allow for a modest increase in
10 density that is already reflected by the four
11 properties to the east of this site so that's why we
12 selected R6B.

13 CHAIRPERSON RILEY: How are you proposing
14 to address the Community Board's concerns,
15 particularly the large FAR usage that's going to be
16 taking place?

17 RICHARD LOBEL: Yeah. I mean, you know,
18 the current maximum Floor Area Ratio for an R3-2 is a
19 one for community facility use. The proposed R6B
20 would allow for a 2.2. There's already 2.2 existing
21 along 3rd Avenue for the entirety of 3rd Avenue here.
22 It's literally adjacent to these parcels so we
23 understand and are sensitive to the concerns of the
24 area, but the idea that there's going to be some sort
25 of massive development in this area and that there'll

2 be buildings which will be atypical is just not
3 supported by this district. This district basically
4 would allow for the compliance of most of the
5 properties that are already in this area. The soft
6 site analysis really demonstrates that there would be
7 no meaningful additional development in this area so
8 we respect the community board. We've had successful
9 rezoning applications with them over the last couple
10 of years. They did not choose to support this, but we
11 would basically make the argument that R6B is not
12 just totally appropriate here, but is really merited.

13 CHAIRPERSON RILEY: What is the total
14 square footage of the medical offices you are seeking
15 to allow on applicant site? And given the lot size,
16 how much FAR does this require?

17 RICHARD LOBEL: Yeah, I'm going to ask
18 Fayanne to look at that information.

19 FAYANNE BETAN: I know that for the total
20 building, we're asking for FAR 1.54, which is around
21 3,090 square feet. I just have to double check the
22 actual community facility space, but it would be for
23 two floors out of three so the basement and the
24 second floor would be for the medical offices and..

2 CHAIRPERSON RILEY: Can you say that FAR
3 one more time?

4 FAYANNE BETAN: 1.54 approximately, and
5 the community facility space would be in the basement
6 and the second floor with the third floor being
7 residential.

8 CHAIRPERSON RILEY: Can you confirm that
9 the applicant has no plans to demolish or enlarge the
10 existing building on the applicant's property?

11 RICHARD LOBEL: The applicant has no such
12 plans.

13 CHAIRPERSON RILEY: All right. With that
14 being said, I have no more questions. This applicant
15 panel is excused.

16 Counsel, are there any members of the
17 public who wish to testify on 250 86th Street
18 rezoning proposal?

19 COMMITTEE COUNSEL VIDAL: No, Chair. There
20 is no one in person or online that wishes to testify.

21 CHAIRPERSON RILEY: All right. There being
22 no other members of the public who wish to testify on
23 LUs 140 and 141 regarding the 250 86th Street
24 rezoning proposal, the public hearing is now closed
25 and the item is laid over.

2 That concludes today's business. I would
3 like to thank the members of the public, my
4 Colleagues, Subcommittee Counsel, Land Use and other
5 Council Staff, and the Sergeant-at-Arms for
6 participating in today's meeting. This meeting is
7 hereby adjourned. [GAVEL]

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C E R T I F I C A T E

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



Date September 15, 2024