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SUBCOMMITTEE ON ZONING AND FRANCHISES

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

October 3, 2019
Start: 10:03 a.m.
Recess: 12:30 p.m.

HELD AT: Council Chambers - City Hall

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

COUNCIL MEMBERS:

BARRY S. GRODENCHIK
RORY I. LANCOUNCIL MEMBERAN
STEPHEN T. LEVIN
ANTONIO REYNOSO
DONOVAN J. RICHARLES LINDDS
CARLINA RIVERA

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SUBCOMMITTEE ON ZONING AND FRANCHISES

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

Steve Wygoda
President and Founder of SWA Architecture

Richard Blodgett
President of the Charlton Street Block
Association

Alfonso Renato
Resident of SoHo Near 210 6th Street for 15 Years

Bob Gormley
District Manager of Manhattan Community Board Two

Rich Lobel
Land Use Lawyer at Sheldon Lobel, P.C.

Frank Noriega
Land Use Attorney at Sheldon Lobel, P.C.

Bruce Jacobs
Coalition of the Rockaways

Richard Bass
Senior Planning and Development Consultant at
Akerman LLP

Federico Hernandez
Porter, Member of 32 BJ

Jaclyn Scarinci
Land Use and Zoning Attorney at Akerman LLP

Daniel Moritz
Principal of Arker Companies

Ariel Aufgang
Principal of Aufgang Architects

Chuck Harper
Senior Project Manager at Langan Engineering and
Environmental Services

Tamara Jacobs
Director of Operations for the Rockaway Task
Force, Community Board Member

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SUBCOMMITTEE ON ZONING AND FRANCHISES

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

Reverend Darnell Peterson
Reading on Behalf of Reverend Gilbert Pickett

Reverend Patrick H. Young
Senior Pastor of the First Baptist Church of East
Elmhurst

Reverend Evan D. Gray
Senior Pastor of the Macedonia Baptist Church,
President of the National Action Network Far
Rockaway Chapter

Omar Lopez
Community and Union Organizer for Local Union 361

Charles Lind
Resident of Queens, Local 361 Iron Workers

Glenn DiResto
Lifelong resident of the Rockaways

Yani Hernandez
Member of 32 BJ

Steven Perez
Local 46 Iron Workers Union

Shea Uzoiguie
Community Activist of Southeast Queens

Eugene Falik
Third Generation Far Rockaway Resident

Anna Palmer
New York City Resident

[gavel]

SERGEANT AT ARMS: Quite please.

CHAIRPERSON MOYA: Good morning and welcome to the meeting of the Subcommittee on Zoning and Franchises, I'm Council Member Francisco Moya, the Chairperson of this Subcommittee. Today we are joined by Council Member Grodenchik. If you are here to testify please fill out a speaker slip with the Sergeant at Arms indicating your full name, the application name or the LU number and whether you're in favor or against the proposal. Today we are holding a hearing on LUs 529, an application by the Prinkipas LLC, Lola Taverna for an application request approval for a revocable consent to operate an unenclosed sidewalk café including 24 tables and 48 chairs to be located at 210 6th Avenue in Manhattan in Speaker Johnson's district. I now open the public hearing on this application. Today I will read a letter from the Speaker's office relating to this application. The community surrounding Lola Taverna located on 210 6th Avenue has reached out to me to express their concerns about the potential impact to pedestrians and local residents relative to a revocable consent for a new unenclosed sidewalk

1 café at this location. My district office has
2 received over 100 emails in support of Manhattan
3 community board two's resolution requesting a
4 modification of this sidewalk's... of the sidewalk café
5 application from 24 tables and 48 chairs to 16 tables
6 and 32 chairs. While I believe that a new Greek
7 restaurant with outdoor seating could be a positive
8 addition to the neighborhood, this particular
9 applicant's record on quality of life issues at
10 Little Prince, a restaurant that he operates at 199
11 Prince Street less than one block from this proposed
12 new café location has not been indicative of the
13 necessary respect towards the surrounding community.
14 For example, within a five month period this year
15 between March 31st and August 30th the applicant
16 received 15 loud music and noise, noise complaints at
17 Little Prince, frequent loud music complaints
18 submitted to 3-1-1 have also been logged through the
19 prior two years in addition and just as importantly
20 sidewalk, sidewalk safety and congestion at the
21 location of the previous revocable consent are
22 critical considerations. The residents who live in
23 and walk these blocks every day believe that
24 pedestrian foot traffic would be significantly
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2 impeded by the 48 chairs and 24 tables requested by
3 this proposal. Furthermore, the applicant indicated
4 that he would request only 32 chairs when he went
5 before community board two's SLA licensing committee
6 in October 2018. The community relied in part on that
7 statement when it voted to approve the liquor
8 license. The communication of information has been
9 misleading and confusing at best and at worst
10 promotes doubt and frustration amongst residents who
11 already have concerns about these quality of life
12 issues. No private entity has the automatic right to
13 use the public sidewalk for private gain. Use of the
14 public way is a privilege extended to businesses at
15 the city's discretion. A properly run sidewalk café
16 can be an asset to a community benefiting operators,
17 patrons and residents. If the applicant were to
18 demonstrate that he could operate a new 32 seat café
19 as a good neighbor for a period of time that includes
20 the summer months the council could consider a future
21 application for 48 seats at this location pursuant to
22 a new application. Thank you for the opportunity to
23 comment on, on this application and that was from
24 Council Speaker Johnson. I will now call up the first
25 panel, Steve Wygoda.

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SUBCOMMITTEE ON ZONING AND FRANCHISES

COMMITTEE CLERK: Good morning. Please raise your right hand and state your name for the record?

STEVE WYGODA: My name is Steve Wygoda, I'm an architect.

COMMITTEE CLERK: Do you swear or affirm that the testimony you're about to give will be the truth, the whole truth and nothing but the truth and you will answer all questions truthfully?

STEVE WYGODA: I do.

COMMITTEE CLERK: Thank you.

STEVE WYGODA: So, my name is Steve Wygoda, I'm the architect for this application. We... my firm SWA Architecture has worked on over 1,000 locations in New York City over the years and this is... this location is one of many that we've tried to negotiate on behalf of all parties. So, I have a letter that was signed by the owner, he is not here and if I may read the letter into the record, yes? Okay. So, the letter is dated today, October 3rd, 2019, City Council Member Corey Johnson regarding the sidewalk café agreement letter for the Prinkipas LLC and the letter goes dear Council Member Johnson we respectfully submit this letter to the City Council,

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 8
2 please note the following items. Number one,
3 Prinkipas LLC will agree with the layout of 32 seats
4 and 16 tables as proposed. Number two, new drawings
5 and the compliance checklist will be filed tomorrow
6 with DCA upon acceptance of this agreement. Number
7 three, we will file for a modification with DCA in
8 early spring 2020 to modify the seat count to 48 and
9 the table count to 24, we will also agree to operate
10 through the entire summer of 2020 in order to allow
11 all parties to review the operation during the
12 summer. The modification application approval and
13 consent will await the operation of the café for the
14 summer of 2020. We are also providing the owner's
15 name and cell phone, I won't read it out loud, it's
16 private and we're also providing my number and cell
17 phone, again I won't read it out loud, it's in the
18 letter. Thank you for your time and consideration for
19 a small New York City business.

20 CHAIRPERSON MOYA: Thank you for your
21 testimony.

22 STEVE WYGODA: Thank you.

23 CHAIRPERSON MOYA: Calling up the next
24 panel, Richard Blodgett and Alfonso Renato. You can
25 just state your name and you can begin.

[off mic dialogue]

CHAIRPERSON MOYA: Just press the button to turn on the microphone.

RICHARD BLODGETT: Just hold it down?

CHAIRPERSON MOYA: Yep.

RICHARD BLODGETT: Okay, my name is Richard Blodgett... my name is Richard Blodgett, I'm President of the Charlton Street Block Association which is directly across 6th Avenue from the location of the restaurant. We represent 325 households on Charlton between 6th and Varick. I'm surprised and thrilled that the, if I get this correctly that the owner as the applicant has agreed to 32 seats through the summer of next year, is that correct?

CHAIRPERSON MOYA: I believe that's what he said in his testimony.

RICHARD BLODGETT: Yeah, so we favor that, we're... we were very concerned that more seats would be a terrific disruption and impede pedestrian traffic but if he's agreed to that through the summer of next year we support that and thank you very much for listening to me.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 CHAIRPERSON MOYA: Thank you... thank you
3 for taking the time to come down here, thank you. If
4 you can just state your name you, you can begin.

5 ALFONSO RENATO: My name is Alfonso
6 Renato; I have lived in SoHo since 2001 first on
7 Thompson Street then on MacDougal Street less than
8 one block from the location of the applicant's
9 proposed establishment. I lived in the Cecere
10 building at 51 MacDougal for which the block is being
11 honorarily named Lenny and Lucy Cecere Way so I... I'm
12 in tune with the neighborhood and I have 15 years of
13 experience directly on the block. To be clear I am... I
14 agree with what Richard just said, I... with respect of
15 32 seats but to be clear I am supporting the proposed
16 32 seat legislation only insofar as it is a lower
17 number than previously discussed, the previously
18 discussed ambitions of the primary principal Coby
19 Levy. For the record I believe that 32 chairs is far
20 too much outdoor seating for this location, will
21 significantly impede pedestrian, pedestrian traffic
22 at a number of critical choke points and
23 significantly and most importantly increases the
24 probability that a pedestrian or cyclist will be
25 injured at this already chaotic location.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 Additionally, as Mr... as the Speaker pointed out it
3 should be noted that Mr. Levy has operated an illegal
4 outdoor café of Little Prince less than 50 yards from
5 Lola since inception essentially without any recourse
6 from the city. As I highlight, I want to also point
7 out that I submitted a very long email with
8 significantly more detail than I'll be able to go
9 into here. Again, my name is Alfonso Renato and I
10 would encourage, encourage the Subcommittee to read
11 the details of said email but again Lola Taverna's
12 outdoor café is already in violation of the law
13 despite not yet being open for business and that is
14 primarily due to the planners that Mr. Levy has
15 installed around the complex wraparound corner of
16 this site. Frankly it will be interesting to see if
17 Mr. Levy... Mr. Levy is capable of continuing to
18 operate above the law at Lola... at Lola Taverna as he
19 has done so, so far at Little Prince. It's worth
20 noting the complex nature of this site plan, it's
21 essentially a wraparound footprint, it's three sided
22 and, and the site is essentially composed of
23 MacDougal Street, Prince Street and then 6th Avenue
24 and frankly this, this intersection is the gateway to
25 what is the Prince Street commercial district and one

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 of the most important thoroughfares in the city. It
3 also includes two iron guards one of which the
4 applicant has removed which will... with the sole
5 purpose of expand... with, with the sole purpose of
6 deceiving the DCA. As you heard the, the attorney... as
7 you heard the attorney mention they're submitting
8 revised plans because the plans they submitted
9 earlier included the, the, the tree fence which would
10 have significantly limited the seating. The reason
11 they took the tree fence down is obviously so they
12 can fit more, more seats into that. Unfortunately,
13 that has been a bad outcome for the neighborhood and
14 the tree will be damaged. The... it's also worth
15 pointing out that the location includes an under
16 sidewalk access point, a bus stop passenger waiting
17 area on 6th Avenue, a USPS mailbox, two restaurant
18 egresses, the original Souen egress on 6th Avenue and
19 a new one that is on MacDougal Street and they also
20 have to make room for the required minimum three foot
21 wait, service aisle and frankly there is no possible
22 way 32 chairs will fit given those requirements,
23 requirements. I just want to spend a second on the
24 planters, current regulations require planters be no
25 taller than 30 inches and be easy to remove from the

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 sidewalk. The planter dimensions are 34 inches tall
3 and 31 inches wide and the fact that they are not on
4 casters for easy movement makes them in my opinion
5 immovable. So, in a... in essence every single planter
6 that is currently there is currently in violation of
7 the law despite the fact that the restaurant has not
8 actually opened. Additionally, I, I, I would.. I would
9 suggest to, to Mr. Wygoda that these... that the new
10 architectural plans to be submitted to DCA include
11 these planters because the current plans that were
12 submitted to DCA do not as far as I'm aware. Do I
13 think the Prinkipas team should be forced to remove
14 these illegal planters, of course I do not, they are
15 gorgeous, and we should all be thankful for their
16 beautification of the space. As Speaker Johnson said,
17 there's a positive outcome here where, where a, a
18 Greek taverna can provide value to the city
19 unfortunately I don't think that that's Mr. Levy's
20 intentions, I believe his intentions are to maximize
21 revenue. As a small business owner, I, I can relate
22 to that. With that said do I think that the Prinkipas
23 plan should include these oversized planters and the
24 number of chairs, chairs granted to the applicant be
25 directly reduced due to their size, of course I do. I

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 also think that the applicant needs to adhere to the
3 legal requirements for distances to be maintained
4 from the planters to immovable objects such as the
5 iron tree guard which he had removed obviously,
6 there's another iron tree guard on MacDougal Street
7 and then the, the, the real problem is obviously on
8 6th Avenue, the planter on 6th Avenue is going to
9 cause a significant pedestrian choke point with
10 respect to, to the... with respect to the bus stop.
11 Three last considerations and then I will let the...
12 let people move on. Thanks to the Speaker with the
13 renovated Father Fagan Park, the continued
14 overdevelopment of West SoHo Hudson Square with high
15 rise residential and commercial structures, the
16 coming renovation and increased retail presence of
17 202 6th Avenue slash 200 Prince and the future
18 massive Disney and google office complexes that our
19 neighborhood is going to be seeing to the west and by
20 the way those two corporate entities will not be the
21 last, we will... we will continue to see west SoHo
22 become overdeveloped and that will obviously bring a
23 massive influx of people directly into SoHo via the
24 gate... via the intersection of the... of the
25 application. Additionally, as the city continues to

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 fail to limit vehicular traffic SoHo has become an
3 unsafe and unlivable environment during times of peak
4 Holland Tunnel usage; MacDougal Street, Thompson
5 Street, Sullivan Street, Prince Street, Charleston
6 Street and nearly every street in SoHo have become
7 Holland Tunnel... Holland Tunnel feeder streets. This
8 is especially true at the location of the proposed
9 application... proposed application, vehicles speed
10 along both Prince and MacDougal without any
11 enforcement from NYPD. MacDougal drivers pull out
12 inappropriately onto a backed-up Prince Street often
13 blocking 100 percent of the crosswalk that... across
14 MacDougal Street. This, this convergence of multiple
15 street users is already unsafe in its current format
16 further limiting pedestrian space with this outdoor
17 seating will only exacerbate the, the situation and
18 further endanger the lives of various street users
19 except for those in vehicles obviously who only
20 inflict damage and do not sustain it. Additionally,
21 the Citi Bike station and renovated Father Fagan Park
22 have, have brought increased pedestrian traffic to,
23 to the immediate area while the Prince Street bike
24 lane is the most important westbound bicycle
25 thoroughfare in Lower Manhattan. Without seeing Mr.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 Wygoda's revised plans I am confident that they will
3 force more pedestrians and more cyclists out onto 6th
4 Avenue, Prince Street and the bicycle lane at these
5 busy times. Pedestrians and cyclists must already
6 compete with vehicular overcrowding as cars approach
7 the Holland Tunnel often driving unsafely to beat the
8 light while cyclists also have to navigate these
9 already unsafe conditions. It is my opinion that Mr.
10 Levy and the other principals of Lola... of Lola
11 Taverna have no interest in what's best for the
12 community, they have no intention of acting in good
13 faith as demonstrated by the fact pattering at Little
14 Prince and they have changed plans repeatedly and
15 have indicated that they will do so again today and
16 appears to be frankly in my opinion successfully
17 manipulating the disjointed manner in which the city
18 handles the complex process of issuing liquor
19 licenses determining outdoor café capacity, the
20 community board public hearing process. In my opinion
21 Prinkipas are only concerned about the 2,500 dollars
22 a month of revenue that each additional outside,
23 outside chair contributes to its top line as stated
24 repeatedly, publicly by Mr. Levy. I believe these
25 fact patterns and the timeline outlined above reflect

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 this potential manipulation and even potential
3 deceptions and, and while I obviously cannot speak to
4 Mr. Levy's intentions, I would argue it's nearly
5 impossible to conclude otherwise. That concludes my
6 testimony and again I would point the entire City
7 Council hearing to my email which contains
8 significantly more detail, detailed than I was able
9 to get into today. Thank you for your time.

10 CHAIRPERSON MOYA: Thank, thank you for
11 your testimony. I just want to remind speakers that
12 we're keeping it to a two-minute time limit... [cross-
13 talk]

14 ALFONSO RENATO: That was just two
15 minutes, right?

16 CHAIRPERSON MOYA: That was two minutes...
17 under... yeah, that was a little under two minutes...
18 [cross-talk]

19 ALFONSO RENATO: Was that 20 or two?

20 CHAIRPERSON MOYA: Two. We're also joined
21 by Council Members Levin, Richards, Rivera, Reynoso
22 and Rosenthal. Thank you very much for your testimony
23 today. I'd like to call up the next panelist, Bob
24 Gormley. If, if you could just please push the button
25 and turn on your microphone, thank you.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 BOB GORMLEY: Thank you. Good morning
3 Chairman Moya and members of your Subcommittee. My
4 name is Bob Gormley, I'm the District Manager of
5 Manhattan Community Board Two. I want to thank you
6 for the opportunity to testify today regarding the
7 application of Prinkipas LLC, DBA Lola Taverna
8 located at 210 6th Avenue for an unenclosed sidewalk
9 café. I am testifying today in support of a City
10 Council modification to this application from 22
11 tables and 48 chairs to 16 tables and 32 chairs.
12 Manhattan Community Board Two passed a resolution at
13 its full board meeting on July 18th, 2019 which we
14 sent to the City Council the following day laying out
15 several reasons for supporting the modification, this
16 testimony reiterates them. First, the applicant has
17 repeatedly violated sidewalk café law at another
18 restaurant located nearby. This applicant is also the
19 owner of Little Prince located at 199 Prince Street
20 which is one half block from Lola Taverna.
21 Unfortunately for the owner although only one-half
22 block away Little Prince is in an R7 zone where
23 sidewalk cafes are not permitted. This does not deter
24 the applicant from continuously and illegally
25 operating a sidewalk café at that location. According

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 to the Department of Consumer Affairs Little Prince
3 received violations for operating an unenclosed
4 sidewalk café, an unlicensed sidewalk café on August
5 19th, 2014; June 11th, 2015; October 23rd, 2015; and
6 August 29th, 2019. The administrative hearing for the
7 last violation was two days ago. According to DCA,
8 the first three violations were upheld, and the
9 applicant paid the fine for the violation issued in
10 2014 and the first violation in 2015. However, the
11 violation issued on October 23rd, 2015 was sent to
12 DCA's legal division because the applicant quote,
13 "was unresponsive when asked for payment", end quote.
14 Second, according to the New York City open data
15 portal there have been 15 loud music or noise
16 complaints made against Little Prince in 2019. For
17 most of the complaints is reported that quote, "the
18 police responded to the complaint and took action to
19 fix the condition". As a repeat offender of the
20 sidewalk café law as well as a regular recipient of
21 complaints for loud noise or music that needed to be
22 addressed and resolved by the police this applicant
23 has demonstrated bad faith with the city and his
24 neighbors and therefor it is reasonable to modify his
25 sidewalk café application by reducing the number of

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 tables and chairs. Third, when the applicant appeared
3 before Manhattan Community Board Two's SLA licensing
4 committee in October 2018 he stated his intention to
5 operate a sidewalk café with 16 tables and 32 chairs,
6 he further stipulated that the sidewalk café would
7 close at ten p.m. Sunday through Thursday and at 11
8 p.m. Friday and Saturday nights.. [cross-talk]

9 CHAIRPERSON MOYA: If you could... if we
10 could just wrap it up.. [cross-talk]

11 BOB GORMLEY: Wrap it up?

12 CHAIRPERSON MOYA: Yeah.

13 BOB GORMLEY: Okay, I'll just wrap it up
14 by saying that we received... oh, so... in this
15 paragraph, it is reasonable for the community board
16 to, to rely on statements made previously by... at a
17 community board meeting by, by an applicant. Fourth,
18 we received many emails regarding this application;
19 seven people came to the committee meeting to, to
20 speak in opposition to it and lastly the New York
21 City administrative code explicitly gives the City
22 Council the authority to modify a sidewalk café
23 application stating that quote, "the petitioner shall
24 accept the modification within 15 days... [cross-talk]

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1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 CHAIRPERSON MOYA: We're, we're going to
3 have to... [cross-talk]

4 BOB GORMLEY: ...with such approval...
5 [cross-talk]

6 CHAIRPERSON MOYA: ...really wrap it up
7 because we have a lot... [cross-talk]

8 BOB GORMLEY: That's the last, last...
9 [cross-talk]

10 CHAIRPERSON MOYA: ...more... [cross-talk]

11 BOB GORMLEY: ...line, when all the above
12 is taken into consideration community board two
13 believes reducing the sidewalk café will cut the
14 application from 16... to 16 tables and 32 chairs is
15 both a reasonable and a just modification and is well
16 within the City Council's authority to require it.
17 Thank you.

18 CHAIRPERSON MOYA: Thank, thank you so
19 much for your testimony. Are there any other members
20 of the public who wish to testify? Did you fill out...

21 [off mic dialogue]

22 CHAIRPERSON MOYA: On, on the sidewalk
23 café? Okay.

24 COMMITTEE CLERK: What is your name?

25 CHAIRPERSON MOYA: What is your name?

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 [off mic dialogue]

3 CHAIRPERSON MOYA: Okay, Bruce Jacobs,
4 yep.

5 BRUCE JACOBS: Hello everybody... [cross-
6 talk]

7 CHAIRPERSON MOYA: If, if you could just
8 press the button so the microphone is on and state
9 your name.

10 BRUCE JACOBS: Hello everybody, Bruce
11 Jacobs, Coalition of the Rockaways, supporter of
12 medical and religious freedom, 30 years New York City
13 transit, 9/11 first responder, US Navy veteran. I'm
14 glad to see all your union guys here. Listen, I was
15 at the planning commission for this job, I don't like
16 this outdoor campaign... outdoor stuff on our streets,
17 everything is for the rich, they say business, this
18 is not proper, this is why poor people, regular
19 people can't live in this neighborhood because you're
20 giving everything to a... to a land owner, to a store
21 owner he says for business. My thing is, is that why
22 is he taking over the street with no kind of fees, no
23 kind of nothing, what kind of violations has he had
24 in the past with other restaurants. To me, just to
25 give a very... and for this guy to put out tables the

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 guy is arguing about how many tables even if you have
3 one table outside, you're blocking the street, you're
4 blocking from people walking. My opinion is that the
5 City Council got to watch this very closely make sure
6 everything is proper, the idea of keep on approving
7 variances because people who get fancy lawyers and
8 all kind of stuff. This ain't right, what about the
9 regular, hardworking New York City person who lives
10 in this state he can't walk up the street because
11 he's blocked by a restaurant. If you don't buy a
12 restaurant food from this place you can't walk up
13 that street. This is preventing people from being
14 able to walk up the street. I understand business, he
15 wants to make it into like in Europe, New York City
16 don't work like that, people live on these blocks and
17 people live in the area and work in the area, we
18 wanted to keep on going strong and we want the right
19 thing for the public of New York. Thank you.

20 CHAIRPERSON MOYA: Thank, thank you for
21 your testimony. Are there any other members of the
22 public who wish to testify? Seeing none I now close
23 the public hearing on this application. And now we
24 will move to our votes. Today we will vote to approve
25 with modifications LU Number 529, the Lola Taverna

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 application heard today by the Subcommittee and we
3 heard testimony that the applicant has operated an
4 illegal sidewalk café in a resident district where
5 sidewalk cafes are not permitted at his other nearby
6 restaurants and it has been the subject of repeated
7 noise complaints. We will be voting to approve this
8 café with a modification to reduce the size to 16
9 tables and 32 chairs. As a response to community
10 concerns regarding sidewalk safety and congestion and
11 quality of life concerns from 24 tables and 48
12 chairs. With this modification to 16 tables and 32
13 chairs Council Speaker Johnson is in support of this
14 application for a sidewalk café so that the applicant
15 may establish that his new establishment with a
16 smaller than requested café is a good neighbor. We
17 will also vote to approve LU items number 534 and 535
18 for the LeFrak city parking garage proposal in my
19 district in Queens. The proposal would amend the
20 zoning resolution to revise the findings for certain
21 parking special permits and it would also approve a
22 special permit for the subject property under the
23 amended text. I am in support of this application. We
24 will also vote to approve Preconsidered LU Item
25 number 540, the 91-05 Beach Channel Drive rezoning

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 proposal in Queens. The proposal would establish a
3 C2-3 commercial overlay within an existing R4-A
4 district to legalize an existing funeral home and its
5 accessory parking lot. Council Member Ulrich is in
6 support of this application. We will also vote to
7 approve Preconsidered LU Number 541 for the 15-13
8 Clintonville Street rezoning proposal in Queens. The
9 proposal would establish a C1-3 commercial overlay
10 within an existing R3-1 district to legalize an
11 existing commercial use on the property as well as
12 its facility and its future development and
13 modernization. Council Member Vallone is in support
14 of this application. We will also vote to approve
15 Preconsidered LU Number 542 for the 112-06 71st Road
16 rezoning proposal in Queens. The proposal would
17 rezone an existing R1-2A district to an R3-2 district
18 and would bring into conformance two separate
19 existing nonconformance... conforming use group for
20 medical offices within the rezoning area. Council
21 Member Koslowitz is in support of this application.
22 We will also vote to approve with modifications
23 Preconsidered LU Numbers 531, 532 and 533 for the
24 Vernon Boulevard Broadway rezoning proposal in
25 Queens. This application was originally proposed

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 sought a zoning map amendment, a zoning text
3 amendment and a special permit for a large-scale
4 general development which together would facilitate
5 the construction of three new mixed-use buildings and
6 a total of approximately 17,700 square feet of public
7 accessible open area. The proposed zoning text
8 amendment originally sought to establish a mandatory
9 inclusionary housing area utilizing options one and
10 two, our modifications will be to remove option two
11 and retain option one. Council Member Van Bramer is
12 in support of this application. And we will also vote
13 to approve with modifications Preconsidered LU
14 Numbers 538 and 539 for the 38th Street 35th Avenue
15 rezoning proposal in Queens. The application as
16 originally proposed sought a zoning map amendment and
17 a zoning text amendment to establish a mandatory
18 inclusionary housing area utilizing option two, our
19 modification will be to remove option two and to add
20 option one. Council Member Van Bramer is in support
21 of this application as modified. We will also vote to
22 approve with modifications Preconsidered LU Items
23 number 543 and 544 for the Terence Cardinal Cooke
24 proposal in Manhattan. The application as originally
25 proposed sought approval for a zoning map amendment

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER REYNOSO: Aye on all.

3 COMMITTEE CLERK: Council Member

4 Grodenchik?

5 COUNCIL MEMBER GRODENCHIK: Aye.

6 COMMITTEE CLERK: Council Member Rivera?

7 COUNCIL MEMBER RIVERA: Aye.

8 COMMITTEE CLERK: The current roll is six
9 in the affirmative, zero in the negative and no
10 abstentions, the vote will remain open.

11 CHAIRPERSON MOYA: We will now continue
12 with our public hearings. We will now hear a
13 Preconsidered LU item C190390 ZMM for the 25 Central
14 Park west application relating to property in Council
15 Member Rosenthal's district in Manhattan. The
16 applicant seeks approval for a zoning map amendment
17 to establish a C2-5 commercial overlay district
18 within an existing R10-A district. As proposed this
19 action would bring three existing lawful
20 nonconforming commercial units at the ground floor
21 into conformance under zoning and now, I open the
22 public hearing to this application, but I would like
23 to turn it over for Council Member Rosenthal for some
24 remarks.

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER ROSENTHAL: Thank you
3 Chair Moya, actually I'm... I'll have questions for the
4 applicant after make... they make their presentation, I
5 appreciate you.

6 CHAIRPERSON MOYA: Great, thank you so
7 much. Richard Lobel and Frank Noriega.

8 COMMITTEE CLERK: Please raise your right
9 hands and state your name for the record.

10 RICHARD BLODGETT: Richard Lobel.

11 FRANK NORIEGA: Frank Noriega.

12 COMMITTEE CLERK: Do you swear or affirm
13 that the... that the testimony you're about to give
14 will be the truth, the whole truth and nothing but
15 the truth and you will answer all questions
16 truthfully?

17 RICHARD BLODGETT: I do.

18 FRANK NORIEGA: I do.

19 COMMITTEE CLERK: Thank you.

20 RICHARD BLODGETT: Thank you and good
21 morning Chair Moya, Council Members. We're here today
22 to discuss the 25 Central Park West rezoning. So, you
23 can see from the land use map, the zoning map in
24 front of you, the circled area is the area where the
25 rezoning was... is proposed and that is on Central Park

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 West between 62nd and 63rd Street. So, there's a few
3 things to note about the existing zoning map. The
4 first is that this building is Century Apartments, a
5 landmark designated building from 1985 originally
6 built in the 1930's actually has 250 feet of depth in
7 its lot and 200 feet are located within this existing
8 R10-A, 50 feet are actually already located in a C4-7
9 zoning district which permits rather intensive
10 commercial units. Some other things to note about
11 this property are that to the block to the south of
12 the property there's a current C-6-6 zoning district
13 also allowing for intensive commercial uses at... two,
14 two blocks to the south as well as the C4-7
15 immediately to the west and the south of the
16 property. So, this is the proposed rezoning as set
17 forth on a tax map and the rezoning would rezone this
18 frontage which is R10-A with a... with a commercial
19 overlay, C2-5. What this would allow would basically
20 be for the continued commercial use and conformance
21 of three commercial stores which are currently
22 located on this frontage. So, as you can see the, the
23 frontage would, would be 100 feet back from the
24 Central Park west façade which would capture the
25 commercial stores which are longstanding dating back

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 to the origins of the building. This is a land use
3 map just to generally show some of the commercial
4 uses in the area. As you can see obviously this is a
5 very commercially intense area, you have Columbus
6 Circle two blocks to the south, this is discussed as
7 an extension of the 8th Avenue corridor. So, there
8 are a large number of commercial uses immediately
9 around this area. And so, on the... this is what the
10 rezoning would look like on the land use, it would
11 rezone this frontage with a depth of 100 feet for the
12 C2-5 zoning district. So, to note this is a, a cellar
13 plan and then this is a more detailed first floor
14 plan. The rezoning is primarily requested in order to
15 allow for a PCE or Physical Cultural Establishment on
16 the southeastern corner of the lot so this is
17 currently a drug store which as a matter of public
18 record is failing and so currently right now you
19 would be able to populate this space with a use
20 groups six commercial use however as the Council is
21 aware from previous testimony a PCE or gym is not
22 permitted as a use groups six use, it's actually only
23 permitted in C2 districts. Most commercial rezonings
24 now particularly ones that are sponsored by the city
25 actually already include C2 rezonings. Most recently

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 the East Harlem rezoning not only maintains C2
3 commercial overlays for most of it's overlays but
4 also now has done away with the PCE special permit so
5 one of the I think difficulties as far as populating
6 these spaces particularly with gyms is that right now
7 a PCE gym operator needs to go through a rather
8 lengthy costly process at the Board of Standards and
9 Appeals. So, in the East Harlem rezoning they've done
10 away with that. As a matter... as of right you can go
11 in and locate however until that text is changed
12 citywide owners are still required to go in and to
13 get special approval for PCEs. This is just some
14 additional plan materials and layouts as far as the
15 building is concerned and then we have some pictures.
16 You'll note pictures of the development site, again
17 this is a, a building which was originally a, a
18 Chanin building dating back to the 1930's, there's a...
19 it was individually designated as a landmark in 1985
20 so this building has great historical importance
21 which means several things despite the fact that it
22 is a beautiful building and contributing to the
23 area, any changes to the façade are... goes through a
24 strenuous review at landmarks and are, are not an as
25 of right process thereby leading to difficulties as

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 far as any changes to any storefronts, it, it really
3 is onerous on, on unit owners here and so the idea
4 here would be to allow for a PCE use in this, you
5 know formally tenanted space and to allow for a
6 productive use of the property. As I just page
7 through the final pictures I would say that the
8 building as a matter of public record does not have a
9 gym so this is something that would be available to
10 building residents and I know obviously it's
11 considered to be a... an amenity to have a PCE, a gym,
12 a yoga studio available to residents of a building
13 particularly where they have no opportunity for that
14 now. So, that's essentially the rezoning and I'm
15 happy to answer any questions.

16 CHAIRPERSON MOYA: I just have two...
17 [cross-talk]

18 COUNCIL MEMBER ROSENTHAL: Yeah, thank
19 you... oh... [cross-talk]

20 CHAIRPERSON MOYA: Just two quick
21 questions and then I'll turn it over to Council
22 Member Rosenthal. Just if you can say again why, why
23 weren't you able to have another legal nonconforming
24 use instead of the example of the yoga studio?

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 RICH LOBEL: So, I guess the best thing
3 to do is to look at this site map. So, in the store
4 on the southeast corner of the lot there is currently
5 an existing grandfather commercial use and so in the
6 three commercial use... units that are indicated on the
7 map on both this... the northeast and southeast corners
8 there is existing legal commercial uses that are
9 available as of right, those can be populated by
10 stores, retail operations and such. You can't
11 populate that with a gym and so there's been a, a, a
12 lengthy process where the owner again as a matter of
13 public record has gone out to the drug store owner,
14 has made attempts to allow him to stay here but it's
15 basically a failing business and I think it kind of
16 reflects some of the literature that's come out
17 particularly from City Planning as far as the
18 challenges in this area... in this area with retail to
19 begin with. So, while you could do a use groups six
20 use you can't do a PCE use and that's really the,
21 the, the cornerstone of the application.

22 CHAIRPERSON MOYA: And so, have you
23 considered pursuing other uses other than the yoga
24 studio that would be allowed under the proposed
25 commercial overlay?

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SUBCOMMITTEE ON ZONING AND FRANCHISES

RICH LOBEL: Yes and, and as a matter of fact we discussed those throughout the public hearing process, and I think that particularly the Manhattan Borough President Gale Brewer was interested in this and we had a very lengthy conversation at her hearing for close to an hour. The owner very well established the fact that they'd gone out, there was a medical laboratory which was perfect for this space eventually the medical laboratory found that the vibration from the nearby subway was too great to conduct their testing and so they had to... they could no longer stay. There's... there were other... there were other retail operations which came in signed a letter of intent and then for whatever reason were no longer able to operate there. It's been a very lengthy process for the applicant, one which they've, you know frankly would have chosen not to pursue unless they were pushed to this application but having said that this is where they find themselves and, and they just want the opportunity to be able to, to go out to a, a greater range of commercial uses particularly a yoga studio. The yoga studio by the way this is not just a... this is not just something which is created by the applicant they had a letter of intent with

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 Yoga Works, Yoga Works was going to come in but then
3 because they weren't able to locate here through...
4 just through a DOB application they eventually
5 decided to take another space which was available
6 leaving them with no potential tenant.

7 CHAIRPERSON MOYA: Thank you.

8 RICH LOBEL: Sure.

9 CHAIRPERSON MOYA: And now I want to turn
10 it over to Council Member Rosenthal for questions.

11 COUNCIL MEMBER ROSENTHAL: Thank you so
12 much Chair Moya. I just... I'm going to ask a few
13 questions just to clarify what we think we know...

14 RICH LOBEL: Sure.

15 COUNCIL MEMBER ROSENTHAL: Thank you. Is
16 there common ownership among the three retail condos,
17 how many owners are there?

18 RICH LOBEL: So, between the three retail
19 owners there is... are separate LLCs but the interest
20 holders are the same between units C1 which is on the
21 southeastern portion of the property and C2 and C3 on
22 the northeastern portion of the property.

23 COUNCIL MEMBER ROSENTHAL: So, I'm, I'm
24 going to ask you to say that one more... [cross-talk]

25 RICH LOBEL: Oh, please... [cross-talk]

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER ROSENTHAL: ...time so
3 another words C1 separate from C2 and 3...

4 RICH LOBEL: Correct... [cross-talk]

5 COUNCIL MEMBER ROSENTHAL: ...are subsets
6 of something larger?

7 RICH LOBEL: Correct and just to note
8 because it might be easy on the color-coded map, C1
9 would be the space in the lower right-hand corner...
10 [cross-talk]

11 COUNCIL MEMBER ROSENTHAL: Yep... [cross-
12 talk]

13 RICH LOBEL: ...C2 and 3 would be the space
14 on the upper, upper right-hand corner that's
15 populated by the salon on the Central Park west
16 frontage and the laundry... the dry cleaners further
17 back.

18 COUNCIL MEMBER ROSENTHAL: Okay, do I
19 need to ask you why that is, or should I let it go?

20 RICH LOBEL: When you say why that is...
21 [cross-talk]

22 COUNCIL MEMBER ROSENTHAL: Uh-huh...
23 [cross-talk]

24 RICH LOBEL: ...can you ask me...
25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER ROSENTHAL: Why they chose
3 to organize that way to have sub owner... [cross-talk]

4 RICH LOBEL: Oh... [cross-talk]

5 COUNCIL MEMBER ROSENTHAL: ...ship and...
6 [cross-talk]

7 RICH LOBEL: ...we're happy to answer
8 supplementally, I think it's probably just a matter
9 of corporate authority.

10 COUNCIL MEMBER ROSENTHAL: Okay and
11 what's the... under the proposed rezone... oh, commercial
12 overlay what's the likelihood that one of the retail
13 units would be combined or converted into a
14 restaurant or bar?

15 RICH LOBEL: I'd say it's, it's slim to
16 none, the reason I'm comfortable saying that on the
17 record is for several reasons. The first is that to
18 the extent that store two and store three on the
19 northeast corner, corner could combine they, they're
20 able to do that right now, they have commercial uses
21 in the space, they'd be able to combine. These are
22 longstanding commercial tenants which have a long
23 history in the area, a lot of people come here from
24 the building do their dry cleaning here and use the
25 salon so for... to the extent they're successful

1 SUBCOMMITTEE ON ZONING AND FRANCHISES
2 tenancies there's no reason for that and then that
3 just leaves the property on the... on the lower
4 righthand corner and with regards specifically to... I
5 know that the Council Member has expressed concern
6 over restaurant and café use, the lower righthand
7 lot... or the lower righthand portion is currently the
8 subject of a restrictive declaration so in the 12th
9 amendment to the condo declaration as a matter of
10 agreement they're unable to do uses that quote,
11 "involve cooking or installation of a commercial
12 kitchen" and so they couldn't have a restaurant
13 there.

14 COUNCIL MEMBER ROSENTHAL: And so
15 fundamentally the question would be, and this is... I'm
16 piecing this together also... [cross-talk]

17 RICH LOBEL: Please... [cross-talk]

18 COUNCIL MEMBER ROSENTHAL: ...from the
19 community board's recommendation to disapprove
20 unless, since the condo declaration only applies to
21 the bottom right hand corner would it be possible for
22 that declaration to expand to include the entire
23 commercial overlay, my guess is that would be a long
24 process... [cross-talk]

25 RICH LOBEL: Yes... [cross-talk]

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER ROSENTHAL: ...and then
3 secondarily would they agree to signing a commitment
4 letter which I know holds less weight in law but
5 might be a possibility to get the owners of the three
6 doctor's offices along Central Park to sign on as
7 well?

8 RICH LOBEL: So, I, I think it would be
9 difficult to have the owners of the doctor's offices
10 do that, I'd say just a couple of things about those
11 units because, you know I understand the concerns
12 expressed about what could go on there, you know the
13 first thing I'd note is that and, and I think it's
14 clear from taking a look at the frontage of this
15 building, the frontage and the façade is specifically
16 cited in the landmarks report as being integral to
17 the character of the building and so obviously.. and
18 not only would any changes need to go through
19 landmarks but any changes to that façade would need
20 to go through the condo board more importantly and so
21 to the extent that the building thought it was a
22 great thing to do that they would potentially find
23 that support but to the extent and as we kind of know
24 that this would be something which would be a concern
25 they would not cite that approval and you're looking

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 at the façade that would exist both before and after
3 an application. The other thing that we'd note is
4 that these spaces themselves are... they're not great
5 for that proposed use, they're great for doctor's
6 offices in... on this frontage but the unit 1N and unit
7 1L in particular to the northern portion they number
8 about eight... about 600 and 1,000 feet so 1,600 feet
9 total, those units also don't have access from the
10 outdoor area, they basically... patients and, and
11 clients go in through the building lobby and they
12 have... they also have no cellar space so unlike most
13 commercial operations where you'd be able to store
14 and have back office operations in a cellar here
15 they're basically looking at a very limited square
16 footage in order to do that. So, I think all of these
17 things together combine to make it highly infeasible
18 for any type of commercial... you know commercial
19 establishment in that area and, and then the last
20 thing I'd note is that there's two units at the rear
21 of this building which have been zoned C4-7 since
22 1961 and neither of those, those got... those have been
23 doctor's offices for 60 years so it's a fairly fixed
24 floor plate, you could imagine there's some
25 challenges to making changes to that so I think all

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 those things kind of combine to make it infeasible
3 that anything else is going to happen there.

4 COUNCIL MEMBER ROSENTHAL: One of the
5 issues that Borough President Brewer raised was
6 having some sort of liveliness in the windows at the
7 location in the southeast according to the way we're
8 looking at it corner, is there an agreement that that
9 could happen, that it won't be just blocked off as
10 the way most yoga studios are?

11 RICH LOBEL: So, what are we able to say...
12 so, we don't have a tenant because we don't yet have
13 any zoning effecting us and my owners are more than
14 anything else... as a matter... also as a matter of
15 record they own 19 residential units in this
16 building, they're the large... they're the largest
17 owner of residential units in this building so what's
18 good for the building is good for them. So, the, the
19 best I can tell you Council Member is that I've
20 shared the Borough President's recommendations with
21 them, they've expressed a willingness to work with
22 the community in order to basically share these
23 concerns, to share these concerns with potential
24 tenants and to really try to activate the space and
25 make it a very lively space. They have every interest

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 in this... beautifying the area, being an open area,
3 being a safe corner, not going dark so we're, we're
4 happy that these recommendations were made and we
5 would really look forward to engaging a tenant and
6 basically working with them to try to do our best in
7 that regard.

8 COUNCIL MEMBER ROSENTHAL: Would they be
9 willing to sign a commitment letter to that effect?

10 RICH LOBEL: I'd kind of have to discuss
11 this with them separately... [cross-talk]

12 COUNCIL MEMBER ROSENTHAL: Okay... [cross-
13 talk]

14 RICH LOBEL: ...I mean I know that
15 obviously we enter into different commitments to the...
16 to the City Council, I have it on their good word
17 right now, but I'd have to talk to them specifically.

18 COUNCIL MEMBER ROSENTHAL: Great, I'd
19 appreciate that feedback before the vote and then
20 just a question of understanding, at the City
21 Planning Commission I think there was a labor
22 representative who raised some concerns about a
23 broader practice of bringing nonconforming... [cross-
24 talk]

25 RICH LOBEL: Oh... [cross-talk]

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER ROSENTHAL: ..uses into
3 conforming... [cross-talk]

4 RICH LOBEL: Sure... [cross-talk]

5 COUNCIL MEMBER ROSENTHAL: Can you... can
6 you... can you give me your response to that question?

7 RICH LOBEL: Sure, so the, the gentleman
8 who spoke at that... at the hearing is here today, it's
9 Bruce Jacobs, he's a, a navy veteran, former 9/11
10 first responder and, and exercises his civil rights
11 to speak on, on many of these applications, we've
12 engaged and discussed his concerns separately so, you
13 know I, I think we'd love to hear this testimony in,
14 in that regard but I, I think... and of course he's
15 able to speak for himself but I think with regards to
16 the specific points that were raised he was... he, he
17 didn't have a... necessarily have an understanding of
18 the fact that these were grandfathered uses which
19 were able to exist at the cite on a going forward
20 basis without any approval from the city so it's
21 basically the expansion... the only expansion into the
22 gym use that we'd be seeking.

23 COUNCIL MEMBER ROSENTHAL: Thank you.

24 RICH LOBEL: Sure.

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER ROSENTHAL: What... the
3 applicant would that person consider renting to a
4 community facility like a doctor's office or
5 something like that, have they considered that?

6 RICH LOBEL: I think that they have, this
7 is... this is a, a... an owner whose been... and again we
8 have a range of applications before the City Council
9 but they've been engaged in the entire process,
10 we've, you know really talked about this extensively.
11 I think that they wanted to go through this
12 application process with the least amount of trouble
13 possible to the... to the extent they didn't have to go
14 through rezoning they would not do that. My
15 understanding from them is that... is that when, when
16 they had certain PCE users who came in and this was
17 discussed at the Community Board, some of them said
18 you know what, we're going to locate here, you don't
19 have to worry about it, we'll have our lease and
20 we'll come in illegally and then subsequently
21 legalize that use and I see your surprised but
22 truthfully kind of as, as a matter of course at BSA
23 close to half of the gym PCE applicants do that,
24 they, they come in and then they seek to legalize
25 after in an effort to get operating capital and, and

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 essentially bring people to their side, the owners
3 refused that, they basically said we don't... we want
4 to do this the right way and so that's the reason
5 they engaged in this process. They've been unable to
6 find a, a tenant for this space with the very
7 attractive use groups six commercial uses straight on
8 down so the answer to the question is I think that
9 they're open to, to, to a range of applicants and
10 tenants but they just haven't been able to find them.

11 COUNCIL MEMBER ROSENTHAL: Okay, thank
12 you very much and just in conclusion you see that
13 what I'm weighing is from the community board a
14 concern about something that might be disruptive to
15 the local community and of course weighing the
16 interest the owners of the space trying to rent out
17 what will potentially be an empty storefront which no
18 one wants to see that... [cross-talk]

19 RICH LOBEL: Right... [cross-talk]

20 COUNCIL MEMBER ROSENTHAL: ...either so
21 thank you for answering my questions, I appreciate
22 your time, thank you Chair... [cross-talk]

23 RICH LOBEL: Thank you Council Member.

24 CHAIRPERSON MOYA: Thank you. Thank you
25 very much for your testimony today.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 RICH LOBEL: Thank you Chair.

3 CHAIRPERSON MOYA: I want to call up the
4 next panelist, Bruce Jacobs. Just a reminder that
5 we're keeping it to two minutes.

6 BRUCE JACOBS: Hello everybody again,
7 Bruce Jacobs, Coalition of the Rockaways, supporter
8 of medical and religious freedom, fighter for
9 Rockaways and all of Queens and really all of New
10 York City. On, on this issue here there is a couple
11 of problems, where is the... those tenants to say we
12 were in noncompliance, you know they say that there's
13 three guys... some guys in noncompliance I don't see
14 them in this courtroom... I mean in this City Hall
15 meeting, you're going by the word of somebody with a
16 gorgeous voice, a very nice lawyer, a very nice
17 person but where is the, the defense for these
18 people? Another thing is why now? I mean, you know
19 they say for a gym that's a good excuse. Is there any
20 proof that it's going to be a gym? Is there any proof
21 that it's going to stay a yoga... you know a yoga
22 training, or can they do whatever they want once you
23 guys approve it? To me that is a... an important issue
24 because you guys might mean well and I appreciate you
25 guys even here, it's not really enough but I

1 SUBCOMMITTEE ON ZONING AND FRANCHISES
2 appreciate it. The thought that there's no actual
3 commitment what could be done here. Now another
4 problem with this is on these fixing up for these
5 stores and everything I'd really like to see that
6 they use union people for this work because we want
7 apprenticeship programs so people get ahead, I was
8 lucky, I worked for the New York City transit and I
9 got a pension and they take care of me, medical,
10 everything. I don't want just temporary jobs for
11 people I want permanent even if this is just fixing
12 up a store. He said something about some kind of
13 housing, the idea is I'd like to know who's going to
14 be doing this work and you know it's important to me
15 but I would like, like the Commissioner over here
16 said get a commitment letter that they're going to
17 keep it as a certain store and I would like to see
18 the people be... come to this to defend themselves.
19 Thank you very much, enjoy your day.

20 CHAIRPERSON MOYA: Thank you for your
21 testimony. Are there any other members of the public
22 who wish to testify? Seeing none I now close the
23 public hearing on this application. We will now hear
24 Preconsidered LU items C190124 ZMQ and N190125 ZRQ
25 for the 44-01 Northern Boulevard rezoning proposal

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 related... relating to property in Council Member Van
3 Bramer's district in Queens. The applicant seeks
4 approval of a zoning map amendment to rezone an
5 existing M1-1 district to an R7-X and an R6-B
6 district with a C2-4 commercial overlay and a zoning
7 text amendment to establish a mandatory inclusionary
8 housing area utilizing options one and two. Together
9 these actions would facilitate the construction of a
10 new four and ten story building with approximately
11 335 dwelling units, ground floor retail and 156 off
12 street parking spaces. I now open the public hearing
13 on this application, and I'd like to call up Richard
14 Bass.

15 RICHARD BASS: Good morning Chair, thank
16 you for having me this morning..

17 CHAIRPERSON MOYA: Just before we begin,
18 I just want the counsel to swear you in.

19 COMMITTEE CLERK: Please state your name
20 for the record and raise your right hand.

21 RICHARD BASS: Richard Bass.

22 COMMITTEE CLERK: Do you swear or affirm
23 that the testimony you're about to give will be the
24 truth, the whole truth and nothing but the truth and
25 that you will answer all questions truthfully?

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 RICHARD BASS: I do, thank you Arthur.

3 COMMITTEE CLERK: Thank you.

4 RICHARD BASS: See this is why you have
5 kids, yeah. Thanks. Good morning, this application is
6 for two actions, one is a map and a text change. The
7 applicant is 4401 Northern Boulevard LLC also known
8 as Major Auto World, he currently occupies the space,
9 he's been there for his... several decades, his
10 intention is to reoccupy the space after it's
11 redeveloped. The architect is Rawlings Architect,
12 HANAC is our affordable housing provider, I'm with
13 Akerman LL, LLP. Not on the screen we also have an
14 agreement with 32 BJ, we've had it for about nine,
15 ten months, they're going to be our union reps on
16 the... on the site. I'll go through this quickly,
17 here's the zoning map. The north side of Northern
18 Boulevard where the site is located is primarily
19 residential, the south side is commercial. These are
20 pictures of the, the site currently, there's
21 approximately 17 to 19 curb cuts on this site. The
22 proposed building will have approximately 335
23 residential units, approximately 100 units will be
24 affordable, 36,000 square feet of retail which would
25 be the applicant coming back on the site as an auto

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 retail sales. The building will be eight stories tall
3 on Northern Boulevard, will set back, we'll change
4 materials for the upper two stories to allow it to be
5 lighter and airier. The side streets will have
6 townhouse design where the ground floor will have
7 entrances so there will be life on the street but the
8 upper second, third and fourth floors will be
9 apartment style with corridors. As I mentioned before
10 the two actions are a zoning map amendment changing
11 the three lots from M1-1 to an R7-X and a C6-B with a
12 commercial overlay C2-4 and a zoning text amendment
13 would designate the area as an MIH. We made this
14 application using option two at the suggestion of the
15 Council Member when we met with him prior to
16 certification the community board voted in favor of
17 this application, 23 to eight to support the rezoning
18 and they suggested option one. The applicant is open
19 to option one. The borough president also supported
20 the application. Here's the before and after zoning
21 maps, shows the, the R7-X with the commercial overlay
22 that will allow the, the current occupant and
23 applicant to come back on the site. This is what the
24 MIH option one or two depending on what the council
25 approves will look like. As I mentioned the, the

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 proposed development will have massing on Northern
3 Boulevard, Northern Boulevard is one of the widest
4 streets in Queens, it was zoned M1-1 in 1961, this is
5 an appropriate rezoning for residential use. This
6 shows the site plan, there will be an internal open
7 space that will be open to all occupants of the
8 building. Here's what the ground floor would look
9 like with the cars... with the, the... you know the
10 applicant coming back on the site, the elevation
11 showing the, the height of the building on Northern
12 stepping down to the townhouse design on the side
13 streets, looking straight on, on Northern Boulevard.
14 In accordance with HPD's AMI rates here are the
15 average median income. The community board asked us
16 to examine both the option one and option two which
17 is here on the... on the screen, they also asked us to
18 look at a unit distribution which we also provided.
19 The community board did not specify the unit count or
20 the breakdown they only specified option one. The
21 community board also asked for a listing of how we're
22 going to be sustainable, just for the record we met
23 with the community board four times before
24 certification, so we had a very long and in-depth
25 conversation with them. As I mentioned before HANAC

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 will be our affordable housing provider, they are
3 known in the area and that is my presentation.

4 CHAIRPERSON MOYA: Great, thank you. Just
5 a couple of questions... [cross-talk]

6 RICHARD BASS: Yes sir... [cross-talk]

7 CHAIRPERSON MOYA: ...just, just sticking
8 with the community board with their vote to approve
9 with the condition that the applicant uses MIH option
10 one, to... so, am I hearing you correctly is that what
11 the applicant is willing to meet that condition?

12 RICHARD BASS: Absolutely.

13 CHAIRPERSON MOYA: Okay. Alright, you
14 also are proposing the R7-X zoning district which
15 allows a 14... a 14-story building but your proposal...
16 your proposed building is only ten stories in height,
17 could you explain why you are not utilizing the
18 additional height?

19 RICHARD BASS: One, additional height
20 would make the building inefficient, you know we
21 design buildings so they're, they're efficient and
22 they make economic sense, this is not, you know
23 Midtown Manhattan where, you know you can get very
24 tall buildings and get extra sales or rents for
25 height. A ten-story building is appropriate.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 CHAIRPERSON MOYA: Okay and, and so are,
3 are you using all of the available FAR for your ten...
4 [cross-talk]

5 RICHARD BASS: Yeah... [cross-talk]

6 CHAIRPERSON MOYA: ...story... [cross-talk]

7 RICHARD BASS: Yes.

8 CHAIRPERSON MOYA: Okay. Okay, thank you,
9 that's, that's all the questions I have, thank you so
10 much for your testimony.

11 RICHARD BASS: Thank you so much.

12 CHAIRPERSON MOYA: Thank you. I'd like to
13 call up the next panelist, Federico Hernandez.

14 FEDERICO HERNANDEZ: Hello, okay. Good
15 morning Chair Moya and members of the Subcommittee.
16 My name is Federico Hernandez. I'm a porter and I'll
17 be a member of the 32 BJ for six years. I'm here
18 today on behalf of my union to express our support to
19 the person... the process development of 4401 Northern
20 Boulevard. Thirty-two BJ represents over 400... no,
21 4,400 members and... I'm sorry, I just get a little
22 nervous. Let me just breathe. The 32 BJ represents
23 over 4,400 members who live and work in the community
24 district one. At 32 BJ we support development that
25 creates good jobs and property service jobs of family

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 and sustainable wages and help bring the working
3 family to the... into the middle class. We are pleased
4 to report that Bruce Bandell, the developer of this
5 project has made a credible commitment to pay
6 prevailing wages to the future building services and
7 workers on this site. The prevailing wages is life
8 wages that includes significant benefits like paid
9 day off, sick time, retirement and health benefits.
10 Jobs like mine are, are the life changing giving
11 working class family access to upward mobility and
12 security. In addition, this project will bring 100
13 units of much needed permanently affordable housing
14 to the neighborhood and we see this responsible
15 development and urge you to approve this project.
16 Thank you.

17 CHAIRPERSON MOYA: Thank you so much for
18 your testimony today, thank you. Bruce Jacobs.

19 BRUCE JACOBS: Good, good, good morning
20 everybody. Once again, Bruce Jacobs, Coalition of the
21 Rockaways, supporter of medical and religious
22 freedom, fighter for the Rockaways, all of Queens and
23 really all of New York City, you know I'm happy to
24 see union in here. Let me explain to you one thing
25 CB... you know your... for your union, they always

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 promise the world and then they hire one guy. I have
3 affordable housing across the street from me, before
4 you say yes, yes, yes to a project make sure that
5 they are keeping their words because you could hire
6 one guy is... when you need ten, 20 guys, remember
7 that. Another thing about this project that I didn't
8 like was that at the CB 120 Broadway I heard
9 something different, that it wasn't a guy that was
10 in... that wasn't doing bad now they say that he wants
11 to stay on the site, I'd like to see this automobile
12 person, owner in this place because I'd like to know
13 if that's really the truth. Another thing, affordable
14 housing, are they going to really use union labor or
15 are they just going to hire people. The Coalition of
16 the Rockaways wants to make sure that they have union
17 apprentice jobs for everybody not just prevailing
18 wage, we need benefits. The most important thing in
19 life is that you have a history of work, real work.
20 Anybody could come with a fancy lawyer and say I want
21 stores and I want this and I want that, we want the
22 regular worker, the regular person who most people
23 came from because I'm not the best speaker, I'm not a
24 politician. We really want to see this build right,
25 he says 100 affordable at M2, it's really not

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 affordable but we need affordable for everybody, for
3 all workers, for all regular people not just
4 multimillionaires. If... say I want to knock down my
5 house they'll tell me oh, you can't do it. Some guy
6 comes in with a fancy lawyer it's okay. Thank you
7 very much for your help... [cross-talk]

8 CHAIRPERSON MOYA: Thank you... [cross-
9 talk]

10 BRUCE JACOBS: ...have a nice day.

11 CHAIRPERSON MOYA: Thank you.

12 [applause]

13 CHAIRPERSON MOYA: Are there any other
14 members of the public who wish to testify? Seeing
15 none I now close the public hearing on this
16 application. We will move now to hear LU items number
17 550 through 554 for the Peninsula Hospital
18 redevelopment plan relating to property in Council
19 Member Richards's district in Queens. The applicant
20 seeks approval for an amendment of the city map, a
21 zoning map amendment to rezone an existing R5
22 district to a C4-4 district, establish a C1-2
23 commercial overlay within an existing R5 district and
24 to rezone an existing C8-1 district to a C4-3A
25 district. The proposal... the proposal would also

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 include a large scale general development special
3 permit to modify the underlying bulk and sign
4 regulations and a zoning text amendment to establish
5 a mandatory inclusionary housing area and to modify
6 the allowable use to allow a physical cultural
7 establishment as of right within the large scale
8 project area. I now open the public hearing on this
9 application, I want to turn it over to Council Member
10 Richards for some remarks.

11 COUNCIL MEMBER RICHARDS: Thank you Chair
12 and thank you and I especially want to thank
13 community members who've come out today. I'm going to
14 be very short because I want them to get through the
15 presentation but I want to thank Arkers for certainly
16 taking an interest in the Rockaways and as I always
17 say, you know we certainly are an underserved
18 community, this area has certainly had it's
19 challenges of any development happening in it over
20 the course of the last four decades at least and you
21 know one of the things that's going to be important
22 through these conversations and negotiations are the
23 community benefits and what that looks like for our
24 community, you know we're used to seeing a lot of
25 housing but the amenities that must come along with

1 SUBCOMMITTEE ON ZONING AND FRANCHISES
2 housing have to be a part of this plan for us to get
3 to a yes. So, I want to thank the Arkers for
4 certainly listening and now I'm looking forward to
5 turning, listening to an application so let's get to
6 work. Thank you Chair.

7 CHAIRPERSON MOYA: Thank you. I want to
8 call up Jaclyn Scarinci, is that... did I say it
9 correctly? Daniel Moritz and Ariel Aufgang. Counsel
10 if you can please swear in the panel.

11 COMMITTEE CLERK: Please raise your right
12 and state your name for the record.

13 JACLYN SCARINCI: Jaclyn Scarinci.

14 DANIEL MORITZ: Daniel Moritz.

15 ARIEL AUFGANG: Ariel Aufgang.

16 COMMITTEE CLERK: Do you swear or affirm
17 that the testimony you are about to give will be the
18 truth, the whole truth and nothing but the truth and
19 that you will answer all questions truthfully?

20 DANIEL MORITZ: Yes.

21 ARIEL AUFGANG: Yes.

22 JACLYN SCARINCI: Yes.

23 COMMITTEE CLERK: Thank you.

24 JACLYN SCARINCI: Good morning Chair
25 Moya, Councilman Richards and members of the City

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 Council. I'm Jaclyn Scarinci of Akerman LLP. Also
3 presenting today are Daniel Moritz, Principal of the
4 Arker Companies and Ariel Aufgang, Principal of
5 Aufgang Architects. Team members that are also
6 available for questions today are Alex Arker and
7 Simon Bacchus of the Arker Companies; Kovid Saxena
8 and Kendra Armstead of Sam Schwartz Engineering, the
9 project's environmental consultant and Chuck Harper
10 from Langan Engineering, the project's civil
11 engineer. Thank you for the opportunity to present
12 the Peninsula redevelopment to you today which we
13 believe will be a groundbreaking and transformative
14 project that is needed to revitalize Edgemere and
15 create a vibrant new place to live, work and play.
16 The large-scale plan that is before you today has
17 been shaped by both urban design planning principals
18 and direct community feedback at both community led
19 visioning sessions and direct meetings with Rockaway
20 residents that both Ari and Dan will speak too later
21 in the presentation. As part of this community
22 visioning process the community voted on Edgemere
23 Commons, the name you see here today. To orient you
24 to the site this site is located on the Rockaway
25 Peninsula in the Edgemere neighborhood of, of Queens,

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 it's located adjacent to the elevated eight train.
3 So, the site today as you can see from the pictures
4 is a dormant super block campus that's predominately
5 made up of paved over and permeable surface lot that
6 cuts off the community from all access from Beach
7 Channel Drive down to Rockaway Beach Boulevard from
8 Beach 50th Street down to Beach 53rd Street. The site
9 fronts on Beach Channel Drive, the major commercial
10 thoroughfare through the Rockaways. However, this
11 part of Edgemere has been identified as both a
12 federal food and retail desert. The map on the right
13 highlights the nearly ten blocks between Beach 49th
14 Street and Beach 59th Street where there has been no
15 retail or economic development for residents. To give
16 a brief project overview, the project will have 2,200
17 units phased over a ten to 15 year period that will
18 be affordable on moderate income dwelling units, we...
19 we'll go into the AMIs later in the presentation,
20 we'll have approximately 150,000 square feet of non-
21 residential, commercial and community facility space
22 including a 20,000 square foot supermarket in the
23 first phase of the project, approximately 38,000
24 square feet of publicly accessible open space and
25 approximately 1,000 accessory parking spaces. To

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 state for the record the applicant is requesting a
3 series of land use and zoning actions which will
4 include a city map change to map a small portion of
5 Beach 52nd Street, a zoning map amendment from the
6 R5, R5 C1-2 zoning district to C4-4 on the northern
7 parcel and then from a C8-1 to a C4-3A on the
8 southern parcel, also asking for a zoning text
9 amendment to designate the project area a mandatory
10 inclusionary housing area and then zoning special
11 permits for the large scale plan which include
12 modification to the height and set back requirements
13 as well as the signage requirements for the site.
14 I'll now turn it over to Dan. Oh, sorry, Ari to walk
15 through the site plan.

16 ARIEL AUFANG: Good morning Chair Moya
17 and Council Members. Our inspiration for this design
18 is really based on the culmination of years of our
19 team's experience in redeveloping large parcels as
20 well as years of designing in flood plains across the
21 city always focusing on the neighborhood at large by
22 protecting and adding to the existing character in
23 order to serve the local population first hence
24 building a welcoming destination for new residents
25 and customers. We are going to be building a new town

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 center and street grid complete with all of the
3 amenities this neighborhood deserves and needs. The
4 pedestrian focal point at the center is high point
5 plaza, at the intersection of the extended Beach 52nd
6 Street and Peninsula Way. High Point Plaza is
7 envisioned as an active new green boulevard with wide
8 sidewalks, rain gardens, seating areas, restaurants
9 and local retail leading to the new pathway to the
10 beach. The retail at the center of the project will
11 be elevated out of the flood plain which is the
12 safest way to be resilient in a flood. A large drive
13 up supermarket is a key component of this plan with a
14 large self-service parking lot. Here on this slide
15 you see the feel of the sidewalk and open spaces in
16 our proposed project. Social interaction will be
17 encouraged through thoughtfully designed spaces.
18 Lighting is paramount as well; we designed a suite of
19 custom outdoor fixtures to give character to this
20 place and to amply light all public areas for a safe
21 and secure feel. Creative storefront treatments will
22 make our retail spaces desirable in order to attract
23 local purveyors and green, green, green trees and
24 gardens will be everywhere softening the hardscapes
25 and absorbing the water. We've already started

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 planning, one of the larger retail spaces is a food
3 hall which can be a hub for local culinary
4 entrepreneurs. All of the open space will be complete
5 with passive and active recreation areas including a
6 play area for kids that you could see here.
7 Resiliency planning is also at the core of this
8 project, no rainwater that falls on the property will
9 leave the parcel, a series of dry wells and bioswells
10 will control all of the runoff. We have with us Chuck
11 Harper from Langan who can answer questions about
12 resiliency as well. Now we can discuss community
13 benefits with Dan.

14 DANIEL MORITZ: Good morning and thank
15 you Chair Moya and Council Member Richards for having
16 us here today to present our vision for Edgemere
17 Commons, a groundbreaking development in Edgemere,
18 one that will help to both revitalize and transform
19 the area into a vibrant live, work, play
20 neighborhood. I'm Dan Moritz one of the Principals of
21 the Arker Companies, I'm here with my partners Alex
22 Arker and Simon Bacchus as well as our amazing team.
23 We are a fully integrated third generation family
24 real estate company whose been building in New York
25 for over 50 years, we've developed over 8,000 units

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 of housing and approximately a million square feet of
3 commercial and community facility space throughout
4 New York including many developments in Queens from
5 Jamaica to Richmond Hill to the Rockaways. Our family
6 commitment is to build and preserve high quality and
7 thoughtfully designed mixed income and mixed use
8 communities and most recently we celebrated the
9 opening of our Beach Channel senior residences in the
10 Rockaways along with Council Member Richards to
11 welcome over 200 new seniors into a brand new,
12 beautiful and sustainable affordable housing
13 building. It's hard to summarize the last three years
14 of work that has gone into the creation of the plan
15 for Edgemere Commons but at the core of it has been
16 community engagement. It's been an amazing experience
17 spending time with valued members of the Rockaways.
18 The slide shows a number of community organizations
19 and local entrepreneurs that we've been meeting with
20 in addition to hosting large and small events over
21 the past few years. That outreach resulted in a huge
22 turnout in the community board meeting where the
23 actual community voted for us with over 75 percent of
24 the speakers passionately supportive of the project.
25 Out of our planning sessions we came to focus on five

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 key community benefits including mixed income
3 affordable housing, local hiring, retail and
4 community facilities, recreation and open space and
5 resiliency and storm preparedness. The goal of
6 Edgemere Commons is to create an exciting live, work,
7 play environment which required creative integration
8 of nonresidential uses and housing throughout the
9 site. The need for a full-service supermarket was the
10 number one community request that came out of our
11 early planning sessions and the site plan was
12 redesigned in order to ensure we could accommodate
13 the successful supermarket. For the balance of the
14 retail and community space we will be looking to
15 curate a unique blend of regional retail and home-
16 grown entrepreneurs as well as a range of community
17 users including medical, cultural, educational and
18 office space for local nonprofits. Additionally,
19 we've been working with Council Member Richards on
20 the inclusion of a community center within the
21 development and expect to finalize the design and
22 location as part of the final plan. Our family
23 focuses on the development of mixed income and mixed-
24 use developments, we've heard across the board of the
25 brain drain from the Rockaways of millennials that

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 may have grown up in the Rockaways who want to return
3 but have trouble finding an affordable apartment to
4 rent. This next generation of Rockaway leaders and
5 entrepreneurs need affordable places to return to and
6 most certainly will qualify to live at Edgemere
7 Commons and these young leaders of the Rockaways
8 showed remarkable passion in supporting the project
9 at the community board hearing and throughout the
10 public process. We work within the framework of the
11 city's affordable housing programs designed to serve
12 a wide range of incomes, in this case between 30 and
13 130 percent of the area median income. The project
14 will be MIH option one and the balance of units are
15 expected to line up with the HPD programs shown on
16 the table here by building. Last but not least is the
17 economic impact that Edgemere Commons will have. We
18 estimate that we will average three to 350
19 construction jobs annually and add approximately six
20 to 650 permanent jobs to the development once
21 completed and we're proud to announce that we've made
22 an agreement with 32 BJ for the residential building
23 maintenance at the project. At the Arker Companies we
24 pride ourselves on local hiring and have demonstrated
25 success doing so in the Rockaways and throughout the

1 SUBCOMMITTEE ON ZONING AND FRANCHISES
2 city. We expect to work with the elected officials,
3 community board, and local community-based
4 organizations to ensure that new hiring opportunities
5 go to members of the community. It's been an amazing
6 learning experience spending the past three years
7 working with the community to develop this plan but
8 more importantly meeting amazing individuals and
9 organizations along the way. I'm excited this is only
10 the beginning and that once we open the doors to
11 these buildings, we will have helped contribute to
12 the revitalization of Edgemere. Thank you.

13 CHAIRPERSON MOYA: Thank you for your
14 testimony, just a couple of questions before I hand
15 it over to Council Member Richards. Just so I got it
16 straight you're committed to providing a grocery
17 store on site?

18 DANIEL MORITZ: Yes.

19 CHAIRPERSON MOYA: Okay... [cross-talk]

20 DANIEL MORITZ: We, we designed the first
21 phase of the building specifically to accommodate a
22 grocery store.

23 CHAIRPERSON MOYA: Okay, great and since
24 this project is within the flood plain what are the
25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 resiliency measures that you will be responsible for
3 when it comes to the deploying of the flood barriers?

4 DANIEL MORITZ: Sure, I'd ask Chuck to
5 come up Langan who's our civil engineer, he's
6 responsible for the design of the resiliency measures
7 here.

8 DANIEL MORITZ: Can you go to the
9 resiliency slide, it's in the... at the end... it was in
10 the appendix.

11 COMMITTEE CLERK: Please raise your right
12 hand and state your name for the record.

13 CHUCK HARPER: Chuck Harper with Langan.

14 COMMITTEE CLERK: Do you swear or affirm
15 that the testimony you're about to give will be the
16 truth, the whole truth and nothing but the truth and
17 you will answer all questions truthfully?

18 CHUCK HARPER: I do.

19 COMMITTEE CLERK: Thank you.

20 CHAIRPERSON MOYA: Thank you so Chuck
21 just so... just want to make sure what are the
22 resiliency measures that you're including on this
23 site and then also who will be responsible for
24 deploying the flood barriers?

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 CHUCK HARPER: I may defer the second
3 question to ownership but from a design perspective
4 we have three strategies so the best strategy in the
5 flood zone is to elevate the site. We are beholden to
6 the street grid, the existing grades around the
7 perimeter of the site which ranges from elevation of
8 five to six and a half, the design flood elevation in
9 this condition is 11, the base flood is ten, these
10 elevations are all in NAVD 88. So, the area in white
11 is elevated above the flood zone and that is we
12 raised as fast as we could while still adhering to
13 ADA guidelines.

14 DANIEL MORITZ: It's the last page in the
15 exhibit.

16 CHUCK HARPER: With that the sites that
17 show up in green or, or the buildings that show up in
18 green are raised to that elevation 11 as well, the
19 center of the site getting as high as 14. The areas
20 in... I guess it... what you would call beige or orange
21 are dry flood proofed so those areas would have the
22 deployable barriers to keep the water out for
23 hydrostatic and hydrodynamic pressure and then the
24 areas in sort of the purple color are wet flood
25 proofed which means that you allow the flood water to

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 come in so the building isn't damaged by a
3 differential in pressure from one side to the other
4 but that's limited to parking, storage and just
5 building entries. As for deployment of the barriers I
6 assume...

7 DANIEL MORITZ: Yeah, so as ownership us
8 and our management company would be responsible, we
9 have already constructed two new buildings within
10 the, the flood zone post Sandy, one our senior
11 housing property in the Rockaways and the other on
12 Bay Street in Staten Island both of which have the
13 deployable flood gates and our building maintenance
14 staff is trained and understands how to install them
15 in the case where it's necessary.

16 CHAIRPERSON MOYA: Will the buildings
17 have power if the electrical grid goes down after a
18 flood?

19 ARIEL AUFANG: So, we're going to have
20 on site generation for all of the buildings and the
21 thought is particularly in the senior housing
22 component of this project to have one outlet within
23 the apartment that will remain powered even in the
24 case of a total blackout and have rooms throughout
25 the building with cooling and heating depending on

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 the season that would be available to seniors that
3 don't leave during an evacuation and other emergency
4 services including one elevator per building in the
5 high rise component will also be powered by the
6 generator.

7 CHAIRPERSON MOYA: Okay. Who's
8 responsible for maintaining the private street
9 network?

10 DANIEL MORITZ: We are, it's part of the
11 restrictive declaration that we signed with the city,
12 City Council, City Planning but that was... that's... our
13 expectation is as ownership we would be expected to
14 maintain that.

15 CHAIRPERSON MOYA: And my last question
16 before I turn it over, the community board and the
17 borough president both raised questions about the
18 height and density, how do you respond to their
19 concerns?

20 DANIEL MORITZ: We took them under
21 consideration, we still maintain and believe that the
22 program we're putting forth is what will allow us to
23 provide the maximum community benefits.

24 CHAIRPERSON MOYA: Great, thank you. I
25 want to turn it over now to Council Member Richards.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER RICHARDS: Thank you Chair
3 Moya. Alright, thank you, thank you. So, I just want
4 you to go through the AMIs again, let's start there.

5 DANIEL MORITZ: Sure, so this is the
6 slide that shows the AMI by building but where we've
7 designed the 11 buildings to conform with various HPD
8 programs that are, are currently available and so
9 what we have is the first four buildings A1, A2, B1
10 and B2 which are the four buildings fronting on Beach
11 Channel Drive would fall under HPD's ELLA program and
12 those are a range of AMIs between 30 and 80 percent.
13 The C1 and D1 block are what HPD has as kind of a
14 hybrid ELLA program where 80 percent of the building
15 is under ELLA and, and the other 20 percent is above
16 and so, so that's buildings C1 and D1. C2 is under
17 HPD's mix and match program which goes from 30 to 130
18 percent of AMI and then D2 and F1 are both senior
19 housing buildings which fall under the HPD SARA
20 program.

21 COUNCIL MEMBER RICHARDS: Right and can
22 you just talk about phasing a little bit so how many
23 phases do you... [cross-talk]

24 DANIEL MORITZ: Sure... [cross-talk]

25 COUNCIL MEMBER RICHARDS: ...anticipate?

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 DANIEL MORITZ: Yeah, we have a... so, in
3 the exhibit there's a... there's a phasing chart and it
4 does a good job of showing the, the phasing from
5 north to south really and so what... phase one is A1
6 and B1 which are the buildings fronting along Beach
7 Channel Drive and A1 is the one that's going to
8 include the supermarket and B1 has what we're calling
9 a junior anchor retail, you know along Beach Channel
10 Drive we'll then essentially complete that block with
11 A2 and B2 and, and, and that will be phase two. This
12 also corresponds with the infrastructure improvements
13 that are going on in Rockaway Beach Boulevard right
14 now where the DEP is installing new sewers which will
15 make the viability of the C, D and E blocks feasible
16 and so once we complete A1 and B1 per, you know some
17 discussions that we've been having the D block is
18 where we're designing to house the community center
19 and we're looking at now moving that up to phase
20 three so that's shown as phase three in the red
21 followed by the E block on phase four and finally
22 the, the C and F blocks on, on the last phase.

23 COUNCIL MEMBER RICHARDS: And can you
24 just go through so what have the conversations with
25 HPD been around when it comes to financing all of

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 these phases, how many phases have they committed to
3 financing so far?

4 DANIEL MORITZ: Well they haven't
5 committed to anything yet because that happens really
6 post ULURP process but once, once we're done with the
7 ULURP process we will work with HPD on getting into
8 the pipeline and aggressively working towards
9 breaking ground at some point next year.

10 COUNCIL MEMBER RICHARDS: And do you
11 anticipate any of these numbers change, which is a
12 hard question to ask at... obviously but speaking to
13 HPD, have you got any commitment on... you've gotten
14 commitments on first phase and second phase already
15 or no?

16 DANIEL MORITZ: Not timing yet but...
17 [cross-talk]

18 COUNCIL MEMBER RICHARDS: Okay... [cross-
19 talk]

20 DANIEL MORITZ: ...it, it's in... we've met
21 with HPD over the past three years and we've worked
22 with their planning department and... who has been at
23 many of our public meetings in the process and
24 they're well, well aware of the project and, you know

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 we expect to work with them over the next coming
3 years to get this thing built.

4 COUNCIL MEMBER RICHARDS: And let's go to
5 local hiring quick, so can you talk about your
6 commitment to good jobs and also, you know one of the
7 things we've spoken about is a 50 percent local
8 hiring commitment so I want to know if we have that
9 agreement and are you committed to working with local
10 organizations to ensure that the pipeline to these
11 job opportunities are there for local community
12 residents and also a reporting mechanism to ensure
13 that you're reporting back to the City Council
14 person's office and the local community board
15 quarterly on what hires look like on this project.

16 DANIEL MORITZ: So, we, we've, you know
17 worked in your district before local hiring and had
18 very good success on our Beach Channel Drive project
19 meeting the goals that, that we had discussed
20 beforehand, we anticipate working here with local
21 organizations in this case because of the size of the
22 project probably multiple local organizations in
23 order to ensure that we meet the local hiring target
24 that we all agree on.

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER RICHARDS: Can you speak
3 to your commitment to good jobs?

4 DANIEL MORITZ: We are committed to
5 providing good jobs and to working with local
6 organizations to make sure they go to local
7 residents.

8 COUNCIL MEMBER RICHARDS: Can you speak
9 to... so, in the EIS there were... it was recognized that
10 there would be significant adverse impacts on public
11 elementary and intermediate schools as well as
12 publicly funded child care centers, can you speak to
13 what mitigations you're considering to address these
14 impacts?

15 JACLYN SCARINCI: Sure, so the FEIS that
16 was published actually provides a range of mitigation
17 options and also... which, which include either
18 providing land which the developers are, are
19 considering for a new school if, if working with SCA
20 it's determined that its an appropriate location also
21 providing up to... from... on the build out of a, a new
22 school and then lastly is the option of, of providing
23 a, a payment.

24 COUNCIL MEMBER RICHARDS: And which
25 location is being considered?

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 JACLYN SCARINCI: It's the F block.

3 COUNCIL MEMBER RICHARDS: F1?

4 JACLYN SCARINCI: F1... [cross-talk]

5 DANIEL MORITZ: Yeah, F1.

6 COUNCIL MEMBER RICHARDS: Okay. Alrighty,
7 I look forward to having much more serious
8 conversations on that as we move along. Can you speak
9 to... so, there obviously are going to be some adverse
10 impact, impacts on active open space, can you speak
11 to your mitigation plans on the lack there of open
12 space in this plan?

13 JACLYN SCARINCI: Sure, so also on... in
14 the FEISC mitigation which the, the open space impact
15 for this project occurs at the third phase of
16 development and at that point we will... before that
17 point we will be engaging with the Department of
18 Parks and Recreation to either identify additional
19 space within the study area for active open space or
20 it's been requested that we help to renovate the
21 active basketball courts, racquetball courts at
22 Rockaway community park.

23 COUNCIL MEMBER RICHARDS: Can... and I
24 still don't think that's enough quite frankly so can

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 you just speak to your commitment to a community
3 center as well and where are we at with that?

4 JACLYN SCARINCI: Sure.

5 DANIEL MORITZ: Yeah, so we've understood
6 all along that that was a top priority and a real
7 need in, in, in the neighborhood and so we've been
8 working with Ari's team, you know because of the
9 nature of the large scale plan we're, we're confined
10 in the locations where we can move things around
11 within the site plan but building the, the D block
12 because it's a C shape has a, a large open area in
13 the center that has nothing above it and so we have
14 unlimited ability to, to play with heights there and
15 do things in that block and so we've been working
16 over the past month on designing a, a community
17 center and we are definitely committed to providing
18 it as part of the project and after the hearing we'll
19 be sharing, you know our vision for it with you.

20 COUNCIL MEMBER RICHARDS: Alright and I
21 would also request that we do a community visioning
22 session so that you can hear specifically from the
23 community what are some of the things they would like
24 to see as well.

25 DANIEL MORITZ: Sure.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER RICHARDS: What is the
3 plan to combat adverse impacts related to hazardous
4 material, station... stationary air quality and noise
5 during construction? In the EIS the construction of
6 the proposed project will result in a potential for
7 significant adverse construction related impacts
8 related to traffic, pedestrian and noise during peak
9 construction periods and I do have concerns with
10 public housing residents directly adjacent to the
11 site so if you can just speak to some of the
12 mitigation plans you have to address this issue?

13 JACLYN SCARINCI: Sure, so we, we
14 recognize that there will be construction related
15 impacts as a result of the project and as part of the
16 restrictive declaration for the project we've
17 committed to a number of project components related
18 to the environment specifically on noise and air
19 quality which we can provide a detailed analysis with
20 all of the equipment that we're proposing and
21 different measures including taller construction
22 fences in certain areas, related to construction
23 traffic before we, we can pull a building permit we
24 have to reengage with DOT and have a full
25 construction plan in place that's fully vetted

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 through them that, that will analyze the construction
3 traffic for each phase of the development and I
4 think... just definitely care about... [cross-talk]

5 COUNCIL MEMBER RICHARDS: Yeah, yeah, I
6 mean that, that's fine for now and I just am very
7 concerned about dust so making sure we have water
8 trucks to decompress some of the dust would be
9 something that we look to hear more about as we move
10 forward. Let's stay on transportation for a second,
11 so we obviously know there will be significant
12 impacts with 2,200 units coming online, there are a
13 number of proposed mitigation strategies to manage
14 traffic with the proposed development, have you and
15 the Department of Transportation agreed on a phasing
16 and funding strategy for implementation?

17 JACLYN SCARINCI: So, they've fully
18 reviewed our construction transportation plan and the
19 proposed mitigation and we will continue... we will
20 engage with them again because these... often these
21 traffic analysis require further analysis at the
22 point that you're going to be implementing them so
23 it, it's a... it will be a, a constant collaborative
24 relationship in terms of that.

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER RICHARDS: And you are
3 aware that the Department of Transportation did do an
4 Edgemere study which is completed I believe and I
5 think funding obviously has to be attached to some of
6 the mitigation initiatives that they are proposing so
7 we look forward to hearing a lot more about that. So,
8 healthcare, obviously this site used to be an old
9 hospital and healthcare remains to be a top priority
10 for us but also a big issue for local residents, I
11 know we initially had some conversations with the
12 Health and Hospitals Corporation, can you just speak
13 to what would have been some of their thoughts, what
14 is your plan to address some of the healthcare needs
15 on... [cross-talk]

16 DANIEL MORITZ: Sure... [cross-talk]

17 COUNCIL MEMBER RICHARDS: ...Peninsula?

18 DANIEL MORITZ: Sure, I mean we've, we've
19 had a number of conversations with, with various
20 sides of the healthcare industry specifically HHC, I
21 met with them a couple of weeks ago, they expressed
22 an interest in... a strong interest in being a part of
23 this project, they also expressed a reservation not
24 about capital funding but about operational long term
25 funding for, for the personnel that would be there

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 and so I'm flagging that as, as you know a follow up
3 on their side but they... there are most certainly
4 interested in, in being in this location,
5 additionally we've met with Addabbo health center as
6 well as PDCD who provides funding to them in order
7 to, to get their new developments going but Addabbo
8 also was very interested more in being in one of the
9 latter phases on Rockaway Beach Boulevard, they feel
10 they already have a presence on Beach Channel Drive
11 but would like a presence on, on Rockaway Beach
12 Boulevard so we're planning on continuing dialogue
13 with them.

14 COUNCIL MEMBER RICHARDS: Go through your
15 commercial, so obviously this, this area Edgemere is
16 severely under retailled and as a former resident of...
17 resident of our... of Ocean Village now Arverne View,
18 you know there's nothing there, there's no
19 supermarket, there's no designation retail nor
20 neighborhood retail, can you speak to what your
21 strategy is to address the severe under retailled area
22 of Edgemere?

23 DANIEL MORITZ: Yeah, I mean that, that's
24 at the heart of our plan and you know we think having
25 the supermarket as an anchor tenant is a... is a huge

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 advantage especially the fact that they're already
3 committed before we even put a shovel in the ground
4 to being part of a project...

5 COUNCIL MEMBER RICHARDS: What's the
6 operator?

7 DANIEL MORITZ: Western Beef.

8 COUNCIL MEMBER RICHARDS: Okay.

9 DANIEL MORITZ: Typically you build a
10 building, you design a commercial space and then you
11 hope to rent it and that's the general MO, you know
12 throughout the city so we feel very fortunate that we
13 have an anchor tenant willing to be part of the
14 project and we think that will help us attract
15 additional tenants. The, the, the goal is really to
16 have them on Beach Channel Drive, the other... the
17 other block on Beach Channel to, to attract another
18 anchor tenant there and then the balance to be local
19 retail to, to help uplift folks in the Rockaways.
20 We've had a lot of interest from food businesses to
21 expand and be, be a part of this development and we
22 think... we think having the food theme to the retail
23 here would be a really... a really attractive thing for
24 the neighborhood.

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER RICHARDS: So, you're
3 talking of a food business incubator?

4 DANIEL MORITZ: We're talking about a
5 food incubator, we're talking about trying to create
6 a food hall, you know alongside that as well as... as
7 well as creating just restaurants, you know one of
8 the things we've spent a lot of time at Ocean Bay
9 with some of the resident leaders there because
10 they're really our most direct neighbor and one of
11 the things I always heard from them is that there's
12 nowhere to just go sit down and have dinner with your
13 family and so that's something we want to bring to
14 this development.

15 COUNCIL MEMBER RICHARDS: Speak to
16 libraries, so libraries will be impacted as the
17 population increases although not as impacted as our
18 schools, what can be done to mitigate some of these
19 concerns? And I know we have some money that we set
20 aside with the borough president to begin expanding
21 Arverne Library but with slated 2,200 units... [cross-
22 talk]

23 DANIEL MORITZ: So, we're, we're, we're
24 open to looking at spaces within the development, in
25 some of the work that Ari's been doing and, and you

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 know just sketching out some potential uses in the
3 community center, you know we have some lower level
4 area with that, that we thought might be... might be
5 usable as library space and so we look forward to
6 sharing that design with you.

7 COUNCIL MEMBER RICHARDS: Right and just...
8 and I just want to go back to commercial again, so
9 can you... I just want to push you a little bit more
10 so, we know the supermarket is coming what other
11 anchor tenants are you thinking about or are there
12 any other substantial conversations happening and I
13 know you have to normally build out the frame before...
14 [cross-talk]

15 DANIEL MORITZ: Yeah, I mean frankly it's
16 too early, you know we don't... we don't have any
17 potential anchor tenant for the other block at this
18 point, you know I think we, we feel very fortunate to
19 have the supermarket at this point but that'll,
20 that'll be ongoing as we... as we get under
21 construction.

22 COUNCIL MEMBER RICHARDS: And speak to
23 childcare seats, so obviously there will be a need
24 for more childcare facilities in this plan, what are...
25 what are you doing around that?

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 DANIEL MORITZ: Sure, we have significant
3 community facility space within the development and
4 we certainly believe that one of those spaces could
5 be set aside for childcare. We have successful day
6 care operations in a... in a number of our apartment
7 buildings throughout the city and have actually had
8 some users in the Rockaways express interest in, in
9 being here and in our senior building so...

10 COUNCIL MEMBER RICHARDS: Go back through
11 your, your, your energy plan again, so will there be
12 solar on the roof, are we expecting green roofs, can
13 you just go through a little bit more... [cross-talk]

14 DANIEL MORITZ: Ari can talk about...
15 [cross-talk]

16 COUNCIL MEMBER RICHARDS: ...about your
17 resiliency plan?

18 ARIEL AUFANG: So... [cross-talk]

19 COUNCIL MEMBER RICHARDS: And what
20 features... you know I'm... I know obviously we've done
21 some zoning changes here that will require you to
22 build higher, can you just speak a little bit more
23 to... around your strategy on resiliency and
24 sustainability?

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 ARIEL AUFGANG: So, just by virtue over
3 the fact that all of the buildings will be affordable
4 housing they're going to have to comply at a baseline
5 with the enterprise green community's program, we are
6 trending right now at least in my office to opt for
7 certifying buildings as lead gold, it seems that
8 there's very little difference between the two as the
9 code... as the energy code has changed or there will be
10 very little difference so while we haven't discussed
11 actual commissioning we're going to be designing to
12 standards very close to lead gold. Solar panels have
13 been on every new construction building I've designed
14 with the Arkers for the past five years... [cross-talk]

15 DANIEL MORITZ: More than that... [cross-
16 talk]

17 ARIEL AUFGANG: More, more than five
18 years, they put solar arrays on every building, we're
19 also done a lot of work with them with cogeneration
20 plants which means that you can use natural gas when
21 available to heat water for the building and use the
22 waste heat to run generators and generate electricity
23 within the building so that's also an option here and
24 then as the phasing... its... it is a ten year plus plan
25 so whatever is available at the time that we get to a

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 particular phase we'll look for the most innovative,
3 innovative on sight generation that we could possibly
4 provide but from a sustainability perspective and
5 energy consumption all appliances are going to be
6 energy star, we're going to have high performance
7 windows and façade systems, high performance roofs,
8 green roofs where we can, where it doesn't interfere
9 with the solar arrays and of course the solar... the
10 water consumption is mitigated with low flow fixtures
11 and on sight storage of rainwater.

12 COUNCIL MEMBER RICHARDS: Okay, great, I
13 look forward to hearing more about that and then my
14 last question is, and I want you to elaborate
15 obviously there was an article this morning on your
16 partnership with NEFCO... [cross-talk]

17 DANIEL MORITZ: Sure... [cross-talk]

18 COUNCIL MEMBER RICHARDS: ...and I wanted
19 you to touch a little bit more on that because, you
20 know management and, and obviously the quality of
21 life for... of anything happening in my district we
22 want it to be the gold standard, we don't want to go
23 back to those dark days in... where development was
24 happening in the Rockaways and we had a, a
25 culmination of all these problems which drove crime

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 and other things to happen in the neighborhood so
3 what is going to be different, what is the management
4 structure going to look like in this building as we
5 move forward?

6 DANIEL MORITZ: Sure, so they, they were
7 a HDFC partner on the project from... at the very
8 beginning and that was because at the time they were
9 expected to be social service provider on our Beach
10 Channel senior project because we were coming off a
11 project in Richmond Hill where they are still
12 successfully just providing social services to our
13 seniors there and do a great job with it. We were
14 made aware of some of these issues back in 2017 and
15 as you know we changed the social service provider at
16 Beach Channel to JASA since then and they will... they
17 don't and have no future role in this project.

18 COUNCIL MEMBER RICHARDS: So, no future?

19 DANIEL MORITZ: No.

20 COUNCIL MEMBER RICHARDS: And can you
21 just speak to what will the management look like, who
22 will manage...

23 DANIEL MORITZ: Yeah, so we own, operate,
24 manage, self-manage all of our own properties and we
25 will be the management company here.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER RICHARDS: Alrighty, well
3 I want to thank you for your, your tenacity in
4 working with the local community which has really
5 been something that we've done I think even prior to
6 this project and, and one of the things I, I'd said
7 very early on when we did the first project is that
8 we're going to judge you based on your history at
9 this... at the, the first... the senior building, the
10 SARA building we did and I want to say you did keep
11 all your commitments... [cross-talk]

12 DANIEL MORITZ: Thank you... [cross-talk]

13 COUNCIL MEMBER RICHARDS: ...which, which
14 were really good and you did go above and beyond the
15 call of duty, we, we expect the same here and I
16 believe the affordability is, is nicely balanced
17 here, I think we need to flush out a lot more around
18 the community center, obviously the job
19 opportunities, there's still a lot more to flush out
20 around school and other things so we're just looking
21 for substantial concrete investments before we're
22 ready to sign our name onto this specific project
23 which will have an impact on this community for
24 centuries, right, you know we're, we're really
25 changing the face of Edgemere with a project like

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 this and once again as a former resident here I'm
3 very happy to see something is finally happening in
4 this community but we want to make sure that it's
5 responsible development and that we are adding all of
6 the amenities for a community that's been sorely left
7 behind even prior to Sandy so we look forward to
8 continued conversations and I want to thank you for
9 coming out.

10 DANIEL MORITZ: Thank you for having us.

11 ARIEL AUFGANG: Thank you.

12 CHAIRPERSON MOYA: Thank you for your
13 testimony today. I'd like to call up the next panel
14 Tamara Jacobs, Milan Taylor, John Clausman and always
15 good to see a, a familiar face and a, a pastor from
16 my district Reverend Patrick Young. Yep, okay. Four.
17 Four, yeah. Tamara Jacobs?

18 TAMARA JACOBS: Yep.

19 CHAIRPERSON MOYA: Milan Taylor? John
20 Clausman? Reverend Young? Okay, Reverend Evan Gray?
21 Reverend Gilbert Pickett? Reverend Gray? You... yeah,
22 please and Reverend Pickett, yep, if you all just
23 take a seat, yep. Right there. And we'll start with,
24 with Reverend Pickett right here, just, just state
25 your name and then you can begin your testimony.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 REVEREND DARNELL PETERSON: Good morning...
3 [cross-talk]

4 CHAIRPERSON MOYA: Just make sure you
5 push the button that turns on your microphone. Make
6 sure that the light is on, yep.

7 REVEREND DARNELL PETERSON: Good morning
8 Mr. Chair. My name is Reverend Darnell Peterson, I
9 here reading on behalf of Gilbert Pickett, Reverend
10 Pickett. My name is Reverend Gilbert and I am the
11 pastor of Mount Horeb Baptist Church... Baptist Church
12 in Corona and a moderator of the Eastern Baptist
13 Association representing 107 churches in Queens with
14 a significant number in the Rockaways. We are in
15 favor of the redevelopment of the Peninsula hospital
16 project. This proposed new mixed-use campus will
17 provide much needing... needed housing, job
18 opportunities, new business development and healthy
19 food options for the residents on the Peninsula. The
20 redevelopment proposal will create new life for the
21 neighborhood, the developer has committed to working
22 with 32 BJ SEIU to ensure that good paying jobs will
23 be available for building service, service workers.
24 These opportunities in housing and employment benefit
25 the lives of all residents of Queens and I therefore

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 fully support the proposed redevelopment and request
3 that it be approved. Respectfully, Reverend Gilbert
4 Pickett, Senior Pastor and Moderator, Mount Horeb
5 Baptist Church.

6 CHAIRPERSON MOYA: Thank you.

7 REVEREND DARNELL PETERSON: You're
8 welcome.

9 TAMARA JACOBS: Hi, everyone, my name is
10 Tamara Jacobs, I'm the Director of Operations for the
11 Rockaway Task Force, I'm also a resident of the
12 Rockaway Peninsula and also a community board member
13 as well. The Rockaways is a racially segregated and
14 racially and economically segregated community. The
15 black and brown communities on... east of the Rockaway
16 Peninsula has historically been underfunded and under
17 resourced. Like Donovan Richards said earlier we
18 deserve resources and services necessary to live
19 comfortably, we deserve housing that is affordable
20 and allows for upward mobility. This project not only
21 brings affordable housing but also jobs,
22 recreational, community centers, restaurants and much
23 more, resources and amenities that we don't currently
24 have on the Peninsula. We deserve a community that is
25 vibrant and sustainable. At the June community board

1 SUBCOMMITTEE ON ZONING AND FRANCHISES
2 meeting we heard from 40 Rockaway residents who were
3 in support of the project and less than five were
4 against. Unfortunately the community board did
5 support... did vote... their... sorry, their vote did not
6 reflect the community's voice, it is importantly
7 necessary that the individuals directly impacted by
8 the redevelopment of the Peninsula hospital site be a
9 part of the conversation and have a seat at the table
10 without the intentional involvements of these
11 individuals the project will fail to benefit the
12 immediate community. I do ask that all of you do vote
13 in support of the Edgemere Commons redevelopment
14 project as the community has expressed an
15 overwhelming need for this development.

16 CHAIRPERSON MOYA: Thank you.

17 REVEREND PATRICK YOUNG: Good afternoon
18 Chair and Council Member. My name is Reverend Patrick
19 H. Young, pastor... Senior Pastor of First Baptist
20 Church of East Elmhurst also I'm General Secretary of
21 Impact but I'm writing to express support... my support
22 particularly for this development which would in the
23 words of Councilman Richards, responsible development
24 is occurring in Peninsula Hospital campus. I believe
25 that this project will be a life changing project for

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 those people of the community... in that community and
3 there are people here, 25 members of the Queens
4 community are here in black and orange shirts to show
5 their support to this effort as well as this
6 development will open up opportunities of a 20,000
7 square foot supermarket which is desperately needed
8 in that community as well as mixed use housing, mixed
9 use income housing for that community which will
10 allow a lot of people to be a, a part of that housing
11 development, playgrounds for children as well as
12 community and retail space. Much... more, more overly
13 it will create good jobs, good paying jobs will allow
14 people from the community to share in employment for
15 this project. Also, it's wonderfully supported by 32
16 BJ SEIU whose... who are here this, this afternoon as
17 well. I encourage this project and I look forward
18 that this project go forward and I encourage that,
19 that this project be approved and I fully support the
20 rezoning for this project. Thank you.

21 CHAIRPERSON MOYA: Thank you.

22 REVEREND EVAN GRAY: My name is the
23 Reverend Evan D. Gray Senior, Pastor of the Macedonia
24 Baptist Church and Far Rockaway and the President of
25 the National Action Network Far Rockaway Chapter.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 I've grown up in the Rockaway community the majority
3 of my life, I've served there at the Macedonia
4 Baptist Church for 27 years. I am a product of Hamil
5 housing, public housing that is in the area, I've
6 seen the highs and the lows of the Far Rockaway
7 community. This project will breathe life into a
8 desolated area that has no supermarket that is
9 wasteful land sitting idly. It would also give
10 opportunity for those who are living in public
11 housing to have the opportunity of moving out of
12 public housing and being a part of this affordable
13 housing project. This is wonderful for our community
14 and it will make our community a much more desirable
15 place to live and to stay because of market rate
16 housing in our community it has become increasingly
17 hard for those who live in the Far Rockaway area to
18 stay there. I fully support this project, I believe
19 it was well thought of and it has received plenty of
20 community input from those who live nearest to the
21 project. I do see that this project will be something
22 that will be beautiful... will beautify the surrounding
23 area and I believe from, from the people whom I spoke
24 to near the project that they are looking forward for
25 this great project to be in our community. It is

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 wonderful that they will finally have a supermarket
3 which seems miniscule but when you have had no
4 supermarket for a great number of years this is a
5 great benefit for our community. Thank you.

6 CHAIRPERSON MOYA: Thank... [cross-talk]
7 [applause]

8 CHAIRPERSON MOYA: Thank you very much
9 for your testimony today. I'd like to call up the
10 next panel. Omar, just one name, Omar? Charles, Bruce
11 and Glenn DiResto. Glenn DiResto? No? Yep, okay. Omar
12 we're going to... and if you can just state your name
13 you, you may begin.

14 OMAR LOPEZ: Yes, my name is Omar Lopez,
15 I'm a community and union organizer for local union
16 361. We've been talking to the developer, so far so
17 good so hopefully something is going to come in place
18 to our... not only to our local union but also to our
19 local residents that live in the Rockaways. We
20 believe this project will help the community
21 especially the youth through the apprenticeship
22 program on behalf of our local union. A project of
23 this magnitude is almost ten years, it's going to be
24 broken bones, broken backs and probably death so one
25 of the things there are actually in our behalf we're

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 asking is for this project to be safe because it's
3 getting old to see the newspaper and workers getting
4 killed every other week and that's one part of our
5 concern. So, hopefully this job is going to be on the
6 hands of a proper contractor who's going to be able
7 to take care of the workers and keep this project
8 safe and that is the only thing we're asking for also
9 but also, we vote for the project. Thank you.

10 CHARLES LIND: My name is Charles Lind,
11 I'm a resident of Queens, I'm also a, a Local 361
12 iron worker. I have two major concerns with this
13 project; one on behalf of unions in general, you know
14 union jobs mean safety, construction is innately
15 dangerous, let's keep our workers safe, let's have..
16 let's hire highly trained workers, it's nice to say
17 that we want to hire local people, that is... that's an
18 honorable goal but I think the local community is
19 selling itself short and not demanding more by saying
20 local workers... the local workers to just say that
21 they're going to go union with maintenance jobs or
22 with food service jobs at best, I think that's
23 selling the local community short and I would like to
24 see better, I would expect better. I think unions
25 that offer apprenticeship programs offer people in

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 the local community the opportunity to learn a skill
3 or a trade that they can use throughout their entire
4 lives to benefit them and their families. The unions
5 also help provide job security for those workers
6 while allowing them to earn a marketable skill that
7 they could take with them anywhere throughout the
8 United States or even into another country, these
9 people now have a skill, people have a skill, they'll
10 feel better about themselves. Again, they're not just
11 pushing a broom for a maintenance job. The, the
12 building... the jobs that are involved with the
13 building, the, the actual... the actual establishments
14 in the buildings those are highly skilled jobs that
15 could allow local residents the ability to learn a
16 skill that will really drive them up out of poverty
17 and it will allow them to retire better and raise
18 families better in Queens and in the Rockaways but I...
19 I'm also concerned about as a Queens resident about
20 parking... [cross-talk]

21 CHAIRPERSON MOYA: We, we got to wrap it
22 up, we have two minutes for every panelist.

23 CHARLES LIND: Okay, I, I'm concerned
24 about parking. I'm also... I also want to ask you
25 Council Member you, you want another store to..

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 another big store to help, you know support there but
3 think about it if you're engaging in more low income
4 housing which there's always a need for... [cross-talk]

5 CHAIRPERSON MOYA: Charles, I, I... [cross-
6 talk]

7 CHARLES LIND: ...but we all know... [cross-
8 talk]

9 CHAIRPERSON MOYA: ...I have to move it
10 along, you're two minutes are up so, we have other
11 panelists and we have a... [cross-talk]

12 CHARLES LIND: Okay... [cross-talk]

13 CHAIRPERSON MOYA: ...long line... [cross-
14 talk]

15 CHARLES LIND: ...I just need a second
16 more... [cross-talk]

17 CHAIRPERSON MOYA: ...so I... if you can wrap
18 it up now, great, if not I'm going to have to cut you
19 off and we have to go to the... [cross-talk]

20 CHARLES LIND: ...Okay... [cross-talk]

21 CHAIRPERSON MOYA: ...next panelist.

22 CHARLES LIND: The Rockaways are already
23 unfortunately seen as a blight on much of the... on
24 much of Queens as a dumping ground, it's sad to say.
25 We all know... [cross-talk]

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 CHAIRPERSON MOYA: Okay Charles... [cross-
3 talk]

4 CHARLES LIND: ...why it's changed in the...
5 [cross-talk]

6 CHAIRPERSON MOYA: ...thank you, thank you
7 for your... [cross-talk]

8 CHARLES LIND: ...community... [cross-talk]

9 CHAIRPERSON MOYA: ...testimony... thank you
10 for your testimony today... [cross-talk]

11 CHARLES LIND: What store is going to
12 move in there... [cross-talk]

13 CHAIRPERSON MOYA: We're going to have
14 to... [cross-talk]

15 CHARLES LIND: ...is what I'm saying...
16 [cross-talk]

17 CHAIRPERSON MOYA: ...cut you off... [cross-
18 talk]

19 CHARLES LIND: What store do you think
20 would want to... [cross-talk]

21 OMAR LOPEZ: That's it... [cross-talk]

22 CHAIRPERSON MOYA: ...we're going to have
23 to cut you off.

24 CHARLES LIND: Yeah... [cross-talk]

25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 COUNCIL MEMBER RICHARDS: Let, let me
3 correct you the Rockaways actually the eastern has a...
4 one of the lowest commercial vacancy rates in the
5 city so you should know the facts before you speak
6 about my district in that way, thank you.

7 CHARLES LIND: Well we'll see what store
8 moves in there.

9 CHAIRPERSON MOYA: Next, you next...

10 CHARLES LIND: Yeah.

11 BRUCE JACOBS: Hello, hello every... hello
12 everybody... [cross-talk]

13 CHAIRPERSON MOYA: I just want to remind
14 everyone to please keep it to two minutes or else
15 you're going to get cut off.

16 BRUCE JACOBS: Bruce Jacobs, Coalition of
17 Rockaways, fighter for the Rockaways and Southeast
18 Queens and all of New York City, 30 years New York
19 City Transit, 9/11 first responder and a resident of
20 Edgemere. My taught... I work... and thank you Donovan
21 Richards, I try to work with you. The... everybody puts
22 in that it's black and brown, let me tell you
23 something I've lived in Edgemere for a long time,
24 Edgemere is all different people, it's not just one
25 people, it's all different people. The girl said

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 brown and black, no it's not all brown and black,
3 there's all different people in our neighborhood and
4 we want represented. Also like the man said we're
5 selling ourselves short, we want real stores, real
6 activities, you say a supermarket, we have a
7 supermarket, we have an Ocean Bay supermarket, we
8 have Stop and Shop, we have 32nd Street, a
9 supermarket ain't doing nothing for the neighborhood,
10 that's nothing. There's no commitments to jobs, we
11 want union apprentice jobs and to 32 BJ which we
12 support we want you guys to understand that one job
13 is not... they need ten jobs, a lot of affordable
14 housing and also another point, there's guys who grew
15 up in the... in the projects, they got married, they
16 got a job, they, they ended up marrying each other,
17 their grandparents live in the projects, they want to
18 come back to Rockaway, under this plan with this
19 affordable housing there's not enough... they don't
20 make enough money they can't get in there, they make
21 too much money. Their grandparents want them back in
22 the neighborhood, they would help the neighborhood
23 and the thing is under these rules they can't get in
24 the neighborhood, they grew up in the Rockaways, just
25 because you have a job don't mean you have money, you

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 have children, you have expenses, they came from my
3 neighborhood they deserve to be able to come back to
4 my neighborhood. The community board voted against
5 it, everybody acts like oh... and I want development in
6 my neighborhood, but they act like it's nothing that
7 the community board voted against it. Density, too
8 many people, if it's a ten-year program why do you
9 need 2,200 why can't you be satisfied with 15. We
10 want insurances but you know I want development but
11 the right development. Thank you.

12 CHAIRPERSON MOYA: Thank you. Glen?

13 GLENN DIRESTO: Thank you. Good morning,
14 my name is Glen DiResto, I'm a lifelong resident of
15 the Rockaway community and a stakeholder. My family
16 goes back in the community four generations over 100
17 years. I have deep concerns about the current plan
18 with regards to its density and lack of units for two
19 income households. These are not just my concerns;
20 these are the concerns of many across the entire
21 Peninsula including community board 14 who voted it
22 down by a vote of 28 to five; Queens Borough
23 President who made significant recommendations and
24 also Commissioner Knuckles from the City Planning
25 Commission. None of us are opposed to the

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 redevelopment of Peninsula Hospital site, affordable
3 housing or the Arker Companies, these people are all
4 concerned not only because of the density or the lack
5 of units available for two income families, they're
6 also concerned because many of the significant
7 adverse impacts laid out in the final environmental
8 impact statement. During the study the city planning
9 stated the area suffers from high concentrations of
10 poverty public and publicly subsidized housing as
11 well as long term care facilities. New York City also
12 stated in the past half of the subsidized housing in
13 Queens was located on the Rockaway Peninsula and
14 construction of additional low- and moderate-income
15 housing would only increase that proportion. These
16 are not my words; these are the words of New York
17 City planning. Building 2,200 units and providing
18 only 13 percent for moderate- and middle-income
19 families is also not the answer, not providing
20 affordable housing, a home ownership is also not part
21 of the plan which it should be. We have a wonderful
22 opportunity to do something special while providing
23 affordable housing to people who need it, improving a
24 community and bridging an economic gap that has
25 plagued the Rockaways for half a century. Our local

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 Councilman here himself has stated publicly he does
3 not support the project as it stands. I'm excited to
4 see what the future holds but adjustments to the plan
5 need to be made to ensure the long-term vitality of
6 the neighborhood and the development the people of
7 the Rockaways deserve better. Thank you very much.

8 CHAIRPERSON MOYA: Thank, thank you and
9 I'd like to now call up the next panel. Yani
10 Hernandez, Steve Perez and Eddie George. No Eddie
11 George? No, okay. Hi Yani, we'll start with you Yani.

12 YANI HERNANDEZ: Good morning Chair Moya
13 and members of... Council Members. My name is Yani
14 Hernandez, I have been a member of 32 BJ for 13 years
15 and I'm speaking today on behalf of my union to
16 express our support for the proposed project at... we
17 represent over 600 members who lives and work in Far
18 Rockaway. Many of our members cleans and maintains
19 residential projects like the one under your
20 consideration today. We believe the rezoning is an
21 important example of the responsible development and
22 a model for how affordable housing and good permanent
23 jobs can be created together. We are proud to support
24 it. The 2,200 units of affordable housing that are
25 proposed will transform the hospital site into, into

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 a resource for the community. We fully support Arker
3 Company in their proposal to generate as much
4 affordable housing density as possible, 2,200 units
5 of affordable housing is impressive in, in this area
6 and illustrate the developer's commitment to this
7 community. The east side of Far Rockaway needs new
8 housing and commercial space that will help the
9 community and this project will do just that. In
10 addition, we are excited to share that the
11 development team has made a commitment to provide
12 prevailing wage building service jobs once the
13 project is complete. A development of this size will
14 create many new jobs and the development granting
15 means that I will be a source of economy, opportunity
16 and mobility for local residents over the long term.
17 I know firsthand how making the prevailing wage can
18 change your life. It is... thank you. Oh, it is a
19 relief to be able to support my family and keep up
20 with the raising costs of the city. I have affordable
21 health care; I can count on and access to a secure
22 retirement and additionally because of my union I
23 have access to state of the art training facilities
24 that gives me the opportunity to earn certification
25 for progress of my career. Residents of the Rockaways

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 and Edgemere need and deserve an opportunity like
3 this. Thank you.

4 STEVEN PEREZ: Good afternoon Chairman,
5 my name is Steven Perez, I'm from Local 46 Iron
6 Workers. I would like to thank the representatives
7 from the Arker Companies for coming down to give
8 their presentation. I have heard the agreement with
9 Local 32 BJ mentioned again and again and I would
10 like to commend you for that for hiring union labor
11 on the project. Where my concerns come in is I have
12 not heard of any agreement with the New York City
13 Building Trades for the actual construction of the
14 project. I was wondering if you are aware of the
15 organizations such as construction skills, pathways
16 to apprenticeship, helmets to hard hats where we
17 actually hire local residents from that community for
18 that project and put them into the unions where we
19 provide them with a career not just a job for the one
20 project, you know you speak over and over again about
21 local hire, I have heard nothing about wages and you
22 know we're referring to the local hire model where
23 local residents get exploited by unscrupulous
24 contractors where they get put on a job where the
25 rates are well below prevailing wage, where they,

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 they acquire no training of a particular skill and
3 most importantly they receive no safety training. So...
4 and then when that one project is over the local hire
5 residents again become unemployed. So, those are my
6 concerns, thank you very much.

7 CHAIRPERSON MOYA: Thank you, thank you
8 for your testimony today. I'd like to call up the
9 last panel; Eugene Kalick.

10 COUNCIL MEMBER RICHARDS: Falik.

11 CHAIRPERSON MOYA: Kalik...

12 COUNCIL MEMBER RICHARDS: Falik, Eugene
13 Falik.

14 CHAIRPERSON MOYA: Oh, oh I'm sorry, I
15 thought it was a K and then Shea Uzoiguié.

16 COUNCIL MEMBER RICHARDS: You may begin.

17 SHEA UZOIGUIE: Greetings to the public,
18 greetings Council. My name is Shea Uzoiguié,
19 community, community activist in southeast Queens.
20 Since the start of 2019 I have joined forces with
21 several unions inviting them to Far Rockaway to host
22 pre-apprenticeship workshops in public housing for
23 men and women in the Rockaways in attempt to prepare
24 Rockaway residents for the vast amount of
25 construction opportunities in the pipeline for Far

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 Rockaway and other parts of Southeast Queens. The
3 proposed site located along Beach 53rd Street and
4 Beach Channel... and Beach Channel Drive will soon
5 transform into a mixed-use affordable housing complex
6 with amenities in Far Rockaway creates an opportunity
7 for Arker to partner and fully support union workers
8 many as you can see are in attendance today. This
9 partnership can lay the foundation for sustainable
10 employment opportunities for Rockaway residents. The
11 consensus is clear that the residents in Far Rockaway
12 warrant Arker Companies to build but build smart
13 respecting the, the public's concerns regarding
14 density, regarding infrastructure and overcrowded
15 schools. I hope that as, as we continue to discuss
16 the future of Peninsula Hospital, we can reach a
17 common ground that elected officials, union members
18 and community leaders as well as Arker Companies can
19 respect. Thank you.

20 CHAIRPERSON MOYA: Thank you. Eugene.

21 EUGENE FALIK: My name is Gene Falik, I'm
22 only a third generation Rockaway resident. It's
23 interesting to hear how beautifully the Arker
24 Companies lie, they have community involvement, they
25 were invited to the Bayswater Civic Association but

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 they weren't sure that we were in favor so they said
3 no. HPD and their resilient Edgemere study
4 recommended against high rise development in this
5 area, they said we certainly need stores and that's
6 true but not high rise. If we're going to have 19
7 story buildings, why not 100 story buildings. The
8 Arker's own consultant former DOT Commissioner Sam
9 Schwartz said that there will be severe traffic
10 impacts even if DOT does everything that they
11 recommend from one end of Rockaway to the other,
12 people will die because of the traffic problems. They
13 say that the development... [clears throat] excuse me,
14 is for police and fire fighters and teachers, but a
15 married couple with five years on the job in any of
16 those fields would not be eligible for any of their
17 apartments. The community board voted overwhelmingly
18 five to one against the project as stated. The Arker
19 Companies you've heard today said well we'll look at
20 this, we'll look at that, they have not made any
21 commitments to fix the very many adverse impacts. I
22 urge you to turn the project down as it is currently
23 stated, they wanted to build more than four times the
24 number of, of apartments that they can build as of
25 right, twice the number they could build might be

1 SUBCOMMITTEE ON ZONING AND FRANCHISES
2 reasonable, more than four times, absolutely
3 unreasonable. Thank you.

4 CHAIRPERSON MOYA: Thank you. Thank you
5 very much for your testimony today. Are there any
6 other members of the public that wish to testify on
7 this item? Yep, can you please fill out... Hannah
8 Palmer, okay, thank you. Just please state your name
9 and you can begin. If you can just turn on the
10 microphone.

11 ANNA PALMER: Good afternoon, my name is
12 Anna Palmer, thank you City Council for letting us
13 speak in regard to the development of the Peninsula
14 Hospital site. I think a few things were left out
15 being that there is also another project being
16 developed on Mott Avenue which is going to impact how
17 many people are in the area of Mott Avenue, that is a
18 major shopping area for Rockaway besides Five Town
19 which the businesses have been going out of business.
20 If you have all the people that... from the new
21 development over by Mott Avenue then it is not enough
22 stores or resources for the people on the other part
23 of Rockaway so as you build up downtown Rockaway that
24 leaves out many other people in Edgemere and Arverne.
25 As Bruce mentioned there's Stop and Shop but that is

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 like over 15 blocks away from the 40s, you have to
3 have a cab or a vehicle to shop in Stop and Shop, it
4 is a food desert. So, you have the people in the
5 middle which is the 40s to the 60 and then you would
6 have overcrowding when that new building comes up in
7 downtown Rockaway so it is necessary to have that
8 development built to accommodate the people that are
9 in the middle of the Peninsula. Yes, that other end
10 is taken care of, they have key food, they have Stop
11 and Shop but the people in the middle they don't. So,
12 we have to look at all the residents and accommodate
13 them. Arker cannot make promises that they can't
14 keep, I respect that, they're not lying to us saying
15 we can do this, and we can do that, they're not sure
16 so they're not putting and saying they can do what
17 they can't do. Thank you.

18 CHAIRPERSON MOYA: Thank you. Are there
19 any... are there any other members of the public that
20 wish to testify? Seeing none... Council Member
21 Richards.

22 COUNCIL MEMBER RICHARDS: Do I want to... I
23 want to thank every... I want to first thank you Chair
24 for your patience and certainly hearing out the
25 public and I want to reassure everyone that we are

1 SUBCOMMITTEE ON ZONING AND FRANCHISES
2 going to work very hard over the course of the next
3 few weeks to drive home a plan that certainly
4 reflects the needs of the Edgemere community. Once
5 again as someone who lived there, you know I don't
6 need to be dictated on what the shortages are there
7 and we're going to make sure that we have a plan that
8 fully compliments the needs of the Edgemere community
9 so I want to thank everybody for coming out, look
10 forward to working with the Arkers and the
11 administration over the course of the next 45 days to
12 ensure that we come up with a plan that is great for
13 Edgemere. Thank you.

14 CHAIRPERSON MOYA: Thank you Council
15 Member Richards and before we conclude this meeting
16 would Counsel please announce the results of today's
17 votes.

18 COMMITTEE CLERK: By a vote... a vote of
19 six in the affirmative, zero in the negative and no
20 abstentions the items are approved and referred to
21 the full Land Use Committee.

22 CHAIRPERSON MOYA: This concludes today's
23 meeting and I would like to thank the members of the
24 public, my colleagues and of course the Council and
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SUBCOMMITTEE ON ZONING AND FRANCHISES

Land Use staff for attending, this meeting is hereby
adjourned.

[gavel]

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

October 10, 2019