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COMMITTEE ON ZONING AND FRANCHISES

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES  
  
Of the  
  
COMMITTEE ON ZONING AND  
FRANCHISES

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January 27, 2022  
Start: 10:13 a.m.  
Recess: 11:25 a.m.

HELD AT: HYBRID HEARING - COUNCIL CHAMBERS-  
CITY HALL

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

COUNCIL MEMBERS:

- Shaun Abreu
- Erik D. Bottcher
- David M. Carr
- Kamillah Hanks
- Farah N. Louis
- Francisco P. Moya
- Lynn C. Schulman

A P P E A R A N C E S

Richard Lobel  
Sheldon Lobel PC

Amanda Iannotti  
Sheldon Lobel PC

Victor Filletti  
TF Cusanelli & Filletti Architects

Kevin Williams  
Equity Environmental

Igor Vaysman  
Applicant for Mikerose Reality

Ron Mandel  
Belkin, Burden and Goldman

Anastasios Giannopoulos  
Project Architect

Oumar Cisse  
On behalf of the property owners

Joshua Sycoff  
Reading a letter on behalf of Thomas J. Grech  
from the Queens Chamber of Commerce

Yosef Ede  
On behalf of the property owners

Fotini Liaperdos  
Presenting opinion for 99-07 Astoria Boulevard to  
be zoned commercial

Neil Weisbard  
Attorney for the applicant

Marty Waisbrod  
Owners Representative and Developer

Berel Frost  
Architect

1  
2 SERGEANT SADOWSKY: Recording to the Cloud all  
3 set and good morning and welcome to today's Hybrid  
4 New York City Council Hearing of the Subcommittee on  
5 Zoning and Franchises. At this time, would all  
6 Council Members and Council Staff, please turn on  
7 their video.

8 To minimize disruption, please place electronic  
9 devices on vibrate or silent mode. Thank you for  
10 your cooperation, we are ready to begin.

11 CHAIRPERSON RILEY: Good morning and welcome to a  
12 meeting of the Subcommittee on Zoning and Franchises.  
13 I am Council Member Kevin Riley, Chair of the  
14 Subcommittee. Today, I am joined remotely by Council  
15 Members Louis, Moya, Bottcher, Schulman, Carr, Abreu,  
16 and Hanks.

17 Today, we will vote on 415 Madison Avenue  
18 Proposal, which was heard by the Subcommittee on  
19 January 21<sup>st</sup> and we will hold public hearings on two  
20 Rezoning Proposals 2892 Nostrand Avenue and 2134  
21 Coyle Street in Brooklyn. And a Proposal to  
22 establish a Commercial Overlay for 99-07 Astoria  
23 Boulevard in Queens.

24 Before we begin, I recognize the Subcommittee  
25 Counsel to review the hearing procedures.

1  
2 COMMITTEE COUNSEL: Thank you Chair. I am  
3 Angelina Martinez Rubio, Counsel to the Subcommittee.  
4 Members of the public wishing to testify were asked  
5 to register for today's hearing. If you wish to  
6 testify and have not already registered, we ask that  
7 you please do so now by visiting the New York City  
8 Council website at [www.council.nyc.gov/landuse](http://www.council.nyc.gov/landuse) to  
9 sign up.

10 Members of the public may also view a livestream  
11 broadcast of this meeting at the Council's website.  
12 As a technical note for the benefit of the viewing  
13 public, if you need an accessible version of any of  
14 the presentations shown today, please send an email  
15 request to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

16 When called to testify, individuals appearing  
17 before the Subcommittee will remain muted until  
18 recognized by the Chair to speak. Applicant teams  
19 who will be recognized as a group and called first,  
20 followed by members of the public. When the Chair  
21 recognizes you, you're microphone will be unmuted.  
22 Please take a moment to check your device and confirm  
23 that your mic is on before you begin speaking.

24 Public testimony will be limited to two minutes  
25 per witness. If you have additional testimony, you

1  
2 will like the Subcommittee to consider or if you have  
3 written testimony you would like to submit instead of  
4 appearing here before the Subcommittee, you may email  
5 it to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Please  
6 indicate the LU Number and/or project name in the  
7 subject line of your email.

8       During the hearing, Council Members with  
9 questions appearing remotely should use the Zoom  
10 raise hand function. The raise hand button should  
11 appear at the bottom of either your participant panel  
12 or the primary viewing window. Council Members with  
13 questions will be announced in order as they raise  
14 their hand and Chair Riley will then recognize  
15 members to speak.

16       Witnesses are requested to remain in the meeting  
17 until excused by the Chair as Council Members may  
18 have questions for you. Finally, there will be  
19 pauses over the course of this meeting for various  
20 technical reasons and we ask that you please be  
21 patient as we work through any issues. Chair Riley  
22 will now continue with today's agenda items.

23       CHAIRPERSON RILEY: Before we turn to our  
24 hearing, we will vote to approve of modifications  
25 Preconsidered LU items under ULURP Number C 210453

1  
2 ZSM and C 210454 ZSM relating to the 415 Madison  
3 Avenue Proposal in Majority Leader Powers District in  
4 Manhattan that was heard by the Subcommittee in our  
5 January 21<sup>st</sup> meeting. This is an Application for two  
6 Special Permits. One to generate a floor area bonus  
7 for provision of a public concourse at the ground  
8 floor of a proposed new office building.

9 And two, a Special Permit to waive East Midtown  
10 height and setback rules and certain other  
11 subdistrict requirements. These actions will  
12 facilitate a new Class A commercial office building  
13 at the corner of Madison Avenue and East 48<sup>th</sup> Street.  
14 The development site will also include a new at grade  
15 entrance to an MTA concourse and platforms as a part  
16 of the East Side Access Project. Our modification  
17 will be to ensure that the design of any future art  
18 work installation, excuse me, within the public space  
19 will not overwhelm or interfere with public seating.  
20 Majority Leader Powers is in support of this Proposal  
21 as modified. Is Majority Leader Powers available?

22 COMMITTEE COUNSEL: Chair, the Majority Leader is  
23 not here today, so we can proceed.

24 CHAIRPERSON RILEY: Thank you Counsel. I now  
25 call for a vote to approve the modifications I have

1  
2 described. Preconsidered LU items under ULURP number  
3 C 210453 ZSM and C 210454 ZSM relating to the 415  
4 Madison Avenue Proposal. Counsel, please call the  
5 roll.

6 COMMITTEE COUNSEL: Chair Riley?

7 CHAIRPERSON RILEY: Aye on all.

8 COMMITTEE COUNSEL: Chair Moya, sorry, former  
9 Chair? Council Member Moya?

10 COUNCIL MEMBER MOYA: Thank you. I vote aye.

11 COMMITTEE COUNSEL: Council Member Louis?

12 COUNCIL MEMBER LOUIS: I vote aye.

13 COMMITTEE COUNSEL: Council Member Abreu?

14 COUNCIL MEMBER ABREU: I vote aye.

15 COMMITTEE COUNSEL: Council Member Bottcher?

16 COUNCIL MEMBER BOTTCHER: I vote aye.

17 COMMITTEE COUNSEL: Council Member Hanks?

18 COUNCIL MEMBER HANKS: I vote aye.

19 COMMITTEE COUNSEL: Council Member Schulman?

20 COUNCIL MEMBER SCHULMAN: I vote aye.

21 COMMITTEE COUNSEL: And from Chambers, Council  
22 Member Carr?

23 COUNCIL MEMBER CARR: Aye on all.

24 COMMITTEE COUNSEL: By a vote of 8 in the  
25 affirmative, no negatives, no abstentions, the items

1  
2 are recommended to the full – are approved and  
3 recommended to the full Land Use Committee and the  
4 vote is closed.

5 CHAIRPERSON RILEY: Thank you Counsel. To  
6 continue with today's meeting, I will now open the  
7 public hearing on Preconsidered LU items under ULURP  
8 Numbers N 200328 ZRK and C 200329 ZMK relating to the  
9 2892 Nostrand Avenue Rezoning Proposal in Chair  
10 Louis's District in Brooklyn.

11 This Application seeks a Zoning Map Amendment to  
12 rezone an existing R3-2 District to an R6B/C2-4 R7A  
13 and R7A/C2-4 District. And to establish an MIH  
14 program area utilizing Option One and Two. These  
15 actions would facilitate the development of an eight  
16 story mixed use building.

17 For anyone wishing to testify on this item, if  
18 you have not already done so, you must register  
19 online and you may do that now by visiting the  
20 Council website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse). Once  
21 again that's [council.nyc.gov/landuse](http://council.nyc.gov/landuse) and I would like  
22 to give the opportunity to Chair Louis to give any  
23 brief remarks is she has any. Chair Louis?

24

25



1  
2 COUNCIL MEMBER LOUIS: Thank you Chair Riley. I  
3 wanted to know if I could also ask questions or does  
4 that happen at a later time?

5 CHAIRPERSON RILEY: Uh, we'll give the remarks  
6 first and then we'll ask the questions after the  
7 applicant panel presents.

8 COUNCIL MEMBER LOUIS: Thank you so much and good  
9 morning everyone. The Proposed development for 2892  
10 Nostrand Avenue by Applicant Mikerose Realty seeking  
11 to construct a seven-story use building with  
12 approximately 51 total dwelling units. It would  
13 include one studio, 26-one bedrooms and 24-two  
14 bedrooms with a total height of approximately 83  
15 feet. The applicant has been very cooperative  
16 throughout this process and I would like to have a  
17 discussion later during questioning for the record on  
18 negotiated requests as per Community Board 15 and my  
19 office to guarantee we provide the necessary  
20 resources to be supportive for the increased  
21 population and change that will occur in the corridor  
22 of what I would consider the metropolis of CB 15.  
23 Thank you so much Chair Riley.

24 CHAIRPERSON RILEY: Thank you Chair Louis.  
25 Counsel, please call the first panel for this item.

1  
2 COMMITTEE COUNSEL: The panel for this item will  
3 include Igor Vaysman, Kevin Williams, and Victor  
4 Filletti.

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

7 COMMITTEE COUNSEL: Will the applicants please  
8 raise their right hand and state their name for the  
9 record.

10 RICHARD LOBEL: Richard Lobel of Sheldon Lobel  
11 PC.

12 AMANDA IANNOTTI: Amanda Iannotti, Lobel PC.

13 VICTOR FILLETTI: Victor Filletti, TF Cusanelli &  
14 Filletti Architects.

15 KEVIN WILLIAMS: Kevin Williams, Equity  
16 Environmental.

17 IGOR VAYSMAN: Igor Vaysman, Applicant Mikerose  
18 Reality. Good morning.

19 COMMITTEE COUNSEL: Do you affirm to tell the  
20 truth, the whole truth and nothing but the truth in  
21 your testimony before this Subcommittee and in your  
22 answers to all Council Member questions?

23 PANEL: I do.

24 CHAIRPERSON RILEY: Thank you. When you are  
25 ready to present your slideshow, please let us know.

1  
2 It will be displayed on screen and slides will be  
3 advanced for you by our staff.

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

9 And now the Applicant team may begin. Panelists,  
10 as you begin, I'll just ask you to please reinstate  
11 your name and organization for the record. You may  
12 begin.

13 RICHARD LOBEL: Thank you Chair Riley, good  
14 morning to you members of the Subcommittee. Council  
15 Members, my name is Richard Lobel of Sheldon Lobel  
16 PC. I am representing Igor Vaysman in the 2892  
17 Nostrand Avenue Rezoning. If you would be so kind to  
18 have the presentation raised on the screen, we can  
19 run through the materials. So, we're pleased to  
20 bring this application before the Subcommittee today.  
21 This is a rendering of the proposed rezoning. Next  
22 slide.

23 The zoning application here consists of two  
24 parts. The first is a zoning map amendment, which is  
25 a rezoning of 2872 to 2922 Nostrand Avenue roughly 12

1  
2 lots. Some of these lots would be rezoned to an R7A  
3 district and five of these lots to an RCB District  
4 and we'll go through the area map later to talk about  
5 the breakdown in R6B and R7A along with the  
6 commercial overlay, which seems important on this  
7 area of Nostrand Avenue.

8 In addition, as with other applications of this  
9 nature, we will be requesting a text amendment to  
10 provide for Mandatory Inclusionary Housing on all of  
11 the affected lots. Next slide. So, the next slide  
12 demonstrates the proposal and changes that were made  
13 to the proposal in large part due to the involvement  
14 of Council Member Louis, who has been generous with  
15 her time in discussing this with us and allowing for  
16 discussion with community members and stakeholders.

17 So, the original proposal was a nine story  
18 building with the floor areas and height that you see  
19 in front of you 55,000 square feet, 43,000 square  
20 feet of residential, 3,700 for commercial and 3,500  
21 for community facility and a height of 93 feet or  
22 nine stories.

23 During the course of discussions with Council  
24 Member Louis, the Proposal would modify. When we  
25 were before the Community Board, one of the primary

1  
2 issues was the height of the building. We therefore  
3 reduced the height of the building to eight stories,  
4 so now the building caps out at 83 feet, which is  
5 approximately equivalent to other buildings on this  
6 block standing at seven stories and a little bit  
7 taller than 70 feet.

8 In addition, we maintain a larger than required  
9 rear yard. You'd be required to have a 30-foot rear  
10 yard. Here we have a 39 foot rear yard. Parking at  
11 the site remain the same and the dwelling units  
12 decreased. In addition, the permanently affordable  
13 units pursuant to MIH stayed at the same level  
14 despite the reduction of units. Next slide.

15 So, the next slide summarizes these  
16 modifications. We removed a story. We decreased the  
17 density from 56 to 51 and importantly, increased the  
18 number of two family units to allow for larger family  
19 sizes within these units, as shined away from studios  
20 and one-bedrooms. In addition, we numerated several  
21 sustainability measures in the building, including  
22 solar panels, a green roof and DP rain gardens and  
23 storm drainage, control flow drains. This is  
24 something that has been expressed by both the Council  
25 Member as well as the Brooklyn Borough President as

1  
2 being important as the proposal moves forward. Next  
3 slide.

4 The next slide cites the development site in  
5 terms of the local area. You can see that we're  
6 along Nostrand Avenue here and south of Kings  
7 Highway. This is an important hub within the area.  
8 Nostrand Avenue seen as a bus link commercial  
9 thoroughfare, roughly 70 percent of the lots on  
10 Nostrand in this area have a commercial overlay.  
11 Currently these lots do not, so this will allow for  
12 that commercial use to be legal and conforming on  
13 this block. Next slide.

14 The next slide is a zoning map. The zoning map  
15 demonstrates two things here. Primarily first that  
16 this property is currently zoned R3-2. And you can  
17 see that R3-2 zoning here which encompasses much of  
18 the area, is along Nostrand Avenue which is a wide  
19 street. R3-2 zoning has been in affect on this block  
20 for over 60 years, since 1961. And so, the  
21 opportunity upgrade the zoning to allow for a little  
22 more density on appropriate thoroughfares is seen as  
23 something which is desirable to the local area. It  
24 was desirable at City Planning as well. Next slide.

1  
2 The next slide provides a Tax Map, with a little  
3 bit more focus showing the entirety of the rezoning  
4 area. So, you can see the lots, which will be  
5 rezoned to R6B and R7A. The R6B lots, the five lots  
6 to the north of the ones that are closest to PFC  
7 Norton Park and so, this was seen as desirable  
8 because you're going with lower building heights  
9 adjacent to the parks who is not to cause shadows or  
10 adverse effects. I would add that most of these  
11 buildings or at least all of them in that R6B are  
12 overbuilt and most of them have nonconforming ground  
13 floor commercial uses.

14 So, we don't really thing that this would spur  
15 any additional development on these lots but it would  
16 allow these ground floor commercial uses to be  
17 conforming and would also allow for these  
18 noncomplying buildings to become compliant. Next  
19 slide.

20 The next slide is the area map, which really well  
21 demonstrates why a rezoning here is appropriate.  
22 Nostrand Avenue here again is a 100 foot wide street.  
23 Avenue B to the east of this block of also 100 feet  
24 wide and Kings Highway to the west is 140 feet wide.  
25 So, one of the hallmarks of a good rezoning is to

1 provide for wide streets, good access to the site.

2 You know, this is a site which is not unfamiliar with  
3 density in the area. You can see we already have six  
4 and seven story buildings on this block itself.

5 We've got four story buildings across the street and  
6 adjacent to this site. There's a - you know the  
7 development of Nostrand Avenue exceeds what would  
8 normally be permitted in the R3-2 zoning. You've got  
9 a lot of existing grandfathered buildings both in  
10 terms of use and bulk as well as BSA Board Standards  
11 of Appeals variances, which were granted to two  
12 buildings on this block.

13 So, you really have a site here which is  
14 appropriate for the step up to moderate density to  
15 allow for the addition of residential units to allow  
16 for importantly, the addition of affordable units  
17 which cannot appear currently on this block, as well  
18 as to provide for that commercial overlay to allow  
19 for you know more vital commercial uses that would  
20 service the local residences in this area.

21 So, again, many of the hallmarks of a good  
22 rezoning. In addition, transportation options here  
23 are several. There is numerous bus routes that run  
24



1 along Nostrand Avenue as well as along Kings Highway.

2 Next slide.

3  
4 The next slide and the slides that follow  
5 demonstrate photographs of the area. I would note  
6 the first slide shows the seven story building which  
7 is two lots away from the proposed development site.  
8 So you can see the step down from the seven story to  
9 the four story building and then to our site. We  
10 note that the seven story building is an existing  
11 noncomplying building. It's overbuilt with regard to  
12 the current FAR. So this rezoning would result in a  
13 benefit to allowing that building to become  
14 complying.

15 The four story building adjacent to us was  
16 permitted by BSA variance. That too is overbuilt, 15  
17 units in that building, again a noncomplying building  
18 which would now become compliant. Next slide.

19 The next slide in the floor ground, you can see  
20 clearly the Midwood Plumbing Supply building that  
21 currently occupies the site. Igor Vaysman, who is on  
22 the call with is the applicant here. His family has  
23 owned this building for over 30 years since 1985.  
24 So, this is a local resident. Someone who has been  
25 invested in the area and now, you know is hoping to

1  
2 develop this property for the benefit of the area.

3 Next slide.

4 So, I think if we can page through the remainder  
5 of the photographs and then we would briefly touch  
6 base with regards to the last two items in the  
7 proposal, which are the building plans themselves and  
8 I know that Victor Filletti is on the call with us  
9 for questions from Council Members regarding the  
10 architectural plans as well as the affordability of  
11 the site.

12 So, again, this is the new proposal. You can see  
13 the building step down to seven stories with an eight  
14 - set back eight story. Next slide. The next slide  
15 is a site plan which demonstrates the location of  
16 this lot on the block. Next slide.

17 I guess you can skip the next slide, which is  
18 zoning calculations, which are touch to see unless  
19 you can read really, really small writing. But the  
20 slide after that is a site plan which demonstrates  
21 the layout of the space. Again, you can see the  
22 eight story building with the masting toward the  
23 front and the reduced portions of the rear. The  
24 slide in front of you right now is the parking plan.  
25 Importantly, when we went to the Land Use Committee,

1  
2 Community Board 15, there were roughly 55 units in  
3 the building and there were roughly 26 parking  
4 spaces. They asked us to go back and do better and  
5 we did.

6 So, not only did we reduce the number of units  
7 pursuant to our discussions with Council Member Louis  
8 to 51, but we increased the number of spaces to  
9 roughly 52 spaces. So, we doubled the number of  
10 spaces and I'm sorry, 56 spaces. We more than  
11 doubled the number of spaces to allow for greater  
12 than one car per unit. This was seen as a benefit  
13 and that's why we got the affirmative vote of the  
14 Land Use Committee and the Community Board. Next  
15 slide.

16 The next slide merely demonstrates the ground  
17 floor, 4,000 square feet of new commercial space with  
18 a residential lobby and ramped down to the cellar  
19 parking. Next slide. The next slide demonstrates  
20 community facility spaces, roughly 3,400 square feet.  
21 On the second story with four residential apartments.  
22 The slide after this, next slide, shows a typical  
23 floor layout for floors three through seven with  
24 residential apartments. Again, with the bulk of  
25 those being larger one bedroom and two bedroom

1  
2 apartments. And then, one more slide, shows the  
3 reduced eighth story with again seven units.

4 With that, I think there's one more additional  
5 slide showing the section and the generous 39 foot  
6 rear yard to step back from the rear lot. And then  
7 after that, I saw a copy of the rendering and  
8 followed by two slides demonstrating the  
9 affordability of this site. One is the area median  
10 income; this would be at Option One to allow for 60  
11 percent AMI's. We would get family incomes ranging  
12 from \$50,000 to \$71,580.

13 In addition, because Option One was selected, ten  
14 percent of the units in the building would be at 40  
15 percent AMI, which would allow for deeply affordable  
16 levels at family sizes of one through four of \$33,440  
17 in income up to \$47,720. So, with that, I think we  
18 go to one more slide after this, which are the rents,  
19 which would be offered again 60 percent AMI for the  
20 rents ranging from \$956 through \$1437 from one-  
21 bedrooms or two-bedrooms as well as again ten percent  
22 of the units being at 40 percent AMI. Studios at  
23 \$598 ranging to \$900 for two-bedrooms.

24 This is affordability, which is you know deep  
25 affordability which provides something in the area,

1  
2 not just on this block but in the wider area that was  
3 recognized by the community as being something which  
4 is not necessarily there. The opportunity to create  
5 real affordability on this block as seen as  
6 important. The fact is that this block itself on  
7 Nostrand and an R3-2 is badly zoned. It is a - that  
8 is a low density district and you have, when you have  
9 such great transportation options, you have access to  
10 retail and shopping. You've got bus lines that run  
11 in front of the property.

12 This is really an opportunity for this area to  
13 add density on a block which is entirely appropriate.  
14 So, with that, the applicant team would be happy to  
15 answer the questions and we hope that the  
16 Subcommittee will approve this proposal.

17 CHAIRPERSON RILEY: Thank you. I just have one  
18 question before I turn it over to Chair Louis and my  
19 colleagues. Given the transit access in the  
20 surrounding area, why did your team gain it  
21 appropriate to build more parking spaces than is  
22 required on the proposed zoning. Are there any plans  
23 to devote some of these parking spaces for car  
24 sharing?  
25

1  
2 RICHARD LOBEL: So, thank you for the question  
3 Chair Riley. So, we originally provided the minimum  
4 parking that would be required by zoning, which would  
5 have been 26 spaces at the time. And there were two  
6 discussions. The first was at the Community Board  
7 which made clear to us that they wanted to see an  
8 increase in parking to one space per unit. Uhm, it's  
9 not something which we had initially offered and so,  
10 the reason that we increased the parking to begin  
11 with, was to allow for a modification that would be  
12 consistent with the goals of the Community Board and  
13 we did that.

14 Again, it's something which that number is a big  
15 number for us but having said that, we were happy to  
16 do it at the time in order to try to get the  
17 Community Board support and the Land Use Committee  
18 did vote us out unanimously. With regards to car  
19 sharing, we have reached out to national car sharing  
20 companies and the intention is to comply with the  
21 request initially made by the Brooklyn Borough  
22 President Office, which would be to allocate spaces  
23 in this building to a car sharing service.

24 So, we do look forward to doing that. We think  
25 it's a great opportunity to reduce reliance on

1  
2 individual car ownership. We know, we've seen it  
3 before in other projects and uhm, I think as the  
4 project proceeds, we'll have further discussions with  
5 these car sharing companies and uhm, we'll allocate  
6 some spaces within the parking area which would also  
7 provide for charging stations.

8 CHAIRPERSON RILEY: Thank you Richard. I would  
9 now like to turn it over to Chair Louis to ask some  
10 questions.

11 COUNCIL MEMBER LOUIS: Thank you so much Chair  
12 Riley. So, I have a couple questions. I would like  
13 to know if the applicant can please comment for the  
14 record the new proposed height for 2892 Nostrand  
15 Avenue and the total number of units that will be  
16 available and if you could please clarify the  
17 mechanical component.

18 RICHARD LOBEL: Sure, thank you Council Member  
19 Louis. So, with regards to the proposed height, as  
20 the initial proposal was nine stories and 93 feet,  
21 the modified proposal is now eight stories and 83  
22 feet.

23 Uhm, with regards to the number of units, the  
24 reduction was 55 dwelling units to 51 dwelling units.  
25 I think with regards to a discussion of mechanicals,

1  
2 I would defer to Victor Filletti, the Project  
3 Architect who is more familiar and can speak with  
4 more clarity to that.

5 VICTOR FILLETTI: Thank you. So, uhm, regarding  
6 mechanicals, I think you mean heating and cooling for  
7 the building. There will be a high efficiency of  
8 boilers and air handlers, meeting all of the latest  
9 energy code requirements you know currently in the  
10 New York City Code. At around 95 percent efficiency  
11 is where they're at these days. Uhm, there will be  
12 solar panels that will installed on the roof that  
13 will you know sublet some of the electrical draw from  
14 the city and uhm, could even come into some excess  
15 and rebates towards ownership.

16 COUNCIL MEMBER LOUIS: And is this component of  
17 the building is what makes it eight stories? I want  
18 that part clarified because we've been sharing with  
19 the Community Board, that's going to be seven stories  
20 but there is an eight story component, if that could  
21 be shared on the record?

22 VICTOR FILLETTI: Okay, uhm, so the eight story  
23 component is - it not part of any mechanicals. There  
24 are uhm, there is one floor at the main level that is  
25 commercial and residential lobby and then uh, the



1  
2 story above that is mixed with community facility and  
3 residential and then uhm, there are the six-stories  
4 of residential above that.

5 COUNCIL MEMBER LOUIS: Alright, thank you. We  
6 need further clarification on the height. The actual  
7 height uhm, of this building. Because we hear two  
8 separate things and there's one thing on the actual  
9 presentation as opposed to what's being shared here.

10 My second question, I would like the applicant or  
11 any other agency – maybe HPD if they are available if  
12 they can assist with further clarification, explain  
13 the tier process for the affordable housing lottery.

14 RICHARD LOBEL: Right, so, Council Member Louis,  
15 the first think I would say is that the discussion on  
16 the project materials with regards to height, maybe  
17 one of the points of clarity would be the base height  
18 versus the total height. The base height is 73 feet  
19 and seven stories with the total height being 83 feet  
20 and eight stories.

21 So, the base height refers to the street wall  
22 height meaning, how high the building is massed on  
23 the street at seven stories and then the total height  
24 is after the setback, which Victor, I believe is ten  
25 or 15 feet?

1  
2 VICTOR FILLETTI: Ten feet.

3 RICHARD LOBEL: Ten feet and then there's an  
4 additional portion that rises. So, that maybe some  
5 of the discussion around the materials.

6 COUNCIL MEMBER LOUIS: Thank you. That's what we  
7 needed on the record. Thank you.

8 VICTOR FILLETTI: Okay, okay, thank you, sorry,  
9 thank you.

10 RICHARD LOBEL: Of course. With regards to the  
11 tiers and affordability, uhm, there's what the legal  
12 requirements are pursuant to Mandatory Inclusionary  
13 Housing, which is that when selecting Option One, the  
14 applicant provides those units at an average of 60  
15 percent AMI. So, that's - and those tiers can go  
16 above or below 60 percent with the understanding that  
17 ten percent of those units need to be at 40 percent  
18 AMI. So if you add for example of the total units,  
19 if you add 25 percent at 40 percent, at 50 percent  
20 and 60 percent and 25 percent at 80 percent, you  
21 would be you know, roughly satisfying the Mandatory  
22 Inclusionary Housing requirements. Uhm, and in  
23 addition to that, with the input of the Council  
24 Member, we would be selecting a local administering  
25 agent to conduct a lottery for those units. We have

1  
2 not done so yet, obviously we're still going through  
3 the rezoning process but it's to our advantage to  
4 select someone who is more familiar with this  
5 community district, the local area in order  
6 successfully market to Community Board residents and  
7 to you know have to have a successful lottery.

8 So, we're happy to have that input as we go  
9 forward but those are roughly the affordability  
10 tiers.

11 COUNCIL MEMBER LOUIS: And I would like the  
12 applicant to strongly consider extending the  
13 community preference to Community Board 14 and 18 and  
14 for speaking about surrounding areas, given the lack  
15 of available affordability and housing options in  
16 this area.

17 My third question, can the applicant please  
18 address your process in working to obtain the top  
19 tier food supermarket for the community and this  
20 development?

21 RICHARD LOBEL: Sure, so, uhm again one of the  
22 benefits of the rezoning of the rezoning is to allow  
23 for this commercial overlay district which allows  
24 local retail C2-4 district provides for local retail  
25 to service the area. So, the 4,000 square feet on

1  
2 the ground floor here, the inclusion of a food store  
3 would be not only of an advantage to the community  
4 but as far as the applicant team as well, we've been  
5 looking to this and we think it would be a great  
6 amenity you know given the lack of options in the  
7 immediate surrounding area. In that regard, we have  
8 spoken to two food store owners, both of them  
9 operating in Brooklyn. One of them I know is a key  
10 food and so, to the extent that we're able to use  
11 that smaller model to allow for a food store here,  
12 we're happy to do so.

13 So, yes, it's something that we're seeking out  
14 and again will discuss this further as the project  
15 goes forward with the Council Member but having said  
16 that, we will seek a top tier market for this ground  
17 floor and hopefully we'll have a productive use of  
18 this.

19 CHAIRPERSON LOUIS: Thank you so much and I  
20 wanted to know if the applicant can please explain  
21 how you plan to incorporate an MWBE contract with  
22 this development?

23 RICHARD LOBEL: Sure, so, when we went to the  
24 Brooklyn Borough Presidents office as has been  
25 typical there, there was a minimum percentage that

1  
2 they sought out for MWBE and local contracting  
3 establishments. Uhm, so we've committed to that. I  
4 believe the number is now 30 percent. In accordance  
5 with potential tax abatement relieve, currently 421-A  
6 although we don't know what that's going to look like  
7 in the future. There are general provisions which  
8 require you know anyone applying for that to satisfy  
9 certain minimums.

10 Having said that, you know Igor who is on the  
11 phone with us is you know - operated a local plumbing  
12 supply store for over you know 25 years at this site.  
13 And so, is very well familiar with local contracting  
14 establishments in Brooklyn. So, we look forward to  
15 and are happy to comply with that and to provide for  
16 some of these local establishments as well as MWBE to  
17 be involved in that.

18 COUNCIL MEMBER LOUIS: I look forward to you all  
19 complying with that as well. I'll be tracking that.  
20 My last question, in effort to work with the  
21 community such as the synagogue across the street and  
22 New York Community Hospital that's now partnered with  
23 Maimonides Hospitals. Is there a way you can  
24 possible offer parking space as a measure of good  
25 faith to work with the community?

1  
2 RICHARD LOBEL: Uhm, so Council Member, we've got  
3 in the building itself, 3,400 square feet of  
4 community facility. Which just as a side and a  
5 benefit would likely be doctors offices on the second  
6 floor.

7 Uhm, we do have an overage of parking with  
8 regards to this building. So, there are certain  
9 provisions which dictate residential parking spaces  
10 and whether they can be offered beyond the residents  
11 of the building themselves. So, to the extent that  
12 there is an overage and that you know given the fact  
13 that we do have a healthy amount of parking, we may  
14 have extra spaces. Whatever is permitted pursuant to  
15 law, we're happy to explore that and to try to get  
16 some local cars you know off the street and into  
17 these spaces.

18 It's to our advantage to fully utilize the  
19 parking here. So, again, understanding the needs of  
20 the residents but also, understanding the needs of  
21 the area, we can definitely take a look at that.

22 Uhm, you know it's something that we'd be happy  
23 to do and I know again Igor has received a lot of  
24 support and discussions with people in the  
25

1  
2 surrounding area. And so, yeah, it's something  
3 that's totally within our program.

4 COUNCIL MEMBER LOUIS: Awesome, thank you so  
5 much. Chair Riley, thank you for the time.

6 CHAIRPERSON RILEY: Thank you Chair Louis. I  
7 will now like to invite my colleagues to ask any  
8 questions. If you have any questions -

9 COUNCIL MEMBER ABREU: I have a question Chair.

10 CHAIRPERSON RILEY: I'll get right to you Council  
11 Member. If you have any questions for the applicant  
12 panel and are joining us remotely, please use the  
13 raise hand button on the participant panel. Council  
14 Member Abreu, you can ask your question.

15 COUNCIL MEMBER ABREU: Thank you Mr. Chairman.  
16 My question is, of the units, what percentage are  
17 being allocated to the affordability tiers, just  
18 curious. You may have answered already.

19 RICHARD LOBEL: Sure, thank you Council Member  
20 Abreu. So, uhm, the affordability tiers averaging 60  
21 percent AMI, govern 25 percent of the unit. So,  
22 there's 51 units in this building after the  
23 reduction. Typically pursuant to Option One, we  
24 would be required to provide 13 of those units for  
25 affordability.

1  
2 Uhm, given our conversations with the Council  
3 Member, we increased the number to reflect the old  
4 proposal, so despite the reduction in units, we now  
5 have 14 units offering greater than 25 percent of the  
6 minimum requirement and so of those 14 units, roughly  
7 those 14 units would be offered in an average of 60  
8 percent AMI. And ten percent of the units in the  
9 building are roughly five units, so five out of those  
10 14 would reach levels of deep affordability.

11 COUNCIL MEMBER ABREU: Thank you.

12 RICHARD LOBEL: In addition – Of course and just  
13 to add and one of the benefits of the program here is  
14 that the mix of those affordable units reflects the  
15 mix of units in the building.

16 So, because of the requirements of MIH, we won't  
17 just – we won't end up with merely one bedrooms for  
18 those units. They'll be a mix of one and twos, just  
19 like the rest of the building.

20 COUNCIL MEMBER ABREU: Thank you Counselor.

21 RICHARD LOBEL: Thank you.

22 CHAIRPERSON RILEY: Thank you Council Member  
23 Abreu. There being no further questions, the  
24 applicant panel is now excused. Counsel, are there  
25



1  
2 any member of the public who wish to testify on 2892  
3 Nostrand Avenue Proposal?

4 COMMITTEE COUNSEL: Chair Riley, we have one  
5 member of the public that wishes to testify on this  
6 Proposal. Jason Jackson who is being promoted, so he  
7 can speak.

8 CHAIRPERSON RILEY: Members of the public who  
9 will be given two minutes to speak, please do not  
10 begin until the Sergeant at Arms has started the  
11 clock.

12 SERGEANT AT ARMS: Clock is ready.

13 CHAIRPERSON RILEY: You may begin.

14 JASON JACKSON: Thank you. I just wanted to say  
15 how grateful I was that this program is being put up.  
16 It's been a long time since there's been any new  
17 construction that can avail us some housing in the  
18 area and I just wanted to express that today. I  
19 yield back my time.

20 CHAIRPERSON RILEY: Thank you so much Mr.  
21 Jackson. We are excited that this is coming to your  
22 neighborhood and truly excited to hear that you're  
23 excited about this project. Thank you for your  
24 testimony. Are there any Council Members with  
25 questions for this panel? If you are joining us

1  
2 remotely, please indicate by using the raise hand  
3 button.

4 COMMITTEE COUNSEL: Chair Riley, I see no Council  
5 Members with questions for this speaker.

6 CHAIRPERSON RILEY: There being no questions for  
7 this speaker, the witness panel is now excused.

8 There being no other members of the public who wish  
9 to testify on Preconsidered LU items under ULURP  
10 Numbers N 200328 ZRK and C 200329 ZMK for the 2892  
11 Nostrand Avenue Proposal. The public hearing is now  
12 closed and the items are laid over.

13 I will now open the public hearing on  
14 Preconsidered LU item under ULURP Number C 210189 ZMQ  
15 relating to the 99-07 Astoria Boulevard Proposal in  
16 Council Member Moya's District in Queens. This  
17 Application seeks a Zoning Map Amendment to establish  
18 a C2-3 commercial overlay within an R3-2 Zoning  
19 District to facilitate the development of a one story  
20 commercial building. For anyone wishing to testify  
21 on this item, if you have not already done so, you  
22 may register online and you may do that now by  
23 visiting the Council website at  
24 [council.nyc.gov/landuse](http://council.nyc.gov/landuse). Once again that's  
25 [council.nyc.gov/landuse](http://council.nyc.gov/landuse). And I would like to allow

1  
2 Council Member Moya to give any brief remarks  
3 regarding this project.

4 COUNCIL MEMBER MOYA: Thank you Chair. No  
5 opening remarks here, thank you.

6 CHAIRPERSON RILEY: Thank you Council Member  
7 Moya. Counsel, please call the first panel for this  
8 item.

9 COMMITTEE COUNSEL: The panel for this item will  
10 be Ron Mandel, Anastasios Giannopoulos, Yosef  
11 Ede (SP?) and Oumar Cisse.

12 CHAIRPERSON RILEY: Counsel, please administer  
13 the affirmation.

14 COMMITTEE COUNSEL: Applicants, can you please  
15 raise your right hand and state your name for the  
16 record.

17 [INAUDIBLE 38:51] I think we lost your audio, can  
18 you please just state – each of you state your name  
19 for the record.

20 RON MANDEL: Ron Mandel.

21 ANASTASIOS GIANNOPOULOS: Anastasios  
22 Giannopoulos.

23 YOSEF EDE: Yosef Ede.

24 OUMAR CISSE: Oumar Cisse.  
25

1  
2 COMMITTEE COUNSEL: Do you affirm to tell the  
3 truth, the whole truth and nothing but the truth in  
4 your testimony before this Subcommittee and in answer  
5 to all Council Member questions?

6 PANEL: Yes.

7 CHAIRPERSON RILEY: Thank you. When you are  
8 ready to present your slideshow, please say so. It  
9 will be displayed on screen and slides will be  
10 advanced for you by our staff. For the benefit of  
11 the viewing public, if you need an accessible version  
12 of this presentation, please send an email request to  
13 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Once again, that's  
14 [landusetestimny@council.nyc.gov](mailto:landusetestimny@council.nyc.gov). And now, the  
15 applicant team may begin. Panelists, as you begin,  
16 I'll just ask you to please reinstate your name and  
17 organization for the record. You may begin.

18 RON MANDEL: Thank you Chair. Good morning  
19 Council Members, my name is Ron Mandel. Thank you so  
20 much for the opportunity to present. If the slide  
21 can kindly be put on the screen. Thank you.

22 Again, Ron Mendel from Belkin, Burden and  
23 Goldman. I am joined by other members of the  
24 applicant team Oumar Cisse and Yosef Ede on behalf of  
25

1  
2 the property owners and Anastasios Giannopoulos the  
3 Project Architect. Next. Thank you.

4 The application seeks a Zoning Map Amendment to  
5 map a C2-3 Commercial Overlay over an existing low  
6 density R3-2 residential district. No changes are  
7 being sought to the underlying residential district.

8 It's hard to see on this zoomed out Zoning Map but

9 the surrounding area is mapped with a commercial

10 overlay along this portion of Astoria Boulevard. The

11 subject block is that triangular block in the middle

12 of the red circle. Next slide please.

13 As I mentioned these sites along Astoria

14 Boulevard, the subject block is located between 27<sup>th</sup>

15 Avenue and 100<sup>th</sup> Street. As you may know Astoria

16 Boulevard is a wide street which measures

17 approximately 130 feet in width. The rezoning area

18 consists of four taxed lots. An area that comprises

19 an entire small block that measures about 10,000

20 square feet. Lot 17 and 23 are vacant and lots 14

21 and 15 are approved with residential buildings, one

22 on each.

23 Two of the four taxed lots are owned by the

24 applicant and the other two lots are not owned by the

25 applicant but they are held in common ownership. The

1  
2 applicants portion of the block, which outlined in  
3 red that red hatch mark, measures about 6,000 square  
4 feet in lot area. Please turn to the next slide.

5 The block has been located in an R3-2 Zoning  
6 District since the adoption of the Zoning Resolution  
7 in 1961. As you can see from this drawing, the  
8 subject lot, which is small again, about 10,000  
9 square feet is surrounded by blocks that are zoned  
10 residential with a commercial overlay. Uhm, the  
11 commercial overlay exists directly to the west, to  
12 the east and to the south along Astoria Boulevard.  
13 Next slide please.

14 This is a Zoning Map Amendment, the applicant  
15 proposes to construct a one story commercial retail  
16 type building, which will be occupied by local retail  
17 type uses. This existing site plan illustrates the  
18 existing residential building on the site, with the  
19 abutting undeveloped portion of the property. Next  
20 slide please.

21 And following Proposed Site Plan, illustrates the  
22 Proposed one story commercial building to be occupied  
23 on the site. The C2-3, which is proposed, permits a  
24 maximum FAR of 1.0. The City Map requires that any  
25 development include a street winding along 27<sup>th</sup>

1 Avenue, thereby creating a wider sidewalk along 27<sup>th</sup>  
2 Avenue. With that widening, a one story building  
3 could measure about 5,500 square feet, with a FAR of  
4 0.91. Next slide please.  
5

6 The following slide illustrates what the proposed  
7 one story building would look like. The plan is to  
8 divide the space into small retail stores, mom and  
9 pop type stores that measures between about 1,600  
10 square feet and about 2,000 square feet. We we're  
11 arranging kind of services and retail stores that  
12 would cater to the local community. Uhm, a yoga  
13 studio, a bike repair store, a florist, things like  
14 that. The kind of services and retail stores are  
15 lacking in the immediate area. Next slide please.

16 Some images of what the lot looks like today.  
17 This is an existing photo along - taken along Astoria  
18 Boulevard. Next slide please. And the following  
19 slide shows what the one story retail building would  
20 like along Astoria Boulevard. Please turn to the  
21 next slide.

22 Again, another image of what the lot looks like  
23 from the corner of 27<sup>th</sup> Avenue and Astoria Boulevard.  
24 This currently [INAUDIBLE 45:09] installation on the  
25 lot. Next slide please. And a superimposed

1  
2 rendering, which shows what that corner would look  
3 like with the one story building.

4 The applicant is excited about the opportunity to  
5 develop a slot. The lot has laid fallow and vacant  
6 for several decades. We, with respect to issues  
7 raised at the Community Board and Borough President,  
8 the applicant agrees to consult with the Queens  
9 Community Board Three to help identify respective  
10 tenants for the new commercial building. Also,  
11 important to raise, both the Community Board and  
12 Borough President did not raise any issues regarding  
13 the land use rational for the Proposed Zoning Map  
14 Amendment. However, the Community Board did echo a  
15 single neighbors concern about construction activity,  
16 which we fully appreciate.

17 As we explained, steps can be taken to ensure the  
18 safety of people and property. It is often the case  
19 in the city with any construction. With that in  
20 mind, that applicant agreed to coordinate  
21 construction with the neighbor. The local community  
22 has been helpful with those efforts. The applicant  
23 also entered an agreement with the neighbor before  
24 any demolition is started. In addition, the  
25 applicant agrees to cover the neighbors expenses for



1  
2 professional fees, both engineering to review any  
3 drawing that are shared with her and also any legal  
4 expenses to negotiate an agreement to make sure the  
5 neighbors come to vote before construction starts.

6 Other commitments made by the applicant, as I  
7 mentioned before, the applicant agreed to work with  
8 the Community Board to identify commercial tenants.  
9 The applicant also agreed to install security  
10 measures including lighting and a security camera  
11 along 27<sup>th</sup> Avenue to help make that portion of the  
12 block safer for passing pedestrians in the future.

13 In conclusion, we respectively believe that the  
14 proposal is modest. It's appropriate from a land use  
15 rational and that the commercial overlay will  
16 facilitate development with the building that will  
17 serve the neighborhood along this commercial  
18 corridor.

19 I'm glad to address any questions or comments  
20 that the panel may have. Thank you.

21 CHAIRPERSON RILEY: Thank you. I have a few  
22 questions before I turn it over to my colleagues if  
23 they have any questions.

24 Uh, while much of the surrounding area contains  
25 C1-3 Commercial Overlay Zoning Districts, your team

1  
2 is pursuing a C2-3 Overlay District for this project  
3 site. Can you please explain what the difference is  
4 between the two commercial overlay districts and what  
5 the benefits of the C2-3 Zoning are at this site for  
6 the record?

7 RON MANDEL: Sure. Thank you Councilman. The  
8 floor area is the same for those zoning districts.  
9 The rationale for the C2-3 was just to bring the  
10 reality to marketplace you know to the site in the  
11 sense that the C2-3 allows for more flexibility into  
12 the kind of uses. So, when the proposal was made,  
13 for example, a gym or a yoga facility could not be  
14 constructed at the site. A C2-3 would have permitted  
15 that.

16 So, again, it allows for some more flexibility in  
17 terms of the kind of retail stores and services that  
18 could be provided at the site in the future.

19 CHAIRPERSON RILEY: Thank you Ron. Could you  
20 talk about any protective measures that you are  
21 taking to protect the neighborhood building at 99-18  
22 27<sup>th</sup> Avenue as you develop this project? And any  
23 outreach efforts to that adjacent property owner?

24 RON MANDEL: Sure, Anastasios Giannopoulos could  
25 also join in no this but important to note that the

1  
2 plan is to conduct a reconstruction survey before any  
3 - at the site to document the existing conditions.

4 Our engineer and architect also suggested that we  
5 install modern equipment on the exterior of the  
6 adjacent building to monitor any movement and the  
7 neighbor will have access - her professional would  
8 have access to that information in terms of any  
9 potential movement to her site.

10 Uhm, other protective measures that we installed  
11 will be scaffolding, uhm scaffolding. We also made a  
12 commitment to take whatever measures that are  
13 necessary to reduce any noise that will occur during  
14 construction.

15 Uhm, additional measures include making sure that  
16 we waterproof the exterior of her building. So, when  
17 we take down our residential building, there will be  
18 a wall that's exposed and again, measures will be  
19 taken pursuant to the Code to make sure that that  
20 wall is properly secured and waterproofed.

21 CHAIRPERSON RILEY: Thank you Ron. Ron, did you  
22 have someone else that wanted to -

23 RON MANDEL: Anastasios?

24 ANASTASIOS GIANNOPOULOS: I mean, I could add to  
25 - I'm Anastasios Giannopoulos, I'm the Architect.

1  
2 Uhm, basically, what we're going to do is also  
3 provide extra shoring and wall supports and that  
4 would also be inspected and reviewed by a special  
5 agency that would be a separate company that will  
6 come in and actually monitor the walls and the  
7 supports and whatever has to be done to make sure  
8 that there's no - there's no issues, no structural  
9 issues with the wall.

10 CHAIRPERSON RILEY: Thank you. I will now like  
11 to turn it over to Council Member Moya to ask any  
12 questions.

13 COUNCIL MEMBER MOYA: Chair Riley, thank you for  
14 the opportunity to just quickly make a brief  
15 statement here. Ron, just to go over this one more  
16 time on the commitments and thank you again for  
17 working with our office and Community Board Three as  
18 well. We're securing to make sure that security  
19 cameras, lighting is all set up. You talked about  
20 having the neighbor that's there to the adjacent  
21 property who has some issues about the noise  
22 mitigation that you guys will be able to take care of  
23 and address that. But then also, about the community  
24 art installations. I know we had brought that up as  
25 well. The neighborhood would still like to continue

1  
2 to see that. It's been a tradition that's been going  
3 on in East Elmhurst for a number of years now and  
4 some of the neighbors in the civic organizations have  
5 requested that that still be maintained. And I just  
6 want to say thank you to Yosef and the team over at  
7 Trade Fair who have always been gracious enough to  
8 provide the space there for the community but can you  
9 just talk to me about that aspect of the property?

10 RON MANDEL: Sure, so as you know, the applicant  
11 has been an active business owner in the community  
12 for nearly 25 years. They plan to continue to be an  
13 active and cooperative member of the community to  
14 make sure that you know the area is further enhanced.  
15 And to that end, yes, a commitment was made. We put  
16 it in writing uhm, to provide space to the local  
17 civic and the neighborhood to make sure that whether  
18 it's a holiday celebration or an art installation  
19 that we'll you know find a mutually agreeable  
20 location for it. Which will make the neighborhood  
21 you know, even better moving forward.

22 COUNCIL MEMBER MOYA: Great, thank you. Thank  
23 you very much Chair. That's it for me.

24 RON MANDEL: Thank you so much.  
25

1  
2 CHAIRPERSON RILEY: Thank you Council Member  
3 Moya. I will now like to invite my colleagues to ask  
4 any questions. If there are any questions from the  
5 Council Members, you can you the raise hand button on  
6 the participant panel. Counsel, are there any  
7 Council Member questions?

8 COMMITTEE COUNSEL: Uhm, no Council Member  
9 questions at this time.

10 CHAIRPERSON RILEY: There being no further  
11 questions, the applicant panel is excused. Counsel,  
12 are there any members of the public who wish to  
13 testify on 99-07 Astoria Boulevard Proposal?

14 COMMITTEE COUNSEL: Yes, we have two members of  
15 the public present at the hearing ready to testify.  
16 We have Joshua Sycoff and Fotini Liaperdos. Could we  
17 promote them? The first speaker will be Joshua  
18 Sycoff.

19 CHAIRPERSON RILEY: Members of the public will be  
20 given two minutes to speak. Please do not begin  
21 until the Sergeant at Arms has started the clock.

22 SERGEANT AT ARMS: Clock is ready.

23 JOSHUA SYCOFF: Good morning. My name is Joshua  
24 Sycoff and I've been asked to read a letter on behalf

1  
2 of Thomas J. Grech from the Queens Chamber of  
3 Commerce.

4 On behalf of over 1,300 member of the Queens  
5 Chamber of Commerce, I am writing to express our  
6 support for the referenced application. This  
7 application seeks a Zoning Map Amendment to  
8 facilitate the development of a new local retail  
9 stores along Astoria Boulevard, a frontage that has  
10 been underutilized for at least 70 years. As an  
11 advocate for job creation, an economic development in  
12 Queens, we are very pleased to see this project  
13 particularly now in this area of our borough which  
14 will create construction jobs and new permanent jobs.

15 The Chamber of Commerce's mission in part is to  
16 help business foster connections advocating for their  
17 interests, educating them for success, and  
18 implementing programs that help them grow. We bring  
19 jobs and economic opportunity to every corner of our  
20 borough. This project will help add the vibrancy of  
21 the East Elmhurst community.

22 An added benefit, the rezoning will improve the  
23 commercial continuity of the area. The immediately  
24 surrounding blocks within the vicinity of this site  
25 are developed with commercial storefronts but the

1  
2 Astoria Boulevard's frontage of this small block has  
3 remained fallow. In its current state, the property  
4 discourages consumers from visiting other retail  
5 establishments by acting as a buffer between two  
6 disjointed commercial block frontages. We understand  
7 that the Queens Borough President has already  
8 recommended support of the application. The Queens  
9 Borough President acknowledged the concern of the  
10 neighboring property owner related to the  
11 construction impact. While we fully understand this  
12 concern as well, we appreciate that this is a common  
13 obstacle that every construction project must  
14 overcome and is unrelated to the proposed rezoning  
15 request, which we believe is modest and reasonable.  
16 It is our understanding that the recommendations of  
17 the Queens Borough President will be implemented by  
18 the property owner.

19 It is for these reasons that the Queens Chamber  
20 of Commerce supports this project and respectfully  
21 asks that you vote to approve this application.

22 CHAIRPERSON RILEY: Thank you Joshua.

23 COMMITTEE COUNSEL: Chair the next speaker is  
24 joining us by phone and is Fotini Liaperdos.

25 CHAIRPERSON RILEY: Fotini, you may begin.



1

FOTINI LIAPERDOS: Good morning.

2

3

CHAIRPERSON RILEY: Good morning.

4

FOTINI LIAPERDOS: Yes, thank you for considering my opinion for 99-07 Astoria Boulevard to be zoned commercial. I have worked in the community for almost 20 years and I've very familiar with this area. I am in favor because it will provide more jobs, also more convenience to the residents that live in the area. The area is in my opinion already commercialized as it is right in front of Astoria Boulevard. My opinion is that this request is fair to the owners on the block and it makes sense for the area. Thank you.

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CHAIRPERSON RILEY: Thank you Fotini. Thank you for your testimony. Are there any Council Members with questions for this panel? If you are joining us remotely, please indicate by using the raise hand button.

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There being no questions for this panel, this witness panel is now excused. There being no other members of the public who wish to testify on the Preconsidered LU item under ULURP Number C 210189 ZMQ related to the 99-07 Astoria Boulevard, the public hearing is now closed and the items are laid over.

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2 I will now open the public hearing on  
3 Preconsidered LU items under ULURP Number C 210239  
4 ZMK and N 210240 ZRK relating to the 2134 Coyle  
5 Street Rezoning Proposal in Council Member Narcisse  
6 District in Brooklyn. The applicant seeks a Zoning  
7 Map Amendment to change an R4 C1-2 Zoning District to  
8 an R6A-C2-4 Zoning District and a Zoning Text  
9 Amendment to map an MIH program area utilizing Option  
10 One and Two. These actions will facilitate the  
11 development of a new five story mixed use building.

12 Once again, for anyone wishing to testify on this  
13 item, if you have not already done so, you must  
14 register online and you may do that now by visiting  
15 the Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse).  
16 Once again, it's [council.nyc.gov/landuse](http://council.nyc.gov/landuse).

17 Counsel, can you please call the first panel for  
18 this item?

19 COMMITTEE COUNSEL: The applicant for this panel  
20 will be Neil Weisbard, Marty Waisbrod and Borel  
21 Frost.

22 CHAIRPERSON RILEY: Counsel, please administer  
23 the affirmation.  
24  
25

1  
2 COMMITTEE COUNSEL: Applicants can you please  
3 raise your right hand and state your names for the  
4 record.

5 NEIL WEISBARD: Hi, Neil Weisbard on behalf of  
6 the applicant, attorney.

7 BEREL FROST: Hi, Berel Frost the Design  
8 Architects Office.

9 COMMITTEE COUNSEL: Is there a third applicant?

10 MARTY WAISBROD: Yes, Marty Waisbrod.

11 COMMITTEE COUNSEL: Thank you. Do you affirm to  
12 tell the truth, the whole truth, and nothing but the  
13 truth in your testimony before this Subcommittee and  
14 in your answer to all Council Member questions?

15 PANEL: Yes, I do.

16 CHAIRPERSON RILEY: Thank you. When you are  
17 ready to present your slideshow, please say so. It  
18 will be displayed on screen and slides will be  
19 advanced for your by our staff. For the benefit of  
20 the viewing public, if you need an accessible version  
21 of this presentation, please send an email request to  
22 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Once again, that's  
23 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

24 And now, the applicant team may begin.  
25 Panelists, as you begin, I'll just ask you to please

1  
2 reinstate your name and organization for the record.

3 You may begin.

4 NEIL WEISBARD: Hi, good morning Chair Riley,  
5 Council Members. Neil Weisbard, Attorney on behalf  
6 of Quail Properties LLC, the applicant. Can you  
7 please bring up the power point? Thank you.

8 As Chair Riley mentioned, this is rezoning  
9 application underlying 2134 Coyle Street from an R4  
10 residents district within a C1-2 Commercial Overlay  
11 to an R6A residents district within a C2-4 Commercial  
12 District. The entire project area will be mapped as  
13 a Mandatory Inclusionary Housing designated area.

14 Next please.

15 The site is located on the west side of Coyle  
16 Street between Avenue U and Avenue V. There are two  
17 lots involved in the rezoning, Lot 11, which will be  
18 the development site and Lot 29 further south, which  
19 is part of the rezoning but is not part of the  
20 development site. Next please.

21 This slide shows the actual development site, Lot  
22 11 only. Next please. Here is an areal photograph  
23 of the project area. The area outlined in red is a  
24 development site. It's currently improved with a one  
25 story Dollar Tree store, which actually will remain

1  
2 under this proposed development. The building was  
3 constructed and will be able to handle the load of  
4 additional stories above. The remainder of the  
5 development site is improved with Berkoff Supply,  
6 which will be demolished to accommodate the new  
7 development. The employees for that store will be  
8 relocated to another Berkoff location.

9 The project area also includes Lot 29, which is  
10 located further south and is outlined in yellow and  
11 that is improved with a bank and other commercial  
12 establishments. Next please.

13 Here is a picture of the current Zoning Map. As  
14 I mentioned, it's currently an R4 Residents District  
15 within a C1-2 Commercial Overlay. On the right side  
16 is a Proposed Rezoning area to an R6A within a C2-4  
17 Commercial Overlay. Next please.

18 Here is the drawing of the proposed building,  
19 which will be a five story building, 55 feet in  
20 height with a 35 foot rear yard. To the north of the  
21 site, the existing Dollar Tree will remain. There  
22 will be a residential lobby and other commercial uses  
23 on the Coyle Street frontage as well as an entrance  
24 to the parking garage. Next please.

1  
2 As shown on this cross section drawing, the  
3 entrance to the garage will be located at grade with  
4 the parking levels located at a subgrade level. Next  
5 please. Thank you. Just to quickly mention that we  
6 worked extremely hard with Community Board 15 on this  
7 application. The height was reduced from originally  
8 85 feet to 55 feet due to concerns by the Community  
9 Board, as well as a significant number of parking  
10 spaces.

11 The garage can accommodate 195 spaces on two  
12 subgrade levels. However, pursuant to the Community  
13 Board's request, the number of parking spaces will be  
14 one space regardless of how many dwelling units,  
15 which looks like it will be about approximately 120  
16 dwelling units in the building. There will be one  
17 space for each dwelling unit and 47 accessory spaces  
18 for the ground floor commercial uses. Next please.

19 The proposed building will contain 126,000 square  
20 feet of total floor area. Approximately 94,000 will  
21 be residential floor area. The existing Dollar Tree  
22 store will remain, which is approximately 10,000  
23 square feet and there will be the construction of  
24 approximately 20,000 square feet of new commercial  
25 floor area. Next please.

1  
2 Here is a rendering of the building. We worked  
3 with City Planning on some setbacks to the building.  
4 As you can see the Dollar Tree will remain and the  
5 rest of the frontage will have the residential lobby  
6 and the garage as I mentioned. Next please.

7 This is a zoning comparison under the existing R4  
8 zoning. There is a .9 maximum FAR permitted under  
9 the proposed rezoning and within the inclusion of a  
10 Mandatory Inclusionary Housing designated area. The  
11 maximum floor area ratio is 3.6 for residences. Next  
12 please.

13 As you can see from this photograph, the rezoning  
14 is appropriate. There are numerous seven and eight  
15 story NYCHA buildings located both to the south and  
16 east of the site. Next please.

17 These are the breakdowns under the Mandatory  
18 Inclusionary Housing designated area. This building  
19 will be comprised of approximately 90 percent two and  
20 three bedroom apartments. This will be a family  
21 building. There will be – the rest of the apartments  
22 about ten percent will be studio and one bedroom.  
23 The applicant is anticipating to build under the  
24 Option One of the Inclusionary Housing program.  
25 Meaning 25 percent of the floor area will be

1  
2 dedicated to families making 60 percent of the AMI  
3 with ten percent making 40 percent. This will result  
4 in approximately 30 new affordable units with a total  
5 of approximately 120 units in the building. Next  
6 please.

7 As I mentioned, we worked hard with Community  
8 Board 15 on this Proposal at the Community Boards  
9 October hearing on the Proposal, they approved,  
10 recommended approval for the application of a vote  
11 from 28 to 6. We met with Council Member Narcisse's  
12 office presenting this on Tuesday of this week.  
13 There were certain commitments that the Council  
14 Member requested regarding workforce, sustainability  
15 and affordability and the applicant has prepared a  
16 commitment letter and is ready to execute that  
17 commitment letter at the Council's request.

18 And I'm here to answer any questions, as is Marty  
19 Waisbrod who is the owners representative and the  
20 developer and Berel Frost, who is the Architect and  
21 thank you for your time.

22 CHAIRPERSON RILEY: Thank you Neil.  
23 Unfortunately Council Member Narcisse could not be  
24 here with us today, so I will be asking just a couple  
25 of questions on behalf of her.



1  
2           Given that building heights up to 85 feet are  
3 allowed in the R6A district you are proposing, can  
4 you please reaffirm your commitment to limiting the  
5 height to 55 feet and also, why has this height limit  
6 been chosen and what measure is your team making to  
7 ensure that this commitment is upheld with the  
8 community? That's the first question sorry.

9           NEIL WEISBARD: So, this height stemmed out of a  
10 long, actually three meetings with Community Board  
11 15. Originally an 85 foot height building was  
12 presented and the community felt that that was  
13 inappropriate and they also requested additional  
14 parking spaces above what's required under zoning.  
15 So, we went back to the drawing board, came up with  
16 the 55 foot high building that makes financial sense.  
17 We believe it's appropriate. It's definitely  
18 addressed the Community Boards concerns. And Marty  
19 Waisbrod could speak to this more but they've  
20 analyzed that a taller building does not make sense  
21 here due to additional construction caused for taller  
22 buildings. And some of the local law requirements  
23 that would apply for taller buildings.

24           The ownerships commitment can be reflected in a  
25 letter that we've prepared and circulated to Council

1  
2 Member Narcisse and some of the Council staff and  
3 Marty, you could speak more to how you've researched?  
4 How you reviewed this? Analyzed this and it's your  
5 commitment to proceed with the building as presented  
6 today?

7 MARTY WAISBROD: That is correct. I will  
8 reaffirm what Neil said. This is Marty and we have  
9 analyzed it and that's correct.

10 CHAIRPERSON RILEY: Thank you. The second  
11 question, the last question. Aside from the Dollar  
12 store which will remain at the project site, what  
13 other commercial spaces are you considering for the  
14 ground floor commercial allotment? Would you  
15 consider having some of the space rented by a  
16 nonprofit serving the community?

17 MARTY WAISBROD: When we spoke with the Council  
18 Member, we said that we would be willing to rent a  
19 space. We're not limiting the usage of the space to  
20 one specific tenant or another one specific type or  
21 another but we would not be able to volunteer any  
22 space because the commercial is an important part of  
23 the overall financial part of the job.

24 So, we're not against or restricting any type of  
25 usage. Obviously it has to be family oriented type

1  
2 of usage but we're not restricting and we would have  
3 no objection for the community to rent a space but in  
4 our conversation, I think she asked if we would  
5 volunteer -

6 CHAIRPERSON RILEY: I'm sorry Marty, you went on  
7 mute. Marty?

8 NEIL WEISBARD: I could speak to that. I could  
9 finish it up. Yeah, so Council Member Narcisse, we  
10 believe that she was asking for free space  
11 volunteering the space for the NYCHA buildings. I  
12 think Marty just reiterated that that wouldn't work  
13 within their financial numbers but would be happy to  
14 rent such a non-for-profit.

15 CHAIRPERSON RILEY: Okay, thank you Neil. I now  
16 invite my colleagues to ask any questions. If you  
17 have questions for this applicant panel and are  
18 joining us remotely, please use the raise hand button  
19 on the participant panel. Counsel, are there any  
20 Council Member questions?

21 COMMITTEE COUNSEL: Chair Riley, I see no Council  
22 Members with questions at this time.

23 CHAIRPERSON RILEY: There being no further  
24 questions, the applicant panel is excused. Counsel,  
25

1  
2 are there any member of the public who wish to  
3 testify on the 2134 Coyle Street Rezoning Proposal?

4 COMMITTEE COUNSEL: We do not have any members of  
5 the public who signed up to testify on this item.

6 CHAIRPERSON RILEY: There being no – oh, sorry.

7 If there are any members of the public who wish to

8 testify on the 2134 Coyle Street Rezoning Proposal –

9 oh, I'm sorry, excuse me. There being no members of

10 the public who wish to testify on the Preconsidered

11 LU items under ULURP Number C 210239 ZMK and N 210240

12 ZRK relating to the 2134 Coyle Street Rezoning

13 Proposal, the public hearing is now closed and the

14 items are laid over.

15 That concludes today's business. I would like to

16 thank the members of the public, my colleagues,

17 Subcommittee Council, Land Use and other Council

18 Staff and the Sergeant at Arms for participating in

19 today's meeting. This meeting is hereby adjourned.

20 [GAVEL]

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C E R T I F I C A T E

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



Date February 10, 2022