

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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March 4, 2014
Start: 9:30 a.m.
Recess: 10:16 a.m.

HELD AT: 250 Broadway - Committee Rm,
16th Fl.

B E F O R E:
MARK WEPRIN
Chairperson

COUNCIL MEMBERS:

Vincent Ignizio
Daniel Garodnick
Antonio Reynoso
Ritchie Torres
David G. Greenfield
Ruben Wills
Jumaane D. Williams
Stephen Levin

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

Richard Lobel
Zoning and Land Use Attorney
Sheldon Lobel, P.C.

Anthony Lee
Resident
Hillcrest Neighborhood
Queens NYC

Zachary Smith
Chief Operating Officer
NYC Economic Development Corporation

Hardy Adasko
Senior Vice President of Planning
NYC Economic Development Corporation

Joshua Nelson
Senior Vice President
Asset Management Group
NYC Economic Development Corporation

2 CHAIRPERSON WEPRIN: Alright. Alright,
3 good morning, everyone. My name is Mark Weprin. I
4 am chair of the Zoning and Franchises Subcommittee
5 and I am joined today by the following members of
6 the subcommittee: Vincent Ignizio, Dan Garodnick,
7 Antonio Reynoso, Richie Torres and we also have the
8 chair of Land Use Committee, David Greenfield with
9 us.

10 We have two items on the agenda, and
11 we're going to get started right away with Land Use
12 Number 19, the Union Turnpike rezoning in Queens.
13 We'd like to call up Richard Lobel. Are you just
14 by yourself, Richard?

15 RICHARD LOBEL: I am by myself,
16 although I know that...

17 [crosstalk]

18 CHAIRPERSON WEPRIN: 'Kay.

19 [crosstalk]

20 RICHARD LOBEL: There are some
21 neighbors here to speak, I believe in favor.

22 CHAIRPERSON WEPRIN: In favor, okay. I
23 want to acknowledge I did drive by the site this
24 morning, coincidentally, so I don't do that all the
25 time. I want to be clear.

RICHARD LOBEL: We appreciate that.

[crosstalk]

CHAIRPERSON WEPRIN: I happened to drive right past the site. So whenever you're ready, Mr. Lobel, make sure to state your name and describe your application. Thank you.

RICHARD LOBEL: Thank you, Chair. My name is Richard Lobel. I'm from the law firm of Sheldon Lobel, P.C. I'm representing Zirk Union Turnpike, LLC today for a proposed rezoning, which has been deemed the Union Turnpike rezoning by City Planning. Council Members, the rezoning today is a very straightforward rezoning and if you look at the area in yellow on the zoning map here, that area is currently zoned R3-2. The area close to Parsons Boulevard currently has a C1-2 overlay over that existing R3-2. The rezoning here basically seeks to take a R5D zoning district and a C1-3 rezoning district and to replace that over the existing R3-2 and C1-2. What is the practical effect of that rezoning? So there's a vacant site, the site in yellow right here, and it's a 21,000 square foot site and so with this proposed rezoning, which I'm going to illustrate more

1 specifically with the zoning map, basically what
2 will be able to be built here is a four-story
3 building. It will be three stories of residential
4 above and one story of commercial on the ground
5 floor and so what is the interest of this rezoning?
6 Well, the current zoning of the district and this
7 current property would permit out of context
8 zoning. The proposed rezoning is for an R5D, which
9 has a height limit of 40 feet and the current R3-2
10 is not a contextual district, so would in actuality
11 permit far greater buildings and in actuality would
12 permit a 10-story community facility building close
13 to 100 feet high and way out of character with this
14 area. And the reason that this is an interest of
15 the Community Board and the local area is because
16 there is already a five-story community facility
17 building next door. It's the Cornerstone Medical
18 Arts building. Some people may be familiar with
19 it. It is an outpatient alcohol and substance
20 abuse treatment clinic. It is often a challenge to
21 the community, and so when we engaged in our
22 discussions with the Flushing Suburban Civic
23 Association and with the local council member and
24 with the Community Board, there was a very
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1 meaningful discussion with regards to what they
2 wanted to see on this property and people basically
3 felt that they would prefer to see a more
4 reasonable residential building here, a four-story
5 residential building with commercial on the ground
6 floor than they would rather see a potential non-
7 contextual building. So we received the support of
8 the Community Board. We received the support of
9 Queens Borough President. We received support of
10 the local assemblywoman, Assemblywoman Nessick
11 [sic] and we received the support of Rory Lancman's
12 office. And so we would be happy to answer any
13 questions, but again, the rezoning itself is very
14 straightforward and one of the interesting things
15 about this rezoning, which we like to see in a
16 rezoning, is that while many times developers will
17 come in and owners will come in and ask for a great
18 increase in bulk for the property, this is actually
19 one of those strange rezoning which actually
20 results in a lowering of the total development bulk
21 of the property and why is that? Because under the
22 existing zoning, should the owner want to, they
23 could put in with the existing square footage a
24 69,000 square foot medical office building. They
25

1 do not wish to do that. They do not wish to put on
2 this tall out of context building. What they wish
3 to do is this more reasonable and height limited
4 four-story residential and commercial building.
5 And I'd be happy to answer any questions.

7 CHAIRPERSON WEPRIN: Mr. Lobel, I know
8 that you said the Community Board supported it.
9 There was some opposition on the Community Board.
10 I'm just curious what the opposition at the
11 Community Board was.

12 RICHARD LOBEL: So the opposition of
13 the Community Board centered around several... a
14 couple of areas, really. One was the fact that the
15 southern portion of Union Turnpike in this area
16 actually in 2006, you can see from above the bold
17 line here, had actually been rezoned to the same
18 district to an R5D/C1-3 and we were seeking that
19 treatment to the north of Union Turnpike and there
20 was a challenge, which was basically why was it
21 appropriate for this side of the block if it hadn't
22 been rezoned before and the truth is what we show,
23 that for a period of about 10 blocks, six to the
24 south and four to the north, there was this
25 uninterrupted commercial overlay and so really what

1 we felt, what City Planning felt and what a
2 majority of the Community Board felt was that this
3 zoning was appropriate for the north of Union
4 Turnpike, particularly in regard to this existing
5 non-contextual R3-2, which they did not want to
6 see. The second primary issue which was discussed
7 with the Community Board was the access to the site
8 and there was a question that was raised by one of
9 the civics as far as how these cars would access
10 the site and whether or not they would have to
11 access on 79th Avenue to the rear, which is
12 actually a farm or residential street, and Stephen
13 Everett from the Department of City Planning came
14 in and confirmed our understanding, which is that
15 they would be able to use this existing curb cod
16 basically because of the way the zoning resolution
17 is read and to access the site, and so would they
18 be able to get traffic in off Union Turnpike? That
19 eased a lot of the concerns and we were able to
20 carry the day at the Community Board.

22 CHAIRPERSON WEPRIN: Understood. This
23 is in Council Member Lancman's district, as you
24 mentioned, and I know council Member Lancman has
25 been supportive of this project as well. Any

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members of the panel have any questions for this gentleman? I see none, Mr. Lobel, so thank you very much.

RICHARD LOBEL: Thank you, Chair.

CHAIRPERSON WEPRIN: You are excused, and then we have a member of the community, as you mentioned, Anthony Lee. Mr. Lee. There you are, Mr. Lee. If you would come up to the table. Did you want to speak Mr. Lee?

ANTHONY LEE: [off mic] Yes.

CHAIRPERSON WEPRIN: Okay, alright, okay. Is there anyone else here to speak on this item? Alright, good. Mr. Lee, you're going to have the stage to yourself. So what I would like you to do is just to state your name and...

[crosstalk]

ANTHONY LEE: My name...

[crosstalk]

CHAIRPERSON WEPRIN: Express your affiliation with this project.

ANTHONY LEE: My name is Anthony...

CHAIRPERSON WEPRIN: [interposing] The mic is on. I'm not sure if it is. Is it on? Okay, alright, alright.

1 ANTHONY LEE: It's on.

2 CHAIRPERSON WEPRIN: Good.

3 ANTHONY LEE: My name is Anthony Lee.

4 I'm a longtime resident who just returned to the
5 neighborhood. My parents own a home that's about a
6 half a block from this property, and how I got
7 involved in it originally was I was told about this
8 possibility of this 10-story property being... this
9 thing being build and technically, a building of
10 that size would almost cast a shadow on my parents'
11 home and both my parents are elderly and I moved
12 back home to kind of take care of them and when I
13 heard about it I was... I thought that was a bad
14 idea, and so that's how I actually got involved and
15 the more I heard about what was being proposed, the
16 more I thought this was a better fit for the
17 neighborhood because it appears from everything
18 that I've seen that it takes into consideration the
19 residents and what would affect the neighborhood,
20 and most of the people who live in the neighborhood
21 have been there for many, many years and it's a
22 very residential area and so to make a drastic
23 change seems to be unreasonable and this project
24 seems to sort of fit in order to accommodate the
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2 needs of the community while improving the
3 property, and I think that was primarily the reason
4 why I sort of decided it was important to speak up
5 about it because you know, I intend to be there for
6 some time and I happen to like the neighborhood as
7 a neighborhood.

8 CHAIRPERSON WEPRIN: Great. Well,
9 thank you very much for coming. Does anyone have
10 any questions for this gentleman? No, well, we
11 appreciate your input and thank you very much.

12 ANTHONY LEE: Thank you.

13 CHAIRPERSON WEPRIN: Once again, anyone
14 else here to testify on the Union Turnpike
15 rezoning, Land Use 19? I see none, so with that,
16 we're going to close this hearing. Mr. Lobel, you
17 can go back to work, {laughter} and we are going to
18 move onto Land Use Number 20, the East River Text
19 Amendment, which we have a PowerPoint for. Is
20 everyone going to be together? You guys are...
21 okay, so would Richard Cote, Zachary... Zach Smith,
22 Hardy Adasko and Joshua Nelson. Do you need a
23 fourth seat there? Oh, we're good. Oh, he's not,
24 okay. So alright, great. Alright, so you know the
25 drill. Just make sure for the record that you

1
2 always state your name when you speak so we can
3 keep track of who's speaking when it's transcribed.
4 Whenever you're ready.

5 ZACHARY SMITH: Good morning, Chairman
6 Weprin and members of the Zoning and Franchises
7 Subcommittee. My name is Zachary Smith and I am
8 the Chief Operating Officer at the New York City
9 Economic Development Corporation; I'll refer to
10 that as EDC, and I am here to discuss the zoning
11 text amendment application for the East River
12 Ferry. After my testimony, we will be happy to
13 take questions.

14 The East River Ferry program offers
15 frequent daily service linking neighborhoods in
16 Brooklyn and Queens, both with Manhattan and with
17 each other, providing a convenient and resilient
18 transportation option for New Yorkers, while
19 unlocking new potential in formerly inaccessible
20 neighborhoods. Since EDC launched the service as a
21 pilot in the year 2011, the program has been
22 extremely successful, far surpassing our ridership
23 projections. Within its first 13 months of
24 operation, the ferry had served more than one
25 million passengers, well over double our

1 projections of 400,000. To date, more than 2.9
2 million passengers have utilized the service.
3 Based on this success, EDC issued an RFP request
4 for proposals last year to extend the service, and
5 recently signed a contract to continue ferry
6 service for a minimum of five additional years. In
7 Brooklyn's Community District 1, the pilot service
8 has had to overcome major obstacles in the existing
9 zoning regulations, accomplished through cumbersome
10 processes involving special permits and temporary
11 Mayoral overrides. Initially, the pilot service
12 operated 99 passenger water taxis, which are
13 permitted as-of-right within the Waterfront Access
14 Plan BK-1, which covers much of the East River
15 Waterfront in Greenpoint and Williamsburg. Record
16 ridership during the 2011 summer season resulted in
17 the need for a Mayoral zoning override in 2012 to
18 permit 399 passenger ferries and to waive all
19 associated parking and pick-up/drop-off
20 requirements at ferry landings located in CD 1.
21 This override expires in December 2016. The
22 proposed zoning text amendment would provide a
23 permanent zoning solution for landings of the East
24 River in Community District 1, allowing us to
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2 continue providing the East River Ferry service to
3 New Yorkers and visitors on a long-term basis
4 without relying on cumbersome, temporary permitting
5 processes. The proposed zoning text amendment,
6 which was created with significant input from the
7 Department of City Planning, would establish a non-
8 discretionary certification process to increase the
9 permitted as-of-right vessel capacity to allow the
10 399 passenger ferries currently used for the ferry
11 service. This proposed certification would require
12 that certain amenities, including passenger queuing
13 space, bicycle parking and trash receptacles be
14 provided. It would also establish design standards
15 for optional amenities, including passenger queuing
16 shelters and ticket machines.

17 The presentation before you includes
18 detailed information about each of these proposed
19 changes. Over the last three years, EDC has
20 conducted surveys of East River Ferry passengers,
21 yielding extensive data about riders' habits that
22 has informed the proposed regulations. These
23 regulations are designed to balance and remove
24 conflict in waterfront access areas between
25 transportation and other public uses. For example,

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2 our survey data indicates that the majority of
3 ferry passengers walk, bike or use public
4 transportation to access ferry landings. This
5 information informed the decision to waive all
6 parking and pick-up/drop-off requirements for
7 docking facilities with a vessel capacity of up to
8 399 passengers. In just two and a half years, the
9 East River Ferry has already become an integral
10 part of the city's transportation network,
11 improving transit connections between emerging
12 waterfront neighborhoods in Brooklyn and Queens;
13 enhancing mobility for both residents and visitors;
14 increasing flexibility for transportation services
15 during and after emergencies such as severe weather
16 events and supporting the ongoing reactivation of
17 the East River Waterfront.

18 We believe that the zoning text changes
19 before you today establish clear standards and an
20 efficient regulatory environment for ferries in
21 Community District 1. They also provide a
22 framework that may be expanded to other areas in
23 the future. We are pleased that Brooklyn CB 1, the
24 borough president and the City Planning Commission
25 support these regulations, which will allow EDC to

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2 continue this important transportation service. We
3 hope that the City Council will also approve them.

4 On a separate note, I recognize that
5 many council members and New Yorkers may be
6 concerned about the recent incident at the India
7 Street Ferry landing. Safety is of course our
8 first priority and from the moment the incident
9 occurred EDC has been working closely with our
10 operator, BillyBey, and the private owner of the
11 India Street landing to determine the cause of the
12 incident and to ensure that the landing is
13 completely safe and reliable when it reopens for
14 service. We have kept local elected officials and
15 members of the public fully updated on our progress
16 and we will continue to keep you informed as the
17 investigation and repairs proceed. At this point,
18 though, here's what we know: the Greenpoint Ferry
19 landing was taken out of service on Thursday,
20 February 13th when the gangway that connected the
21 fixed pier to the floating land barge detached at
22 the point where it had been connected to the barge.
23 Thankfully, no one was on the gangway at the time
24 of the incident and no one was hurt. The owner of
25 the pier has reported that preliminary inspections

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2 by engineers revealed that two spud-piles that held
3 the barge in position failed. These findings did
4 not indicate any problem with the gangway itself.

5 It has not yet been determined what caused the
6 failure and the investigation remains underway.

7 After the investigation concludes, a plan for
8 repairs to the facility will be developed and
9 implemented by the pier owner. Again, the safety
10 of East River Ferry passengers remains our number
11 one priority, and we will not operate service at
12 this location until we are confident that it is
13 safe to do so. In the interim, EDC and BillyBey
14 are providing free shuttle bus service to transport
15 Greenpoint passengers to and from the North
16 Williamsburg Ferry landing during morning and
17 evening rush hours. As soon as we have more
18 information we will share it. Today, we are to
19 discuss the proposed zoning and text amendment
20 though, which will allow us to continue to provide
21 East River Ferry service to Brooklyn Community
22 District 1. My colleague, Hardy Adasko, Senior
23 Vice President of Planning at EDC will now walk you
24 through the details of the amendment and after that

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2 brief walk through, we will be happy to answer any
3 questions you may have.

4 HARDY ADASKO: Good morning, council
5 members. My name is Hardy Adasko, Senior Vice
6 President of Planning at the New York City Economic
7 Development Corporation. As Zach described, the
8 zoning text amendment is specific to Community
9 Board 1, where we have been operating a pilot ferry
10 and it has given us a lot of information about the
11 operating characteristics of the people who use it.
12 And based on that, we have come up with the
13 involvement of City Planning with very specific
14 required amenities and permitted amenities and
15 design guidelines for those amenities specifically
16 in the area of passenger queuing space. The other
17 problem or issue that we had to address, and I
18 believe addressed well, is that most of these are
19 waterfront access areas, which are basically
20 passive recreation and we didn't want the
21 transportation function to override the public
22 enjoyment of the waterfront function, so there's a
23 compromise between the two throughout. We didn't
24 want shelters to be blocking views, things like
25 that. So there's a requirement for passenger

1 queuing space. It's based on the regulations that
2 govern theaters and it's based on our experience
3 that this is a multi-stop system and that although
4 the capacity is 399, the number of passengers who
5 board at each location is never 399 and we found
6 that the largest location was 40 percent, so we
7 based it on that 40 percent of the passenger ferry
8 contribution. And so it's four square feet, which,
9 for 399 ferry would be 640 square feet of queuing
10 space and there should be seating within this area
11 and it should be within the 150 feet of the end of
12 the gangway. That's on the passenger queuing
13 space.
14

15 Bicycle parking: we found about seven
16 percent of the riders were coming by bicycle and
17 based on the same formulas, it comes to a
18 requirement for four bicycle parking spaces. This
19 is in addition to any bicycle parking that's
20 required under the waterfront zoning and is already
21 there under waterfront zoning, but basically it's
22 seven percent of 40 percent of 399. It comes out
23 to four bicycle spaces, and it can be provided
24 anywhere on the site. City Planning was concerned
25 that we not encourage people to ride bicycles

1 through the public access area to the closest point
2 to the gangway, and also concerned that we not have
3 too much bicycle parking and make this sort of a
4 parking lot instead of a public access area.

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6 And the third is a requirement for
7 trash receptacles and it's one trash receptacle and
8 it is within 25 feet of the gangway again, in
9 addition to anything that's required under
10 waterfront zoning.

11 And then in the second area are
12 permitted amenities and specifically, we're talking
13 about a passenger queuing shelter. All of the
14 sites have queuing shelters. They've been done
15 under waterfront access authorizations or under a
16 Mayoral zoning override now, but in the future they
17 will be permitted under the regulations that
18 describe the... and ticketing machines under
19 regulations that describe the size and shape of
20 both facilities so that they do not become
21 overwhelming in the public access area, and they
22 should be close to the gangway within 100 feet of
23 the gangway.

24 So those are the regulations that have
25 been set up. It's a certification process at City

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2 Planning. If there's ever a change or a new
3 addition in Community Board 1 and it can meet these
4 requirements as a checklist that is confirmed by
5 City Planning and then it is good to go. I'm happy
6 to answer questions...

7 CHAIRPERSON WEPRIN: [interposing]

8 Great.

9 HARDY ADASKO: At the appropriate time.

10 CHAIRPERSON WEPRIN: Okay, we actually
11 have a number of questions. Before we do, I just
12 want to acknowledge that we've been joined by
13 Council Member Wills and Council Member Williams.
14 Let me call on in the order that I was told.
15 Council Member Garodnick first.

16 COUNCIL MEMBER GARODNICK: Thank you.

17 Thank you, Mr. Chairman, and good morning. I just
18 wanted to see if you could help me understand the
19 scenarios in which a Mayoral zoning override is
20 appropriate. I must admit that I'm... perhaps it
21 has come... we've encountered that before this
22 committee in the past, but I don't remember it and
23 I'd like to know a little bit more about what the
24 circumstances are in which the Mayor can override
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2 the zoning resolution as established by the
3 council.

4 ZACHARY SMITH: [off mic] Oh, yeah, go
5 ahead.

6 HARDY ADASKO: Well, I'm not an expert
7 on it or not the expert on it, so I'd invite you to
8 reach out to others, but my understanding is that
9 for a city... for the public interest of city
10 projects, the Mayor has the ability to override the
11 zoning. It's a discretionary action. It triggers
12 environmental review before he makes that
13 determination. It is not used frequently. It is
14 used quite sparingly. It's been used occasionally
15 on affordable housing and it was used in this
16 particular case because the shelters were by
17 definition of the zoning a commercial activity
18 taking place in a residence district, the same
19 thing with the ticket machine and that could not
20 happen without... in a residence district and the
21 Mayor overrode the zoning to allow these relatively
22 small structures for a limited period of time in
23 the residence district to enable the pilot program
24 to get underway on a timely basis.

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2 COUNCIL MEMBER GARODNICK: So it's only
3 allowed for city projects?

4 HARDY ADASKO: Correct.

5 COUNCIL MEMBER GARODNICK: And when you
6 say triggered an environmental review, is that a
7 full Environment Impact Statement or the less
8 cumbersome Environmental Assessment?

9 HARDY ADASKO: It depends on the facts,
10 but I'm quite sure it would never be an EIS level
11 of situation.

12 COUNCIL MEMBER GARODNICK: So this was
13 an EAS.

14 [crosstalk]

15 HARDY ADASKO: EAS, yes.

16 COUNCIL MEMBER GARODNICK: And...
17 and...

18 HARDY ADASKO: [interposing] And we
19 also used... and actually when the initial...
20 especially weekend activities, the 150 passenger
21 boats were inadequate. We were regularly leaving
22 people on the piers throughout the weekend and we
23 wanted to move to a larger boat, which was not
24 allowed under the existing regulations. The
25 operator had the boat available, so to move up to

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2 the 399 passenger ferry that operates on the
3 weekends the zoning override was used.

4 COUNCIL MEMBER GARODNICK: Okay, so it
5 allowed for certain amenities and also the bigger
6 boats.

7 HARDY ADASKO: Correct, correct.

8 COUNCIL MEMBER GARODNICK: Is that
9 right? Okay and if we were to make more permanent
10 the opportunity for the larger boats to land in
11 this area, what are the other potential impacts
12 beyond the East River Ferry as it is currently
13 established? So there are other boats that might
14 be potential candidates to use these landings or is
15 it is just what we're talking about here in this
16 pilot?

17 HARDY ADASKO: Well, we're past the
18 pilot. We're going into the five-year contract.
19 We believe we structured it for ferry operations.
20 Now, there could be other ferries that are not part
21 of the city's contract that choose to operate
22 developer sponsored; privately sponsored, but they
23 would have to follow these regulations that have
24 been established; that will be established we hope
25 within zoning.

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2 COUNCIL MEMBER GARODNICK: Okay and
3 since that time in which the override took place in
4 2012, were we able to... well, certainly better
5 accommodate the needs for the number of passengers
6 who were using it? Are we still leaving people on
7 the you know, on the docks there when they're
8 looking to...

9 [crosstalk]

10 HARDY ADASKO: Very...

11 [crosstalk]

12 COUNCIL MEMBER GARODNICK: To get on?

13 HARDY ADASKO: Very rarely. There are
14 occasional perfect days, but very rarely.

15 COUNCIL MEMBER GARODNICK: 'Kay and
16 lastly, when a Mayor and again, this may not be the
17 right question for you, but we'll certainly take
18 this up with City Planning 'cause I'm interested in
19 it now, the issue of Mayoral zoning overrides.
20 When a Mayor does do a zoning override for a city
21 project is that something that needs to be noticed
22 publicly, a city record? Does there need to be any
23 follow up action by the council? Do you know the
24 answer to any of these?

25 HARDY ADASKO: I don't know the answer.

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2 COUNCIL MEMBER GARODNICK: Okay, well,
3 we'll take it up with City Planning because you
4 know, this is an unfamiliar territory for me and I
5 don't know about the other members of this
6 committee. Thank you, Mr. Chairman.

7 CHAIRPERSON WEPRIN: Thank you, Mr.
8 Garodnick. I'd like to call on Council Member
9 Wills followed by Chair Greenfield.

10 COUNCIL MEMBER WILLS: Good morning,
11 gentlemen. I just have a quick question and I was
12 looking at... {background static} I'm sorry, I was
13 looking at the passenger queue shelters and they
14 look like they have... they're designed similar to
15 the CEMUSA shelters that we use for mass transit.
16 Are they or will they have advertising space on
17 them and if so, who would be controlling the
18 advertising?

19 HARDY ADASKO: They will not have
20 advertising space. It will not be allowed.

21 COUNCIL MEMBER WILLS: Okay, they won't
22 even have...

23 [crosstalk]

24 HARDY ADASKO: And they're not... these
25 are not CEMUSA. The design may look similar, but

1
2 they are not CEMUSA and not part of the CEMUSA
3 franchise.

4 COUNCIL MEMBER WILLS: And part of the
5 Brooklyn borough president's recommendations were
6 to have the signage indicating ferry schedules or
7 routes shall be incorporated. Contact information
8 for the entity responsible for this site
9 maintenance snow, waste removal, physical repairs.
10 Will that be part of the shelters or how will that
11 be structured?

12 HARDY ADASKO: It may be on the shelter
13 most likely.

14 COUNCIL MEMBER WILLS: [interposing]
15 Oh, okay.

16 HARDY ADASKO: It's going to be the
17 near the gangplank at another part of the ferry
18 landing.

19 ZACHARY SMITH: And it's required.

20 COUNCIL MEMBER WILLS: Thank you, Mr.
21 Chair.

22 CHAIRPERSON WEPRIN: Thank you, Mr.
23 Wills. Council Member Greenfield followed by
24 Council Member Reynoso.

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2 COUNCIL MEMBER GREENFIELD: Thank you,
3 Mr. Chairman, and thank you for your testimony
4 today. I'm curious about the 40 percent number.
5 Where did you get that number 'cause it seems like
6 everything is working backwards off that 40
7 percent. Can you give a little bit more details
8 about that?

9 HARDY ADASKO: Basically we've been
10 doing survey each of the summers when the ridership
11 is higher and we found that within the pilot system
12 at the North Williamsburg site was the largest
13 number of people getting on the ferry and it
14 basically maxed out at about 40 percent of the
15 capacity of the ferry. I remember the ferry just
16 picking up people at several locations, dropping
17 people off at several locations, and so requiring
18 working the number of the capacity of the ferry,
19 which is in fact is the way the existing zoning
20 operates, just was not realistic in terms of
21 requiring far more than should be required. So we
22 have the 40 percent requirement at each of the
23 sites, but even though the volumes are lower at the
24 other two sites.

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2 COUNCIL MEMBER GREENFIELD: And the
3 reason I'm concerned is by your testimony you say
4 that the success of the ferry exceeded your own
5 projections, right, and it seems like the ferry is
6 becoming more and more popular and this is... I'm
7 just going based on your own testimony, yet the 40
8 percent obviously doesn't reflect future usage. It
9 only reflects current usage, so have you made any
10 projections, although I'll take it with a grain of
11 salt because your last projections were inaccurate,
12 have you made any projection as to what the
13 ridership is going to be or was this simply sort of
14 a matter of working backwards and trying to figure
15 out what we could live with in terms of the queue
16 line at the passengers queuing space.

17 HARDY ADASKO: Well, I'd point out that
18 the other two locations; the other locations have
19 far lower ridership and the weekday ridership is
20 far lower. The growth is... I believe has been in
21 the weekday ridership, which we've been trying to
22 build up and a lesser rate of growth at the weekend
23 ridership, but beyond that we don't have
24 projections yet.

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2 COUNCIL MEMBER GREENFIELD: You do not
3 have projections.

4 HARDY ADASKO: Right.

5 COUNCIL MEMBER GREENFIELD: Okay, I'm
6 disappointed to hear that. Let's talk about the
7 seven percent bicycle ridership. It also seems a
8 little bit low. That would require what, only four
9 parking spaces; is that what you said; in addition
10 to what's currently there, so what do we currently
11 have there?

12 HARDY ADASKO: Well, that varies by
13 site because they've been developed under the
14 existing waterfront regulations, but again, the
15 same described... the same calculation goes into
16 that. Only one site do we have 40 percent capacity
17 using the ferry. The other sites are far lower.
18 The four...

19 [crosstalk]

20 COUNCIL MEMBER GREENFIELD: No, I
21 clearly understand, but my same calculation goes
22 into it as well, which is that as cycling and
23 ridership are going to become more popular, one
24 would imagine that there would be more cycling to
25 these locations and that there would be more

1
2 ridership and therefore, there would be greater
3 need for bicycle parking spaces.

4 HARDY ADASKO: But again, I'm pointing
5 out that there is a great deal of room to grow at
6 the other locations before we get to those numbers
7 and on the weekday, where the ferry is 150, we are
8 still providing the bicycle parking based on a
9 ferry capacity of 399. One thing we did not do
10 successfully; did not do well in our surveys is
11 although we counted the number of people coming by
12 bicycles, we did not count the number of people who
13 took the bicycle onto the ferry as opposed to park
14 it and we have told the Brooklyn borough president
15 that in the next round of surveys we would look for
16 that information also. We believe some people are
17 definitely taking bicycles on the ferry. It's
18 permitted and so again, before, though it sounds...
19 though it is a single digit number, we believe it's
20 conservative.

21 COUNCIL MEMBER GREENFIELD: And then
22 finally just on this set of questions, the trash
23 receptacle; who's responsible for maintaining that
24 trash receptacle?

25 HARDY ADASKO: It's...

1 ZACHARY SMITH: Introduce yourself.

2 JOSHUA NELSON: Sure. My name is
3 Joshua Nelson. I'm a Senior Vice President with
4 EDC's Asset Management Group and we run the East
5 River Ferry surface. Trash receptacles; that'll be
6 the responsibility of the owner of each of the
7 piers, as well as the operator, so in each case we
8 have an agreement with Billybey, our operator, to
9 take care of snow removal and waste removal. They
10 also have a separate agreement with the owner of
11 the India Street pier, Stiles, LLC, so they handle
12 that in all cases.

13 COUNCIL MEMBER GREENFIELD: Got it, and
14 then speaking of India Street and the testimony
15 regarding what happened. I guess from the
16 testimony it seems like they're not really sure
17 what has happened. Have you engaged in engineer
18 studies of the other piers just to make sure that
19 there are no similar issues at the other piers?
20

21 ZACHARY SMITH: Yes, we have. In fact,
22 we, EDC inspect... through a contract inspect all
23 of the other city-owned piers on a monthly basis.
24 We look at the structure; we look at the structural
25 integrity.

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2 COUNCIL MEMBER GREENFIELD: This one is
3 privately owned through, right?

4 ZACHARY SMITH: This one is privately
5 owned.

6 COUNCIL MEMBER GREENFIELD: How many
7 are privately owned and how many are city owned?

8 ZACHARY SMITH: One is privately owned.

9 COUNCIL MEMBER GREENFIELD: So this is
10 the only that's privately owned.

11 ZACHARY SMITH: That's correct.

12 COUNCIL MEMBER GREENFIELD: Okay, so...

13 ZACHARY SMITH: And...

14 COUNCIL MEMBER GREENFIELD:
15 [interposing] For whatever reason even though
16 you're inspecting the city owned piers you chose
17 not to inspect the privately owned pier?

18 ZACHARY SMITH: We will be inspecting
19 the privately owned pier once it opens moving...

20 [crosstalk]

21 COUNCIL MEMBER GREENFIELD: Uh-huh.

22 [crosstalk]

23 ZACHARY SMITH: Forward.

24 COUNCIL MEMBER GREENFIELD: In the
25 future.

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ZACHARY SMITH: In the future.

COUNCIL MEMBER GREENFIELD: Got it.

Thank you very much.

ZACHARY SMITH: Just to add to Hardy's response about the projections, we are underway with the citywide ferry study. It's due out this spring and it will include projected ridership, so we are looking at that and we will have those number and we'll be happy to share them with you.

COUNCIL MEMBER GREENFIELD: Got it.

Thank you.

CHAIRPERSON WEPRIN: Yeah, thank you, Chair Greenfield and before I get to Council Member Reynoso, I just want to acknowledge that Council Member Reynoso was the first one here today and got the gold star. Congratulations. He now has two, Ritchie Torres has one, Jumaane Williams has zero, and [laughter] at the end of the year we're going to give a prize to the winner of that competition. I'd like to call on Council Member Reynoso.

COUNCIL MEMBER REYNOSO: I'm happy to hear that there is going to be a prize. I wasn't aware and now that it is, Ritchie, I'm going to give you a run for the prize. Thank you for

1
2 coming, by the way. I represent Community Board 1
3 as well alongside Council Member Steve Levin and do
4 want to state that right now that our line is the
5 train or the train line I guess with the highest
6 ridership in the city of New York and the capacity
7 is unbearable at this point, and the ferry service
8 is giving us an opportunity here or allowing for us
9 to have alternatives to transportation that I think
10 are extremely important and I'm happy to hear that
11 we're looking to figure out ways to expand the
12 capacity that we have in the ferries to allow for
13 more ridership. I do want to say that it states
14 here that it would require 40 percent of passenger
15 queuing area and that's 640 square feet, but in the
16 diagram it states 580 square feet. Can you explain
17 that to me so I can be clear? It doesn't seem like
18 there's enough queuing area on this site even
19 though it says it would require it.

20 [Pause]

21 HARDY ADASKO: Let me see if I can
22 figure this out for you.

23 CHAIPERSON WEPRIN: Yeah, that was
24 Hardy.

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2 COUNCIL MEMBER REYNOSO: One more go,
3 one more. There you go, that's it. [background
4 voices]

5 [Pause]

6 COUNCIL MEMBER REYNOSO: That's it,
7 That one.

8 CHAIRPERSON WEPRIN: Yeah, okay.

9 HARDY ADASKO: This is the calculation
10 that leads... oh, I'm sorry, now I do have the
11 answer. On this drawing we're showing a standing
12 area... a seating area and a standing area 580 plus
13 64 equals 640. It's a combination of the seating
14 area and the standing area because we require that
15 a portion of it be available for seating, so the
16 total is 640. Sorry about that.

17 COUNCIL MEMBER REYNOSO: That's fine.
18 Thank you for clearing that up. Also, just want to
19 say I do think that more bike racks would... it's a
20 if you put it they will come issue. I think a lot
21 of folks leave their bikes 'cause they never find
22 the racks or the rack space to be able to lock them
23 up and get onto the ferry, so I've experienced that
24 myself actually when I've tried to take it. There
25 were just no... I had to park the bike several

1
2 blocks away and then walk to the ferry, so just to
3 be mindful that I think that seven percent is also
4 a low number and reiterate what our chairman
5 said... our Land Use chairman said, but again,
6 extremely supportive of the project. I'm excited
7 to see the capacity growing here in the ferry
8 service.

9 HARDY ADASKO: Thank you. I'd remind
10 that it's a required minimum. It does not prevent
11 the provision of more parking.

12 COUNCIL MEMBER REYNOSO: Okay, thank
13 you, sir.

14 CHAIRPERSON WEPRIN: We've joined by
15 Council Member Levin, whose district this is in,
16 and I know he has a statement he wants to make.
17 Why don't you use Council Member Reynoso's mic?

18 COUNCIL MEMBER LEVIN: Thank you very
19 much. Thank you, gentlemen for your testimony and
20 for working on this proposal and by and large, I'm
21 very supportive of the ferry service. It's been a
22 great amenity to my constituents that I have in my
23 district, India Street, North 6th Street, Schaefer
24 Landing, Old Fulton Street and the end of Atlantic
25 Avenue, so I represent the areas along the water.

1
2 It's been something that's been a great boon and
3 can really lay the groundwork for the expansion of
4 ferry service throughout New York City. Obviously
5 I'm concerned, and I think Council Member
6 Greenfield mentioned this, about the collapse of
7 the gangway at India Street and I just wanted to
8 ask for a commitment from EDC to continue to keep
9 in touch with my office. I know that there's an
10 investigation pending, but that EDC do as thorough
11 an investigation as possible at the other landings
12 throughout your system to make sure that if the
13 other landings were installed around the same time
14 as India Street, that similar problems don't come
15 up and so going underwater; doing underwater
16 inspections of the piles I think is incredibly
17 important, and obviously having a thorough
18 investigation at India Street as to what actually
19 happened there because a dock that was or a pod
20 that was installed not more than three years ago
21 shouldn't... that shouldn't have happened. There
22 shouldn't have been any disturbances of these piles
23 in that period of time and whether that was due to
24 a collision of some sort or other structural issues
25 I think that that needs to be determined so that we

1 know that that's not going to happen again and I
2 think we literally dodged a bullet. I mean I went
3 out there that night and it was a very cold night.
4 I mean it was a cold day that day and the water was
5 choppy and if somebody... the water you know was
6 obviously very cold and if somebody had fallen into
7 the East River at that point and they didn't know
8 how to swim very well, they could very well have
9 drowned, so something to please encourage you to
10 keep in touch with my office and the council on
11 that.
12

13 ZACHARY SMITH: That spud-pile unit you
14 got to get out there. Council Member, I'm Zachary
15 Smith. I'm the CEO at EDC and I don't know if you
16 heard me say this previously, but we are
17 inspecting... we do inspect all of the city-owned
18 landings on a routine basis monthly. We'll be
19 going back and looking at them in light of the
20 incident and the information we get from the
21 investigation the onus is on the private owner and
22 operator of that ferry landing to present to us the
23 facts of their findings and for us to ensure that
24 this landing will only reopen when we know that the
25 landing has been rebuilt in a way that has all the

1 integrity that it needs to to operate safely, and
2 so we will be touch with your office as we get
3 information. The operator and owner is working
4 very closely with us. We speak to then practically
5 daily on their findings. We're going to try to get
6 it open as quickly as possible. I think it's going
7 to be weeks and not months, but we'll only do so
8 when we're absolutely convinced that it's safe
9 moving forward.

11 COUNCIL MEMBER LEVIN: Okay and but
12 with the monthly inspections that's done...

13 ZACHARY SMITH: That will be done for
14 all landings.

15 COUNCIL MEMBER LEVIN: Like under the
16 water? I mean that is...

17 ZACHARY SMITH: Absolutely, yep.

18 COUNCIL MEMBER LEVIN: And so it's not
19 just a visual inspection of the gangway or above
20 whatever's happening above the water. You're going
21 to have divers going down and doing those
22 inspections?

23 ZACHARY SMITH: That's correct.

24 COUNCIL MEMBER LEVIN: Okay. So and
25 then lastly, just that with the bus service that's

1
2 been in place to supplant the ferry service at
3 India Street, that's going to continue until India
4 Street is up and running? Is that correct?

5 ZACHARY SMITH: Yeah, the commitment we
6 made along with BillyBey, the operator, 'cause
7 together we are providing that shuttle service and
8 so long as people are using it, we want to... we
9 think it's important to continue it. People are
10 using it. There are about 100 trips per day
11 between the morning and evening rush, so you know,
12 with those types of numbers we're committed to
13 provide that service.

14 COUNCIL MEMBER LEVIN: Okay, so as long
15 as people are using it, the service will be
16 provided.

17 ZACHARY SMITH: Correct.

18 COUNCIL MEMBER LEVIN: Got it, okay.
19 Thank you very much. Thank you, Mr. Chairman.

20 CHAIRPERSON WEPRIN: Can I ask one... I
21 just want to add one question, something Greenfield
22 mentioned and I wanted just to find out. Is there
23 a Citi Bike station anywhere in the area?

24 ZACHARY SMITH: Yeah, Citi Bike is
25 looking at this location for their phase call out

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2 of the roll out of Citi Bike. I don't think
3 there's been a decision.

4 HARDY ADASKO: [off mic] They're not
5 doing Community Board 1 yet. They're not doing
6 Community Board 1 yet.

7 ZACHARY SMITH: They're not covering
8 this community board area; this council district or
9 community board area, but they are... we understand
10 they are looking at this for expanded Citi Bike.

11 CHAIRPERSON WEPRIN: Right.

12 ZACHARY SMITH: There have been no
13 commitments made yet.

14 CHAIRPERSON WEPRIN: Okay, alright,
15 'cause right now there's none in the area all
16 anywhere nearby? There's no city station anywhere
17 nearby?

18 ZACHARY SMITH: That's what we
19 understand. That's...

20 [crosstalk]

21 CHAIRPERSON WEPRIN: Okay.

22 [crosstalk]

23 ZACHARY SMITH: Correct.

24 CHAIRPERSON WEPRIN: Alright, alright,
25 anyone else have any questions for these gentlemen?

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Okay, seeing none, we are going to move to a vote on the two items. Let me just regroup here. Gentlemen, thank you very much. You're excused. We're going to...

ZACHARY SMITH: [interposing] Thank you.

CHAIRPERSON WEPRIN: Close this hearing. Anyone here to testify on this item? No, okay, we're going to close this hearing on the East River Ferry Text Amendment and we are going to couple the following two...

[Pause]

CHAIRPERSON WEPRIN: We are going to couple the following two items: Land Use Number 19 and Land Use Number 20; that was the Union Turnpike rezoning, which we heard this morning and the East River Ferry Text Amendment.

[Pause]

CHAIRPERSON WEPRIN: Okay and I just want to reiterate that Council Member Lancman was in favor of the Union Turnpike rezoning, and Council Member Levin was in favor of the East River Text Amendment. We are going to couple those two

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2 items and I'm going to call on Rob Moralia
3 [phonetic], counsel, to please call the roll.

4 LEGAL COUNSEL: Chair Weprin.

5 CHAIRPERSON WEPRIN: Aye on both.

6 LEGAL COUNSEL: Council Member
7 Garodnick.

8 COUNCIL MEMBER GARODNICK: Aye.

9 LEGAL COUNSEL: Council Member
10 Williams.

11 COUNCIL MEMBER WILLIAMS: May I excuse
12 my vote?

13 CHAIRPERSON WEPRIN: Yes, Mr. Williams
14 to explain my vote.

15 COUNCIL MEMBER WILLIAMS: No, I don't
16 want to rise. I'm sure, thank you. I'm not sure
17 of the number of Levin, but I'd like to vote yes on
18 that and I'd like to abstain on the Lancman
19 project, with much excuse from my colleague, I
20 arrived late and I apologized and I missed the
21 opportunity to ask a couple questions that I have
22 and I want to ask my colleague directly, so if he's
23 watching this, I will say please excuse me and I
24 apologize, but I have a couple questions so I'd
25 like to abstain on that.

1
2 CHAIRPERSON WEPRIN: Great. Well,
3 this'll be going to the Land Use Committee on
4 Thursday and so you'll have an opportunity to
5 discuss it between now and then for sure. How do
6 you vote? So you vote aye on one and abstain on
7 the other.

8 COUNCIL MEMBER WILLIAMS: [off mic]
9 Yes.

10 CHAIRPERSON WEPRIN: Okay, sorry.

11 LEGAL COUNSEL: Council Member Wills.

12 COUNCIL MEMBER WILLS: Aye.

13 LEGAL COUNSEL: Council Member Reynoso.

14 COUNCIL MEMBER REYNOSO: Aye.

15 LEGAL COUNSEL: Council Member Torres.

16 COUNCIL MEMBER TORRES: Aye.

17 LEGAL COUNSEL: Council Member Ignizio.

18 COUNCIL MEMBER IGNIZIO: Yes.

19 LEGAL COUNSEL: And by a vote of seven
20 in the affirmation, zero in the negative and zero
21 abstentions with the exception of Land Use Item
22 Number 19, an abstention with Council Member
23 Williams, all items are adopted.

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SUBCOMMITTEE ON ZONING AND FRANCHISES

CHAIRPERSON WEPRIN: Alright, great.

Well, that in mind, we're going to close the rolls
and the meeting is now 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. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Date: 03/26/2014