

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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April 23, 2025  
Start: 10:05 a.m.  
Recess: 11:56 a.m.

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

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

COUNCIL MEMBERS:

David M. Carr  
Francisco P. Moya  
Yusef Salaam  
Lynn C. Schulman

OTHER COUNCIL MEMBERS ATTENDING:

Crystal Hudson  
Susan Zhuang

A P P E A R A N C E S

Caroline Harris, Goldman Harris, LLC

Eric Vath, Goldman Harris, LLC

John Woelfling, Dattner Architects

Janessa Rose Perez, Founder and CEO of  
Motivational Monsters

Eli Gewirtz, Davidoff Hutcher and Citron

Michael Berfield, Empire Boulevard Holdings LLC

April Russell, self

Theresa Westerdahl, self

Yaacov Behrman, self

Ben Stark, Hirschen Singer and Epstein

Joe Caputo, Capscar III LLC

Paul Scarola, Capscar III LLC

Eric Palatnik, Eric Palatnik PC

Frank Sedia (phonetic), applicant

Michelle Lee, self

Gary Chen, self

Jacqueline Sorrillo, self

2 SERGEANT-AT-ARMS: Good morning and  
3 welcome to the New York City Hybrid Hearing on the  
4 Subcommittee on Zoning and Franchises.

5 Please silent all electronic devices at  
6 this time.

7 Also, please do not approach the dais at  
8 any time.

9 If you have any questions, please raise  
10 your hand, and we will kindly assist you.

11 Thank you very much for your kind  
12 cooperation.

13 Chair, we are ready to begin.

14 CHAIRPERSON RILEY: [GAVEL] Good morning,  
15 everyone, and welcome to the meeting on the  
16 Subcommittee on Zoning and Franchises. I'm Council  
17 Member Kevin Riley, Chair of the Subcommittee, and  
18 I'm joined today remotely by Council Member Moya,  
19 Schulman, and in here we are joined by Council Member  
20 Carr and Hudson.

21 Today, we are scheduled to hold four  
22 public hearings. The four hearings concern proposed  
23 mixed-use residential developments all in Brooklyn.  
24 These proposals are 2201-2227 Neptune Avenue, 19  
25

2 Maspeth Avenue Rezoning, 73-99 Empire Boulevard  
3 Rezoning, and 166 Kings Highway Rezoning.

4           Before I open up the first hearing, I  
5 will go over the hearing procedures. This meeting is  
6 being held in hybrid format. Members of the public  
7 who wish to testify may testify in person or through  
8 Zoom. Members of the public wishing to testify  
9 remotely may register by visiting the New York City  
10 Council's website at [www.council.nyc.gov/landuse](http://www.council.nyc.gov/landuse) to  
11 sign up. And for those of you here in person, please  
12 see one of the Sergeant-at-Arms to prepare and submit  
13 a speaker's card. Members of the public may also view  
14 a livestream broadcast of this meeting at the  
15 Council's website.

16           When you are called to testify before the  
17 Subcommittee, if you are joining us remotely, you  
18 will remain muted until recognized by myself to  
19 speak. When you are recognized, your microphone will  
20 be unmuted.

21           We will limit public testimony to two  
22 minutes per witness. If you have additional testimony  
23 that you would like the Subcommittee to consider, or  
24 if you have written testimony that you would like the  
25 Subcommittee to consider instead of appearing in

2 person, please email it to  
3 landusetestimony@council.nyc.gov. Written testimony  
4 may be submitted up to three days after the hearing  
5 is closed. Please indicate the LU number or the  
6 project name in the subject line in your email.

7 We request that the witnesses joining us  
8 remotely remain in the meeting until excused by  
9 myself as Council Members may have questions.

10 Lastly, for everyone attending today's  
11 meeting, this is a government proceeding and decorum  
12 must be observed at all times. Members of the public  
13 are asked not to speak during the meeting unless you  
14 are testifying.

15 The witness table is reserved for people  
16 who are called to testify, and no video recording or  
17 photography is allowed from the witness table.  
18 Further, members of the public may not present audio  
19 or video recording to testify, but may submit  
20 transcripts of such recording to the Sergeant-at-Arms  
21 for inclusion in the hearing record.

22 I will now open the first public hearing  
23 on pre-considered LUs relating to the 2201-2227  
24 Neptune Rezoning Proposal in Council Member Brannan's  
25 District. This is a proposal to develop a residential

2 mixed-use building with approximately 145 apartments  
3 in Coney Island, Brooklyn. The proposal also involves  
4 the mapping of Mandatory Inclusionary Housing,  
5 requiring 20 percent to 30 percent of the apartments  
6 to be permanent affordable housing.

7 For anyone wishing to testify regarding  
8 this proposal remotely, if you have not already done  
9 so, you must register online by visiting the  
10 Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse). For  
11 anyone with us in person, please see one of the  
12 Sergeant-at-Arms to submit a speaker's card. If you  
13 would prefer to submit written testimony, you can  
14 always do so by emailing it to  
15 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

16 I now will call on the applicant panel  
17 for this proposal, which consists of Caroline Harris,  
18 Eric Vath, and John Woelfling. I did it right, John?  
19 Thank you. Counsel, please administer the  
20 affirmation.

21 COMMITTEE COUNSEL VIDAL: Hello, can you  
22 please turn on your microphones and raise your right  
23 hand?

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

5 CAROLINE HARRIS: I so affirm.

6 ERIC VATH: I do.

7 JOHN WOELFLING: I do.

8 COMMITTEE COUNSEL VIDAL: Thank you.

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

13 And now the applicant team may begin.  
14 I'll just ask that you please restate your name and  
15 organization for the record.

16 CAROLINE HARRIS: I'm Caroline Harris.  
17 Goldman Harris is my law firm. We're land use counsel  
18 to the applicant, Neptune Avenue Commercial LLC.

19 Good morning. It's a pleasure to see you  
20 today. Last time I was here, you had your son. Where  
21 is he?

22 CHAIRPERSON RILEY: He's in childcare  
23 right now.

24 CHAIRPERSON RILEY: Okay. I thought you  
25 were childcare.

1                   So, we are seeking a rezoning of the  
2  
3 Block 2201-2227 Neptune Avenue in Brooklyn. This is  
4 located on the northern side of Coney Island along  
5 the Coney Island Creek. We're proposing to change the  
6 zoning from an M1-2 to a mixed-use district, MX, with  
7 an M1-5/R7-3 district. On the next page, please.

8                   You can see an aerial view of Coney  
9 Island. The creek is to your left and the ocean is to  
10 the top right with the beach right next to it. The  
11 applicant's project is next to the square building  
12 that's next to the creek, right sort of left of  
13 center of the photograph. That building, the square  
14 building that's white and blue, is the WIN, Women in  
15 Need, project that was also developed by the  
16 applicant, and the applicant owns the building, and  
17 they own the vacant, what looks like a vacant parcel  
18 on the same block next to the WIN building. You'll  
19 see in this aerial photo that there's also a park  
20 across the street from the site that the block that's  
21 being redeveloped. Neptune Avenue is a wide street,  
22 and you'll see in the surrounding area buildings that  
23 range certainly one- and two-family homes, but there  
24 are also taller buildings that range from 14 to 16 or  
25 17 stories. The building to the bottom right, a long

2 rectangle with a green roof, is the Mark Twain  
3 School. So, the next photo, please.

4           The applicant's parent company is HELM,  
5 and HELM has developed numerous projects throughout  
6 the city that are either residential buildings or  
7 other shelters for WIN. The importance of them  
8 developing the WIN buildings is that it shows a  
9 commitment to community, and this project is no  
10 different. They built the WIN building first and now  
11 they're trying to build other residential development  
12 or mixed-use development next door to it. They are  
13 not preparing to build a condominium. They are in the  
14 community. They want to be members of the community,  
15 and the WIN building is an example of how they've  
16 been participating and fulfilling local needs. Next  
17 photo, please.

18           You can see on this land-use map the  
19 block outlined in black and white hash marks is the  
20 block being rezoned. The tan portion is the existing  
21 WIN building. There's a purple portion that's  
22 outlined in red, which is where the new development  
23 will be. Those two lots are owned by HELM or their  
24 affiliates, and they are a single zoning lot. The  
25 purple lot right adjacent to the creek is not owned

1 by the client. It's owned by another entity that is..  
2 the building is used as a warehouse of manufacturing  
3 use. They are not objecting to the application, but  
4 they are not involved in any way in the redevelopment  
5 of the site. The reason we went for an MX district  
6 rezoning is so that they could remain zoning  
7 compliant as opposed to grandfathered. They could  
8 expand if they wanted to, but also because a really  
9 important feature is that there's this very important  
10 bakery in the existing building on the block, and  
11 I'll go into that more in a little bit. Across the  
12 street, the light purple is where the park is, and  
13 then the blue is the school. Diagonally across the  
14 street on the tan is where the first tall building  
15 is. It's 16 stories. And you'll see south of the  
16 project site in the light yellow is where there are a  
17 lot of one- and two-family homes. The design of this  
18 building, as you'll see, was very sensitive to the  
19 fact that there are low-rise buildings. And being  
20 that it's across the street from them and the  
21 particular design with setback was purposely done in  
22 that way so that the local homes would not be  
23 overwhelmed by the new bulk. Go to the next slide,  
24 please.

2           This is a view of the WIN building, the  
3 blue, the one-story existing manufacturing, and  
4 again, the low-rise one- and two-family homes, and to  
5 the left, the existing tall building. Next slide,  
6 please.

7           On this zoning map, it's a little hard to  
8 see, at least for me from this far away, but maybe  
9 you can see it better looking at the screen behind  
10 me. The big red square is the proposed rezoning  
11 block. It's been pulled out from the zoning map  
12 that's much smaller, but we put a little blue dot on  
13 the upper portion of the site. The reason we did that  
14 is that's where Cropsey Avenue is. During our public  
15 hearings, we learned from the community about a  
16 terrible congestion problem. This building will not  
17 contribute to any of the congestion. It's a very  
18 small number of vehicular trips anticipated during  
19 peak hours. But I wanted to bring it to the Council's  
20 attention because the community did mention it. And  
21 when we investigated, we learned that Cropsey Avenue  
22 in Neptune is indeed a choke point during peak hours.  
23 And two of the ways that choking can be alleviated is  
24 if the MTA would restore an express subway stop in  
25 this area and if a ferry were created for Coney

2 Island. Elected officials, please keep that in mind  
3 for other agenda items for you with the City and with  
4 the MTA. We've also mentioned that to City Planning.  
5 Next slide, please.

6           These are photographs of Neptune Avenue  
7 and of the site. The top left shows you the existing  
8 manufacturing building. The others show you Neptune  
9 going east and west. The bottom left shows a building  
10 way in the distance. That was the last building  
11 developed on Neptune Avenue. There's been virtually  
12 no development on Neptune except for the WIN building  
13 and that in the last 50 years. Next slide, please.

14           So, the actions we need to facilitate the  
15 development are to rezone the block to the MX M1-  
16 5/R7-3 district, we'll do a text amendment to MIH and  
17 have a waterfront certification. The reason we're  
18 proposing the MX is so that there's this wholesale  
19 bakery in the ground floor. It is a beloved bakery.  
20 Everybody loves this bakery. Next door, there's a  
21 shop with prepared foods and the baked goods from the  
22 bakery. It's a long way for me to go for a site visit  
23 from Manhattan. But the real attraction of a site  
24 visit is being able to go to that little food shop  
25 and have some of the fresh bread that they make. The

2 applicant has determined that it wants to keep the  
3 bakery there. We want the wholesale bakery to stay  
4 and be able to expand, and they want to keep the food  
5 shop because everybody loves it. There are also some  
6 other manufacturing uses. There are a total of five  
7 other manufacturing uses in the building. Some of  
8 them may want to relocate in the building in the  
9 rebuilt building. We're not sure. But by having the  
10 MX district for this site, it enables us to maintain  
11 the bakery as a wholesale bakery and the possibility  
12 of other manufacturing or high industrial uses to  
13 stay there, plus the benefit to the adjacent property  
14 owner. Next.

15           Thank you. I'm going to turn the rest of  
16 this presentation over to John to describe the  
17 building that will be created as a result or could be  
18 created as a result of this project, how many  
19 dwelling units. There were issues raised about  
20 sustainability during the course of the hearing  
21 process. This is a very sustainable building, way  
22 more appropriate for the environment than the  
23 existing building, and John will go into that as  
24 well.

2 JOHN WOELFLING: Thank you, Carrie. My  
3 name is John Woelfling. I'm a principal at Dattner  
4 Architects. This illustration that you see here is a  
5 massing. We have some renderings further into the  
6 presentation, but I'll talk about the zoning from  
7 this slide. The R7-3 is a very appropriate district  
8 for this neighborhood. Carrie mentioned the different  
9 scales. There's the low scale and the high rise  
10 scale, and the R7-3 really requires that we create a  
11 maximum base height, which we've done, and then the  
12 rest of the mass of the building is really pushed  
13 back from that street line so that what you really  
14 perceive from the sidewalk is this mid-rise massing,  
15 and then the density can be achieved through that  
16 setback bulk. The area in gray just to the north on  
17 the site plan in the lower left, that's the parcel  
18 that's outside of the development area, but the WIN  
19 building to the right and the area to the left is  
20 what we're going to be developing. What we have done  
21 with this massing is really created a pairing of  
22 buildings, two buildings that aren't exactly the  
23 same, but there is a cohesiveness along that Neptune  
24 Avenue frontage where the buildings have this kind of  
25 rhythm and movement through that frontage. So, we've

1 taken that R7-3 massing and really made it  
2 sympathetic to the existing buildings and made the  
3 existing building and made something that I think is  
4 a nice composition. Next slide, please.

5  
6 This is the unit mix. As Carrie  
7 mentioned, we're going to have, yeah, it's very  
8 small. This is based upon 2023 HUD information, but  
9 this is the AMIs for the MIH units. We're going to be  
10 complying with the Mandatory Inclusionary Housing  
11 program. We're using option one. So, this is the  
12 rents per the units. We're going to include studios,  
13 one bedrooms, and two bedrooms. It's meant to be a  
14 mixed-income building, but those MIH units will be at  
15 these rents for those income bands. Next slide,  
16 please.

17 So, when we were presenting this to the  
18 various organizations in the ULURP process, the  
19 Planning Commission had a couple questions. One of  
20 the Commissioners specifically had a question about  
21 how we're going to be dealing with flooding. This is  
22 a flood prone area, and I have this slide on here  
23 because this is at the Coney Island YMCA, which is  
24 just around the corner. We were the architects for  
25 that project, and that was in construction when

1 Hurricane Sandy occurred so we're very familiar with  
2 the damage that can occur to a project. We design our  
3 buildings in flood prone areas to be in compliance  
4 with Appendix G, which is a requirement. It's a  
5 Building Code requirement. But we're also going to be  
6 using best practices for DEP stormwater management  
7 criteria. We are going to have onsite stormwater  
8 retainage. We're going to have a series of green  
9 roofs that can slow that stormwater infiltration into  
10 the DEP infrastructure. And I can say unequivocally,  
11 this building will improve this neighborhood's  
12 resilience, not only during extreme events, but  
13 standard daily rainfall events. What the building  
14 will be able to do, which the current building does  
15 not do, is it will allow the stormwater that hits the  
16 site to be retained and slowly introduced into the  
17 DEP infrastructure. Right now, every drop of water  
18 that hits that roof on the existing building goes  
19 right into the stormwater system and contributes to  
20 the overwhelming of the DEP infrastructure in this  
21 neighborhood so our project is going to dramatically  
22 improve that by doing that onsite retainage, either  
23 through the tanks that are going to be below grade or  
24 the roof structure. So, the Commissioner brought up a

2 very good point. How are we going to be dealing with  
3 resiliency? This is one of the ways that we're going  
4 to be dealing with resiliency. And that's just one  
5 piece of what people call it green. This is going to  
6 be a very sustainable project. That's just the way we  
7 practice so that's an important piece of our design  
8 proposal. Next slide, please.

9           So, this is what it looks like today. If  
10 you can flip to the next one, this is what our design  
11 proposal will look like. And you can see, I mentioned  
12 earlier how the WIN building and our proposal really  
13 have a sympathy and a cohesiveness between the two of  
14 them. They're both residential in nature. They're  
15 going to be different materials. But the massing has  
16 very much an association between the two.

17           And if you go to the next slide, you can  
18 see what that sidewalk experience is really going to  
19 feel like with the mid-rise being the lighter mass  
20 that you really perceive on the sidewalk, and the  
21 darker mass is really pushed back and you're not  
22 really going to experience the density of this  
23 building. It's a 6.0 FAR. That's a lot of floor area,  
24 but we've pushed it back from the street wall, which  
25 is a requirement of the R7-3.

2           And if you go to the next slide, this is  
3 another view of what that will look like. So, we're  
4 very proud of this design. I think it's a perfectly  
5 appropriate thing on this wide street of Neptune  
6 Avenue.

7           I'll hand it back to Carrie.

8           CAROLINE HARRIS: I'd like to focus on  
9 this photograph for a moment and point out that the  
10 ground..

11           CHAIRPERSON RILEY: You could wrap it up  
12 in a little bit.

13           CAROLINE HARRIS: Be happy to. Thank you  
14 very much for your attention. There were some  
15 concerns in the community that are addressed by this  
16 project, including parking, where they'll be parking  
17 in the building instead of people roaming around the  
18 streets, activating the street to create a safer and  
19 more beautiful condition for the neighborhood. And we  
20 have support from the Community Board, the Borough  
21 President, and I believe there are some speakers who  
22 may be coming online. We're creating a relationship  
23 with trying to improve the park across the street. So  
24 I'm happy to answer any questions you may have.

2 CHAIRPERSON RILEY: Thank you, Mrs.  
3 Harris.

4 So, John, you answered my first question.  
5 I'm really pleased to hear how innovative and  
6 creative you are taking this approach to address the  
7 flooding issues that happen within that community so  
8 I'm going to skip that question.

9 Caroline, you spoke about parking. Does  
10 this site have parking?

11 CAROLINE HARRIS: Yes, there's a garage  
12 going to be on site.

13 CHAIRPERSON RILEY: How many spots?

14 CAROLINE HARRIS: How many spots, John?

15 JOHN WOELFLING: About 60 spaces.

16 CHAIRPERSON RILEY: 60, okay. You spoke  
17 about the bakery. What's going to happen to this  
18 bakery as you guys are doing...

19 CAROLINE HARRIS: They're working on a  
20 relocation plan. There are some locations that are  
21 possibly available, but until we have the approval  
22 and know the timing, they can't lease the space so  
23 we're working through that with the tenant.

24

25

2 CHAIRPERSON RILEY: Okay. And is there a  
3 confirmed tenant for the commercial space that you  
4 could share any updates if this project is approved?

5 CAROLINE HARRIS: The bakery and the food  
6 store are in all likelihood to be the two main  
7 tenants. There may be others, but right now those are  
8 the two prime tenants. And with the food store that's  
9 related to the bakery, we think they'll also try to  
10 get some outside tables so people can enjoy the park  
11 and the improved street.

12 CHAIRPERSON RILEY: Okay. Thank you,  
13 Caroline. I have no more questions. Do we have any  
14 Members?

15 And I just want to state for the record,  
16 we've been joined by Council Member Salaam.

17 There being no questions, this applicant  
18 panel is excused. Thank you so much for your  
19 testimony.

20 CAROLINE HARRIS: Thank you.

21 CHAIRPERSON RILEY: Counsel, are there any  
22 members of the public who wish to testify remotely or  
23 in person regarding this proposal?

24

25

2 COMMITTEE COUNSEL VIDAL: There's no one  
3 in person, but there appears to be one person online  
4 who would like to testify.

5 CHAIRPERSON RILEY: Okay. For the members  
6 of the public here to testify, please note that the  
7 witnesses will generally be called in panels of  
8 three. If there are members of the public signed up  
9 to testify, please stand by when you hear your name  
10 being called and prepare to speak when I indicate  
11 that you may begin.

12 Please also note that once all panelists  
13 in your group have completed their testimony, if  
14 remotely, you will be removed from the meeting as a  
15 group and the next group of speakers will be  
16 introduced. Once removed, participants may continue  
17 to view the live stream broadcast of this hearing on  
18 the Council's website.

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

22 The following individual who has signed  
23 up online to testify is Janessa Rose Perez. Mrs. Rose  
24 Perez, when you hear the Sergeant, you may begin.

25 SERGEANT-AT-ARMS: Time starts now.

2 JANESEA ROSE PEREZ: Good morning,  
3 Committee Council, and thank you, Chairman Riley. So,  
4 let me just pull it up here. My name is Janessa Rose  
5 Perez. I am the Founder and CEO of Motivational  
6 Monsters. We're a non-profit organization that's been  
7 proudly serving Coney Island since 2028. But not only  
8 that, I am also a 41-plus-year native and a member of  
9 Coney Island community.

10 So, we are deeply supportive of the Home  
11 Equity's mission on Neptune Avenue. We strongly  
12 believe that their dedication to urban development  
13 and community wellness will create a long-lasting  
14 positive change, not only on Neptune Avenue, but  
15 across the entire Coney Island community. We fully  
16 support the rezoning. Neptune Avenue has been long  
17 neglected, as Carrie mentioned. There's not been much  
18 building. We are in direct support with the, it's  
19 actually a community garden, but under the care of,  
20 excuse me, Green Thumb and the Parks Department. And  
21 so, it's been neglected for over 30 years, and we've  
22 been discussing some amazing possible changes that  
23 benefit the Coney Island community, the community  
24 garden, and their new project as well. So, we believe  
25 that this will absolutely unlock positive change.

2 We've been in discussions with the community about  
3 this, the garden, and this is probably a key project  
4 for the future of Coney Island, especially on Neptune  
5 Avenue being something that's been unneglected,  
6 unsafe, and full of zombie properties for such a long  
7 time. So, again, we just, we're in full support.  
8 They've been amazing working with us and partnering  
9 with us. We're also looking forward to possibly,  
10 hopefully, becoming one of the commercial tenants in  
11 the building to oversee our work at the garden. So,  
12 we're in full support, our Community Board is in full  
13 support, and we just want to make sure that we're  
14 here to support them and let you guys know it's an  
15 amazing project. It has a lot more benefits than any  
16 other.

17 SERGEANT-AT-ARMS: Time expired.

18 CHAIRPERSON RILEY: Thank you so much.

19 There being no questions for this panel, this panel  
20 is now excused.

21 There being no other members of the  
22 public who wish to testify on pre-considered LUs  
23 relating to the 2201-2227 Neptune Rezoning Proposal,  
24 the public hearing is now closed, and the items are  
25 laid over.

2 I will now open the public hearing on  
3 pre-considered LUs relating to the 73-99 Empire  
4 Boulevard Rezoning Proposal in Council Member  
5 Hudson's District. This is a proposal to develop a  
6 residential mixed-use building with approximately 261  
7 apartments in Crown Heights, Brooklyn. The proposal  
8 also involves the mapping of a Mandatory Inclusionary  
9 Housing, requiring 20 percent to 30 percent of the  
10 apartments to be permanent affordable housing.

11 For anyone wishing to testify regarding  
12 this proposal remotely, if you have not already done  
13 so, you must register online by visiting the  
14 Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse). For  
15 anyone with us in person, please see one of the  
16 Sergeant-at-Arms to submit a speaker's card.

17 If you prefer to submit written  
18 testimony, you can always do so by emailing it to  
19 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

20 I would like to recognize Council Member  
21 Hudson for her remarks on this project.

22 COUNCIL MEMBER HUDSON: No remarks at this  
23 time. Thank you.

24 CHAIRPERSON RILEY: All right. Thank you,  
25 Council Member Hudson.

2 I will now call the applicant for this  
3 proposal which consists of Eli Gewirtz and Michael  
4 Berfield. Thank you.

5 Counsel, can you please administer the  
6 affirmation?

7 COMMITTEE COUNSEL VIDAL: Can you please  
8 turn on your microphones and raise your right hand?

9 Do you swear to tell the truth and  
10 nothing but the truth in your testimony today and in  
11 response to Council Member's questions?

12 ELI GEWIRTZ: I do.

13 MICHAEL BERFIELD: I do.

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

18 And now the applicant team may begin. I  
19 just ask that you please restate your name and  
20 organization for the record. You may begin.

21 ELI GEWIRTZ: Good morning, everyone,  
22 Chair Riley, and Council Members. Thank you so much.  
23 My name is Eli Gewirtz. I am with Davidoff Hutcher  
24 and Citron, and I am representing the applicant in  
25 this rezoning project, Michael Berfield, with Empire

2 Boulevard Holdings LLC. I was also an affiliate of  
3 Bridges Development Group.

4 So as mentioned, I am here representing  
5 the applicant in this rezoning at 73-99 Empire  
6 Boulevard in the Crown Heights South section of  
7 Brooklyn in Community District 9. Next slide, please.

8 So, with the land use actions that we are  
9 seeking in this rezoning is a zoning map amendment to  
10 rezone the site from C8-2, which is the current  
11 zoning along Empire Boulevard, which is the southern  
12 portion of the site, and R6/C1-3, which is the  
13 current zoning along the northern portion of the  
14 site, to C4-4D, which has an R8A residential  
15 equivalent, as well as the zoning text amendment to  
16 map the site as an MIH area with Options 1 and 2 over  
17 the entirety of the development site. The proposed  
18 land use actions would facilitate development of a  
19 13-story mixed-use building containing 273,540 square  
20 feet of floor area, and included in that is 98,000  
21 square feet of commercial floor area to be located in  
22 the cellar, first, and second floors of the building  
23 and residential uses above. Next slide, please.

24 So just a brief recap of how we've gotten  
25 to this point in the ULURP process. So, the Community

2 Board disapproved the application in January, but  
3 subsequent to that, the Borough President and the  
4 City Planning Commission approved the application,  
5 both stating that the C4-4D district is appropriate  
6 at this location. Next slide, please.

7           Just a brief run-through of the project  
8 benefits that will be borne out via this  
9 presentation. It will transform an underutilized  
10 property that has been vacant for many years,  
11 revitalize the streetscape with active retail uses,  
12 enhance the pedestrian experience through these new  
13 retail uses, create much-needed affordable housing,  
14 reverse the urban decay that you're seeing at this  
15 site, stimulate the local economy with new jobs,  
16 improve overall site safety and cleanliness, and  
17 we'll also be cleaning up what was a contaminated  
18 site through the New York State Brownfield Cleanup  
19 Program. Next slide, please.

20           So, the site is located on Empire  
21 Boulevard at the corner of McKeever Place and Bedford  
22 Avenue is to the east, Sullivan Place is to the  
23 north, and the site is in Council Member Hudson's  
24 District. I'll also note that the border is Empire  
25 Boulevard with Council Member Rita Joseph's District,

2 which begins at the southern side of Empire  
3 Boulevard. Next slide, please.

4           So, here's an aerial view of the site. As  
5 you can see, it's trapezoidal in shape at the corner  
6 of Empire and McKeever Place. Empire Boulevard is a  
7 100-foot-wide commercial corridor. Right now, what  
8 you're seeing along Empire Boulevard within the CA2  
9 portion are self-storage facilities. You're seeing  
10 warehouses, one-story fast-food restaurants, which is  
11 a result of the CA2 zoning, which is an auto-centric  
12 zoning, which has been rezoned that way since 1961.  
13 Also take note how the Ebbets Field apartment sits  
14 immediately north at 25 stories. Jackie Robinson  
15 Playground is located one block to the north, and  
16 Prospect Park is located two blocks to the west. Next  
17 slide, please.

18           Here you can see our tax lot, which is  
19 approximately 38,000 square foot tax lot. Next slide.

20           Just going through our zoning map, so as  
21 you can see, our site is highlighted by the yellow  
22 star. I'd like to note that the C4-4D district that  
23 we're proposing has an R8A residential equivalent.  
24 You have R8A zoning mapped already to the immediate  
25 northwest along the north side of Sullivan Place

2 between Franklin and Washington Avenues, which  
3 extends all the way north to Eastern Parkway. You're  
4 also seeing an R8X district, which was mapped in  
5 2018, which allows higher density, so the proposed  
6 C4-4D district, you're seeing similar zoning  
7 densities within the immediate surrounding area. Next  
8 slide, please.

9 Here's our land use map, which shows the  
10 mixed-use nature of this area, so the proposed mixed-  
11 use development would further contribute to the  
12 mixed-use nature of this site. Next slide, please.

13 Here you can see a public transit map.  
14 Our site is highlighted in red. We are closest to the  
15 B, Q, and S Prospect Park subway station, which is  
16 approximately 0.3 miles to the west. There's also the  
17 Sterling Street subway station, 0.5 miles to the east  
18 with 2 and 5 train service, and the site is serviced  
19 by multiple bus routes, making the site highly  
20 accessible via public transit. Next slide, please.

21 Now, just taking you through the existing  
22 conditions of the site, so as you can see the site in  
23 the foreground here with the Ebbets Field Apartments  
24 immediately behind it. It's a one-story vacant  
25 building. There's posters on it, graffiti. This is

2 the view of the site along Empire Boulevard. Next  
3 slide, please.

4 Here's moving further east along the  
5 development site with the one with the laundry mat,  
6 which is the only active use in the development site  
7 currently. Next slide, please.

8 Here, taking you along the sidewalk  
9 condition along Empire Boulevard, giving you a sense  
10 of the current condition at the site. Next slide,  
11 please.

12 Here, taking you around the McKeever  
13 Place frontage of the site, looking at the sidewalk  
14 condition along McKeever Place, looking north. Next  
15 slide, please.

16 Here, you can see more of a zoomed-out  
17 view of the current building along McKeever Place.  
18 Next slide, please.

19 Here, you can see wrapping around the  
20 northwest corner of the site, which is overgrown  
21 vegetation here at Sullivan Place and McKeever Place.  
22 Next slide, please.

23 And now, the sidewalk here along Sullivan  
24 Place, which is the northern portion of the site.  
25 Next slide.

2           And here's the back of that one-story  
3 vacant building along Sullivan Place. Next slide,  
4 please.

5           So, just a brief overview of what the  
6 current zoning permits. So, as mentioned, the site is  
7 in a split district so the northern half, which is  
8 approximately 16,600 square feet, is in an R6/C1-3  
9 district. The R6 district allows for a nine-story,  
10 100-foot mixed-use building, which would yield  
11 approximately 40 market-rate dwelling units and  
12 ground floor retail. The C8-2 portion, as mentioned,  
13 does not allow for residential uses. It only allows  
14 for more auto-centric uses and commercial uses. So,  
15 we're looking to rezone the entirety of the site so  
16 the entire residential and mixed-use commercial  
17 program could fit across the entirety of the site.  
18 Next slide, please.

19           This is looking at the existing condition  
20 aerial view. Next slide.

21           I'm just giving you a sense of how the  
22 building would look within the surrounding context.  
23 So, again, mentioned, it's going to be a 13-story  
24 mixed-use building. Next slide, please.

2           This is just a few more renderings of the  
3 site. This is looking at the site from the corner of  
4 Empire Boulevard and McKeever Place, which is going  
5 to be one of the primary retail entrances for the  
6 site. Next slide, please.

7           This is a view of the building from  
8 looking at it across the street from Empire  
9 Boulevard. As you can see, we've strategically  
10 designed the building, working very closely with the  
11 Department of City Planning Urban Design Team to have  
12 varying street wall heights that fit within the  
13 widths of the streets in which the site fronts. We  
14 have our taller street wall along Empire Boulevard,  
15 which is 100 feet wide and then setting back, and  
16 then we have our shorter street walls along McKeever  
17 Place and Sullivan Place to the north, which are  
18 narrower streets. Next slide, please.

19           Here, you can see how the site fits  
20 within context of surrounding building heights. So,  
21 of course, Ebbets Field houses to the immediate north  
22 is 224 feet, 25 stories. Our site is half the height  
23 of that. There's also taller buildings to the  
24 immediate northwest at 54 Crown Street, which is  
25 currently being built to 174 feet, and then one block

2 north of that is Tivoli Towers, which is 341 feet.

3 So, demonstrating how our building that we're  
4 proposing would be within context of similar building  
5 heights within the surrounding area. Next slide,  
6 please.

7           So, the proposed development would, as  
8 mentioned, would consist of a 13-story, 145-foot  
9 building containing 63,000 commercial retail floor  
10 area above grade and the 31,000 in the cellar. We're  
11 looking to put in an affordable grocery store on the  
12 ground floor, as well as national clothing,  
13 affordable stores on the second floor, really making  
14 the site a retail destination, which is really needed  
15 in this community. We're proposing various street  
16 wall heights, a five-foot sidewalk widening along  
17 McKeever Place. We're strategically locating the  
18 different uses around the site using the three site  
19 frontages to make sure there are no conflicts between  
20 the uses that we're proposing. The residential  
21 entrance would be along McKeever Place, and the  
22 commercial entrances would be primarily along Empire  
23 Boulevard. And then we're providing 190 parking  
24 spaces, 98 of which are required by the commercial  
25 program that's being proposed, which requires one per

2 1,000 square feet of commercial floor area that would  
3 be accessible via curb cuts along the back of the  
4 site along Sullivan Place, as well as three loading  
5 berths to accommodate the commercial uses. So next  
6 slide, please.

7 This slide represents our original  
8 proposal with regarding the residential. We  
9 originally proposed to pursue MIH Option 2 for the  
10 site, which would have yielded 183 market rate and 78  
11 affordable units. However, next slide, please.

12 So, after speaking closely with Council  
13 Member Hudson and hearing what the Community Board  
14 had to say, as well as meeting with HPD, we are now  
15 pursuing MIH Option 1, which, of course, requires  
16 deeper affordability than MIH Option 2. In addition  
17 to that, we've also applied for the Mixed Income  
18 Market Initiative program with HPD, more colloquially  
19 known as the MIMI program, which would provide an  
20 additional 45 percent more affordable units at the  
21 building for a total of 70 percent of the dwelling  
22 units to be affordable units if approved under the  
23 MIMI program. Next slide, please.

24 So just a little bit more facts about the  
25 MIMI program. So, we applied for the program last

1 year. It's currently being reviewed by HPD. As  
2 mentioned, the program requires that 70 percent of  
3 the total dwelling units are affordable to households  
4 earning up to 120 percent of AMI. At least 25 percent  
5 of those units must be affordable to those earning  
6 extremely low or very low-income households, which  
7 are defined as HPD as extremely low as those making 0  
8 to 30 percent of AMI, and very low-income households  
9 are those earning 31 to 50 percent of AMI. So, if  
10 approved under the MIMI program, we will be providing  
11 a flip from the MIH Option 2, which is 183 affordable  
12 units and 78 market rate units. Our initial intake  
13 form that we submitted to HPD is showing the  
14 breakdown of the affordable units under the MIMI  
15 program. So, that's 39 units at what's referred to as  
16 Our Space Units reserved for incomes earning no more  
17 than 40 percent of AMI, 26 units at 47 percent of  
18 AMI, and 117 units at 110 percent AMI. And those  
19 dwelling unit sizes would consist of 63 studios, 50  
20 one-bedrooms, 60 two-bedrooms, nine three-bedroom  
21 units, and one super's unit. Our initial feedback  
22 from HPD is that they think this is a good site that  
23 would qualify for the MIMI program. Next slide,  
24 please.  
25

2           So here, just going a little further into  
3 the proposed design, we specifically, working with  
4 City Planning, designed the building to reduce shadow  
5 impacts on neighboring sunlight-sensitive resources.

6           CHAIRPERSON RILEY: If you could wrap it  
7 up, please?

8           ELI GEWIRTZ: Yeah. So I just want to  
9 briefly, next slide, please. Just to briefly explain  
10 the results of our shadow analysis. So, there has  
11 been considerable misinformation being spread about  
12 this project regarding the shadow impacts. Our CEQR  
13 shadow analysis revealed that there are no project-  
14 generated shadows that will fall on neighborhood  
15 resources, such as the Brooklyn Botanic Garden,  
16 Jackie Robinson Playground, or the McKeever Place  
17 Garden Sitting Area, which is located immediately  
18 north of PS375K. The only shadows that the analysis  
19 showed will fall on the PS375K running track and  
20 basketball court associated with that public school  
21 in the winter months only. In the morning, all  
22 shadows will leave the site by 12:15. At that time,  
23 after 12:15, the school is out of session. The site  
24 is then reopened to the public. So given that that's  
25 how the shadow impacts fell, the CEQR analysis

2 determined that's an insignificant shadow impact.

3 Next slide, please.

4           Again, just reviewing the land-use  
5 rationale, revitalizing a vacant site, creating much-  
6 needed affordable housing in an area that can  
7 accommodate this increased density. Next slide,  
8 please.

9           And lastly, we looked at Council Member  
10 Hudson's development framework for District 35. Next  
11 slide, please. Next slide.

12           So, we'll be trying to exceed the  
13 affordability criteria prescribed by the MIH program  
14 via the MIMI program. We're looking to provide safe,  
15 healthy, and accessible development, support local  
16 workforce, sustainability measures. Next slide,  
17 please.

18           As well as providing a national grocery  
19 store and space for local retailers on the ground  
20 floor. We're also working with Council Member Hudson  
21 as well as Council Member Joseph to provide a  
22 community space for seniors or youth, which we've  
23 been told is desperately needed in the area so we're  
24 open to having a space to provide that community  
25 space in the building. And right now, we're also

2 working with 32BJ on a project labor agreement to  
3 come to terms with them to provide union jobs after  
4 the building is built. Thank you so much.

5 CHAIRPERSON RILEY: Thank you for your  
6 presentation.

7 You answered a lot of my questions about  
8 what was the uses prior with the vacant, what type of  
9 usage of retail space you said as a grocery store.  
10 You said the community said that they want community  
11 space, senior space there as well. Why did you select  
12 a C4-4D district, and what other districts were you  
13 considering?

14 ELI GEWIRTZ: So we selected the C4-4D for  
15 multiple reasons. First, it promotes the robust  
16 commercial program that we're proposing here. It  
17 allows two floors of commercial use above grade,  
18 which is something that was important for this  
19 project. We also saw how it has the R8A residential  
20 equivalent, and as noted in the presentation, you  
21 have R8A zoning to the immediate northwest, like one  
22 block on the north side of Sullivan Place, so we  
23 really thought it can match the existing zoning that  
24 you're seeing at the site.

2 ELI GEWIRTZ: Okay. And you answered my  
3 question with MIH, now I'm doing MIH Option 1. I  
4 mean, you're applying for the MIMI program, which is  
5 very good.

6 Not a question, just a statement. I'm not  
7 too fond of studios, and having more studios than one  
8 bedroom I think is inadequate to any community. I  
9 think a lot of communities want that space to kind of  
10 grow and have people fellowship without living in a  
11 smaller apartment so I just felt the need to say that  
12 on the record. And with that being said, I have no  
13 more questions.

14 I'm going to pass this over to Council  
15 Member Hudson.

16 COUNCIL MEMBER HUDSON: Thank you so much,  
17 Chair Riley, and thank you all for the presentation.

18 I have several questions. So, the first  
19 is, can you just go into detail about the plans for  
20 the affordability of this development? I know that  
21 you said you're exploring all available options to  
22 reach deeper levels of affordability than the  
23 standard MIH. Can you talk about where you are in the  
24 process, what you've heard from HPD, if anything  
25 specific to the MIMI program?

2 MICHAEL BERFIELD: Yeah. I'll take that.  
3 Do you need me to introduce myself again?

4 CHAIRPERSON RILEY: Yes, please.

5 MICHAEL BERFIELD: Okay. Michael Berfield  
6 representing the developer.

7 So, we have been in conversation with HPD  
8 now for over a year. The initial, I think, submission  
9 with the MIMI program went in last February. The  
10 conversations that we've had with them right now have  
11 entailed sort of the traditional MIMI breakdown,  
12 which is what we provided in our presentation. After  
13 conversations with you and with our consultant on  
14 this, we do plan on approaching HPD to see if we can  
15 negotiate some sort of additional lower income,  
16 deeper affordable units, which would require HPD to  
17 provide some additional subsidy so that's a  
18 conversation we'd like to have with them. They've  
19 been reviewing our application now for a few weeks. I  
20 should say longer than that, probably closer to a  
21 month and a half, and we have heard back from them  
22 strictly in the sense that they're reviewing it.  
23 We've gotten a project person assigned to it so we're  
24 expecting to hear more from them within the coming  
25 week.

2 COUNCIL MEMBER HUDSON: Are you exploring  
3 any other options for HPD subsidy aside from the  
4 MIMI?

5 MICHAEL BERFIELD: We had initially  
6 considered that, and then after the conversations  
7 with HPD, given the long delays they're experiencing  
8 with some of these other programs, they actually  
9 recommended that we pursue the MIMI program.

10 COUNCIL MEMBER HUDSON: Okay. And I know  
11 your proposed development is mixed use with a large  
12 retail component, and I know that HPD is not here,  
13 but to your knowledge, have they financed projects  
14 with such large commercial footprints in the past?

15 MICHAEL BERFIELD: The answer to that is  
16 they don't provide any of their subsidy towards the  
17 commercial project so their subsidy goes exclusively  
18 towards the affordable piece of the project.

19 COUNCIL MEMBER HUDSON: And do you know,  
20 have they done that on projects with this large  
21 amount of a commercial footprint?

22 MICHAEL BERFIELD: We actually built just  
23 such a project in East Harlem recently at 201 East  
24 125th Street. In a partnership, we produced a  
25 building that has approximately 400 units, 300 of

2 which are affordable and about 70,000 square feet of  
3 commercial space anchored by a 45,000 square foot  
4 grocery store so they do have experience in financing  
5 projects where you have a large commercial component.  
6 Typically, those components are separated out through  
7 a condominium regime and in terms of how they're  
8 financed and so that the HPD subsidy goes exclusively  
9 towards the affordable units.

10 COUNCIL MEMBER HUDSON: And was that  
11 project that you just mentioned in Harlem, is that 75  
12 percent affordable?

13 MICHAEL BERFIELD: It is approximately 75  
14 percent affordable. It's a very different program. It  
15 was a RFP issued by the City several years ago, so it  
16 had a much different history in this program.

17 COUNCIL MEMBER HUDSON: Okay.

18 MICHAEL BERFIELD: But it is...

19 COUNCIL MEMBER HUDSON: It's safe to say  
20 that you have experience in building affordable  
21 housing.

22 MICHAEL BERFIELD: Correct.

23 COUNCIL MEMBER HUDSON: Okay. And  
24 specifically building affordable housing with HPD.

25 MICHAEL BERFIELD: Correct.

2 COUNCIL MEMBER HUDSON: Okay. Have you  
3 considered partnering with an experienced non-profit  
4 affordable housing developer?

5 MICHAEL BERFIELD: We have had  
6 conversations with several developers who are more  
7 focused on non-profit and affordable housing. We  
8 haven't reached any final agreements with any of them  
9 because it felt premature, given where we were with  
10 the approval process, but I do think it's something  
11 we'll consider as we move forward, you know,  
12 especially with these discussions with HPD to see  
13 where we end up so I wouldn't rule it out, but we  
14 haven't finalized anything.

15 COUNCIL MEMBER HUDSON: Okay. I recognize  
16 you're probably not going to be able to give me an  
17 answer with much certainty to the next question that  
18 I'm going to ask you, but it's just pure curiosity.  
19 What is your level of confidence in securing the MIMI  
20 program with HPD on a scale from one to 10, 10 being  
21 extremely confident?

22 MICHAEL BERFIELD: This is a trick  
23 question here.

24 COUNCIL MEMBER HUDSON: It's not.  
25

2 MICHAEL BERFIELD: No, no. And I  
3 appreciate the question. And it was brought up by  
4 your Staff and Land Use Staff because I think  
5 everyone knows the City is backlogged with affordable  
6 housing projects so we understand that. I think this  
7 project has a couple unique things going for it that  
8 makes my confidence maybe a little higher than it  
9 would otherwise be. One is this is a neighborhood  
10 that doesn't have a lot of affordable housing through  
11 HPD programs so I think they're anxious in seeing  
12 something be developed here. And I think the other  
13 thing it has going for it is it's a substantial  
14 project. You don't see a ton of affordable housing  
15 projects that have the potential for this many units.  
16 A lot of times they're smaller buildings, and that's  
17 good and bad. It means more subsidy, but it also  
18 means you're getting more done quicker if you can get  
19 it approved. I really hesitate to handicap it. I  
20 guess it's 50-50...

21 COUNCIL MEMBER HUDSON: Okay.

22 MICHAEL BERFIELD: Only because I don't  
23 know enough about where HPD stands, other projects  
24 that are in the queue, and the level of subsidy that  
25 the City has allocated for this program so it's a

2 little tricky to handicap it. But I do you think we  
3 have some advantages that are unique to this site  
4 that HPD liked when we've been in our conversations  
5 with them?

6 COUNCIL MEMBER HUDSON: Okay. I appreciate  
7 the answer. I'm just asking because, as you've  
8 mentioned, it is difficult, and there is a very long  
9 pipeline of projects to get through HPD, and so it's  
10 a concern of mine that I don't want to get too bogged  
11 down onto one particular proposal or application if  
12 it doesn't seem like it might be that feasible so I  
13 appreciate 50-50 is fair.

14 MICHAEL BERFIELD: I'll just add one  
15 thing. It's a fair point. One of the reasons, as Eli  
16 mentioned in the presentation, we made the decision  
17 after reviewing numbers and going back over budgets  
18 to switch to the deeper affordability, MIH Option 1.  
19 I know that's not an equivalent to the MIMI program,  
20 but it is, for us, a significant change in our  
21 economics on the project. But we understand that it's  
22 important to you and to the community, and so that's  
23 why we made that decision a few weeks ago.

24 COUNCIL MEMBER HUDSON: Great. Thank you.  
25 If HPD does not partner with you on this project, how

2 can you assure the Subcommittee that you'll provide  
3 the levels of affordability that reflects residents'  
4 needs, and I think you just sort of spoke to that  
5 with Option 1.

6 MICHAEL BERFIELD: Yeah, I think that's...  
7 exactly. That was the reason, you know, we had heard  
8 that. We hadn't gotten, as you know, as far along in  
9 our sort of discussions with elected officials such  
10 as yourself, the Borough President, and so once we  
11 really were able to have those conversations with  
12 your Staff, that's when we realized we need to look  
13 at the project another way and see if we can achieve  
14 those deeper levels that come with MIH 1.

15 COUNCIL MEMBER HUDSON: Okay. Can you  
16 speak to what environmental sustainability features  
17 you plan to include in the building design?

18 MICHAEL BERFIELD: Yeah. It's funny. I was  
19 listening when the previous project was discussing  
20 some of the stuff they went through in the Coney  
21 Island site. And, you know, it's a tricky issue  
22 because there are things that we'll do with our  
23 building that are standard now in terms of, as he  
24 mentioned, retaining stormwater, looking at, you  
25 know, ways to sort of enhance the building's energy

2 consumption through the use of special building  
3 materials, how you construct the building, and so all  
4 of those things are sort of almost standard now so  
5 we'll be pursuing those. There may be other things  
6 that come along as we get deeper into the design of  
7 the project. The challenge is sort of marrying that  
8 with the City's infrastructure, you know, even if  
9 you're able to do things on your site. A lot of times  
10 the issues derive from the City's infrastructure. And  
11 luckily, our understanding is, is that as part of the  
12 City of Yes, there was 5 billion dollars allocated to  
13 improve the City's infrastructure so I think that's  
14 exactly the type of thing that, when combined with  
15 these newer construction methods for the building,  
16 will make a big difference in sustainability.

17 COUNCIL MEMBER HUDSON: Providing good  
18 jobs for good workers on any new project is important  
19 to me and to my constituents. Do you plan on  
20 providing good jobs for the building service workers  
21 in this development, and have you committed to union  
22 labor at all for this project?

23 MICHAEL BERFIELD: Yeah. As Eli mentioned,  
24 we're in discussions with 32BJ for the service  
25 portion of the project. You know, at this point,

2 obviously, we're a few years away from the project  
3 being on the ground so there's sort of a preliminary  
4 agreement that we're looking at that would commit us  
5 to allowing the union to come into the building once  
6 it's operational. We haven't finalized it yet, but  
7 I'm optimistic that we'll get there. We're waiting  
8 for them to sort of get back to us on the comments we  
9 had.

10 COUNCIL MEMBER HUDSON: Okay. And then I  
11 know you mentioned some of the uses for the  
12 commercial space that you're considering. I didn't  
13 hear mention about the laundromat so just wanted to  
14 make sure we can get that on the record. I know it's  
15 important to the community to maintain laundry  
16 service in the area, even if it isn't that specific  
17 laundromat provider.

18 MICHAEL BERFIELD: Yeah. As a person who's  
19 developed a lot of commercial, I'd say no to no  
20 tenant. I would be happy to have a laundromat there.  
21 We do have, as Eli mentioned, one of the advantages  
22 of the site is the large footprint allows for larger  
23 commercial uses, which is great, because that's not  
24 typical. But we've always made a priority of  
25 reserving smaller spaces along the street for local

2 potential businesses for more sort of type of uses  
3 that enliven a streetscape a little more, have a  
4 little more activity, and a laundromat is a is a  
5 great use to bring people to a site so that would  
6 certainly be something we're interested in, and we've  
7 had conversations with our tenant who had been  
8 occupying the space about coming back at the  
9 appropriate time.

10 COUNCIL MEMBER HUDSON: Great. And local  
11 businesses are also obviously..

12 MICHAEL BERFIELD: Absolutely.

13 COUNCIL MEMBER HUDSON: Important, as are  
14 as are the ones the uses that you did mention the  
15 community space and things like that.

16 MICHAEL BERFIELD: Absolutely.

17 COUNCIL MEMBER HUDSON: If this rezoning  
18 were not approved, how would you move forward with a  
19 redevelopment of the site?

20 MICHAEL BERFIELD: Yeah. The site as I  
21 think Eli had to speed walk through his presentation,  
22 but there is a slide that talks about what a proposed  
23 development would look like under an as-of-right  
24 scenario... (CROSS-TALK)

2 COUNCIL MEMBER HUDSON: Nine stories

3 (INAUDIBLE)

4 MICHAEL BERFIELD: Nine-story building. We  
5 would probably have to reconfigure the commercial,  
6 we'd still be able to get commercial, but it would be  
7 a little less, and it would have some restrictions on  
8 the type of uses we were able to put on the site so  
9 it would be a similar mix of uses, but less scale,  
10 and obviously no affordability.

11 COUNCIL MEMBER HUDSON: But you would  
12 still develop on the site?

13 MICHAEL BERFIELD: Yeah. In its current  
14 state, the building is nonfunctional, so yeah, it  
15 requires a redevelopment one way or the other.

16 COUNCIL MEMBER HUDSON: Okay. And just to  
17 be even more specific in terms of self-storage, auto  
18 related uses, things like that, you wouldn't be  
19 looking to bring any of those types of uses to that  
20 site if this were not approved?

21 MICHAEL BERFIELD: No.

22 COUNCIL MEMBER HUDSON: Okay. Those are  
23 all the questions for me. Thank you so much.

24 MICHAEL BERFIELD: Thank you.

25 ELI GEWIRTZ: Thank you.

2 CHAIRPERSON RILEY: Thank you, Council  
3 Member Hudson.

4 There being no more questions for this  
5 panel, this panel is now excused. Thank you.

6 We will start with in-person testimony,  
7 and the first two I will call up consists of April  
8 Russell and Theresa Westerdahl. Excuse me if I  
9 mispronounce your name.

10 For the members of the public here to  
11 testify, please note that the witnesses will be  
12 called in panels of three and you will be given two  
13 minutes to testify. You may begin when the Sergeant-  
14 at-Arms says you may begin, and we'll begin first  
15 with Mrs. Russell.

16 APRIL RUSSELL: Hello. My name is April  
17 Russell. I am a local community member. I did not  
18 expect to be here today because we got a notification  
19 that this hearing had been postponed. We received  
20 that notification on Monday, and then Tuesday that it  
21 was going to be on, and that made me very nervous and  
22 that is why I'm here today. I have lived in the  
23 community for 15 years near Medgar Evers, and I know  
24 that the Community Board and the community itself  
25 does not want this project as developed. And the

2 reason why is because this developer has not engaged  
3 with the community. You could tell from this  
4 presentation that this is a developer who has  
5 demonstrated an ignorance and frankly, a disdain for  
6 this community, calling it urban decay, which is  
7 frankly an insult to all of us who live there. The  
8 building is too tall for the site. The building as  
9 envisioned on the bottom floor with the commercial  
10 space, what the community has asked for is mixed  
11 space that can be used by smaller tenants from the  
12 community, not a big box store. We also know that  
13 studio apartments are completely inadequate for  
14 meeting the needs of families, and this is a family  
15 community. And also the building is too tall. The  
16 shadows do cause our community to lose light, and we  
17 know this because the developer themselves, they  
18 admit to it, but dismiss it as saying that, oh, it's  
19 just four hours during the winter when we already  
20 don't have light. We're opposed to this project.

21 Thank you.

22 CHAIRPERSON RILEY: Thank you, Mrs.  
23 Russell.

24 Next, we'll hear from Theresa.

2           THERESA WESTERDAHL: Hello. Can you hear  
3 me? I'm Theresa Westerdahl. I live on Sullivan Place  
4 right down the street from the development, and I do  
5 serve on Community Board 9 in the ULURP Committee,  
6 but I'm here representing myself. I do walk by this  
7 project several times every day on the way to  
8 Prospect Park. The only reason this building is in  
9 any sort of decay is because of lack of care from the  
10 owners of the building. I am extremely concerned, as  
11 are my neighbors, about the effects of the shadowing  
12 that will be on the... there's seven sites that will be  
13 shadowed by this building as they're saying it will  
14 be developed. And if you walk by during the whole of  
15 the year, you could see how the sun rises and how the  
16 shadows will, in fact, impact this area throughout  
17 the day, especially in the early hours. And in the  
18 winter, the sun doesn't rise up to the full height.  
19 It's always on the horizon, which will be the entire  
20 winter. If you look, I've done my own study, I've  
21 taken a lot of photos, and it will have an unfair  
22 impact. And I believe if they're going to build the  
23 building, it should be done in a way that allows the  
24 sun to shine through. The as-of-right is pretty good.  
25 The photos that were shown do not show the current

2 developments that are happening on the site at all,  
3 including on the same block, the old Firestone site  
4 on Sullivan, Empire, and McKeever. That needs to be  
5 shown. I see nothing in this site. I'm really wanting  
6 bike racks in developments that happen. Nobody's  
7 putting up bike racks. And there is a need, a heavy  
8 need, for any development to have foresight with bike  
9 racks all around the sites so thank you for  
10 listening. I have a lot more to say, and I do agree  
11 with her. I am only here because I couldn't register  
12 online to speak in the drop-down menu. We are not  
13 able to register for this hearing. I also got the  
14 same notification. It was canceled. And I couldn't  
15 register online so I came in person today. I ran down  
16 here. Thank you.

17 CHAIRPERSON RILEY: We appreciate you  
18 coming in person. I have a question then I'm going to  
19 turn it over to Council Member Hudson.

20 Theresa, you stated that you are okay if  
21 this was just as-of-right building, which would be  
22 nine stories but would be no affordable housing for  
23 the community.

24 THERESA WESTERDAHL: I would prefer... well,  
25 I think as-of-right, they should put in the

2 affordable anyway, right? I mean, there's enough  
3 building...

4 CHAIRPERSON RILEY: Just to make it clear,  
5 with as-of-right, they have the right to build  
6 whatever they want there, and the City won't be able  
7 to negotiate with them or work with them to build any  
8 affordability so I just want to be clear that you  
9 understand that and that you're okay with that.

10 THERESA WESTERDAHL: Do you really think  
11 they're going to have, even with the negotiation, the  
12 affordable housing because I've seen that happen in  
13 other developments where that is promised and it  
14 doesn't happen.

15 CHAIRPERSON RILEY: Yes. I haven't seen  
16 that with any project that I have approved here, and  
17 I've been the Chair for some years now. And also, MIH  
18 is also a part of this project and it's mandatory  
19 that - it's Mandatory Inclusionary Housing.

20 THERESA WESTERDAHL: Do you think that  
21 they could build it in such a way that the sun can  
22 come to the school and the building?

23 CHAIRPERSON RILEY: No, I'm just asking  
24 you a question, Theresa, because usually we don't do  
25 questions back to the Chair.

2 THERESA WESTERDAHL: Oh, I'm sorry.

3 CHAIRPERSON RILEY: I'm just asking you  
4 this question. I do appreciate you coming here, but I  
5 just wanted to be clear because I did hear you  
6 mention that you would be okay with as-of-right, and  
7 I just wanted to explain what as-of-right was.

8 Council Member Hudson.

9 COUNCIL MEMBER HUDSON: Thank you, Chair.  
10 I also wanted to just correct the record that there  
11 was a separate meeting scheduled for April 22nd that  
12 was deferred. This meeting that was scheduled for  
13 today, the 23rd, was never adjusted so it is likely  
14 that you were clicking the wrong link and registering  
15 for the incorrect hearing. This hearing has never  
16 been changed. And I did also want to note that this  
17 site was formerly a gas station so I didn't  
18 personally hear a reference to urban decay here, and  
19 maybe I missed it, but I do want to mention that if  
20 there is any decay on this site, it is literally  
21 because of the materials that are in the ground, and  
22 I know that this site specifically is part of the  
23 brownfield, is that the right, brownfield.. (CROSS-  
24 TALK)

2                   THERESA WESTERDAHL: It is, but it was  
3 never a gas station. It was a laundromat, a big  
4 laundromat, and then the laundromat moved. It was  
5 always a laundromat.

6                   COUNCIL MEMBER HUDSON: Previous to the  
7 laundromat.

8                   THERESA WESTERDAHL: It was never a gas  
9 station.

10                  COUNCIL MEMBER HUDSON: It was a gas  
11 station many years ago. But again, we're not here to  
12 go back and forth. I'm making the statement for the  
13 record. Thank you.

14                  THERESA WESTERDAHL: Okay.

15                  CHAIRPERSON RILEY: Thank you. This panel  
16 is excused.

17                  I will now transition to online testimony  
18 for this proposal. We have one person signed up  
19 online. This person is Yaakov Behrman.

20                  Yaakov, if you can hear me, please unmute  
21 and you may begin.

22                  Yaakov, if you can hear me, please  
23 unmute.

24                  YAACOV BEHRMAN: I hear you. Do you hear  
25 me?

2 CHAIRPERSON RILEY: Yes, I hear you. Go  
3 ahead.

4 YAACOV BEHRMAN: Thank you so much. First  
5 of all, I'm sorry for not being there in person. We  
6 were expecting a Mazel Tov, so I'm staying close to  
7 home.

8 I served nearly 10 years in Committee  
9 Board 9. I recently resigned, including five years on  
10 the Land Use Committee. We met twice regarding this  
11 application. The first meeting ran until about 11  
12 p.m. In all my years on the Committee on the Board,  
13 I've never seen such strong Committee support for any  
14 application. Half the Committee backed a full zoning  
15 change and development, as long as it included a  
16 substantial percentage of affordable housing. The  
17 other half opposed all residential development,  
18 arguing the City's affordability options aren't  
19 affordable enough, and we have to oppose all  
20 development, including this one. But interestingly,  
21 everybody supported the commercial part of the  
22 project. Since we couldn't agree, I mean, half the  
23 Committee was against all development, the other half  
24 wanted affordable, we came to consensus that we're  
25 going to write a resolution, and we made it clear in

1 the resolution the opposition against the project was  
2 because the Committee didn't believe there's enough  
3 affordability citywide, not just with this project,  
4 and that we would support the commercial part. At a  
5 later full Board meeting, which was a special  
6 meeting, the Land Use Committee Chair introduced an  
7 entirely new resolution drastically changing the  
8 language and raising objections about shadows on  
9 parking lots. There was no notice. I had never seen  
10 this resolution before. It was a special meeting. The  
11 other resolutions were shared. This one wasn't. I  
12 made it clear that it was improper, especially since  
13 it's a special meeting. Many members of the Bboard  
14 were new and didn't know what was going on. At the  
15 next Land Use meeting, the Committee unanimously  
16 voted to bar any future unapproved resolutions and  
17 criticized the Chair for this conduct. Nobody knows  
18 where this resolution came from. So firstly, I urge  
19 the City Council to disregard Community Board 9's  
20 resolution because it does not reflect what actually  
21 transpired or happened. Instead, to look at the  
22 minutes of the Committee meetings, something like six  
23 hours of meeting. I also resigned from the Board...

24  
25 SERGEANT-AT-ARMS: Time expired.

2 YAACOV BEHRMAN: After 10 years because  
3 I'm not going to leave my family for six hours to  
4 have one person undo the Committee's work. Thank you.

5 CHAIRPERSON RILEY: Thank you so much.

6 There being no questions for this panel,  
7 this panel is excused.

8 There being no one else here to testify  
9 on LUs relating to 73-99 Empire Boulevard rezoning  
10 proposal, the public hearing is now closed, and the  
11 items are laid over.

12 I will now open the public hearing on  
13 pre-considered LU's relating to the 19 Maspeth Avenue  
14 Rezoning Proposal in Council Member Gutiérrez's  
15 District. This is a proposal to develop a residential  
16 mixed-use building with approximately 261 apartments  
17 in East Williamsburg, Brooklyn. The proposal also  
18 involves the mapping of Mandatory Inclusionary  
19 Housing requiring 20 percent to 30 percent of the  
20 apartments to be permanent affordable housing.

21 For anyone wishing to testify regarding  
22 this proposal remotely, if you have not already done  
23 so, you must register online by visiting the  
24 Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse).

2 For anyone with us in person, please see  
3 one of the Sergeant-at-Arms to submit a speaker's  
4 card. If you prefer to submit written testimony, you  
5 can always do so by emailing it to  
6 landusetestimony@council.nyc.gov.

7 I will now call the applicant panel for  
8 this proposal which consists of Benjamin Stark, Joe  
9 Caputo, and Paul Scarola.

10 Counsel, please administer the  
11 affirmation.

12 COMMITTEE COUNSEL VIDAL: Can you please  
13 turn on your microphone and raise your right hand?

14 Can you please state your name for the  
15 record?

16 JOSEPH CAPUTO: Joseph Caputo.

17 PAUL SCAROLA: Paul Scarola.

18 BENJAMIN STARK: Ben Stark.

19 COMMITTEE COUNSEL VIDAL: Do you swear to  
20 tell the truth and nothing but the truth in your  
21 testimony today in response to Council Member's  
22 questions?

23 JOSEPH CAPUTO: I do.

24 PAUL SCAROLA: I do.

25 BENJAMIN STARK: I do.

2 COMMITTEE COUNSEL VIDAL: Thank you.

3 CHAIRPERSON RILEY: Thank you.

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

7 Now the applicant team may begin. Please  
8 just restate your name and organization for the  
9 record.

10 BENJAMIN STARK: Thank you, Council Member  
11 Riley. My name is Ben Stark. I'm a land use attorney  
12 with Hirschen Singer and Epstein here on behalf of  
13 the applicant, Capskar III LLC, the owners of which,  
14 Joe and Paul, are here with me today.

15 The application before this Subcommittee  
16 is the 19 Maspeth Avenue Rezoning which, if approved,  
17 would facilitate development of an approximately  
18 17,000 square foot building in East Williamsburg,  
19 Brooklyn, District 1, which would have 15 apartments,  
20 including either four or five affordable apartments  
21 built pursuant to MIH above a commercial ground  
22 floor. Next slide, please.

23 19 Maspeth Avenue is a unique,  
24 triangular-shaped lot, as I mentioned, in East  
25 Williamsburg at a fairly busy intersection of

2 Woodpoint Road, just north of Metropolitan Avenue,  
3 before Woodpoint moves south to Bushwick Avenue. This  
4 is an area of the city that has seen a tremendous  
5 amount of development and redevelopment over the last  
6 decade and a half. Next slide, please.

7           If the actions before you are to rezone  
8 the site from a semi-industrial legacy C8-2 district  
9 permitting residential development, an R7-2 district,  
10 a mid-density district, that is, as you'll see in a  
11 bit, in conformance with the building morphologies  
12 that surround the site. The project is one that has  
13 been in the entitlement process for quite a while.  
14 Previously, this unique, triangular-shaped property  
15 was seeking approval pursuant to a BSA variance based  
16 on its unique physical conditions. After appearing  
17 before the local Community Board 1 during that  
18 approval process and hearing opposition related to  
19 the lack of affordable housing component, the  
20 application was withdrawn and was thereafter refiled  
21 as a rezoning application with the sort of soft, I  
22 wouldn't say approval, but agreement of the  
23 appropriateness of the action from the Department of  
24 City Planning, who encouraged us to pursue the  
25 application. And in re-presenting the rezoning

2 application to Brooklyn Community Board 1, we were  
3 happy to see that the inclusion of affordable housing  
4 earned the support of the local Community Board,  
5 something that we can speak about more in a little  
6 bit. Next slide, please.

7           As I mentioned, 19 Maspeth Avenue is a  
8 fairly unique site. It's small, under 3,000 square  
9 feet, just about 2,900 square feet. It's an entire  
10 block bounded by Conselyea Street to the north,  
11 Maspeth Avenue to the south, and Woodpoint Road to  
12 the west, and has been vacant since, from what we can  
13 tell, sometime in the 1980s, and it's currently used  
14 as commercial vehicle parking for the applicant's  
15 business, a local heating contracting business, New  
16 York Heating. They've used the property for this use  
17 for about a decade or so.

18           The site, next slide, is one that, for  
19 lack of a better way of putting it, we sort of think  
20 DOT is sort of lost on how to approach it. There was  
21 a time when, adjacent to the site, there was on-  
22 street parking, later this intersection of the  
23 streets was closed to parking. We've heard, through  
24 the public engagement process, a lot of commentary  
25 from local residents and the Community Board as to

2 the sort of dangerous condition, crossing from this  
3 triangular-shaped site to over Woodpoint Road, and  
4 the desire for DOT to install more or improve more  
5 crosswalks. And this is something that we think is of  
6 sort of importance with this project, with more and  
7 more residents coming to the area, including a real  
8 shot in the arm with the development of the Cooper  
9 Park Commons development, which is one block to the  
10 east, something that we'll see on a later slide. Next  
11 slide.

12           And as you can see, the site, in its use  
13 as commercial vehicle storage, is underdeveloped for  
14 its surrounding context. The C8-2 zoning that covers  
15 the site differs from the residential zoning that is  
16 on either side of the street there, south side of  
17 Maspeth Avenue to the right, the north side of  
18 Conselyea you see to the left there. Next slide.

19           This is where the triangular, the flat  
20 iron-shaped site comes together, and it's possibly  
21 because of this sort of lack of programming here,  
22 this condition that really, even to a lay viewer,  
23 appears underutilized, that we feel has probably  
24 motivated local community groups to propose the  
25 closing of this part of Maspeth Avenue, something

2 that caught us off guard in the public review  
3 process, but one that we're not opposed to. In fact,  
4 we're quite supportive of. So, next slide. Next  
5 slide, please.

6 We're now looking down Woodpoint Road,  
7 sort of at the apex of what is seen as a dangerous  
8 street condition. Pedestrians walking from points  
9 east to west find themselves on the corner of the  
10 triangle there to the left without adequate means of  
11 crossing Woodpoint. Next slide.

12 The C8-2 zoning that's in place is  
13 legacy. The C8-2 district currently covers the  
14 intersection of these major streets, but had at one  
15 time extended down Bushwick Avenue to the south,  
16 further east on Metropolitan, and further west on  
17 Metropolitan. City-sponsored or City-led neighborhood  
18 rezonings in the mid-2000s, 2009, saw the adoption of  
19 the contextual residential districts R7A to the west  
20 and east and south on Bushwick, lower density  
21 contextual districts R6B to cattycornered to the  
22 southeast and southwest. Private applicant rezonings  
23 have also chipped into the C8-2 district at the  
24 southeast corner of Metropolitan and Bushwick. At 824  
25 Metropolitan, a private applicant rezoned to an R7A

2 district to facilitate a new mixed-income building,  
3 similar in height to what is proposed today. Next  
4 slide.

5           The context in the surrounding area  
6 following these neighborhood rezonings has changed  
7 this immediate community to a residential character.  
8 Even though there had originally been more semi-  
9 industrial uses, at this point they're by and large  
10 gone. This is one of maybe only three sites in the  
11 entirety of the remaining C8-2 that is used for  
12 conforming semi-industrial use. With this  
13 redevelopment, should it be approved and built, we  
14 would be down to two conforming semi-industrial uses  
15 in the C8-2 district, one of the other two being New  
16 York Heating's headquarters, which is just outside  
17 the image on the top of the screen on the corner of  
18 Humboldt and Devoe Street, sort of on the bottom  
19 southern end of the remaining C8-2. The development  
20 of this building, I think the picture speaks for  
21 itself. The context of this mid-rise six-story  
22 building matching existing six-story buildings on the  
23 south side of Maspeth, actually lower in height than  
24 other new residential buildings you can see there on  
25 Metropolitan and Bushwick and on Metropolitan and

2 Humboldt. It really speaks to the conformance of this  
3 development with the context that has come about in  
4 recent years. Next slide.

5           Not only is the building conforming with  
6 the immediate surrounding context, but it's also one  
7 that we think will just greatly enhance the context.  
8 As more and more people have come into this immediate  
9 area, there has been a real explosion of need for  
10 ground floor retail uses, an explosion in need for  
11 passive seating areas, what we sometimes call the  
12 third place in our communities between home and work  
13 and places to just sit and interact. This is also  
14 likely why or what we imagine has motivated the local  
15 community to propose and really spearhead a redesign  
16 of the Maspeth Avenue, this section of Maspeth Avenue  
17 between Woodpoint and the tip of the triangle,  
18 something that we can show on a later slide in a  
19 little bit. Next slide. Next slide.

20           The site is challenging to work with. As  
21 I mentioned earlier, this is a very small property.  
22 Once a core is placed for this building, its  
23 elevator, its emergency egress stairs, there's not a  
24 lot of program space to work with. You can see that  
25 at the commercial ground floor, we're left with about

2 2,300, 2,400 square feet of program space. Is this  
3 one tenant? Is this two tenants? We're too early in  
4 the process to pursue the tenanting, but the  
5 applicants are open to either a split, two small  
6 retailers or one retailer. Next slide.

7           You can really see the impact of the odd  
8 shape. Once we get up to the residential levels, each  
9 of the five residential levels are proposed to be  
10 common, the same design on each floor. We're able to  
11 squeeze out one two-bedroom apartment on each floor  
12 and two one-bedrooms on each floor, a total of five  
13 two-bedrooms, ten ones. And because of the odd shape  
14 of the site, some of the units actually end up larger  
15 than other buildings that can maybe build more hyper-  
16 efficient floor plans. So, one of these one-bedrooms  
17 ends up at over 700 square feet, the two-bedroom ends  
18 up just south of 900. So, we're excited for the  
19 future tenants of this building, including the  
20 tenants of the affordable housing units, who we think  
21 are going to be getting really lifetime homes here.  
22 These are going to be wonderful places to live, great  
23 views, and we're happy to be a part of that. Next  
24 slide, please.

2           It's probably because of the unique full  
3 block character of this site that the building ends  
4 up somewhat shorter than other new buildings that  
5 have gone in recently. Because the property occupies  
6 a full block, no yards need to be developed, the  
7 property can be built to 100 percent lot coverage.  
8 That all has the effect of sort of pushing the  
9 building down a bit. It doesn't stretch vertically  
10 because of the need to provide those rear yards, it  
11 ends up just sitting more squat. So at only 65 feet  
12 tall, it ends up notably shorter than some of the new  
13 developments that are going in or have gone in,  
14 including most notably the Cooper Park Commons  
15 development, which is a block to the east, a  
16 redevelopment of the former Greenpoint Hospital, next  
17 slide. Which is going to have a real tremendous  
18 impact on this immediate area. This is an application  
19 for 19 Maspeth, but why am I talking about Cooper  
20 Park Commons? Because it's going to have a major  
21 impact on the foot traffic in this area. The natural  
22 means to which, next slide, Cooper Park Commons  
23 residents are going to be traversing this immediate  
24 area is likely right across this site on a typical  
25 commute to the Graham Avenue L station, the major

2 subway station in the immediate area so this is also  
3 something that we heard from local communities. Oh  
4 wow, we got another 500, 1,000 residents that are  
5 going to be moving in about a half block to the east.  
6 How are these people going to be moving around this  
7 neighborhood? This is further highlighting the need  
8 for DOT to make improvements to the streetscape, add  
9 new crosswalks, be mindful of the movement of young  
10 children and families to schools and other community-  
11 based uses. Also why we believe that the  
12 redevelopment of this site with a residential use in  
13 conformance with surrounding residential buildings  
14 sort of furthers that evolution of this neighborhood  
15 to a real bedroom community. Next slide.

16 We're here and available for questions.

17 CHAIRPERSON RILEY: Thank you, Benjamin.

18 BENJAMIN STARK: Yep.

19 CHAIRPERSON RILEY: So just have a few  
20 questions. What unit mix and affordability levels are  
21 you proposing for the apartment and what other sizes  
22 of affordable apartments?

23 BENJAMIN STARK: So, the applicants are  
24 open to either Option 1 or Option 2 under MIH. In  
25 working through that question with the Community

2 Board, it became apparent that the Community Board  
3 favored Option 2 interestingly. Although I don't want  
4 to speak for the Community Board, but there was  
5 extended debate on that and sort of at the end of the  
6 debate it was a moment of like, oh, you know we are  
7 talking about the difference of one apartment which  
8 is sort of a rare conversation in these things, but  
9 the Community Board landed on Option 2. The Council  
10 Member, I don't want to speak for her, she might feel  
11 differently. I'll leave it to her and her office to  
12 make their position felt, but we are open to either  
13 option. If this building is built per Option 1, then  
14 in all likelihood there will be three one-bedroom  
15 affordable apartments and one two-bedroom. If this is  
16 built under Option 2, it would likely be four one-  
17 bedroom apartments and one two-bedroom. I hope that  
18 answers your question.

19 CHAIRPERSON RILEY: Yeah. The R7D district  
20 you're proposing allows a building up to 110 feet.  
21 Your building rises to approximately 65 while  
22 utilizing all available FARs but that leaves a lot of  
23 space to build higher. How can the community be sure  
24 that you will only build six-story building?

2 BENJAMIN STARK: This is a great question  
3 and one that if we had a much bigger site I'd be sort  
4 of nervous to respond to. There's simply no way that  
5 we will get, if this building does end up taller than  
6 65, it basically can't end up too much taller than 65  
7 because we're going to hit the max base height  
8 eventually. And the site is so narrow that if you try  
9 to comply with the setbacks that are above the base  
10 height, the floor plate is basically eliminated at  
11 that point. The setback from each of these narrow  
12 streets has to be 15 feet. The widest point of the  
13 site is I think only, I have to look it up, but it's  
14 a very narrow site such that as you set back 15 feet  
15 from all the streets you're left with this tiny  
16 little basically unprogrammable little pimple that  
17 could theoretically rise to the 120 feet so it's  
18 basically an impossibility.

19 CHAIRPERSON RILEY: It's not a pretty site  
20 to think about.

21 BENJAMIN STARK: Yeah, exactly.

22 CHAIRPERSON RILEY: The Community Board  
23 has identified the need for sustainability and  
24 resilience interventions such as introduction of  
25

2 bioswales and tree beds. How do you plan to respond  
3 to these requests?

4 BENJAMIN STARK: It's a great question.

5 So, you know, although it's a very small site, it has  
6 a really uniquely high proportion of street frontage  
7 so it's only a 2,900 square foot site but I think on  
8 my last count it's like just shy of 300 feet of  
9 linear frontage which is sort of incredible how much  
10 sidewalk it is for what amounts to like a large  
11 townhouse lot. The reason I mentioned that is in  
12 accordance with the zoning resolutions requirements  
13 to develop street trees every 25 feet, this building  
14 will be obligated to develop in the bed of the public  
15 sidewalks adjacent to development approximately I  
16 think 12 or 13 street trees. Those street tree pits  
17 offer opportunity for bioswales. This is also where  
18 our conversation with the Community Board got into  
19 their initiative or initiative of the Friends of  
20 Cooper Park to close that part of Maspeth Avenue.  
21 That initiative may involve more street trees. Some  
22 of these street tree pits might end up being sort of  
23 combined large street tree pits with multiple trees.  
24 So, we think that between the large amount of  
25 sidewalk space, the large amount of street trees that

2 were required under zoning to provide that this, in  
3 combination, it's going to be a real impact on what  
4 is otherwise a triangular site with very little tree  
5 canopy and impervious services.

6 CHAIRPERSON RILEY: Okay. My last  
7 question, well really a statement, I'm really  
8 concerned about the pedestrian and transportation  
9 there. It's really a awkward kind of situation so  
10 just really would love for you to work with the  
11 Community Board, Council Member, and the DOT to make  
12 sure that you're instilling different ways that you  
13 can make this more pedestrian friendly and car  
14 friendly, friendly for everybody because it's  
15 important for everybody to be safe in that area.

16 BENJAMIN STARK: All right. We appreciate  
17 that.

18 CHAIRPERSON RILEY: Thank you.

19 There being no other questions for this  
20 panel, this panel is excused.

21 Are there any members of the public here  
22 to testify on LUs relating to 19 Maspeth Avenue  
23 remotely or in person? If you're in-person, please  
24 see the Sergeant-at-Arms. If you're remotely, please  
25 raise your hand.

2 Stand at ease for 10 seconds.

3 The panel's excused. Thank you.

4 There being no other members of the  
5 public here to testify for pre-considered LUs  
6 relating to the 19 Maspeth Avenue Rezoning Proposal,  
7 the public hearing is now closed, and the item is  
8 laid over.

9 Okay. Now, I will open the last hearing.  
10 I now open the public hearing on pre-considered LUs  
11 relating to the 166 Kings Highway rezoning proposal  
12 in Council Member Zhuang's District. This proposal is  
13 to develop a residential mixed-use building with  
14 approximately 97 apartments in Bensonhurst, Brooklyn.  
15 The proposal also involves the mapping of Mandatory  
16 Inclusionary Housing requiring 20 to 30 percent of  
17 apartments to be permanent affordable housing.

18 For anyone with us testifying regarding  
19 this proposal remotely, if you have not already done  
20 so you must register online by visiting the Council's  
21 website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse). For anyone with  
22 us in person, please see one of the Sergeant-at-Arms  
23 to submit a speaker's card.

24

25

2           If you prefer to submit written testimony  
3 you can always do so by emailing it to  
4 landusetestimony@council.nyc.gov.

5           I will now recognize Council Member  
6 Zhuang for any opening remarks on this project.

7           COUNCIL MEMBER ZHUANG: Thank you, Chair,  
8 and also I want to say I understand the difficulty  
9 our City faces with affordable housing. I acknowledge  
10 that there has been significant interest and tension  
11 on this proposal. I'm looking forward to hearing to  
12 be able to hear from all sides and set the record  
13 straight on what is being proposed this time.

14           CHAIRPERSON RILEY: Thank you, Council  
15 Member Zhuang.

16           I will now open up the applicant panel  
17 which consists of Eric Palatnik and Frank Sedia.

18           Counsel, can you please administer the  
19 affirmation?

20           COMMITTEE COUNSEL VIDAL: Can you please  
21 turn on your microphones and raise your right hand?

22           Do you swear to tell the truth and  
23 nothing but the truth in your testimony today and in  
24 response to Council Member questions?

25           ERIC PALATNIK: I do.

2 FRANK SEDIA: I do.

3 CHAIRPERSON RILEY: All right. Thank you.

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

7 Now the applicant team may begin. I'll  
8 just ask that you please restate your name and  
9 organization for the record. Eric, you're my last  
10 person. I have to be out here by 12 so you could  
11 speed this up and do this really quick so we can get  
12 right into the questions. Thank you.

13 ERIC PALATNIK: Well, hopefully, we'll get  
14 you out here by 12:45.

15 Eric Palatnik representing the applicant.  
16 I'd like to thank everybody for their time today,  
17 particularly Council Member Susan Zhuang, for the  
18 leadership she has shown through a ULURP process  
19 which to everybody on the Zoning and Housing  
20 Committee and Land Use knows is a very difficult  
21 process to begin with. I think she did a stellar job  
22 guiding the community and leading us to the point we  
23 are today which is a very productive resolution I  
24 think, of course subject to that she's still thinking

positive thoughts after our meetings. If you can go to the next slide, please.

This was an application for an R7X/C2-4 rezoning, which we are now requesting be amended. We are asking that the application be amended as you can see in the second paragraph there to the now proposed R7A/C2-4 zoning district. That R2A/C2-4 zoning district will allow for a smaller building than the R7X proposal was originally proposing. And more importantly, we have agreed to a deed restriction to be put in place to further restrict the size of that development so not just as it is it proposed or requested to drop from an R7X to an R7A, but we are proposing to put a deed restriction stating that we agree to no more than eight stories in height. And if you can go to the next page, please.

This next page gives you the entire deed restriction. Wait for the slide to change. Okay, so as you can see here from this, the deed restriction if I just go to my page here that mimics that, I apologize, the deed restriction agrees to include 2,503 square feet of floor area, the ground floor, on the Kings Highway frontage of the building to be dedicated to a to--e determined organization at the

2 community and Council Member's choosing to utilize  
3 that space at a below market rate rent that will be  
4 tied to the consumer price index, limiting the height  
5 of the building to eight story is shown in the  
6 revised plans and, as we have spoken to at length at  
7 the community level, 60 parking spaces to accommodate  
8 the building which we agreed to last night, will have  
9 no more than 90 dwelling units. All that will be  
10 memorialized in a restrictive declaration which will  
11 attach to the property. So, between that and reducing  
12 the development from an R7X to an R7A, we are hoping  
13 that we have met the concerns of both the Council  
14 Member and the community, and that is the essence of  
15 our presentation and now I will cruise through the  
16 remainder of it so that we can leave some time  
17 constraints and let other people speak. Next slide  
18 please.

19                   This is a project overview which  
20 basically tells you what was certified, and we're not  
21 going to talk about that.

22                   If you can click forward a few slides,  
23 you should be able to get to one that describes this  
24 was the old rezoning, this is certified, keep going,  
25 keep going, you'll get to one that says R7A, keep

1 going, this is the old, old. Here we go. Alternative  
2 proposal. This is what we've been talking about at  
3 the Community Board. The slides you just click  
4 through was a certified proposal, and I just wanted  
5 you to see it because that was what was certified and  
6 that was coming into this hearing, what you have been  
7 seeing, Chair. This slide and the series of slides  
8 I'm showing you going forward, as you can see at the  
9 bottom here, reflect a rezoning to an R7A/C2-4  
10 rezoning which is what we are requesting that the  
11 Council Member amend the application to. Go to the  
12 next slide, please.

14           This slide starts to show you now what  
15 the alternative is. It's what I just, everything I  
16 just said, it's listed on the righthand side, eight  
17 stories, 84 feet, ground floor commercial space plus  
18 the space I mentioned to be dedicated to a not-for-  
19 profit or a user of the Council Member and  
20 community's choosing, and Abe Betesh (phonetic) would  
21 like to be involved in that process as well. I'm sure  
22 we can work together. 85,000 square feet of total  
23 floor area, 4.88 FAR, it's about 70,887 square feet  
24 of residential space and 14,000 square feet of  
25 commercial space at the ground floor which part of

2 that includes the community facility or not-for-  
3 profit space we spoke about, and 60 parking spaces at  
4 the cellar level. If we can go to the next slide.

5           Next slide shows you the proposed  
6 rezoning boundaries. What's interesting from a land  
7 use perspective here, you'll see on the lefthand side  
8 is the existing zoning. Our site is in the middle.  
9 It's the second flatiron-shaped piece of property.  
10 It's outlined on the right with the dots, but you'll  
11 see there's an R7A zoning district surrounding the  
12 property on two of its sides right now. From a land  
13 use rationale, we're requesting that R7A be slid over  
14 our property and the smaller property next door to  
15 it. We've had extensive conversations with the  
16 community and the Council Member. The smaller  
17 property is not a part of our application, and we  
18 have agreed and requested and if the Council Member  
19 would agree, to cut off that portion of the rezoning  
20 that is not under the applicant's control, and that's  
21 what was discussed with the community yesterday and  
22 at numerous meetings before this. Next slide, please.

23           This just gives you a summary of what we  
24 were proposing. Go to the next slide.

2           It's a nicer slide, more exciting. This  
3 slide both tells you what we're proposing on the  
4 righthand side and shows you it being reduced from  
5 its original iteration. The left side of the page is  
6 what was certified. It's what's on the calendar  
7 today. It is not what we are requesting. We are  
8 requesting that it be amended to the right side. I  
9 know I'm redundant, but I know this is the subject of  
10 much confusion at the community level and we made it  
11 clear now and I want to make it abundantly clear to  
12 the Committee that we are requesting that it go to an  
13 R7A. You can see on the right side, the building is  
14 shorter, it's squatter, it's eight stories, 84 feet,  
15 and dwelling unit counts right now is shown as 76 but  
16 we spoke last night that it will not exceed 90.

17           The righthand, next page please, and then  
18 I think I'll call it a day on the next one and then  
19 let you ask any questions you may have. Just to let  
20 you know that the Council Member and the work that  
21 everybody has been doing together is consistent with  
22 both the Borough President and the community and the  
23 Community Board also who have heard the application  
24 and been through many contentious debates and  
25 discussions surrounding it, and the proposal that we

2 have come to an agreement with the Council Member on  
3 I believe is consistent with what the Borough  
4 President and the Community Board also were  
5 supporting and we include information in the  
6 presentation here to demonstrate that.

7 I'll stop here in the interest of time  
8 and then be happy to ask any more questions. Again, I  
9 do want to make it, just one more final thing, i'll  
10 say this. The Council Member, unbelievable, I've been  
11 through probably 75 rezonings in my career, and she's  
12 been a phenomenal leader in everything that she's  
13 been doing and brought it to a peaceful resolution.  
14 Thank you.

15 CHAIRPERSON RILEY: Thank you, Eric.

16 Just one question before I pass it to  
17 Council Member Zhuang. What impact will this  
18 application have on the non-applicant-controlled site  
19 to the east of the proposed development site?

20 ERIC PALATNIK: Right. That's the  
21 shoemaker, as we call him, because it's owned by a  
22 gentleman who's a shoemaker. That property is not a  
23 part of the rezoning application. It's not a part of  
24 the development site, although it's part of the  
25 rezoning application. We would have no objection if

2 anybody wanted to make an action to amend the  
3 application to eliminate that site and cut it from  
4 the rezoning. There's no proposed development to  
5 occur on that site.

6 CHAIRPERSON RILEY: Now, I saw on the  
7 previous proposal, there was I think like 46 parking  
8 spots. Now, you've increased it to 60.

9 ERIC PALATNIK: 60 parking spots.

10 CHAIRPERSON RILEY: And that's because the  
11 community asked..

12 ERIC PALATNIK: Correct.

13 CHAIRPERSON RILEY: For this?

14 ERIC PALATNIK: Asked for a lot of  
15 parking. Sorry. City of Yes.. (CROSS-TALK)

16 CHAIRPERSON RILEY: No. I just want to be  
17 clear and just have it on the record that, you know,  
18 some communities require having more.. (CROSS-TALK)

19 ERIC PALATNIK: They wanted more.. (CROSS-  
20 TALK)

21 CHAIRPERSON RILEY: And that's fine. Okay.  
22 No problem.

23 I just want to yield the floor to Council  
24 Member Zhuang for her questions.

25

2 COUNCIL MEMBER ZHUANG: Thank you, Chair,  
3 and I just want to have everything on record. The  
4 first question, please state for the record you  
5 commit to a maximum building height of eight stories  
6 and the max (INAUDIBLE) units, it's 90, and provide  
7 at least 60 parking spaces.

8 ERIC PALATNIK: We agree to all three of  
9 those comments and statements that you just made.

10 COUNCIL MEMBER ZHUANG: And also after the  
11 meeting yesterday, some neighbors called me saying  
12 they have concerns about 90 units. Can we still  
13 discuss after this?

14 ERIC PALATNIK: Of course. Mr. Betesh is  
15 here and we'd be happy to have a conversation with  
16 you.

17 COUNCIL MEMBER ZHUANG: Okay. And then the  
18 second question, are you committed to provide 2,500  
19 square feet of community facility for community using  
20 the ground floor.

21 ERIC PALATNIK: We do, tied into a rent  
22 that is commensurate that we all determined to be a  
23 below-market fair rent that would be tied into the  
24 consumer price index for any future rent increases as  
25 the years go on.

2 COUNCIL MEMBER ZHUANG: And the third  
3 question, the community is very concerned about  
4 situation in nearby district in which a rezoning was  
5 approved by Community Board and the local Council  
6 Member only for the property to be sold and developed  
7 as a shelter. What can you say to community and allay  
8 their concerns about this.

9 ERIC PALATNIK: We would be happy to  
10 include within the restrictive declaration a  
11 statement, another clause that would state that the  
12 property would not be utilized as a shelter in any  
13 way shape or form to make it no opportunity for that  
14 to occur.

15 COUNCIL MEMBER ZHUANG: And also the  
16 fourth question, what safety measurement you guys  
17 going to have when you build the building?

18 ERIC PALATNIK: There's numerous safety  
19 measurements. We discussed it last evening. They'll  
20 be on-site measuring devices for vibrations. There'll  
21 be a safety inspector that's required to be on site  
22 as a part of the construction team at all times. The  
23 site will be subject to inspections by the New York  
24 City Department of Buildings so there's numerous  
25 safety inspections that will be going on. During the

2 construction process, there'll be a site foreman, and  
3 that site foreman will be in charge of overall safety  
4 on the site and he will have designated site  
5 supervisors that will also be responsible for safety.  
6 So, safety on a construction site is a number one  
7 concern as well as for the pedestrians. There'll be  
8 sidewalk sheds and, unfortunately, at certain moments  
9 there'll be probably some street closures to allow  
10 trucks when they're pouring the foundation. But,  
11 other than that, there'll be minimal disruption to  
12 the street.

13 COUNCIL MEMBER ZHUANG: And any third  
14 party overseeing that safety construction?

15 ERIC PALATNIK: Yes. There'll be the  
16 contracting crew and then there's a third party  
17 independent party that comes in and tests for  
18 vibration monitors and monitors the site for those  
19 kinds of things.

20 COUNCIL MEMBER ZHUANG: Can we also put  
21 that in deed?

22 ERIC PALATNIK: Yeah. Of course.

23 COUNCIL MEMBER ZHUANG: Okay. Thank you.

24 ERIC PALATNIK: Thank you.

2 CHAIRPERSON RILEY: Thank you, Council  
3 Member Zhuang.

4 There being no more questions, this panel  
5 is excused.

6 ERIC PALATNIK: Thank you.

7 CHAIRPERSON RILEY: I will begin with  
8 online testimony first.

9 The first panel I will call up consists  
10 of Michelle Lee and Gary Chen.

11 Michelle, if you can hear me, please  
12 unmute and you may begin.

13 Michelle, if you can hear me, please  
14 unmute and you may begin.

15 Okay. We'll come back to Michelle.

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

18 MICHELLE LEE: Hello.

19 CHAIRPERSON RILEY: Michelle?

20 MICHELLE LEE: Can you hear me?

21 CHAIRPERSON RILEY: Yes, we can hear you.

22 MICHELLE LEE: Okay. Good morning,  
23 Committee Members. Thank you for giving me the  
24 opportunity to speak today. Councilwoman Susan Zhuang

25 (INAUDIBLE)

2 CHAIRPERSON RILEY: You can go ahead.

3 MICHELLE LEE: Hello.

4 CHAIRPERSON RILEY: Yeah. We can hear you.

5 Continue.

6 MICHELLE LEE: Hello.

7 CHAIRPERSON RILEY: We can hear you. You  
8 can continue.

9 Michelle.

10 MICHELLE LEE: Hello. Hello.

11 CHAIRPERSON RILEY: Yes. We can hear you.

12 MICHELLE LEE: Oh, okay. Sorry about that.

13 (INAUDIBLE) Good morning, Committee Members. Thank  
14 you for giving me the opportunity to speak today.

15 Councilwoman Susan Zhuang initiated in good faith to  
16 build 100 percent senior affordable rental

17 apartments, also known as ELLA, on a vacant lot at  
18 166 Kings Highway near where she lives to help the

19 senior people. The developer applied to increase the  
20 zoning from current R6B to R7X. When the developer

21 presented his proposal of 189 units, including 30

22 (INAUDIBLE) units with 27 parking spaces, dozens of  
23 fellow citizens from the community strongly opposed

24 the plan because the proposed R7X zoning would

25 exacerbate existing strain on our community including

1 parking shortages, which are already a daily struggle  
2 for residents. We have a lesson to learn from this.  
3 On West Fourth Street and Avenue P in Brooklyn,  
4 because the building is close to the subway and the  
5 building does not provide parking spaces, every night  
6 there are a total of around 14 cars that were parked  
7 on each side of Avenue P causing traffic problems at  
8 night. In addition, R7X zoning would also cause  
9 overburdened sewer system, leading to frequent  
10 flooding and infrastructure failures. R7X zoning  
11 would also cause overcrowded school where resources  
12 are stressed thin and will cause children education  
13 to suffer from this. When Councilwoman (TIMER CHIME)  
14 Susan Zhuang heard of the potential harm it would  
15 cause to the community, she gave up on the  
16 (INAUDIBLE) the developer must compromise..

18 CHAIRPERSON RILEY: (INAUDIBLE)

19 MICHELLE LEE: And abandon the R7X plan.  
20 Community Board 11 therefore rejected..

21 CHAIRPERSON RILEY: Thank you, Michelle.

22 MICHELLE LEE: R7X plan and proposed R7A  
23 instead.

24 CHAIRPERSON RILEY: Thank you, Michelle.

2 MICHELLE LEE: I'd just like to reiterate  
3 that our community strongly opposes R7X and proceeds  
4 with R7A. Thank you.

5 CHAIRPERSON RILEY: Thank you. Next, we'll  
6 move to Gary Chen.

7 Gary, if you can hear me, please unmute  
8 and you may begin. Gary, if you can hear me, please  
9 unmute and you may begin.

10 GARY CHEN: Can you hear me?

11 CHAIRPERSON RILEY: Yes, we can hear you,  
12 Gary. Go ahead.

13 GARY CHEN: Yeah. I can't hear you. Can  
14 you see me?

15 CHAIRPERSON RILEY: No, we can't see you.  
16 We can hear you though. You could just speak if you  
17 need to.

18 GARY CHEN: Okay. Okay. Proposed R7X  
19 zoning would exacerbate existing strain on our  
20 community (INAUDIBLE) the parking shortage  
21 (INAUDIBLE) Yeah, yeah, let me see. Okay. (INAUDIBLE)  
22 will cause the exacerbation of our community so  
23 parking shortage and overburdened the sewer system  
24 and overcrowd the school. Considering the potential  
25 crisis R7X may force to the community, the developer

2 kindly abandoned the R7X application. Instead,  
3 submitted the modified plan with 76 unit and  
4 (INAUDIBLE) apartment space which already presented  
5 on City Planning hearing on February 19, 2025.  
6 However, Borough President and the New York City City  
7 Planning only care about as many as apartment as  
8 possible on a small land but completely forgot,  
9 ignored, and abandoned the middle-class taxpayer in  
10 our community, basically approved R7X. Our community  
11 of hard-working family deserves stability, respect,  
12 and (INAUDIBLE) Urban Planning push forward with R7  
13 without addressing this crisis is a betrayal of the  
14 people who helped build this city. We demand that our  
15 voice be heard. Prioritizing affordable housing  
16 should also align with the need of current residents.  
17 Our community unanimously opposed zoning change to  
18 R7X. We accept our Community Board 11 proposed the  
19 R7A with no more than 80 unit. Adding 80 new (TIMER  
20 CHIME) apartment from...

21 SERGEANT-AT-ARMS: Time expired.

22 GARY CHEN: Zero apartment before will  
23 help the City to ease a housing shortage but not  
24 cause too much trouble for the community. We have  
25 collected over 800 signatures...

2 CHAIRPERSON RILEY: Thank you, Gary.

3 GARY CHEN: To oppose R7X. We have already  
4 submitted to the City Planning. We will mail it to  
5 the City Council. Thank you very much for your  
6 attention. I yield back.

7 CHAIRPERSON RILEY: Thank you, Gary.

8 There being no questions for this panel,  
9 this panel is excused.

10 We will transition to in-person  
11 testimony. Jacqueline Sorrillo.

12 JACQUELINE SORRILLO: Thank you. I just  
13 want to thank you all for letting us come and speak.  
14 And we have participated, I, myself, and a lot of my  
15 neighbors have participated in several meetings about  
16 the R7X zone change for 166 Kings Highway. And at the  
17 meeting last night, which was very productive, thank  
18 you to Susan, there was an overwhelming support for  
19 changing this to an R7A with deed restrictions  
20 requested by the community. And we really support  
21 this agreement that Susan and the owner of the  
22 building have come up with, and we really appreciate  
23 all the listening that both sides did and I felt like  
24 we really compromised and came to a decision and I

2 just want to thank Susan and I would like to thank  
3 Abe as well. Thank you.

4 CHAIRPERSON RILEY: Thank you, Jacqueline.

5 There being no questions, this panel is  
6 excused.

7 There being no other members of the  
8 public who wish to testify on LUs relating to 166  
9 Kings Highway Rezoning Proposal, the public hearing  
10 is now closed, and the item is laid over.

11 That concludes today's business. I would  
12 like to thank the members of the public, my  
13 Colleagues, Subcommittee Counsel, Land Use and other  
14 Council Staff, and the Sergeant-at-Arms for  
15 participating in today's meeting. This meeting is  
16 hereby adjourned. Thank you. [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 May 29, 2025