

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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JANUARY 26, 2016
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HELD AT: 250 BROADWAY-COMMITTEE RM, 16TH FL.

B E F O R E: DONOVAN J. RICHARDS
CHAIRPERSON

COUNCIL MEMBERS:
DANIEL R. GARODNICK
VINCENT J. GENTILE
ANTONIO REYNOSO
RITCHIE J. TORRES
JUMAANE D. WILLIAMS

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

Jack Laboise
Associate
United American Land

Casey Martinez
Director of Development and Architect
United American Land

Shawn Katz
150 Wooster LLC

Richard Godaski
Lawyer

2 CHAIR RICHARDS: All righty, good
3 morning, all right I want to thank everybody for
4 making it through the blizzard. The Major definitely
5 insured my community was clear. But I am Donovan
6 Richards, the Chair of the Subcommittee on Zoning and
7 Franchises and today we're joined by Council Members,
8 wait who get the gold star, Vinnie Gentile gets the
9 gold star, no actually Dan Gardonick was upstairs,
10 so... so all right but he's from the outer Borough your
11 from Manhattan so you don't count. All righty
12 Council Member Chin, who's not on the Committee but
13 always has an item here and also Council Member
14 Antonio Reynoso from Brooklyn and out of Borough as
15 well. So I want to thank you all for being her this
16 morning. I would like to also welcome our new Land
17 Use General Council Julie Lubin (sp), all right give
18 claps [clapping]. Now you have to get in the middle
19 and do a dance that is the a folk dance that is the
20 initiation for joining us. Julie has 20 years of
21 experience working in City Government and is going to
22 be a great addition to our team. She's worked at
23 EDC, City Planning and the Department of Buildings,
24 so we officially welcome you today and look forward
25 to the exciting work that you're being thrown into

2 very soon. We're going to have a lot of fun,
3 welcome.

4 So today we have 5 items on the agenda.
5 Land Use Item #320, a sidewalk café that has been
6 withdrawn. We will be voting on a motion to file
7 this application or remove it from our calendar. We
8 also have Land Use Items # 327 and 321 on Canal
9 Street, an application for a special permit; oh I'm
10 sorry 321 Canal Street, an application for a special
11 permit to allow residential and ground floor retail
12 use in M1-5B district in SOHO. This action will
13 facilitate the conversion of an existing building to
14 residential and retail use. This item is in Council
15 Members Chin's district and the Council Member
16 supports the application.

17 We also have Land Use Item # 328, the
18 address is 323, ok so Land Use Item # 328, address
19 323 Canal Street, also an application for a special
20 permit to allow residential and ground retail floor
21 use in an M1-5B district in SOHO. This action would
22 facilitate the conversion of an existing building to
23 residential and retail use. This item is in Council
24 Chin's district and the Council Member supports this
25 application.

2 We also are going to look at Land Use
3 Items # 329, 330 and 331, 150 Wooster Street, a
4 zoning text amendment in 2 related special permits to
5 modify use in bulk regulations on a proposed 8 story
6 residential building with ground floor retail. This
7 applicant application is also in Council Member
8 Chin's district and the Council Member supports this
9 application.

10 Lastly we will be laying over one item
11 until the next regularly scheduled Subcommittee
12 meeting. Resolution 935 to authorize a granting of
13 telecommunication franchises as we work through
14 issues with the administration. I will now open a
15 joint the joint public hearing Land Use Items number
16 327 and 328, 321 and 329, 323 I'm sorry on Canal
17 Street special permits and I will call our first
18 panel Howard Zip, Howard Zippser (sp) of Ackerman,
19 Jack Laboise (sp), United American Land and Casey
20 Martinez of UAL and we will ask whoever is going to
21 speak to just say your name on the record and which
22 organization you representing today and you may begin
23 once you do that.

24 JACK LABOISE: Hi I'm Jack Laboise.

25 CHAIR RICHARDS: Hit your mic.

2 JACK LABOISE: Hi, Jack Laboise,
3 Associate with the United American Land.

4 CASEY MARTINEZ: Hi I'm Casey.

5 CHAIR RICHARDS: I'm sorry before you
6 begin Margaret did you want to read anything into,
7 did you want, do you have any testimony, or you're
8 going to do it after? Ok got it, ok. So you may
9 begin, just say your name on the record in your
10 opening.

11 CASEY MARTINEZ: Hi I'm Casey Martinez
12 from United American Land.

13 JACK LABOISE: Ok, hi I'm UAL in case if
14 anybody doesn't know is a family run business. We
15 own, develop and manage several properties across the
16 City. Many of the properties we own have been
17 purchased 30 years ago by my grandfather, so right
18 now we're in the 3rd generation, I'm proud to say
19 that and so some, so and the properties have since
20 been managed and improved upon by my father and
21 uncles and our team. So with this property, 321 and
22 these two buildings if given the opportunities we
23 hope to be able to restore them to its original use.
24 There two beautiful historic buildings and we want to
25 restore that as.. as I said to its original use, as a

2 store with apartments above. So right now I would
3 like to introduce Casey Martinez, she is our Director
4 of Development and our and she's an our in-house
5 architect, she'll tell you more about this
6 application.

7 CASEY MARTINEZ: Thank you.

8 CHAIR RICHARDS: All right just talk,
9 talk into your mic.

10 CASEY MARTINEZ: Can you hear me?

11 CHAIR RICHARDS: Now I can if you want to
12 just pull it, there you go.

13 CASEY MARTINEZ: Ok, thank you. Good
14 morning, so let me tell you a little about these
15 buildings, so United American Land bought 323 Canal
16 Street in 1998 and 321 in 2011, both buildings when
17 purchased contained retail on the ground floor and
18 the top floors were either empty or used as accessory
19 space. The building history is that they are, they
20 were built in 1821 as single family dwellings. They
21 are typical of the federal style architectural
22 period. These buildings are older than most of the
23 buildings typical of the Cast Iron district which
24 makes them quite special. We have a historical,
25 found from historical documents that the ground floor

1 was converted to retail establishments back in 1865
2 so just a few about 40 years after they were built.
3 There is one famous person who did live in one of
4 these building, Samuel Morse from the telegraph lived
5 in 321 Canal Street in 1825 and here's a site map of
6 where we are so, we are on Canal Street, we are
7 located on the block between Mercer and Greene. So
8 on this slide the top image is an Ariel view looking
9 at the south elevation of the street so you can see
10 how we sit upon the block and that we currently have
11 a very deep back yard and we're looking to continue
12 to use the rear yard as we build out the apartments
13 above. Some facts about the building, 321 Canal
14 Street is just a little over 1,800 square feet for
15 the zoning lot. It's got 19 ½ feet frontage so
16 pretty small. 323 Canal Street, just a little bit
17 over 2,300 square feet for the lot and that's 18 foot
18 wide building in the front. We filed for alt 1
19 improvements back in 2012 and we've received approval
20 and permits for in 2013 while we were removing debris
21 to begin this work. It became clear that the building
22 had significate structural issues and that the
23 facades were in danger of collapsing. The damage was
24 caused primarily not just because of their age but
25

2 also we believe because of the proximity to the Canal
3 Street traffic and the vibrations on the type of
4 Modder used when these buildings were originally
5 built back in 1821. Because of this we immediately
6 put up sidewalk protection. Our structural engineer,
7 Stuart Gold came up with a plan to stabilize the
8 buildings with the assistance of Tim Lynch, the DOB
9 Forensic Engineer who has worked very closely with
10 Stuart on how to protect these buildings and allow us
11 to continue to maintain their historic fabric. So
12 these are some pictures of what... what the building
13 looks like on the inside right now. I can talk in
14 detail about these photos in a second. So we are
15 looking to the 747 application as a way to change the
16 uses back to what they are originally in the
17 historical context and also to while we are looking
18 to restore the historical fabric of the building. We
19 retain the preservation architectural firm, Page
20 Kelly Architect who specializes in these types of
21 projects and were very glad to have her on our team.
22 She's quite remarkable to work with. At Landmarks
23 we've been working with John Graham who's been on the
24 site numerous times as we go through the projects
25 stages that we've done so far. We have hired the

2 historical restoration contractor, Angelo Coputo (sp)
3 from Edison USA, who's also well know at Landmarks
4 with these types of works. Our preservation project
5 requires us to restore all the original brick as we
6 have dismantled the facades. We have them cataloged
7 and stored into groups on-site as per Landmarks
8 directions and that's what these photos show, so you
9 can see that each part of the building has been
10 cataloged into different groups. You can see the
11 numbers spray painted on the wall and so this is the
12 caliber of... of work that we are doing as we try to
13 restore the building back to its original shape and
14 everything is being stored on-site. So this is a
15 cross section through the building, give you a little
16 understanding of what the sides of the building is.
17 So each building is its own City planning application
18 and so therefore these buildings will not be
19 combined. Our application proposes a single retail
20 space on the existing ground floor and there will be
21 some accessory storage space for the retail unit in
22 the cellar. Upstairs we will have one rental unite
23 per floor. So that's 3 units per buildings. Since
24 each building is much smaller than what Zoning would
25 permit today, we were able to extend the 2nd and 3rd

1 floor with Landmarks approval. Approximately 16 feet
2 back while still maintaining the requirements for
3 Zoning for rear yards so our building is still in
4 full zoning compliance. In doing the extension it
5 helped us greatly get some relief in trying to put on
6 the 2nd and 3rd floor a better ADA compliance layout
7 with all the space requirement needed today. The
8 upper floor remains it's original size in order to
9 maintain the original pitched roof which was one of
10 the things that Landmarks asked us to do and we were
11 happy to consent to that. We have received at this
12 time the unanimous approval of CV2. We have full
13 support from the Borough President and we've received
14 unanimous support from City Planning. With all the
15 restoration work we've done, the cost for this
16 project for doing it this high of a level has
17 increased significantly but it's a true labor of love
18 for the UAL especially since there's not many of
19 these buildings of this age left but were very proud
20 of what we're doing. Were extremely excited to
21 restore this building and bring it back to its
22 original estate as much we can. We're happy to
23 remain part of the neighborhood and so we look
24

2 forward to the next 200 years on this (inaudible)
3 building. Thank you very much.

4 CHAIR RICHARDS: Thank you that not 200
5 years of working on it right?

6 CASEY MARTINEZ: No we hope we don't I
7 don't think we want to renew the permit for 200
8 years.

9 CHAIR RICHARDS: Ok, good. Can you just
10 go through some of your, well I'm going to turn it
11 over actually first to Council Member Chin and then
12 I'll come back.

13 COUNCIL MEMBER CHIN: Thank you Chair,
14 good morning, I'm Margaret Chin, Council Member for
15 Lower Manhattan and before us today is the request
16 for a special permit for 321 and 323, Canal Street in
17 my district. They are seeking a special permit to
18 allow for residential use to their building in
19 exchange for an agreement with Landmarks to maintain
20 and preserve the façade. Under the current zoning,
21 because it's a manufacturing district the only
22 permissible residential in that space is joined lift
23 work orders for artist or interim multiple dwelling
24 units. In the past few years we have seen a number of
25 these 74-711 special permit application come to the

2 Council. And I have previously expressed my concern
3 about the number of these applications. These
4 applications all together have amounted to a re-
5 zoning of the area without a comprehensive public
6 process. I have said before and I will say it again,
7 I do not believe that this is the appropriate way to
8 address an area where the zoning no longer matches
9 the neighborhood. I believe it is time for City
10 Planning to move forward with efforts to re-zone the
11 neighborhood so that regulations are more
12 appropriately in line with the uses that are there
13 while in turn working to preserve affordable housing
14 units and join lift work orders for artist that
15 currently exist. In considering this particular
16 application and whether to ask for it's disapproval
17 or not, I have waited a number of important
18 considerations. One major point was that 321 and 323
19 Canal Street were built as residential and commercial
20 spaces for merchant and were never used for
21 manufacturing purposes. These two buildings date
22 back to the 1820s and represent some of the last
23 federal style construction in the neighborhood. The
24 developer has worked diligently to conduct a thorough
25 preservation process adding great benefits to the

2 community that some of the oldest buildings on Canal
3 Street will be restored for everyone to appreciate.
4 Additionally, each building will continue, will
5 contain rental apartments not luxury condo's that we
6 have seen in many prior 74-711 projects. While I
7 remain extremely concerned about the use of 74-711
8 special permits as the fact of rezoning of SOHO,
9 after careful consideration of the particular factor
10 in this case and also meeting with the developer, I
11 concluded that this application do not merit this
12 approval and so I ask my colleagues to vote to
13 support, thank you.

14 CHAIR RICHARDS: Thank you Margaret and I
15 echo your concern and certainly something will be
16 working with City Planning to push to make sure that
17 there's more of comprehensive look at your district
18 in particular. Just had one question on energy
19 efficiency so can you go through any of... of the
20 energy efficiency aspect of your building?

21 CASEY MARTINEZ: Well, since the
22 buildings are going through the DOB application
23 process right now we have to comply with all the
24 energy requirements and addition part of the City
25 Planning requirements for the project because we have

2 a E-designation for a sound on our property is that
3 we will in order to meet the sound requirements we
4 actually will be increasing the energy efficiency as
5 well. For example, instead of doing double paint
6 glass will actually have to do triple paint glass.
7 We also have to provide acoustical protection on the
8 street walls, so that will increase the energy
9 efficiency in itself in addition to having hopefully
10 a quieter apartment on Canal Street. So since
11 everything is brand new except for the old bricks,
12 it's going to be essentially a new building
13 construction within on an old shell. So it will be
14 an extremely tight energy efficient building.

15 CHAIR RICHARDS: All righty thank you so
16 much for that. All right any questions from my
17 colleagues? All righty Council Member Reynoso.

18 COUNCIL MEMBER REYNOSO: So currently
19 there are no apartments on this site?

20 CASEY MARTINEZ: That's correct the
21 upstairs is vacant on both buildings.

22 COUNCIL MEMBER REYNOSO: Because the
23 prior use was manufacturing or it's only allowed to
24 have commercial, why is it that there empty?

2 CASEY MARTINEZ: Well one of the
3 buildings was purchased back in 98' and it was vacant
4 at that time, they rented up just being used for
5 storage from the retail space at the bottom. The
6 other one was purchased in 2011 and that building, we
7 were told that it was vacant that long and when we
8 finally went into the building it was evident that
9 the building was basically a time capsule, hadn't
10 been used for anything.

11 COUNCIL MEMBER REYNOSO: So you're going
12 from 0 apartments to 6 new apartments and 2
13 commercial spaces on the first floor?

14 CASEY MARTINEZ: Right if you well if you
15 look at them combined but each building has its own
16 lot and own application (inaudible).

17 COUNCIL MEMBER REYNOSO: And... and there
18 no, there no, it's market rate housing? Ok I see.

19 CASEY MARTINEZ: Correct.

20 COUNCIL MEMBER REYNOSO: Ok, thank you
21 very much.

22 CHAIR RICHARDS: All right thank you
23 Council Member Reynoso. All righty, all oh Council
24 Member Gentile.

2 COUNCIL MEMBER GENTILE: Thank you Mr.
3 Chair. I'm curious when... when was this landmarked?
4 Did you say it was landmarked?

5 CASEY MARTINEZ: Yes, it's part of the
6 cast iron district which...

7 COUNCIL MEMBER GENTILE: Ok, so the whole
8 district?

9 CASEY MARTINEZ: Yes.

10 COUNCIL MEMBER GENTILE: I see, I see ok
11 and this top floor is will be rental space?

12 CASEY MARTINEZ: Yes, it's a small
13 apartment but it, it'll be a tiny one bedroom.

14 COUNCIL MEMBER GENTILE: I see, ok, well
15 I commend you for... for maintaining and preserving the
16 history of these two building and don't always run
17 into situations like this where you have everybody
18 cooperating on the, on the same side, so
19 congratulations.

20 CHAIR RICHARDS: Any other
21 questions/comments? All right I want to thank you
22 for your hard work, this is a great project and I
23 definitely just want to echo what my colleagues said,
24 the preservation aspect of this project is very
25 impressive. Council Member Gentile did you know you

2 can make a lot of money counting these bricks and
3 numbering them? It's a lot of money in that, so in
4 the future for us after this, so I want to thank you
5 for coming in and I know will ask is there anyone
6 here to testify from the public on this item? All
7 righty if not, wait where am I. Items # 327 and 328,
8 321 and 323, Canal Street special permit public
9 hearing is now closed and we will now move on to item
10 numbers 329, 330 and 331, 150 Wooster Street.
11 Council Member Jumanne Williams has joined us from
12 Brooklyn and we have Shawn Katz from 150 Wooster LLC,
13 Roger Bitten-Bender from 150 Wooster LLC and Frank
14 Chaney, 150 Wooster LLC and I ask you to just say
15 your name on the record and organization your
16 representing as well. All right and you may begin
17 once that happens.

18 SHAWN KATZ: Good morning Chair Richards,
19 Council and Committee Members and Council Member
20 Chin. My name is Shawn Katz and along with my
21 business partner, Roger Bitten-Bender, we are the
22 developers of 146-150 Wooster Street. We are joined
23 the morning by our Land Use Attorney Frank Chaney
24 with the Law Firm of Rosenberg and Estes. Thank you
25 for allowing us the time to speak. Our property 146-

150 Wooster is located on the east side of Wooster Street approximately midway between Prince and Houston Street. The site is located within an M15A zoning district and within the SOHO cast iron historic district. Our applications seeks a special permit under 74712 to permit residential and retail use in the M15A district where such uses are not otherwise permitted as well as modifications to the height, setback and permitted obstruction regulations in the M15A zoning district. We are also seeking an amendment of the 74712 zoning resolution to expand the maximum allowable lot coverage by existing buildings from 20% to 40% lot coverage in M15A and M15B zoning districts. Our application will facilitate the construction of an 8 story 35,920 square foot mixed use building with retail on the ground floor and residential above. Our building will be 98 feet 10 inches high and contain 29,739 square feet of use group 2 residential floor area on floor 2 thru 8 and 6,181 square feet of ground floor use group 6 commercial floor area. The first 7 stories of the building will rise from the street line to a height of 87 feet 4 inches. At that height a 15 foot setback would be provided for the 8 story

which would rise to a height of 98 feet 10 inches.

On the ground floor a residential lobby would be located in the center of the building with an approximately 3,000 square foot retail store on either side. Our buildings, floor to ceiling heights were designed to be consistent with the floor to ceiling heights typically found throughout SOHO. The massing of the building has been designed to be consistent with the existing built character of the street and surrounding area. The immediate surrounding area has building that rise to various heights and the building would fall into roughly the middle of the range of heights found in this area.

Our building received a certificate of appropriateness from the Landmarks Preservation Committee on April 2015 and we have received resolutions supporting our project without conditions from Community Board 2, the Manhattan Borough President and the Department of City Planning. We have designed our building to be environmentally friendly and energy efficient with highly insulated and airtight envelope. A few of the green features includes; high efficiency boilers and cooling condensers, low flow faucets and toilets, LED light

bulbs, predominately energy star appliances,
sustainable wood and low VOC paints and sealants.

In addition to presenting our building and application, we feel that it's particularly important to provide the Council and Committee Members with the background of the 20 month process that has brought us here today. When we decided to purchase this site in the summer of 2014, we were well aware of its controversial history. As some of you may be aware, the prior owner and applicant subsequently withdrew from a similar special permit and same zoning and text amendment in 2013 at the City Council and the face of overwhelming community opposition. The previous proposal submitted by the prior owner had so much wrong with it that when we purchased the property we took Council Members Chin's advice and from the beginning listened to the neighbors and community in order to attempt a project that worked for everyone. We started by scrapping everything about the previous proposal; including the already landmark approved building. We did the exact opposite of the previous applicant and put ourselves front and center with the community. We listened to their concerns, addressed them by making concession

1 to our height, mass, layouts and design. This was no
2 easy task but starting a 1 ½ ago in July 2014 as
3 illustrated on this timeline through many meetings
4 with neighbors, local organizations, Community Board
5 2, Council Member Chin, Landmarks and City Planning
6 staff, we overcame adversity and arrived at a
7 building that worked for everyone. As you can see
8 the rear of our building changed dramatically over
9 time in response to community input. In order to
10 increase light and air for the artist and residents
11 who have lived in SOHO for decades. Some of the
12 concession and changes made prior, may compare to the
13 previous project include: our building does not have
14 a sub cellar, it splits the retail in 2/2 stores as
15 oppose to 1 large store. It has over 4 feet lower
16 than the previous applicants building. It has
17 multiple rear setbacks on the 7th and 8th floor to
18 persevere the sky plane for the direct neighbors and
19 also large light wells to preserve lot line windows
20 on the building to the North for the artist and
21 residents who have lived there for many years. On
22 top of these concessions we have also agreed to
23 provide a light (inaudible) into our rear yard for the
24 building to the north. Install new windows along the
25

2 lot line over our rear yard, provide bathroom
3 ventilation systems, engage lighting consultant as
4 well as set up an escrow fund to pay for consultants
5 to work with us and monitor the project on behalf of
6 the direct neighbors. We have worked incredible
7 closely with the neighbors. Some of whom are here
8 today. We consider them our partners. We also work
9 closely with Council Member Chin and Community Board
10 2 for a 1 ½ leading up to today rather than negotiate
11 with the community and neighbors through the ULURP,
12 we delayed our application first and sought a
13 supportive resolution from Community Board 2 which
14 was issued in February of 2015. Since then we have
15 also made some additional concessions to improve the
16 building for the neighbors. We honored our
17 commitment to everyone involved in the creation of
18 our building. Going forward we are committed to
19 being good neighbors and members of the local SOHO
20 community. Our project preserves the quality of life
21 for 37 joint living work quarters for artist units in
22 the surrounding buildings via a combination of new
23 lot line windows, a light in air easement that create
24 legal light and air for those units. No sub cellar
25 and a more favorable massing than the as of right

1 scenario. We have increased our cost significantly
2 to accomplish a design that both improves and
3 preserves the living conditions of our joint living
4 work quarters for artist, neighbors and knowing the
5 idea of new construction can be dotting for any
6 direct neighbor, we've provided them with funds to
7 monitor our construction so they do not have to come
8 out of pocket. Through all of this we have earned
9 their support. We are also committed to working with
10 Council Member Chin to provide hiring opportunities
11 for local populations and to seek out MWBEs for the
12 construction of the project.
13

14 In summary from the beginning, we were
15 urged by the Community Board City Planning staff and
16 elective officials to work with the neighbors and
17 community groups to develop a project that everyone
18 could be happy with. We are very proud of the
19 project that came out of the community consultation
20 process and we are honored to have the support of our
21 neighbors, Community Board, Landmarks, City Planning
22 and our grateful for Council Members Chin's guidance
23 and support throughout this process. We are now
24 available to answer any of your questions.
25

2 CHAIR RICHARDS: Thank you so much we
3 now will go to Council Member Chin for a statement of
4 this item.

5 COUNCIL MEMBER CHIN: Thank you Chair.
6 Good Morning I'm Margaret Chin, Council Member for
7 lower Manhattan. Before us today is a request for a
8 special permit and zoning text amendment for 150
9 Wooster Street in my district. They're seeking a
10 special permit to allow for residential and
11 commercial use height and setback requirement changes
12 and an increase from 20% to 40% allowable lot
13 coverage for a new construction. As (inaudible)
14 development on this lot would allow for commercial
15 and manufacturing use. An application for 150
16 Wooster was previously denied due to overwhelming
17 oppositions from residents in the neighboring
18 buildings. When the new project first came to me, I
19 underscore the need for the developer to work closely
20 with their neighbors, most of whom live in existing
21 joint lived work quarters for artist. After you heard
22 from the developer right over a year of consultations
23 with community and their neighbors, the project
24 represent a significant improvement over previous
25 application for this site and the project has also

2 received the approval from CB2, the Borough President
3 and City Planning Commission. In considering this
4 particular application, I have given great
5 consideration to the improvement of living conditions
6 for these joint lived work quarter artist tenants.

7 Including new windows and an easement for
8 preservation of open air and light, the careful
9 attention to the needs of these residents, many of
10 whom have been in the community for decades,
11 represent a significant benefit for the community.

12 While the timing of this project so close to the
13 introduction of the mandatory inclusionary zoning is
14 unfortunate. The investment and existing affordable
15 housing immediately adjacent to 150 Wooster Street is
16 commendable. It is also a beautiful building that
17 will be a great addition to the neighborhood, given
18 these considerations, I ask my colleague to vote yes
19 to support the project and I thank the developer for
20 working with my office and also with the community to
21 finally bring it to (inaudible) and it was, I also
22 like to comment that during this process I did not
23 hear any opposition from the neighbors as I did the
24 first time around, so and then you're going to hear
25 one of them here to testify, so overall it is a

2 wonderful project and I do urge my colleagues to
3 support it, thank you.

4 CHAIR RICHARDS: Thank you Council Member
5 Chin and it speaks to your leadership that certainly
6 this is getting done the 2nd time around. I just
7 wanted to know so you're going up an extra floor at
8 this site right? So sorry, I'm sorry.

9 SHAWN KATZ: We're constructing a new 8
10 story building so...

11 CHAIR RICHARDS: Ok, ok can you just go
12 through the so on the top floor that will also be
13 residential as well?

14 SHAWN KATZ: Yeah the first floor is
15 commercial.

16 CHAIR RICHARDS: Ok.

17 SHAWN KATZ: The residential lobby in
18 between and then floors 2 thru 8 will be residential.

19 CHAIR RICHARDS: And I believe you split
20 the commercial, am I correct?

21 SHAWN KATZ: Commercial is split into 2,
22 3,000 square foot spaces.

23 CHAIR RICHARDS: Can you just go on the
24 record and speak of why you split the retail?

2 SHAWN KATZ: We split the retail do to
3 the concerns in the community from the last
4 applicant. They had one very large retail store and
5 that was of a concern not only to the neighbors but
6 especially Community Board 2 and local organizations
7 as well as Council Member Chin. So the first thing we
8 did was put the lobby in the middle that clearly
9 defines 2 stores.

10 CHAIR RICHARDS: All right and you spoke
11 of you'll be working with a consultant over the
12 period of this project to ensure that community
13 engagement and community concerns are addressed so I
14 would just urge you as you move forward to continue
15 to work with Council Member Chin's office very
16 closely and that there's a direct line of
17 communication in case issues do arise, but I do want
18 to applaud you for doing what many developers don't
19 do before they come to the communion and that's
20 actually communicating with the community and I, and
21 I applaud you for doing it and I think that help make
22 this project sail through quicker and obviously
23 better so I want to thank you for your work and
24 commend Council Member Chin once again on this work.

2 Are there any questions from my colleagues on this
3 project? Council Member Gentile.

4 COUNCIL MEMBER GENTILE: Mr. Chairman I
5 just wanted to take the opportunity to congratulate
6 this applicant and also the previous applicant
7 because you know I'm a, I'm a senior member of the
8 Council and I don't think I've seen a better session
9 where we have 2 better applicants here to show the
10 way development and preservation should be done. In
11 fact I think we should use this session right here
12 today as the example of how preservation and
13 development should be done in our City. If we, if we
14 could duplicate this over and over again, our job
15 would be that much better or that much easier and the
16 City would be that much better, so congratulations,
17 I'm very impressed.

18 SHAWN KATZ: Thank you.

19 CHAIR RICHARDS: Council Member Reynoso.

20 COUNCIL MEMBER REYNOSO: While I don't
21 share the enthusiasm of my brother from my Borough, I
22 do have to say that in this district that I guess
23 maybe we just have to be better informed or better
24 educated. It seems like the special permits that are
25 given out for these buildings are necessary to convert

2 a lot of these building into residential and a lot of
3 effort goes into actually making the buildings
4 preserve the buildings and making them look beautiful
5 and having the community support it but what I don't
6 see is any affordable housing in any of these
7 projects. This is all market rate, were continuing
8 to build for the people that don't necessarily need
9 it and I do think that there might be some
10 opportunities in these type of special permits to
11 have a conversation even if it's 100% AMI, 120% AMI
12 which is really the which can really help our middle
13 class. We should be having that conversation but
14 were building straight out market rate housing for
15 preservation and I think that at some point we got to
16 find that balance and whether or not the preservation
17 of a buildings character versus the preservation of
18 the people of this City and whether or not we can
19 keep them here. And I just don't know if were doing
20 that but at this moment I don't feel I have enough
21 information to make that case right? Margaret Chin is
22 the expert in her district, she knows what she's
23 talking about so I'm going to be supportive but I do
24 think that we can talk, we should have a briefing on
25 these special permit districts and see if were really

2 maximizing what we can get out of these folks that
3 are converting buildings that have almost no income
4 at the moment and generating significate income in
5 one case you know 6 apartment at market rate with 2
6 commercial, with 2 commercial floors. In your
7 building, how many apartments are you building?

8 SHAWN KATZ: 6.

9 COUNCIL MEMBER REYNOSO: 6 apartments,
10 how many apartments did you have before?

11 SHAWN KATZ: There is, it's a parking lot
12 and a one story building so...

13 COUNCIL MEMBER REYNOSO: And when did you
14 purchase, when did you purchase the building?

15 SHAWN KATZ: We purchased it in September
16 2014.

17 COUNCIL MEMBER REYNOSO: And the folks
18 that purchased it before you, when did they purchase
19 it?

20 SHAWN KATZ: In the mid 80s maybe.

21 COUNCIL MEMBER REYNOSO: In the mid 80s,
22 ok. Just, I think that you guys are building very
23 nice apartments in very nice area, it looks beautiful
24 both projects have looked, they look very good, I
25

2 just think that we could really start asking more of
3 these special permits.

4 CHAIR RICHARDS: Well we certainly thank
5 you Council Member Reynoso and trust me I know this
6 is something Margaret certainly wants to address in
7 her district and this is why you know we are pushing
8 City Planning to really look at this area
9 comprehensively because you know we share obviously
10 the goal of creating more affordable housing and I'm
11 sure will be having a lot more discussion over the
12 next few weeks with me and (inaudible) housing and
13 both ZQA which will be certainly moving us towards
14 creating more affordable housing stock in these
15 particular areas, so with that being said I will now,
16 are there any other questions? All righty if not we
17 will now call up I believe we have someone from the
18 public who wants to testify in favor of this project
19 and will just ask you to say your name sir and the
20 organization you're representing.

21 RICHARD GODASKI: My name is Richard
22 Godaski (sp), I'm a long standing lawyer in New York
23 and I thought my partners name was Anthony Gentile, I
24 thought he was also member of the Council, I found
25

2 out that it's a very common name but were not
3 partners and I met Mr. Gentile today.

4 COUNCIL MEMBER GENTILE: You mean I'm not
5 a partner?

6 RICHARD GODASKI: Well if you are you can
7 indict me. In any event I want to thank Council
8 Member Chin for her support.

9 CHAIR RICHARDS: And you've introduced
10 yourself sir right?

11 RICHARD GODASKI: My name is Richard
12 Godaski, I am a partner in a law firm, I also live at
13 152 Wooster Street. My wife Marsha Godaski is the
14 President of our co-op which is next door to the
15 building and we are in support of the construction of
16 the joining building at 148-150 Wooster Street. But
17 I do want to make a particular comment that I think
18 is of some significance not only to our building but
19 of significance to the Council. The previous builder
20 who came before the Council and who we were in court,
21 in Supreme Court New York County concerning the
22 adjoining building and it's loss of status with
23 respect to being a special type of building, said to
24 me in the Courthouse "I own the Council", that's what
25 he said, he says I have lobbyist and we own the

2 Council and it was very upsetting to me to my fellow
3 members and we met with Councilwoman Chin who was
4 very supportive of our position and we found out that
5 not only did that building not have the support of
6 the Council the vote in the Council was 51-0 against
7 the builder. The times have changed, the nature of
8 the builder has changed, the people you just heard
9 from have been cooperative, very willing to make
10 changes to affect not only the outside area of the
11 building but the inside light and air accommodations.
12 I want you to understand that this is not, this is
13 not a simple area of the City, it's SOHO that the
14 building was changed by one of the agencies in the
15 City, they changed the front of the building to
16 comply with the rules, they've done everything,
17 everything to be consistent with the desires of the
18 neighborhood and the position of the neighborhood. I
19 submit to you that years ago when a building went up
20 on Houston Street, which we opposed, and we
21 subsequently the appellant division of the State of
22 New York overruled the lower court and allowed the
23 building to be built, we submit to you that, that
24 building has proven to be one problem only. It's a
25 very large building on Houston between Greene and

2 Wooster and a very large building, it has no parking
3 lot so, they are very concerned that they going to
4 lose this parking lot which I don't think is very
5 significate and they will be able to make it up. But
6 Councilperson Chin has been not only helpful in the
7 sense of working with the building, with the tenants,
8 with the residents of the community but also has been
9 significantly advantages to the builder themselves in
10 making sure that the building conformed to the beauty
11 and likeness to SOHO which is very important to us.
12 I have lived in that area now for over 30 years and
13 submit to you that it's very important to all the
14 residents in that area to continue to have building
15 like this one is going to be in accordance with the
16 plans. I want to thank the Council for their time,
17 for their efforts and particularly thank the Council
18 for rejecting the previous owner, thank you.

19 CHAIR RICHARDS: All righty thank you.
20 All righty now others from the public here to testify
21 on this issue. We will now close Land Use items#
22 329, 330 and 331 and we now will move on to a vote on
23 these items. All righty, All right so we will now
24 move on to vote to approve Land Use items# 327, 328,
25 329, 330, and 331 and approve a motion to file Land

2 Use items # 320. I want to applaud the applicants
3 today for a great job and Council Member Chin for her
4 hard work and with that we will now ask the Council
5 to please call the roll.

6 CLERK: Chair Richards.

7 CHAIR RICHARDS: I vote aye,
8 congratulations Council Member Chin on great projects
9 in your district.

10 CLERK: Council Member Gentile.

11 COUNCIL MEMBER GENTILE: I to
12 congratulate Council Member Chin for her leadership
13 and congratulate both applicants for working with
14 their communities and really coming up with model
15 proposals so, congratulations I proudly vote aye on
16 both.

17 CLERK: Council Member Garodnick.

18 COUNCIL MEMBER GARODNICK: I vote aye.

19 CLERK: Council Member Williams. Council
20 Member Reynoso.

21 COUNCIL MEMBER REYNOSO: Permission to
22 explain my vote. In this Committee I just think that
23 we need to get brief on exactly why in these special
24 permit cases we can't get affordable housing. I
25 would like to know also that if, if in MIH situation

2 would these be the type of properties that we would
3 actually get affordable housing from under an MIH and
4 just really don't want to move forward with approving
5 projects that are going to continue to build market
6 rate housing and when talk about these places in
7 Canal Street and in, and in... in SOHO, two areas that
8 I'm extremely familiar with, there's been large
9 displacements especially in SOHO and all were doing
10 is continuing to build for the folks that don't need
11 it in the City of New York and moving forward I would
12 appreciate if we again get a briefing to speak on
13 exactly why we're voting on these the way we are
14 giving that there's no affordable housing, moving
15 forward. So, on both these projects I am voting aye.

16 CLERK: Council Member Williams.

17 COUNCIL MEMBER WILLIAMS: My I please
18 explain my vote.

19 CHAIR RICHARDS: Oh yes, absolutely go
20 ahead you have permission sir.

21 COUNCIL MEMBER WILLIAMS: Thank you very
22 much. I do, I do want to congratulate Council Member
23 Chin for moving these forward for her district. I
24 share the concerns of Council Member Reynoso. I view
25 anytime where given a developer whether it's a tax

2 abatement, a subsidy or a change of use in the
3 property they have as something we are giving them
4 and in exchange for that, particularly as the Chair
5 of Housing and Buildings I'm really looking for
6 trying to get affordability in those units
7 particularly at this time when we're talking about
8 zoning changes MIHCQA and displacement that is
9 occurring, so I want to remain consistent on that in
10 the Land Use 329, 330, 331 I feel that those
11 developers at least tried to work with some of the,
12 some of the tenants that have been there for many,
13 many years and dealing with light and air and so for
14 that reason I'm going to vote aye on that one. For
15 327 and 328 I'm going to remain consistent and
16 abstaining from a product that I feel could have had
17 affordability built into it but did not. I do know
18 that it's only 6 units so that is a little harder to
19 be fair had the project been a failure for not going
20 through I might have reconsidered my vote but I do
21 want to make sure, one I'm being consistent and try
22 to just make the point that we have to do everything
23 we can to get affordability in these units, even
24 small ones particularly if the City is going to give
25 something to a developer. It is extremely important

2 if we don't do that, our City's in danger of a
3 changing dramatically where people have to work in
4 this City and go live somewhere outside of it, thank
5 you.

6 CLERK: Council Member you vote on Land
7 Use 320, which is the withdrawn café.

8 COUNCIL MEMBER WILLIAMS: Aye on them.

9 CLERK: Land Use items 327, 328, 329, 330
10 and 331 are approved with a vote of 5 in the
11 affirmative, 0 in the negative and 0 abstentions with
12 the exception of Land Use items 327 and 328 which are
13 approved with a vote of 4 in the affirmative, 0 in
14 the negative and 1 abstentions and a motion to file
15 Land Use #320 is approved with 5 vote in the
16 affirmative, 0 in the negative and 0 abstentions and
17 all items are referred to the full Land Use
18 Committee.

19 CHAIR RICHARDS: All righty I want to
20 thank everyone for coming out today. We look forward
21 to a robust conversation on MIH and CQA over the next
22 few weeks and I want to thank everyone for their hard
23 work with that being said this hearing is now closed.

24 [gavel]

C E R T I F I C A T E

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



Date February 3, 2016