

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING & FRANCHISES

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October 25, 2010

Start: 09:55am

Recess: 01:23pm

HELD AT: Committee Room - 16th Floor
City Hall

B E F O R E:

MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:

Leroy G. Comrie, Jr.
Daniel R. Garodnick
Daniel J. Halloran III
Vincent Ignizio
Robert Jackson
Jessica S. Lappin
Rosie Mendez
Diana Reyna
Joel Rivera
Larry B. Seabrook
James Vacca
Albert Vann

A P P E A R A N C E S

James Rosenzweig
VP & General Counsel
Union Square Operating Inc.

Mutaz Ali
Representative
Veranda Café

John Young
Director of Queens Office
NYC Department of City Planning

Edgar Bajana
Rezoning Project Manager
NYC Department of City Planning

Arlene Schlesinger
Resident
Hollis Hills

Joseph Kusilik
Resident
Windsor Park

Joe Kerner
Resident
Windsor Park

Peter Pizzitello
Resident
Windsor Park

Michael Chavez
Shareholder & Resident
Windsor Park

Cheryl Fruchter
Shareholder & Member of Board of Directors
Windsor Park

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

Larry Kinitzky
President
W P Owners Corporation

Michael Zenreich
Project Architect

Eric M. Goidel
Attorney
Borah, Goldstein, Altschuler, Nahins & Goidel

Riva Radisher
Shareholder & Resident
Windsor Park

George Spetsiaris
Resident
Hollis Hills

Susan Darram
Resident & shareholder
Windsor Park

Susan Houston
Resident & shareholder
Windsor Park

Billy Schlesinger
Resident
Hollis Hills

Stuart Cooker
Resident
Windsor Park

Henry Euler
First Vice President
Auburndale Improvement Assn.

Terri Pouymari
President
Auburndale Improvement Assn.

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

Mary Donahue
Member
Auburndale Improvement Assn.

Rhea O'Ghorman
President
Station Road Civic Assn.

Enzo Longo
Resident
Station Road Community

Jacqueline Sulier
Resident
Station Road Community

Viola Norz
Resident
Station Road Community

Janet Gillan
Resident
Station Road Community

Edith Hsu-Chen
Director of Manhattan Office
Department of City Planning

Arthur Huh
Community Board 3 Liaison
Department of City Planning

Susan Stetzer
District Manager
Manhattan Community Board 3

Elizabeth Finkelstein
Representative
Greenwich Village Society for Historic Preservation

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

Frank Ruchala
Architect
Department of City Planning

Jordan Chapps
Resident
West Greenwich Village

Zack Weinstein
Representative
Greenwich Village Community Task Force

Jeffrey Knox
Resident
West Greenwich Village

Alice Carey
Resident
West Greenwich Village

1
2 CHAIRPERSON WEPRIN: Ladies and
3 gentlemen, good morning, my name is Mark Weprin,
4 I'm the chair of the Subcommittee on Zoning &
5 Franchises. I'd like to welcome everybody here
6 today, we have a lot of people and a lot of
7 testimony to hear. I just want to let you know we
8 are going to first start with the cafes, we have
9 some cafes that are applications that will go very
10 quickly, and then we'll get moving to the big
11 Queens rezoning. So before we get to that let me
12 go right into the cafes, but let me acknowledge
13 who's here first. All the way to my left, Robert
14 Jackson, Joel Rivera, Vincent Ignizio, Al Vann,
15 Dan Garodnick, Diana Reyna, Jimmy Vacca and Rosie
16 Mendez, who's not on the Subcommittee, but is here
17 with us on an important item. Okay, we're going
18 to go right into the cafes, and on Land Use #225,
19 which is Veranda Café in Manhattan. Okay, all
20 right, I've been asked to call a different number
21 here now. We're going to call 229 first? Why?
22 They're here for 225, right? Is 225 here, someone
23 from Veranda Café? Okay, well that explains it.
24 Okay. Then we're going to go to 229, TGI Fridays
25 and Tim Horton's, in Council Member Mendez's

1
2 district, 20115126, and I'll call James Rosenzweig
3 is here. Please come up to the microphone. Yes,
4 you're going to have to push a button probably,
5 and if you'd just state your name and describe the
6 application.

7 MR. ROSENZWEIG: Good morning, I'd
8 like to thank you for having me, my name is Jim
9 Rosenzweig, Vice President and General Counsel of
10 Union Square Operating Inc., is the applicant
11 here, operates and owns the TGI Fridays restaurant
12 on 34 Union Square East, and this is an
13 application for an unenclosed, small unenclosed
14 outdoor café. I think we're here because the DCA
15 moved rather quickly and brought it to your
16 attention before the community board had a chance
17 to opine and get involved. Since that point in
18 time we did have a chance, obviously, to speak to
19 the community board, we appeared before their
20 zoning and consent subcommittee on October 7th, and
21 we negotiated with the participation of the
22 community and our business a compromise on what
23 our application was. We initially had an
24 application that complied with the law, and it had
25 34 seats. We've reduced that down to 30 seats,

1
2 and most importantly, at the request of the
3 community through the board and the Union Square
4 Partnership, who is representing the business
5 interests, we agreed to remove the seats from the
6 Union Square East side of the property. This
7 building is right on the corner of 16th Street and
8 Union Square East, right across from the park. So
9 out of congestion concerns, we removed the seats
10 there that were on Union Square East, and we
11 agreed just to reduce the number of seats to 30
12 seats, all along 16th Street. And we've made some
13 other compromises about four tops and two tops, so
14 that there was maximum clearance. There is in the
15 record at the community board a study we had done,
16 a level-of-service impact on the codes that found
17 that we were level-of-service A. We came to an
18 agreement with the community board, there's plenty
19 of clearance there, and they approved on October
20 14th, they voted a favorable resolution. And I'm
21 asking the Council to do the same.

22 CHAIRPERSON WEPRIN: Council Member
23 Mendez, do you have anything that you wanted to
24 say on this?

25 COUNCIL MEMBER MENDEZ: No, I

1
2 wanted to thank the applicant for working with the
3 community board, and if the community board is
4 recommending it, I'm in favor. Thank you.

5 CHAIRPERSON WEPRIN: All right, do
6 any other members of the panel have questions for
7 this application? Seeing none, thank you very
8 much, that was easy, huh?

9 MR. ROSENZWEIG: Thank you very
10 much.

11 CHAIRPERSON WEPRIN: Okay, now
12 we're going to go back to the Veranda Café, Land
13 Use 225, 20105650, Veranda Café in Manhattan, and
14 I'd like to call on Mutaz Ali, I think is the
15 name. Mr. Ali, please find your way to that
16 microphone, again, state your name for the record
17 and describe what it is you're asking.

18 MR. ALI: Okay, this one, right?
19 Mutaz Ali, the last name is A-L-I. We're trying
20 to get the license again for the sidewalk café, 23
21 tables and 68 seats, basically. It's on the
22 corner of 7th Avenue and 10th Street, on 7th Avenue.
23 We listened to what the neighbors wanted, which is
24 basically closing the windows at 10:00 p.m. Sunday
25 through Thursday, and 11:00 p.m. on Friday, we

1
2 agreed to that, and they had some concerns about
3 the planters sticking out a little bit, and we
4 moved that as well.

5 CHAIRPERSON WEPRIN: Okay, you
6 could just read it right off your letter. Go
7 ahead, you could just read them right off there.

8 MR. ALI: All right, and so also to
9 meet the quality with the (inaudible) residents,
10 especially those residing behind the restaurant on
11 West 4th Street, and representatives from Manhattan
12 Community Board #6.

13 CHAIRPERSON WEPRIN: All right, and
14 also to conform the number of tables, 23, and
15 chairs, 68, as shown in the drawings approved by
16 DCA, right?

17 MR. ALI: Yes.

18 CHAIRPERSON WEPRIN: It says so on
19 there. Okay. To my understanding, Council Member
20 Quinn is okay with this, she represents the area.
21 Yes? With that I'm getting nods from the staff,
22 and okay, any questions from the panel? Easy
23 enough, thank you very much.

24 MR. ALI: Thank you.

25 CHAIRPERSON WEPRIN: Okay, the

1
2 third café on the agenda, 237, Silver Spurs
3 Eatery, has been withdrawn pursuant to a letter
4 that we've received, so we're going to be done
5 with our cafes and then move on to the main event.
6 Okay, these are my ... I'll leave these with you
7 here. Okay. Good, we're going to go right in.
8 All right. We're now going to move into the
9 rezoning, it's Land Use 230, C 100409 ZMQ, it's
10 the Auburndale-Oakland Gardens-Hollis Hills
11 rezoning, touching Council Members Halloran, Koo
12 and Weprin. We'd like to call members of City
13 Planning up. Do we have who's coming? I saw John
14 Young is here and Edgar Bajana, John and Edgar,
15 you're here? Good. They're bringing up some
16 charts. Let me just explain how this is going to
17 work for the members of the audience who are here.
18 City Planning is going to make their presentation,
19 this may take a little while. They will not be
20 under a time limit as they make their full
21 presentation. We're then going to call up panels
22 of people, and try to alternate people in
23 opposition and people in favor, and I'm trying to
24 put them together by a, you know, issues here, but
25 that's not going to be easy to do in all of them,

1
2 but we're going to have to limit the speakers,
3 when you speak, to two minutes each, because we do
4 have a lot of speakers here. So if you have a
5 written statement in your head here, try to figure
6 out a way to make it two minutes. It's not so
7 easy, but we're going to try to do that. Also,
8 for the record, I would like to disclose that I
9 actually live in the Hollis Hills area, which is
10 being rezoned from R2 to R2A. I also rent ... the
11 City Council rents from the sponsor an office,
12 which is located in the Windsor Park complex, did
13 not require any involvement of the Board, it was
14 rented as a private rental sublet from the
15 sponsor, and that as well. Also I went to
16 elementary school with someone who is going to be
17 testifying, the parent is testifying in favor of
18 the project. Thank you. Okay, whenever you want
19 to start it, Mr. Young.

20 MR. YOUNG: Good morning, Chair
21 Weprin, City Council members, ladies and
22 gentlemen. My name is John Young and I'm the
23 Director of the Queens Office of the Department of
24 City Planning. On behalf of City Planning
25 Director Amanda Burden, I'm very pleased to be

1 here this morning to present the Department's
2 efforts to update zoning designations for more
3 than 400 blocks in the neighborhoods of
4 Auburndale, Oakland Gardens and Hollis Hills in
5 northeast Queens. I'm joined by Edgar Bajana, who
6 will present the details of the rezoning proposal
7 to you, and you should have received a copy of the
8 handouts that we will use as part of this
9 presentation. The rezoning proposal that is
10 before you today culminates a remarkable multi-
11 year effort to work with a broad spectrum of
12 neighborhood residents and stakeholders, elected
13 officials and community groups to develop a zoning
14 framework that more closely matches residential
15 building patterns in order to insure more orderly
16 development. The Department's rezoning proposal
17 seeks to curb teardowns of solid housing stock and
18 the construction of out-of-character new
19 residences in Auburndale, Oakland Gardens and
20 Hollis Hills, by replacing zoning that is nearly
21 50 years old with contextual zoning designations
22 that will generally lower allowable residential
23 density and restrict future housing types to those
24 that are similar to the already-constructed
25

housing in portions of these communities. This rezoning proposal for more than 400 blocks is the largest one yet undertaken by the Bloomberg administration, to protect neighborhood character and it adjoins several other City Planning-sponsored rezoning areas that have been presented to and approved by the City Council, including the Bayside, East Flushing and Kissena Park rezonings from 2005 and the North Flushing rezoning adjoins this area immediately to the north of the Long Island Railroad and was approved in 2009. This rezoning plan has been shaped by numerous participants during its development. I want to thank the area's passionate residents and ardent civic advocates, particularly the Auburndale Improvement Association, the Hollis Hills Civic Association, the Harding Heights Civic Association, Community Board #7 and #11, and local elected officials, including Council Member Dan Halloran, Peter Koo, and Zoning Subcommittee Chair Mark Weprin. Following the May 24th certification of the proposal, the rezoning received conditional approval from Community Board #7 and #11, as well as the support of Community Board #8, which covers

1 just one block of the rezoning area. Borough
2 President Helen Marshall also conditionally
3 approved the rezoning, with the request that the
4 Department of City Planning review and reconsider
5 the R2A districts proposed in two locations in
6 Oakland Gardens, to determine whether an R3X
7 district would more appropriately fit the context
8 of these areas. The City Planning Commission
9 carefully considered these recommendations, and
10 when it voted on September 29th to approve the
11 proposal, it modified it in two ways that I'll
12 explain after Edgar first presents the details of
13 the rezoning proposal. I'll also review concerns
14 that were raised during the rezoning study's
15 public outreach and review about non-residential
16 zoning and development in the vicinity of Station
17 Road in Auburndale.

18
19 MR. BAJANA: Hello, my name is
20 Edgar, and I am the Project Manager for this
21 rezoning. This rezoning is 413 blocks in
22 northeastern Queens. So this rezoning is 413
23 blocks in northeastern Queen, in community boards
24 7, 8 and 11. This rezoning is, as you see in your
25 handout, is divided into two sub-areas. The first

1 sub-area is the Auburndale sub-area, with 280
2 blocks, and the second sub-area is Oakland
3 Gardens, in blue, which is 133 blocks. This
4 rezoning has three objectives in mind. The first
5 is to prevent out-of-character development to more
6 closely reflect the one- and two-family building
7 patterns in the area. As you see, we have on this
8 handout pictures of one- and two-family
9 development in the area. The second is to provide
10 a limited-density increase on primary corridors,
11 including Springfield Blvd. and Union Turnpike.
12 And the third is to update commercial overlays to
13 prevent commercial intrusion into residential
14 blocks.
15

16 Now, in the second page of this
17 handout we're going to go over the existing zoning
18 and land use that currently is existing in the
19 area. The land use as you see, Auburndale is
20 mostly yellow, as you see on the board here, and
21 that indicates that it's single-family detached
22 housing. Also in between that yellow you also
23 have beige, which is indicating two-family
24 detached housing. But throughout the study area
25 there are small pockets of semi-detached and

1
2 attached housing, which is indicated in brown and
3 orange. The commercial activity in this area
4 follows along Northern Blvd., and also Station
5 Road, and there is also an area along the Long
6 Island Expressway. The zoning in this area has
7 not been updated since 1961. The two major zones
8 that we have in the area is the R2, which only
9 allows detached family homes, and R32, which
10 allows a variety, from detached ... single-family
11 detached family homes to multi-family dwelling
12 units. There is also in this study area, we have
13 an R5 that was also looked at, as well as
14 manufacturing and commercial C81, along Station
15 Road.

16 On the following, we have the
17 Auburndale proposed, which is on the next page of
18 your handout. The primary zoning change in this
19 area is the R2A, which is proposed for most of the
20 area, replacing the R2. The R2A provides, would
21 provide, an actually fixed building height limit
22 in a perimeter wall, versus now currently the R2
23 is the height in ... is regulated by the sky
24 exposure plan. So that would give it a definite
25 height limit. And the R2A would also replace the

1
2 R32, which would also limit the range of housing
3 types that are allowed in these areas from multi-
4 family dwelling units to single-family detached
5 units. And that would help preserve the character
6 of these neighborhoods.

7 The next zoning type is the R3X,
8 which is proposed for the northeastern portion of
9 the zoning study, for the study area. The R3X is
10 proposed to replace the R32, and would basically
11 just allow two-family detached homes to be
12 developed here instead of the wide range of multi-
13 family dwelling units, semi- and attached-housing
14 types.

15 The next zoning that is proposed
16 for the area is the R31. The R31 is proposed for
17 five areas throughout the study area, and that's
18 basically replacing R32, so instead of the wide
19 variety that's allowed in R32, it would only
20 follow the existing character, which is the semi-
21 detached, which you see in orange on the proposed
22 Auburndale map. As also the R41 is also proposed
23 in the middle of the zoning area, and that's also
24 following the existing character, which is semi-
25 detached for this couple of blocks. And the only

1
2 difference between the R31 and the R41 is that it
3 has a higher FAR.

4 The next that we have proposes the
5 R4B, the R4B along Auburndale, 172nd Street and
6 Station Road, and that would better match the area
7 there that has rear-alley parking and attached
8 rowhouses. Also, what's being proposed is the R4
9 by Station Road, and the R4 there would replace
10 the R5, and that would basically reduce the FAR
11 from 1.25 to .9, and be more in character with
12 what's currently existing in those couple of
13 blocks.

14 Next what we have is we're just
15 going to go over the existing zoning and land use
16 for Oakland Gardens. In Oakland Gardens what you
17 have in the middle is this brown area which
18 indicates garden apartments, multi-family and
19 garden apartments, and also elevator multi-family
20 apartments, and this area surrounded by the
21 yellow, which indicates the single-family detached
22 and then the red, that also indicates the semi- ...
23 the orange that indicates the semi-detached. The
24 zoning in this area is R2, and R12, which allows
25 single-family detached. Like we said before in

1
2 the Auburndale, it also has this loose building
3 envelope that only limits height by the sky-
4 exposure plan. Also, we have R32, that allows a
5 variety of housing types, from multi-family to
6 detached, and the R2, as you see here, there are
7 some ... a whole row of single-family detached that
8 are not protected by the R32. In addition there's
9 also the R4 that's on the northern parts of the
10 study, the R4 where you have these semi-detached
11 would allow multi-family buildings to be
12 developed, therefore replacing the detached
13 character of this neighborhood. In addition you
14 also have the R31 to the northeastern portion of
15 the study area, that allows semi-detached
16 development in this area, where currently there
17 are one- and two-family detached homes, and would
18 disrupt the character of this neighborhood.

19 So now I will go over the proposed
20 zoning for the Auburndale ... for the Oakland
21 Gardens sub-area. So R12A is being proposed in
22 the northwestern part of the sub-area in Tall
23 Oaks, to basically replace the R12, and would
24 basically update this area with a definite
25 building height, and perimeter wall, versus now

1
2 that is non-existent. And R2A is being proposed
3 for Hollis Hills, and like Auburndale, it's the
4 same rationale that's being proposed here is to
5 provide an exact or fixed perimeter wall and
6 building height for these areas, therefore keeping
7 any new development in character of these
8 neighborhoods that currently exist.

9 The next is the R3X in the
10 northeastern portion of the study area. These are
11 two districts that are being proposed in these
12 areas where currently there is a predominant
13 character one- and two-family homes and would
14 better match these neighborhoods versus the R32
15 that would allow semi-detached units, or multi-
16 family dwelling units. In addition, three ... two
17 R41 districts are being proposed in Oakland
18 Gardens for these semi-detached areas that are in
19 orange, and then this basically is a better fit
20 than the R4 that allows all type of housing, and
21 so the R41 is a better fit for these semi-detached
22 areas.

23 And then finally we have the R5D
24 along Union Turnpike and Springfield Blvd., and
25 the R5D has an FAR of 2, and would better fit

1
2 these areas here that do have a character of six-
3 to seven-story apartments, elevator apartments,
4 better than the R32 that currently exists in these
5 areas.

6 MR. YOUNG: All right Council
7 members, as I said in the introduction, I'm just
8 going to go over a couple of modifications that
9 the City Planning Commission made from the
10 original certified proposal to what's being
11 presented to you today. The first of these
12 changes is in the Oakland Gardens area, and it was
13 an area throughout the public review process and
14 even leading into it where there had been
15 considerable debate about how closely we could
16 match the detached development character in the
17 area south of the Long Island Expressway, east of
18 Cloverdale Blvd., as well as south of 69th Avenue
19 and surrounded by Alley Pond Park. Both of these
20 areas are low-density, suburban-style development
21 areas, where the predominant housing pattern is
22 detached housing, either one- or two-families, but
23 the yellow indicates a single-family detached, and
24 the peach color represents a two-family detached.
25 Originally we had proposed creating two zoning

1
2 districts to replace the 1961 zoning, either in
3 the southern portions south of 64th Avenue and
4 south of 69th Avenue, the R2A district would limit
5 occupancy to only single families in a detached,
6 and to the north the R3X's Edgar described is a
7 zone that allows detached housing only, but one or
8 two households to occupy each structure. During
9 the public review there was a lot of testimony at
10 the borough president's hearing and certainly at
11 the City Planning Commission hearing, we had 19
12 speak residents of these areas, saying that the
13 current zoning is very flexible, and everyone
14 agreed that it needed to be tightened, that the
15 types of teardowns that were replacing a single-
16 family house with four units in a semi-detached
17 structure was really eroding the character that
18 everyone was trying to protect, but that the idea
19 of these two R2A districts, where we had a
20 conformance rate of about 2/3, so about 2/3 of
21 those houses were only single-family, was harmful
22 to the homeowners in some of these where they had
23 known that they could actually eventually have a
24 second household move in, particularly a relative,
25 an in-law, and the idea was to provide some

1 stability to the area and just respect the
2 detached housing pattern. And so the Commission,
3 when it made the R3X zoning change, it was doing
4 so because it was really going to match the two
5 goals for the area. It protects and limits
6 housing types to just detached housing, and then
7 the conformance rate for occupancy overall is 97%.
8 So it really increases the degree to which the
9 zoning reflects the broader development pattern of
10 this area of one- and two-family detached housing.
11

12 The second Planning Commission
13 modification is in the Windsor Park area, and it's
14 an area that's shown here in brown because it is
15 developed with six-story multi-family buildings
16 that were built in the 1950's, actually before the
17 1961 zoning was established. And these apartments
18 have been developing an idea for in-fill housing
19 development, and the in-fill housing development,
20 the apartment co-op leaders have said would help
21 provide greater financial resources for the
22 maintenance of these structures, which are
23 approaching 60 years old. What they realized was
24 that the current R4 zoning on the site actually
25 does not match even the current BLTF FAR. It's a

1 close approximation, but that current development
2 actually exceeds the FAR, as I said, these six-
3 story apartment buildings were constructed before
4 the 1961 zoning, and therefore were grandfathered
5 in as pre-existing, nonconforming buildings. So
6 when the Department identified a second R5D
7 district, Edgar already presented the idea that an
8 R5D district is proposed further south in Oakland
9 Gardens at Union Turnpike and Springfield Blvd.,
10 where we also have a six-story apartment complex,
11 the Cambridge Apartments. This was identified as
12 a second opportunity area to reflect the higher
13 scale that's built on these blocks where the
14 Windsor Park apartments are. However, during the
15 public presentation, particularly to the Planning
16 Commission, the details of what the co-op was
17 actually contending they would be providing wasn't
18 made entirely clear. They described their in-fill
19 program as having a maximum 72 units, in three-
20 story rowhouses or townhouses located in two
21 locations, one on the block between 73rd and 75th
22 Avenues and one on the block just to the east of
23 210th Street and near the former Vanderbilt
24 motorway. They presented a site plan showing the
25

1
2 location of these units, but it really wasn't
3 thoroughly developed, and the Planning Commission
4 was not comfortable that everyone who was involved
5 with this had done the detailed work that they
6 would like to see for any development that's
7 enlarging or changing, altering characters for
8 this area. And they asked them to continue to
9 evolve the site plan and details of their ideas.

10 Last week we received
11 correspondence that indicated that they have done
12 just that, but they've actually more appropriately
13 located the southern row of townhouses further
14 away from the Vanderbilt Parkway, so it actually
15 now is no closer to it than any of the existing
16 buildings on the complex. That insures that the
17 layout of the townhouses reflects both the idea of
18 a courtyard area on one of the areas, as well as
19 access along the adjoining roadways and parking
20 areas. They've also indicated that the design is
21 actually going to be much more detailed than the
22 schematic single-color brick that they had
23 provided for the Planning Commission, and they
24 have also indicated that they are going to provide
25 free parking for the occupants of these

1 townhouses, so that the off-street parking
2 concerns of existing residents in nearby blocks
3 would be addressed as well. So a lot more care
4 and detail I think has been made available at this
5 point than there had been for the Planning
6 Commission last month.

7
8 The last thing I want to talk about
9 is the extensive review that the Department has
10 been doing for the area at Station Road in
11 Auburndale. As Edgar mentioned, at the northern
12 edge of the rezoning area, along the Long Island
13 Railroad tracks, are two non-residential zoning
14 districts. The focus of this rezoning, as I said
15 at the outset, was really to protect the area from
16 out-of-character residential development, the
17 tear-downs and the way the fabric of new housing
18 was not compatible with the established building
19 patterns on blocks. But at the same time, there
20 was an opportunity that we had discussed with
21 residents concerned about the commercial character
22 of this area, to see whether or not the zoning
23 could be updated similarly to more closely reflect
24 these non-residential occupants. And the colors
25 on this map, the lavender color indicates the

1
2 types of businesses that are transportation- and
3 automotive-related, particularly three automotive
4 service centers in the M1 area here, as well as a
5 number of other auto body and auto service centers
6 along both Station Road to the south and Depot
7 Road to the north, adjoining the North Flushing
8 rezoning area. The blue indicates certain
9 community facilities, these are non-residential
10 community facilities and offices that are also
11 allowed in the area. And we looked closely to see
12 whether or not there was a way to again make this
13 area more predictable for what development could
14 go on in the area. The land use trends in the
15 area, as these colors indicate, have been a shift
16 away from manufacturing, there are no
17 manufacturing uses in this M1 area, to these
18 commercial automotive services centers, that's all
19 been within the last ten years. And the number of
20 jobs in this whole M1 and C8 area over the last
21 ten years has increased from 38 in 2000 to the
22 last data that we found available in 2008, 230
23 jobs. So it has been an area where there has been
24 the transition away from manufacturing, but to the
25 point where there has been recent development in

1 investment, it has been of a commercial nature.
2
3 And during the rezoning proposal we looked at
4 whether or not the C81 district could be extended
5 to replace the M1. We did not achieve consensus
6 on doing, as we found out that the concern for the
7 area was really about the operations of the
8 automotive service centers, and we actually worked
9 with the Mayor's Office to also review the way
10 those businesses were operating in the area. We
11 conducted a site visit and looked at zoning issues
12 that had been brought out by the civic groups that
13 were concerned about it, and provided a detailed
14 report of those zoning issues to Councilman
15 Halloran and showed that in terms of how those
16 businesses occupy the pre-existing buildings or
17 developed new buildings, they were consistent with
18 the requirements of the M1 district. We believe
19 that the Mayor's Office continues to work with
20 other agencies, we shared our report with the
21 Department of Buildings, which does enforcement on
22 zoning issues, and the ongoing monitoring of this
23 area is something that the Mayor's Office has been
24 working closely with Councilman Halloran on.

25 CHAIRPERSON WEPRIN: Okay, we're

1
2 going to ... I just want to, before we ask
3 questions, just go ahead and acknowledge that
4 Council Member Lappin from Manhattan is here, as
5 well as Council Member Comrie, and we've been
6 joined by Council Member Halloran, who is not on
7 the Subcommittee, but has joined us. Oh, and also
8 Council Member Seabrook, who is on the
9 Subcommittee, has joined us. Mr. Halloran, do you
10 want to jump right in or do you want to wait, you
11 want to warm up first?

12 COUNCIL MEMBER HALLORAN III: Why
13 don't you do everybody else's?

14 CHAIRPERSON WEPRIN: Okay, I don't
15 think there's a lot of everybody's. Oh, Mr.
16 Vacca, I take it back.

17 COUNCIL MEMBER VACCA: I wanted to
18 talk to you about parking. Many of the contextual
19 zonings that have been done over the years, when
20 it comes to new construction, require a certain
21 amount of parking spaces in the contextual zone be
22 provided for a one-family house, be provided for a
23 two-family house. I don't see any mention of a
24 parking requirement for new construction. Can you
25 talk to me about what are you requiring? My first

1
2 thought goes to the R2's, the R3's, the R4's, are
3 there parking requirements in those districts in
4 your proposal?

5 MR. YOUNG: Yes, Councilman, the
6 parking requirements aren't listed on the table
7 because they're not changed from the current
8 zoning. All of the zones, the R12A through the
9 R4, have a 100% off-street parking for each unit.
10 So all of the zones that we're proposing for the
11 lower-density areas really reflect the single-
12 family units or any unit that is created has to
13 provide an off-street parking space.

14 COUNCIL MEMBER VACCA: In many of
15 the contextual zonings, in an R2 or ... in an R2 I
16 know if it's a one-family house you would require
17 two parking spaces off-street. And in many of the
18 R3's and R4's you require three parking spaces,
19 because the R3's and the R4's, the R3's can be a
20 two-family house, but an R4 may be able to be a
21 three-family house. So when you say that you are
22 only requiring two spaces, even in the R4's,
23 that's not what many of the contextual zones now
24 have.

25 MR. YOUNG: Let me clarify, what I

1
2 said was that for each unit, so if you have a
3 three-unit R4- -

4 COUNCIL MEMBER VACCA:

5 (Interposing) Oh, each unit.

6 MR. YOUNG: Then each unit would
7 have provided an off-street space.

8 COUNCIL MEMBER VACCA: So a three-
9 family house would have to provide three spaces?

10 MR. YOUNG: Correct.

11 COUNCIL MEMBER VACCA: And a two-
12 family house two spaces?

13 MR. YOUNG: Correct.

14 COUNCIL MEMBER VACCA: Did you look
15 at two-family homes providing three spaces?
16 Perhaps a garage and then two outdoor spaces?

17 MR. YOUNG: We looked at what
18 current contextual districts we have available,
19 the community had been asking us to provide a
20 zoning update using the current zoning that we
21 had, and the current zones that we're applying
22 here have been used throughout the area, the North
23 Flushing zoning most recently, with these same
24 contextual districts, it's 100% parking
25 requirement.

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2 COUNCIL MEMBER VACCA: My only
3 statement to you is this, with the over-
4 development issue that many of our neighborhoods
5 in the city have faced, starting in 2004, and now
6 I confess that with the building crisis we have
7 and the economy the way it is, the last two to
8 three years we have not seen many Building
9 Department applications. But when the economy was
10 good, and construction was booming, house after
11 house went up without adequate parking, and many
12 people thought that when there's a two-family
13 house, there should be more than two cars, perhaps
14 three cars. You know, parking was a major issue
15 in many of the residential communities in the
16 outer boroughs, because each family has two to
17 three cars, per family, in the outer boroughs.
18 There's not access to mass transit for many of
19 these people. So do you think that you considered
20 the concerns of that community relative to
21 parking? Do you think that my concern is not
22 theirs, or I'd like to know what you did relative
23 ... what input you have and where you ended up.

24 MR. YOUNG: I'd like to say it
25 sounds like what you're really describing is a

1
2 citywide issue, and certainly that's something in
3 terms of the departments in looking at the parking
4 needs in auto-dependent areas, that's certainly
5 something that we can consider. But in terms of
6 the multi-year effort on this rezoning proposal,
7 the idea of increasing parking requirements was
8 not put on the table. They asked us to use the
9 zoning tools that we were using in North Flushing,
10 that we used in Bayside, the R2A was created in
11 2005 as part of the Bayside rezoning, the R2A has
12 a single parking space for the single unit, that's
13 the maximum that's allowed to be created, and the
14 idea was to use the zoning tools that were worked
15 on with community board #7 and #11, as part of
16 this rezoning proposal as well.

17 COUNCIL MEMBER VACCA: I very much
18 think that the R2 and the R2A's are fantastic. I
19 see the pictures, I have communities like that,
20 and I know that the R2 and the R2A will protect
21 the integrity of those blocks. My concern was
22 more the R3's, the R4's, where you can get into
23 two- and even three-family homes. So that's my
24 concern relative to parking. Again, I yield to
25 the local Council people, I only give you my

1
2 experience as someone who dealt with this as a
3 Council person, and I was a district manager for a
4 community board before. So these issues sometimes
5 come back to haunt, that's what I'm telling you.
6 I want to make sure that this plan reflects
7 everything, because the likelihood of getting a
8 plan like this in the next ten, twenty years, you
9 know, you do it once, you do it right, and then
10 you go on with your business. So that's why I'm
11 giving you the input, but certainly I would yield
12 to the community board and the Council people,
13 just a point I wanted to raise.

14 CHAIRPERSON WEPRIN: Council Member
15 Reyna.

16 COUNCIL MEMBER REYNA: Thank you so
17 much, Mr. Chair, I just wanted to understand for
18 further clarification, you said the automotive
19 use, not manufacturing of any type, on the M1-1
20 exists.

21 MR. YOUNG: That's correct, that's
22 the current land usage in that area, non-
23 manufacturing.

24 COUNCIL MEMBER REYNA: And the job
25 increase you see in the last ten years rose from

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30 to 230?

MR. YOUNG: From 38 to 230.

COUNCIL MEMBER REYNA: And those are employees?

MR. YOUNG: Those are reported employees to the State Department of Labor.

COUNCIL MEMBER REYNA: And you referred to issues, but I wasn't clear on what those issues were, that were raised perhaps on behalf of residents locally surrounding the perimeter. If you could just give us an overview as to what those issues were, and is it land use-related, or is it more enforcement issues that I couldn't understand because you didn't go into the details?

MR. YOUNG: Surely. They are more enforcement issues, because they relate to the hours of operations of these businesses, and the deliveries, as you can imagine these are large automotive service center operations for nearby car dealerships, and they involve both the delivery of fleets of vehicles that are bound to be sold at these automotive dealers, as well as the repair of vehicles that have been now sold and

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2 the owners are coming back under their warranties
3 for these repairs. And part of the concern is
4 Northern Blvd. is the primary commercial corridor
5 to this part of Queens, but immediately
6 surrounding uses are residential. So the delivery
7 of vehicles, even if it comes up Union ... Utopia
8 Parkway, which is a major north-south street,
9 still eventually has to go through some of the
10 immediate circulation adjacent to residential
11 uses. There's also concerns about the noise that
12 occurs when car alarms go off, when the operations
13 occur, and some of the buildings and the loading
14 bays are kept open, and that disturbs surrounding
15 residents while car repairs are going on.

16 COUNCIL MEMBER REYNA: Has the City
17 Planning Commission reached out to convene a
18 discuss between agencies such as DOT, Small
19 Business Services and other related agencies?

20 MR. YOUNG: Yes, we've worked with
21 the Mayor's Office, and as I said, because of some
22 of these enforcement issues, we did work over the
23 summer at Councilman Halloran's request, to bring
24 other agencies into a discussion, particularly the
25 Department of Environmental Protection and the

1
2 Department of Buildings.

3 COUNCIL MEMBER REYNA: As well as
4 the Department of Transportation.

5 MR. YOUNG: And the Department of
6 Transportation, that's correct.

7 COUNCIL MEMBER REYNA: So I just
8 wanted to get an understanding as to whether or
9 not it was land use-related or enforcement,
10 strictly enforcement-related, thank you.

11 CHAIRPERSON WEPRIN: And
12 Councilman, you'll hear some more about this topic
13 in the next few minutes, I'm sure. Do you want to
14 ask something, Vincent? Vincent Ignizio from
15 Staten Island.

16 COUNCIL MEMBER IGNIZIO: Yes, thank
17 you very much. Are you enhancing the potential
18 issue here with the M1? It seems like that's the
19 issue that there's some contention about. Is this
20 rezoning increasing or almost giving a green light
21 to the expansion of automotive services in this
22 district? I don't know, I haven't read much about
23 it, I'm not ... I haven't talked to Dan about it,
24 which I'm curious to hear what his comments are,
25 but is this an enhancement of, or an alteration

1
2 which would curtail, the current automotive usages
3 in this area?

4 MR. YOUNG: As I said, we had
5 discussions during the rezoning study, to see
6 whether we could achieve a rezoning proposal for
7 this area. We did not reach consensus, so we're
8 not changing the current zoning from what there is
9 today. This has been the zoning since 1961.

10 COUNCIL MEMBER IGNIZIO: I mean,
11 just from my issue, I mean, we've rezoned my area
12 in southern Staten Island now going on three
13 times. We created the R3X zone, we know how
14 sensitive they are. In regards to Council Member
15 Vacca's issue, on Staten Island we worked on a
16 plan whereby the parking would have to be beyond
17 the first wall of the home, so you would actually
18 have queuing up, you'd have additional parking
19 there de facto. And my concern here is if there's
20 already a problem, relying on the Mayor's Office
21 is not going to get you very far. Anybody saying
22 to me, we're working with the Mayor's Office,
23 immediately the Mayor's Office is in my opinion
24 far more interested in the tax revenue than they
25 are the plight of local homeowners, and I think

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2 you ought to address this problem now and try to
3 see if we can get real solutions, because once
4 it's passed, the Mayor's Office is going to be,
5 you know, welcoming and loving the tax base that
6 comes with it, and the deal with the additional
7 community concerns is not going to be a concern of
8 the Mayor's Office. That's all my comment is,
9 thank you.

10 CHAIRPERSON WEPRIN: Mr. Halloran,
11 did you have any questions for this group? I know
12 you're shy, but you know.

13 COUNCIL MEMBER HALLORAN III: I'll
14 try, Mr. Chair, to come out of my shell. Let me
15 first preface this by saying that there have
16 indeed been a dozen meetings about this. I'll
17 first give credit to John Young for all of the
18 times that we've spoken and attempted to work on
19 this. But to answer both of my colleague's
20 questions about whether this actually does
21 anything, the answer from this Council Member who
22 represents this district, is no. Star Nissan has
23 been a nightmare neighbor, not just here but in
24 another facility in my district, on Northern Blvd.
25 and the Clearview Expressway, where I've heard

1 from my black and Latino constituents there who
2 have now ascribed racism to the issue, because I
3 can't get anything done with this same dealer, who
4 doesn't care about this community, who parks cars
5 on the streets, backs up his lots, frequently
6 violates the CFO, and because the laws in New York
7 City suck, we are not able to enforce against him,
8 because he's able to correct every condition. You
9 know, he leaves a window open, the doors open
10 while they're manufacturing, he gets to shut the
11 door, and then all of a sudden there's no
12 violation any more. He gets to move the vehicles
13 and instead of the 40 cars he's supposed to have
14 under the certificate of occupancy, when he has
15 120 on the lot nothing happens, because he just
16 takes them off and moves them to the other lot,
17 which overflows that lot. And then by the time
18 the Department of Buildings gets around to
19 inspecting over there, he gets to correct the
20 condition by sending them back to this facility.
21 DEP sat in my district office manager's house at
22 5:00 in the morning to listen to the noise that's
23 created by this facility, and all they could do is
24 walk over to them, issue them the violation, which
25

1 they were able to correct by closing the bay
2 doors. We received one proposal from the city, a
3 C8, which is contextually relevant to the upper
4 areas, which are along the Long Island Railroad.
5 So anybody who bought a house on the Long Island
6 Railroad, of course, they presume there would be
7 noise and the C8 is completely relevant,
8 contextually placed, and it is not something I'm
9 here to argue about. The fact is that this M1
10 zone was created when the city cut a deal in 1961,
11 an illegal deal in my opinion as an attorney, to
12 de-map a street that used to exist connecting
13 Station Road from one point to the other, the city
14 de-mapped that street to help out a manufacturer,
15 Eutectic-Castolin, who then poisoned the
16 environment, but he had a nice quiet operation,
17 because he kept the doors closed, he didn't make
18 noise outside, and just chemically spilled into
19 the area thus contaminating it. And then along
20 comes Helms Brothers and Star Nissan. Star Nissan
21 we should have known was going to be a problem
22 because as I indicated, on Clearview Expressway
23 and Northern Blvd. they're already a problem.
24 Enforcement, as my colleague from Staten Island
25

1
2 said, is not really been helpful. In fact, I was
3 promised back in June when we had the first
4 meeting about this, that something would be done,
5 that enforcement would be rigorous, and that by
6 August I would have an alternative proposal. I
7 had an alternative proposal, the proposal was the
8 same C8 that was on the table in June when we had
9 that meeting right here. And absolutely no
10 significant enforcement took place between then
11 and now. I've had the Buildings Department
12 commissioner walk with me on the site. He almost
13 got hit by a car coming the wrong way down the
14 road, the one-way street that was created. We
15 went there and we observed the stop gate which is
16 supposed to be up was not there. In fact it had
17 been removed. There was a chain which had been
18 across the top placement of the T, which was to
19 prohibit delivery trucks from entering the
20 facility at that location, that chain was gone.
21 There were no marked parking spots, when we talk
22 about parking, this guy spills out onto the road,
23 covers the lot completely, and blocks the
24 easement, which makes it harder for the Helms
25 Brothers, who actually then, after I spoke to

1
2 them, had the decency to a. return my phone calls,
3 and b. then replace the gate, replace the chain,
4 put up new signage and make an effort to use the
5 easement which they were supposed to use. Mr.
6 Kaflakis (phonetic) did not return a call, 16 of
7 them, from our office, 16 calls over the course of
8 seven months. Kaflakis is the owner of Star
9 Nissan, a millionaire who has a contract with the
10 City of New York to service New York City cars.
11 No, they get fined and they are remediate, except-
12 -

13 CHAIRPERSON WEPRIN: (Interposing)

14 Try not to answer questions from the audience.

15 COUNCIL MEMBER HALLORAN III: Sure.

16 CHAIRPERSON WEPRIN: No disrespect,
17 sir.

18 COUNCIL MEMBER HALLORAN III: Sure.

19 CHAIRPERSON WEPRIN: It will cause
20 more mayhem than we can afford.

21 Cx29 They get fined, and one of
22 two things happens: they're remediable fines, and
23 therefore it doesn't matter, because they close
24 the bay door, they move the cars, and all of a
25 sudden these fines disappear, which is why I've

1 introduced legislation which will prohibit that in
2 commercial, and I urge all of my colleagues to
3 join on to that legislation, which will prevent
4 people from being able to remediate fines when
5 they're repeat offenders on commercial sites.

6 That's one, and number two, they still have open
7 fines from 2005 they haven't bothered to pay.

8 That was number one. John, we've had many, and
9 again I am almost killing the messenger here, and
10 I apologize, because I have to say, Mr. Chairman,
11 John Young did make multiple attempts to figure
12 out ways around this that would contextually work.

13 And I appreciate the hard work that you've put
14 into this. We asked about something other than a
15 C8, and I think we were told that there is
16 absolutely no way that anything else would be
17 possible, given the fact that there's a pre-
18 existing use there, and that use is a use group
19 16, is that correct?

20
21 MR. YOUNG: That's correct. Any
22 zoning to be valid has to reflect an objective
23 analysis of land use conditions, land use trends,
24 whether or not there are any substantial
25 deviations that are even requested at the Board of

Standards and Appeals, we have none of that here.

COUNCIL MEMBER HALLORAN III: Okay, and you do understand that the overall intent of this zoning was to make the neighborhoods much more safe from further development, and I believe you had said to me that the M1 downgrading to a C8 would actually be an improvement, because we would actually take out manufacturing permanently from the equation, and while everything that's permissible in a commercial group is permissible in that manufacturing group, the contra is not true. In other words, there would be uses prohibited by a C8 that would not be ... which would be permissible in an M1, is that correct?

MR. YOUNG: That's correct, there's a broader range, particularly of manufacturing uses, that operate legally in an M1 that cannot open up in a C8.

COUNCIL MEMBER HALLORAN III: Okay, and just so I'm clear, because my community and I are actually fighting about this. They are very upset with me for not being able to do something here, despite the fact that this zoning was instituted under the prior Council member, who was

1
2 the Chair then of the Zoning Committee, and could
3 have done things to alleviate this, but that's
4 neither here nor there. This manufacturing zone
5 right now, it would be your recommendation, the
6 city's recommendation, to go to the C8 so at least
7 we could limit the future damage should Star sell
8 to somebody else, yes?

9 MR. YOUNG: Correct, it would set
10 the policy in a downward direction for allowing
11 uses that would be more to what's there, and
12 eventually, through monitoring, you know,
13 continuing to tighten the re-use regulations based
14 on the objective analysis of what's going on now.

15 COUNCIL MEMBER HALLORAN III: And
16 just so that I am very clear to my constituents
17 and for the record, there is nothing in a C81 that
18 could be done that couldn't already be done in the
19 M1 that's there, usewise.

20 MR. YOUNG: The one thing that is
21 available to allow in a C8 is a large supermarket.
22 Today in an M1 district, a supermarket is limited
23 to 10,000 square feet.

24 COUNCIL MEMBER HALLORAN III: Okay,
25 so other than the size of a supermarket, there ...

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2 everything that can go on in a C8 can go on in an
3 M1, plus a whole lot of other things.

4 MR. YOUNG: Correct.

5 COUNCIL MEMBER HALLORAN III: Okay.

6 And my community was given the opportunity, at
7 least in discussion with its leaders, and by its
8 leaders I mean the civic associations, to down
9 this to a C8 and they rejected that, despite the
10 fact that it was your recommendation, and tacitly
11 my recommendation, based on the fact that there's
12 nothing else that was being put on the table, yes,
13 John?

14 MR. YOUNG: At a meeting at
15 Councilman Avella's office on December 16th of last
16 year, we agreed to disagree, that they would not
17 support the C8 rezoning.

18 COUNCIL MEMBER HALLORAN III: Okay.
19 Now, other than the land use issue, which is that
20 you're surrounded by R2A's and R4B's, which are
21 all residential properties, you're also part of
22 the meetings about enforcement, yes?

23 MR. YOUNG: That's right.

24 COUNCIL MEMBER HALLORAN III: Okay,
25 and you heard the Building Department

1
2 representative, when we were discussing the
3 demapping of this street, the issues that related
4 to the Department of Transportation's findings
5 that the one-way street on Auburndale Lane posed
6 certain safety risks that were ameliorated by the
7 use of a gate, and other things. Does the City
8 Planning Office have any concerns that the failure
9 of the businesses to operate within those
10 restrictions could create an issue for the
11 residents of the community?

12 MR. YOUNG: I think this isn't
13 unique to this situation. I think any time a
14 business is not operating in a safe manner, where
15 the effort should be to be a good neighbor, there
16 is a concern, and we would certainly, again, work
17 to continue to monitor and enforce all the
18 building code and other transportation
19 requirements.

20 COUNCIL MEMBER HALLORAN III: John,
21 you would agree with me though, in looking at this
22 map that you have up on the wall, that if we were
23 starting from scratch, if we were building our own
24 little city and playhouse, and playing cities, Sim
25 City or whatever, this M1 is completely not

1
2 appropriate, given everything else that's sitting
3 around it, right? You'd agree with us at least on
4 that?

5 MR. YOUNG: I can't agree with
6 that, because as I've said, we've looked across
7 the borough of Queens, and there are eleven other
8 locations where a single-family residence zone
9 adjoins a manufacturing district, to the extent
10 that some also are on waterfront locations, some
11 may not have this type of configuration, that's
12 correct, but from a land use regulatory basis,
13 this is not a unique, entirely unique, situation.

14 COUNCIL MEMBER HALLORAN III: How
15 many of those situations have grandfathered M1's
16 with the pre-existing conditions that prohibit
17 enforcement of the modern manufacturing uses,
18 restrictions such as buffer zones? How many of
19 those other eleven have those circumstances?

20 MR. YOUNG: Well, I think I
21 mentioned one other one in your district, up in
22 Whitestone, there's this stone crusher facility
23 that's operating, again right across the street
24 from single-family residences. So again there's
25 concern about the trucks and things that move out

1
2 of that facility, the particulate and dust, you
3 know, that can fly from that area. So again,
4 there are situations, even though these are low-
5 density areas, it's not that uncommon to find a
6 juxtaposition of a single-family district with a
7 manufacturing district.

8 COUNCIL MEMBER HALLORAN III: And
9 other than the one in Whitestone, can you identify
10 ... well, let me rephrase this. This isn't just an
11 M1, this is a site that's been grandfathered with
12 facilities that pre-exist the zoning resolutions
13 of the City of New York, and so there are
14 restrictions in other M1 locations which would
15 create buffers, is that not correct?

16 MR. YOUNG: Again, it really
17 depends on where the boundary lines of those
18 districts are, and whether or not they are in the
19 center line of the street, or adjacent to a block
20 portion that contains residences- -

21 COUNCIL MEMBER HALLORAN III:
22 (Interposing) Okay, and this one does, and you
23 know that. So I mean we're talking about some of
24 these homes are 25 to 35 feet away from the
25 facility, isn't that correct?

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MR. YOUNG: That's correct.

COUNCIL MEMBER HALLORAN III: Okay, so if this were an M1 recently created, for example, where a new owner was coming in and they would have certain obligations under M1 zoning to maintain certain buffers, to have certain distances, isn't that correct?

MR. YOUNG: That's correct.

COUNCIL MEMBER HALLORAN III: Okay.

MR. YOUNG: And so as we described, the building that was built in 2000 for the GM dealership at the southern end of this- -

COUNCIL MEMBER HALLORAN III:
(Interposing) Is conforming.

MR. YOUNG: Is conforming, it shows how a new building would be constructed in the M1-1 district.

COUNCIL MEMBER HALLORAN III: Okay.

MR. YOUNG: The existing building just to the north that was retrofitted for the Star Nissan operations does not provide all the depth away from the street that you'd normally have in a new building.

COUNCIL MEMBER HALLORAN III: Just

1
2 so that my colleagues are clear in understanding
3 what John just said, normally a manufacturing
4 district has protections for the residents who
5 surround it. Because this is a grandfathered-in
6 building - there's that picture I love so much -
7 because the top building at Auburndale Lane takes
8 up the entire parcel of the land, there is no
9 buffer zone. The lower building, which is the GM
10 building, you can see has the parking spots
11 surrounding it, it's got a buffer zone to the
12 community that surrounds it, and as you look, that
13 number of 50 feet distance gets smaller and
14 smaller as you get to the top, because it's an
15 angled street. So those houses which exist at the
16 top are closer, in fact, than the houses which are
17 lower down. So actually as the building got
18 bigger up top, the houses become closer to it,
19 which is the inverse of what we would want. Now I
20 know, Mr. Chairman, that I have to yield back,
21 because I don't want this poor hearing to go on
22 forever. I appreciate all of your hard work in
23 working with me. I appreciate Chair Comrie's hard
24 work. I got to read the New York Times last
25 Sunday, "Living in Auburndale, Queens, Echoes of

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2 Old England". I know that doesn't look at all
3 like Old England, except maybe for the slave
4 factories that they used to have the kids working
5 in. But I would say that I'm very disappointed in
6 the city. I am not going to hold this zoning up
7 for the residents of the other communities which
8 so desperately need the downzoning, but I hope my
9 friends in those other regions realize that I have
10 done this over my own conscience, and over my
11 desire to see something positive happen here,
12 because Council Member Koo and I were fully
13 prepared to say no to this rezoning simply on this
14 issue, and we're not because we want to protect
15 the rest of you. But this city has put me in an
16 incredibly awful position, that I will not be able
17 to get out of, and I will have no answer for my
18 friends on Station Road, which is five blocks from
19 the house I grew up in, and which my family had
20 for 40 years, and I have no answer. So Mr.
21 Chairman, I'll keep my fingers crossed that
22 Council Member Ignizio is wrong, and that the
23 Mayor's Office will give a damn after this goes
24 through. I'm sure I'll be sorely disappointed,
25 but nonetheless, I just wanted to get that on the

1
2 record and apologize in advance for my position on
3 this. Thank you.

4 CHAIRPERSON WEPRIN: No apology
5 necessary. Mr. Young, just a couple of quick
6 questions, and just on Station Road. There's no
7 reason we can't visit this in the future, either
8 now or in the future under a new mayor, or
9 anything else, right?

10 MR. YOUNG: Absolutely not. As I
11 said, we want to work with our own to continue to
12 monitor how things are going there, and as land
13 use trends warrant, we would certainly be able to
14 revisit.

15 CHAIRPERSON WEPRIN: Okay. Just a
16 couple of quick questions. This is a broad one.
17 Why is this plan so big? You know, with my
18 limited experience as Chair of this Committee,
19 we've never had a project that went over three
20 Council districts. Why is this all one big lump
21 project?

22 MR. YOUNG: We're actually working
23 on a larger rezoning now in Community Board 12,
24 which was in response to our commitment to that
25 community board to rezone the rest of the

1
2 community district at the point when we did the
3 Jamaica plan in 2007. Similarly, when we did the
4 Bayside plan in 2005, Community Board 11 asked us
5 to look at the rest of their areas for a lower-
6 density protection, particularly using the R2A,
7 and Board 7 has had a similar request for all the
8 zoning updates in their community district, and we
9 simply felt this was the best opportunity to
10 respond to those requests. We have the technology
11 now to really allows us to do the analysis, that
12 allows us to be as efficient and comprehensive in
13 our rezoning strategies.

14 CHAIRPERSON WEPRIN: Okay,
15 obviously the reason I asked that is, there have
16 been a number of issues, some of which you're
17 going to hear today, on specific parts of the
18 project that, you know, are not getting, you know,
19 sometimes are not able to sit there and discuss as
20 much, because we didn't want to hold up the whole
21 project, when a lot of the project has got
22 unanimous consent, everybody likes, and then there
23 are little projects that have little small issues,
24 or big issues, that you know, are being sort of
25 lumped together and maybe not getting the amount

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2 of attention that they could have, if they were
3 stand-alone projects.

4 MR. YOUNG: I hear you, but I think
5 we've gone to numerous meetings with civics across
6 both community districts.

7 CHAIRPERSON WEPRIN: Yes you have.

8 MR. YOUNG: To make sure that
9 everyone had the opportunity to have a discussion
10 about this proposal.

11 CHAIRPERSON WEPRIN: And you have,
12 but I just, you know, it just made it a little
13 more difficult, because some projects really are
14 on a quick timetable. Just one other question I
15 wanted to get clear, because on the Auburndale R2A
16 to 3X, you have the three different, May 24th to
17 September 29th. Could you just describe, again,
18 what made you go from the 2A to the 3X, and what
19 were the decisions? Could you just describe that
20 again for the record? Why it changed from May 24th
21 to September 29th?

22 MR. YOUNG: Surely. In Oakland
23 Gardens the discussion had been about what we can
24 do in the areas that were zoned R3-1 and R3-2, and
25 were allowing semi-detached developments to

1
2 replace detached developments.

3 CHAIRPERSON WEPRIN: Multi-family,
4 beyond two families even.

5 MR. YOUNG: Correct. They were
6 basically putting two semi-detached houses, each
7 with two units, where there had been a single
8 structure before and a single household. And
9 during our more than a year of discussions on
10 possible rezoning recommendations, there were a
11 number of ideas discussed for the rezoning of this
12 area, and at the outset of this proposal, we went
13 as low as we could go, based on the objective
14 analysis of the development patterns on these
15 blocks. And the fifteen blocks were R2A, had been
16 proposed when we started the formal public review
17 of this proposal, have a 2/3 conformance rate for
18 single-family detached housing. The area to the
19 north, and it actually includes areas to the north
20 of the LIE, where the R3X was originally proposed,
21 hadn't had a conformance rate of less than 50%
22 single-family detached housing. So where, again,
23 the predominant pattern was single-family
24 detached, the R2A was proposed, because there were
25 constituents that were stakeholders who asked us

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2 to do the best we could do in terms of standard
3 analyses. Yet, there was considerable, and we
4 expected it, because there had been during the
5 whole study process, debate about what was
6 appropriate for the vision for this area. And
7 particularly at the borough president and City
8 Planning Commission hearings, there was a strong
9 turnout to ask that the detached area be
10 protected, but that the occupancy be allowed for
11 both one- and two-family households. And so the
12 R3X does that, and the conformance rate goes up to
13 90%.

14 CHAIRPERSON WEPRIN: And the
15 borough president recommended that they switch to
16 R3X?

17 MR. YOUNG: As I said, the borough
18 president's recommendation was conditioned that
19 the Department re-examine this area, and see if
20 the R3X would be appropriate.

21 CHAIRPERSON WEPRIN: Okay, thank
22 you. Mr. Vacca. Let's try to run this forward,
23 we've got a lot of people who are going to
24 testify.

25 MR. YOUNG: Okay.

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2 COUNCIL MEMBER VACCA: Just a quick
3 question. We have manufacturing districts
4 throughout the City of New York that are adjacent
5 to residential districts like this one. Can you
6 identify what measures over the course of many
7 years have been taken when that situation has
8 existed? Were there requirements in those
9 manufacturing areas that would protect the
10 surrounding area that's residential, that we could
11 replicate here, because I hear a concern, we want
12 to keep jobs, of course, but also if you own a
13 two-family house and you're near a manufacturing
14 area, there's got to be an accommodation made,
15 because you don't want the trucks, the noise, the
16 other variables. So can we look to adopt some of
17 those things, that I'm sure the City Planning
18 Commission in the past has accommodated
19 neighborhoods like this?

20 MR. YOUNG: Councilman, we looked
21 at all of the precedents that we've been working
22 on because of the sensitivity of where residential
23 uses adjoined manufacturing districts, and to the
24 extent that there are requirements when new
25 development occurs, where that development is

1 placed on the zoning lot, that is certainly
2 something that cannot happen when you have pre-
3 existing structures, so the rest of it is simply
4 the performance requirements of the zoning
5 establishments for business that the effects of
6 what happens on those lots be limited and just be
7 within that lot. And that's why it's really an
8 enforcement issue. The zoning issues, we've
9 walked the area, the photograph that we had here
10 showed when we were out there looking at any
11 zoning issues, whether there was anything further
12 that could be done here, and they are operating
13 within the current zoning requirements.

14
15 COUNCIL MEMBER VACCA: But I have
16 to tell you that now you have an application for a
17 contextual zoning change, and if these people are
18 on a manufacturing strip, especially if they are
19 getting city contracts, and they're not being
20 neighborhood-friendly, they should be called to
21 the table by the City of New York now, not
22 afterward, and they should be read the riot act.
23 They should be told what is expected of them.

24 COUNCIL MEMBER HALLORAN III: If
25 you could get them on the phone, maybe that would

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happen, but.

COUNCIL MEMBER VACCA: Well, I don't think that they return a call from a Councilman, and I think that's outrageous, and especially fifteen calls is more outrageous, but I would call them to the table now, before this passes the Council, and they should be told what is expected of a good neighbor, and where we need their cooperation. This is the time. Once this is passed, the train has left the station. So you have to do this now, and I think the city has to take the lead. I think especially in light of the Councilman not getting a reception that's appropriate, I think the city has to take the lead. If it's not you, it's got to be one of enforcement agencies of the City of New York. I think of the Buildings Department right away, but there are other enforcement agencies. Why haven't these people been called to the table during this process as a group? I would think as a group, more than individually, I would think as a group that that's what should be done, and I think we still have time, and are you willing to do that with other city agencies? I think that's the

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2 question.

3 MR. YOUNG: As I said, we have had
4 ongoing enforcement. The idea of bringing them to
5 the table first has to be to review the detection
6 of improper conditions, and to the extent that
7 that has to be done through a process of working
8 with these agencies, that's what we've been trying
9 to do. And we will- -

10 COUNCIL MEMBER VACCA:

11 (Interposing) I respect you, and you're very
12 knowledgeable, but let me tell you something.
13 It's one thing to tell the manufacturing people,
14 we're going to enforce. They get a summons, for
15 many people these summonses are the price of doing
16 business, okay? I would say to them, there's a
17 rezoning, we're calling you to the table to
18 discuss how this rezoning impacts you. They will
19 all be there. When you put it that way, they will
20 all be there. That's what has to be done, not a
21 piecemeal summons here and there, that's just par
22 for the course. There has to be an understand
23 that there's a rezoning, that they are either part
24 of the problem or part of the solution. And I
25 think that that should be done immediately by

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2 those who have power. But you consulted with
3 them, but I think the people like Halloran and
4 Weprin, the Council people, should be there,
5 because this is a Council issue at this point.
6 And I think that they have to be called to the
7 table as a collective group.

8 CHAIRPERSON WEPRIN: Mr. Vacca, I
9 just want to state for the record, remember, this
10 is not part of the rezoning, and we can ... I'm
11 saying here today, you know, we're not giving up
12 on this. This is not an issue that's going away,
13 believe me, I know we're going to hear a lot about
14 it. And we're hoping, you know, to try to find a
15 way to resolve this in the future. I know it was
16 pulled out of this plan for now, but that doesn't
17 mean it isn't coming back in the future. And Mr.
18 Comrie has a comment, question.

19 COUNCIL MEMBER COMRIE, JR.: So I
20 just want to be clear, for the record, that this ...
21 I just want to be clear for the record that this
22 is not part of the rezoning plan as it stands now?

23 MR. YOUNG: That's correct, it's
24 not part of the rezoning changes that are before
25 the Committee.

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2 COUNCIL MEMBER COMRIE, JR.: And
3 the attempt to meet and have a discussion with
4 these businesses, has that happened in a public
5 forum or a private forum or what level of
6 discussion has happened with them?

7 MR. YOUNG: The level has been
8 within the standards of each agency to go out and
9 inspect and issue any enforcement citations.

10 COUNCIL MEMBER COMRIE, JR.: So
11 it's all been done individually, not in a
12 collective effort?

13 MR. YOUNG: That's correct.

14 COUNCIL MEMBER COMRIE, JR.: And
15 there has ... and you also said during the hearing
16 that all of the uses in that area were conformed
17 to a C8, C8X, correct?

18 MR. YOUNG: They would be
19 conforming to a C8 district.

20 COUNCIL MEMBER COMRIE, JR.: Okay.
21 But this rezoning, we're carving this area out,
22 and it's not part of the rezoning plan that we're
23 adopting today, how does that affect the usage and
24 the impact on the residents now? They will still
25 be dealing with everything that's there in the

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2 conditions that are today that are negative
3 impacts on them, correct?

4 MR. YOUNG: The zoning would not
5 change, they would continue to operate under the
6 current zoning.

7 COUNCIL MEMBER COMRIE, JR.: Okay.
8 So we have an opportunity to pull a meeting
9 together to try to look at this in another way,
10 hopefully bringing in the city, all the city
11 agencies, to do that. So I would just say that
12 I'm willing to work with Council Member Halloran
13 and Weprin and the Queens delegation to figure
14 this out, and also other Council members, because
15 we do have a problem with commercial/manufacturing
16 areas that are within very tight residential
17 areas. I have been on Station Road and Auburndale
18 Road with the former Councilman a couple of times,
19 doing press conferences over there, and saw the
20 traffic. So I'm more than willing to take a
21 larger look at how we can deal with this
22 legislatively as well. But this is not part of
23 the rezoning, at least that will not be a problem
24 that won't be dealt with. It's a problem that
25 won't be dealt with today, but it's a problem that

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2 we need to address as a Council. So Mr. Chair, I
3 have just one other question, on the question with
4 the Cloverdale Road area, how many houses are
5 multi-family use in that area, or more than an
6 R2A? Did you get a breakdown on that?

7 MR. YOUNG: We did. Again, it
8 depends on which, you know, our analysis was based
9 on the certified rezoning proposal. In terms of
10 the area south of 64th Avenue, it's about 1/3 two-
11 family, and 2/3 single-family, and then the area
12 to the north it's about slightly more than 50%
13 two-family, and the rest single-family.

14 COUNCIL MEMBER COMRIE, JR.: Okay.
15 Thank you. All right, thank you, Mr. Chair.

16 CHAIRPERSON WEPRIN: Yes.

17 COUNCIL MEMBER COMRIE, JR.: I just
18 want to say that, you know, I also appreciate
19 everything that John has been doing to try to come
20 to some consensus from his purview as City
21 Planning manager for the borough, but this is a
22 multi-agency issue, and a multi-agency issue has
23 not been done to resolve some of these pressing
24 issues, problems, and that that needs to happen,
25 so it's unfair for City Planning alone to just

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2 have to try to create an opportunity to correct
3 something that really requires, as Council Member
4 Vacca said, the force and might of the Mayor's
5 Office to really make these corrections. So we'll
6 have to make sure that happens. Thank you.

7 CHAIRPERSON WEPRIN: Okay, thank
8 you. We're now done, Mr. Young? Yeah, I assume
9 someone is going to stick around just to watch all
10 of the discussion. And what we're going to do
11 now, ladies and gentlemen, I apologize again for
12 how long this takes, but it was important we got
13 as many answers out of City Planning while they
14 were on the hot seat. I'd like to ... what we're
15 going to do now is we're going to call up panels,
16 that's groups of people, each are going to be
17 limited to two minutes, I apologize. We're going
18 to start out with people in opposition to the
19 plan, and we're going to start with Windsor Park
20 people, and then we're going to have people in
21 favor of the plan, and then those against, and
22 then in favor, so it's going to go back and forth.
23 But I'd like to call people, and these people are
24 in opposition to the plan, Arlene Schlesinger ... or
25 in opposition to at least part of the plan ... Joe

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2 Kusilik (phonetic), Flora Montino, Joe Korrer, and
3 Joe Huggard ... John Huggard, that's it. Go ahead.
4 Yes, you want to switch with ... He has to go to
5 work, does someone want to ... sure, bring him up.
6 Go ahead. Who is that? I'm sorry? Okay, and Mr.
7 Pizzel. Again, I have to limit everybody to two
8 minutes, I'm going to just move you over. There
9 you are, okay. I apologize, we're going to have
10 one ... there's one more panel in opposition on the
11 Windsor Park one, we'll have to do that after the
12 in-favor one, so come on up. Nick, we need some
13 extra chairs, they're working on that. Well,
14 we're now going to be six people, I think, Arlene,
15 right? How many people are we? We're going to do
16 six on this panel. Is that ... I know that's
17 unheard of, but maybe the one with the strongest
18 legs can stand even, if you want. I did, yes, I
19 did. Mr. Kern, you were yelling about the other
20 project. Are you in ... you're in Oakland Gardens,
21 right, okay. Oh, okay. Okay, all right. Well,
22 let's see, again, Jerry, two minutes, right? What
23 I'd like you each to do, please ... all right, lady
24 and gentlemen, again, when you get up to the mic,
25 make sure to state your name. okay, all right, do

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2 you guys want to fight over who goes first? State
3 your name, we're going to put you on the two-
4 minute clock.

5 MR. KUSILIK: No, that's all right,
6 I speak loud enough. Hi, my name is Joe Kusilik.

7 MALE VOICE: Quiet, please.

8 MR. KUSILIK: Can you hear? Hi,
9 good morning everyone, my name is Joseph Kusilik,
10 my wife and I moved into Windsor Park 17 years ago
11 and we love it, it's beautiful. As you can see
12 this picture here I displayed, this is the picture
13 of our, when we look out the front window of our
14 building and the building next to us, we live in a
15 cul-de-sac, and it's beautiful, it's spacious, and
16 a lot of parking, a lot of room, and we're very,
17 very happy. But then we learned about two or
18 three years ago that the board decided to put up,
19 they want to put up a new building, they want to
20 put up a 36 three-unit building right in that cul-
21 de-sac, right on top of a 50-car parking spot. So
22 when they talked earlier about parking, what we
23 feel is we're going to lose parking, because
24 they're going to take away parking by putting a
25 building on the spot, and then they're going to

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2 add 36 families. They're also going to add 36
3 families here. This is another section of Windsor
4 Park, they're going to take down these trees,
5 which people have a beautiful view of these trees,
6 and they're going to put another 36 three-bedroom
7 townhouses in that location. Now you're adding 72
8 families, you're going to need like two or three
9 more ... at least two cars, maybe one car per
10 family, where are these cars going to park? Now
11 this is the ... the issue that we have with this is
12 that we're going to lose money. The value of our
13 court is going to go down because we're losing a
14 beautiful view, now we're going to have to see the
15 side of a building, as opposed to the beautiful
16 trees at Cunningham Park, as these people will
17 lose their view, and we're also going to lose
18 parking, parking is so essential. Now, what's
19 going to happen is the area is going to be flooded
20 with vehicles, because we won't have any parking
21 spots. They're talking about putting up two new
22 buildings, they're not talking about adding any
23 parking spots. So the area is going to be flooded
24 with vehicles, and that's a concern, not only of
25 us, but also of people who live in the residential

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2 area who own private homes. I have the ... I have
3 signatures of 93 in just two of those buildings,
4 my building and the building next to me, who don't
5 want this event to occur, and I also have
6 signatures of about 78 people who own private
7 homes, they don't want this event to occur also.
8 We have the support of Community Board 11, we have
9 the support of City Planning, we also have the
10 support of the Hollis Hills Civic Association.
11 They don't want the buildings to go up either, as
12 John Young had stated earlier. That's it?

13 CHAIRPERSON WEPRIN: That's it, I'm
14 sorry, work on notes. Next. We can go to the
15 next person, you can ... I'm sure they'll add some
16 of the things you wanted to add anyway. For the
17 record, the community board approved the plan
18 initially. They then since recently, just last
19 week, wrote a letter expressing concern about
20 parking and the trees. But that wasn't the
21 community board, that was just from the community
22 board chair, for the record.

23 MR. PIZZITELLO: I'm Peter
24 Pizzitello, I've also been living in Windsor Park
25 for about 25 years, it's a beautiful place, it's

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2 very, very well run. But this additional building
3 that they're going to be putting ... they're putting
4 up two buildings. Now, this one 36-unit building
5 that's going to be in our area over here, this 36-
6 unit building in an area where right now there are
7 96 apartments. So you're talking about in an area
8 that's slated for 96 apartments now is going to
9 have an additional 36, that's a third more people
10 in that area, and that's just too overwhelming for
11 the one area. So that's one of the reasons why
12 I'm against it. Of course now there's going to be
13 limited parking. The people that are in these
14 buildings are now going to have to pay for
15 parking, we used to be able to park on the street,
16 it wasn't easy, but now we're going to have to pay
17 at least \$700 for every car that we need. You
18 know, Windsor Park, the beauty of Windsor Park is
19 that it is very park-like. We don't want it to
20 be, to look like Forest Hills where neighbors come
21 over, and they've got to come over a half an hour
22 early just to find a spot. So ... no offense to
23 Forest Hills. The other thing is that Larry has
24 been presenting this, you know, at all the
25 meetings, but there really hasn't been a vote, and

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2 this plan is going to be a \$36 million project. I
3 think that the residents of Windsor Park should be
4 able to vote on the project. It has not been
5 voted on, the board has been elected, and the
6 board wants to go ahead with whatever they want.
7 They don't ask our permission, we don't vote on
8 it, they're elected, they do what they want to do.
9 I think that we should be able to vote for or
10 against it.

11 CHAIRPERSON WEPRIN: Okay.

12 MR. PIZZITELLO: And let me just ...
13 one other thing. I think that if Holiday Inn said
14 that they wanted to put a 72-unit building across
15 the street from Windsor Park, and take up another,
16 add another 150 spots to our area, our co-op board
17 would be fighting tooth and nail to make sure that
18 that doesn't go through. So, you know.

19 CHAIRPERSON WEPRIN: That's true.

20 MR. PIZZITELLO: So that should be
21 taken into consideration.

22 CHAIRPERSON WEPRIN: Okay. They
23 wouldn't get anything from that, but yes.

24 MS. SCHLESINGER: Hello. Okay. My
25 name is Arlene Schlesinger and I'm a resident of

1 Hollis Hills, and I represent on that little map,
2 okay, the private homes in this area. I live on
3 209th Street, which is a dead-end street. Our dead
4 end is the only access to this Windsor Park Circle
5 that you're seeing here. On the other side, when
6 you walk through our dead end, you walk directly
7 through the Vanderbilt Motorway, okay, and you hit
8 210th Street on the other side. By adding this
9 building of 72 homes, we're talking about a
10 minimum, you're taking away 50 spots, adding at
11 least 150 cars, what we have now is that our block
12 is being used as an easement. And I have
13 pictures, unfortunately they're not as big as
14 theirs, which I will leave the board. This would
15 make our quiet little residential street, okay, a
16 main thoroughfare solely for the purpose of
17 Windsor Park. All right? I find it difficult to
18 believe that I have asked Mr. Kinitsky, okay, to
19 see these plans, and I was told that it was none
20 of my business. I just spoke to his attorney over
21 there and he said, "Oh, the plans have been in our
22 office". According to Chairman Weprin, okay,
23 these plans have recently changed dramatically.
24 Now if these plans have changed so dramatically,

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2 why is it even coming up today, when it should go
3 back to the City Planning Commission, who turned
4 it down the first time, to see if, or if it should
5 not, even get to the City Council? You cannot
6 vote on something that did not go through City
7 Planning, no matter how much this plan has
8 changed. It is out of order, and unless you put
9 this voting process back in order, it is not fair.
10 Okay? I have the support of our community board,
11 our civic ... the City Planning Commission did vote,
12 and I just find it incredulous (sic) that it has
13 been such a secret and so difficult to find out
14 any of this. And it makes you feel like Don
15 Quixote fighting windmills when you can't find out
16 what it is. I'm done.

17 CHAIRPERSON WEPRIN: Okay, next
18 panelist.

19 MS. SCHLESINGER: Okay, may I hand
20 this in?

21 CHAIRPERSON WEPRIN: Sure.

22 MS. SCHLESINGER: Thank you.

23 CHAIRPERSON WEPRIN: Next, do you
24 want to take it? Okay, go ahead, sir.

25 MR. KERNER: Good morning, my name

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2 is John Kerner, I live in Windsor Park, we've been
3 there about ten years. I'm against this project,
4 and from what I've seen today again, with plans
5 being put up on the board, I'm previously an
6 architect, I'm a construction project manager,
7 retired, and I don't see anything in detail as to
8 what's going to happen. I don't see any plans for
9 me to get to my parking lot, which is adjacent to
10 where this construction is going to happen, and
11 there's only a one-way street leading to my
12 parking lot. I don't see how this project can
13 take less than a year and a half to two years.
14 During that time, I can't sell my apartment. My
15 apartment is useless, because no one will come to
16 buy it, with construction going on. My entire
17 street is going to get blocked, unless somebody
18 can show me a comprehensive plan of how they're
19 going to do this project: where they're going to
20 have site planning, where they're going to store
21 the material, where trucks and dumpsters and what
22 not are going to be parked, which I'm extremely
23 familiar with. I also am concerned on how the
24 construction is going to occur. How are the bids
25 going to be given out? And as being a member of

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2 many construction union committees, I would like
3 to see it done in a union, by union contractors.
4 I'm against it, but I'm also realistic in knowing
5 that everyone's pushing to put it through. I know
6 how these political things go, we don't stand a
7 chance, okay? But I'll tell you right now, you've
8 got little Don Quixote's here who are going to
9 fight this thing tooth and nail. Okay? And make
10 sure if it does go through, I for one am going to
11 make sure that they have a hard time doing it.
12 And as far as these other things are concerned,
13 with people coming down, Building Department, OSHA
14 and all of that, I guarantee they're going to be
15 there. That's all I've got to say.

16 CHAIRPERSON WEPRIN: Okay, we have
17 one more, but before that I just want to make an
18 announcement. Anyone that's here from the
19 Landmarks Subcommittee, it is meeting next door.
20 On this floor but next door, over in the cafeteria
21 area there. Excuse me, sorry, sir. Please state
22 your name.

23 MR. HUGGARD: My name is John
24 Huggard, I'm a resident and shareholder of Windsor
25 Park since 1997. I, along with many of my

1 neighbors and my fellow shareholders, have no
2 knowledge of this whole project. We heard about
3 it through word of mouth, it was never put to a
4 vote by the shareholders, it was never mentioned
5 in the newsletter, the monthly newsletter, or a
6 letter to the shareholders. It was not posted on
7 the building bulletin boards on the first floor
8 that we have on each building. It was not on the
9 co-op's website, no shareholders were ever aware
10 of it, just like they were not aware of the
11 planning board meeting of this past summer. All
12 of the negatives include overcrowding, loss of
13 parking with no new parking planned, management
14 claims there is ample parking, but I had to wait
15 four months for a parking spot when I first moved
16 in there. 72 new units will require a lot more
17 parking spots. We'll lose our spots and be forced
18 to park elsewhere in the complex. There will be a
19 loss of light in the apartments directly facing
20 the new buildings, mainly in building #18 at 7535
21 210th Street. How it will affect the value of our
22 apartments, what's the cost of this whole thing,
23 how will it be paid for, where is the money coming
24 from, will money be taken away from maintaining
25

1 existing units to fund this project? Will there
2 be an increase in monthly maintenance charges? We
3 have these concerns and many others, and if this
4 is approved, what about the problems and headaches
5 that go along with living next to a construction
6 project for a year, year and a half, two years,
7 the noise, the dirt and everything else? These
8 are the general concerns that I hear every day
9 from my neighbors. There was a letter sent around
10 by the owner's corporation on August 6th, telling
11 you all the positive points that this is going to
12 bring about. It says, "Over the next few years
13 millions of dollars in capital improvements will
14 be required". We haven't seen an itemized list of
15 those improvements, and the estimated cost of all
16 of them. It says, "The sale of these units will
17 generate a profit of approximately \$12 million".
18 We haven't seen a construction budget, as well as
19 an estimate for the sales. It could include, I
20 mean, new elevators, roofs, health club, are these
21 things necessary?
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23 CHAIRPERSON WEPRIN: Let me ask you
24 a question, the shareholders in particular.
25 There's something inconsistent there. You said

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you heard about this three years ago.

MR. HUGGARD: By word of mouth.

CHAIRPERSON WEPRIN: Word of mouth, okay. Have you been to many shareholder's meetings in the last three years? You've been to all of them? Well, I was at one a year ago, Peter. In fact there was about 300 shareholders at this meeting where a detailed PowerPoint was presented on this subject. Were you there for that one?

MR. HUGGARD: Details that you were presented with?

CHAIRPERSON WEPRIN: Well, details of the 72 units, the buildings, what the money would go to if they were to build it.

MR. HUGGARD: Well, it's the same thing that's in the letter, it's nothing- -

CHAIRPERSON WEPRIN: (Interposing)
Right, but that was presented to all the shareholders.

MR. HUGGARD: We never saw a picture of it, or- -

CHAIRPERSON WEPRIN: (Interposing)
Right, well that's not my question. My question-

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MR. HUGGARD: (Interposing) We never knew where it was going to be. You know, if somebody doesn't- -

CHAIRPERSON WEPRIN: (Interposing) There were 300 people at that meeting.

MR. HUGGARD: I just want to know- -

CHAIRPERSON WEPRIN: (Interposing) I walked out- -

MR. HUGGARD: (Interposing) ... just how many thousand that live in Windsor Park?

MALE VOICE: Three thousand.

CHAIRPERSON WEPRIN: Okay, there are three- -

MR. HUGGARD: (Interposing) Ten per cent.

CHAIRPERSON WEPRIN: Okay, about 10% at a shareholder's meeting. I don't know exactly how many shareholders there are at Windsor Park, but that's not a bad turnout for a shareholder's meeting, truthfully. I walked out of that meeting saying I can't believe no one's against this plan. I mean, I actually said that

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2 to someone. I was surprised, not because I
3 thought it was such a terrible plan, Arlene, I
4 want to be clear about that. I was surprised that
5 none of the shareholders, they seemed to like it.
6 They liked the fact that they were getting
7 benefit. I'm just saying, and from what I
8 understand, that was the only shareholder meeting
9 that I sat through the whole meeting- -

10 MR. HUGGARD: (Interposing) What
11 benefits were presented?

12 CHAIRPERSON WEPRIN: Well, I will ...
13 I mean, it's not my ... I know the board is going to
14 be ... the members of the board are going to be
15 next, so we'll ask them the question. I'm
16 answering some of the questions you have now, but
17 to say nobody knew about this, and no shareholders
18 had any involvement in it, is not true. I mean,
19 I- -

20 MR. HUGGARD: (Interposing) We got
21 it- -

22 CHAIRPERSON WEPRIN: (Interposing)
23 I mean, I don't have a horse in this race. I got
24 a ... all I have is, you know, what I saw, in that
25 300 people at a shareholder meeting, nobody had a

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problem with it.

MR. HUGGARD: Suppose you missed that particular meeting. Suppose you were on vacation, in the hospital or wherever.

CHAIRPERSON WEPRIN: Right.

MR. HUGGARD: Or you were retired.

CHAIRPERSON WEPRIN: Well, I don't think that was the only meeting they presented, but from what I've been told, there've been five or six meetings. The last five or six shareholder meetings have discussed this.

MR. HUGGARD: They have a monthly newsletter that comes out. Not once did I see this in the newsletter.

CHAIRPERSON WEPRIN: Okay, well I'll ask about that.

MR. HUGGARD: Okay. They have ... they send letters to the shareholders explaining various things. Not once did we get a letter about this. Did we?

MALE VOICE: Halloween parties.

MALE VOICE: The only one was that.

MR. HUGGARD: The only one was this, after the Planning Commission meeting.

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CHAIRPERSON WEPRIN: Okay.

MR. HUGGARD: That's what I have right here.

CHAIRPERSON WEPRIN: Well, again I want to ... the- -

MR. HUGGARD: (Interposing) That's not good communication.

CHAIRPERSON WEPRIN: I know ... Arlene, we don't usually take questions from the panel, but what did you want to say?

MS. SCHLESINGER: In an R4 and an R5D- -

CHAIRPERSON WEPRIN: (Interposing) Arlene Schlesinger.

MS. SCHLESINGER: In an R4 zoning and an R5D, okay, if you're trying to keep the population, okay, the way it is, and you're trying, of course, 72 townhouses are going to increase population and decrease parking. It doesn't take any more to think about than that.

CHAIRPERSON WEPRIN: Right.

MS. SCHLESINGER: To preserve the zoning, okay, is preserving my single-family area.

CHAIRPERSON WEPRIN: Right.

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2 MS. SCHLESINGER: All right, and
3 there's about 300 homes that are being affected by
4 this. It is not a small area, and it is not just
5 them.

6 CHAIRPERSON WEPRIN: Right.

7 MS. SCHLESINGER: All right, their
8 website, those tree lines, everything.

9 CHAIRPERSON WEPRIN: No, no, that's
10 okay.

11 MS. SCHLESINGER: And these private
12 homes, their proximity to the private homes, all
13 over their website.

14 MR. HUGGARD: The website- -

15 CHAIRPERSON WEPRIN: (Interposing)
16 Right, no, there is.

17 MS. SCHLESINGER: Everything on
18 their website talks about- -

19 CHAIRPERSON WEPRIN: (Interposing)
20 Well, as was mentioned by John Young, these new
21 buildings will be the same distance from the
22 private homes that the current buildings are. I
23 mean, just based on that. All right, I'm going to
24 have to- -

25 MR. PIZZITELLO: (Interposing) Can

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I make a comment?

CHAIRPERSON WEPRIN: Go ahead,
quickly.

MR. PIZZITELLO: The R4 gives one
parking spot per unit, which is what we have right
now. The proposed R5D is 66% parking. So it
seems like by design they realized that they're
not going to be able to offer that much parking.

CHAIRPERSON WEPRIN: Thank you.
Okay. thank you, panel, I appreciate it. I
apologize to the audience, and we're now going to
call up a panel in favor of this particular
project: Cheryl Fruchter, Larry Kinitsky, Michael
Zenreich, Eric Goidel, Riva ... right, we're a
little over the thing here, Riva Radisher and
Michael Chavez. I don't know if I could fit you
all up there, so I don't know if you want to pull
... I've got six again. All right, go ahead, six,
we had six before. Again, I've got to limit you
to two minutes, so if you can do that, we've got
questions to answer, you heard some of the
questions already, so maybe you can start
addressing them.

MS. FRUCHTER: Okay.

CHAIRPERSON WEPRIN: Okay. All right, we've got to move it along, okay? I've got a lot of people who took off from work today to be heard, and we want to make sure everyone gets heard. Okay, we're going to start. Please identify yourself, and get started.

MR. KINITSKY: My name is Larry Kinitsky, and I'm the president of W P Owners Corp, and thank you on behalf of our 5,000 residents for the opportunity to present our project. As you know, we're looking to develop 72 apartment units on our property. We currently have 1,830, so the addition is about 3% or 4%. The project is vital to secure the long-term financial viability, we're facing about \$10 to \$12 million in capital improvements and escalating operating costs, and this project provides us the opportunity to fund them without asking shareholders for up to \$10,000 apiece. So we have the opportunity to truly increase the quality of life in a difficult economic environment. Our shareholders are behind this project, it's been communicated to them for the past three and a half years. Seven meetings we've had: three annual

1 meetings, and at those annual meetings our
2 shareholders heard about the project and
3 absolutely voted the board back in. So that tells
4 you something about their reaction to the project.
5 And in fact, as Councilman Weprin said, he had
6 witnessed one. Several of our state-elected
7 officials are for it, and I've already sent
8 letters to City Planning. The project, as you can
9 see, is well-integrated within our footprint, and
10 has been carefully designed to enhance the overall
11 property, provide better sightlines and views for
12 existing shareholders. One site that is on the
13 Vanderbilt Motor Parkway on the dead end is in
14 need of repair, it's become a security issue
15 lately, kids hanging out there, and not from our
16 property. This will obviously help alleviate
17 that. Let's talk about parking: we have 1,864
18 spaces on the property, 264 are currently vacant.
19 Parking is not an issue. The lot being developed
20 is going to require us to move 18 cars out of that
21 space, and if I'm correct, some people who are
22 already here have already relocated out of that
23 space. So we have enough empty parking spaces to
24 provide two to every new shareholder without
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2 creating any kind of parking situation, and we'll
3 do that free in the beginning so that we'll insure
4 they park in our lots. We recognize the fine line
5 between our character and development, and that's
6 why we're also willing to enter into consent that
7 says we won't bid ... we won't go any further with
8 any other building unless the majority of our
9 shareholders- -

10 CHAIRPERSON WEPRIN: (Interposing)
11 I've got to cut you off.

12 MR. KINITSKY: That's fine.

13 CHAIRPERSON WEPRIN: I will ask you
14 questions.

15 MR. KINITSKY: That's fine.

16 CHAIRPERSON WEPRIN: So don't go
17 anywhere. And I'm sure you'll cover some of the
18 things you might have been mentioning, I don't
19 know. Who wants to go next? Eric?

20 MR. GOIDEL: I'd be happy to.

21 CHAIRPERSON WEPRIN: Okay.

22 MR. GOIDEL: Thank you very much.
23 My name is Eric Goidel, I'm the attorney for the
24 apartment corporation as general counsel, not its
25 zoning attorney. I just wanted to address a

1 couple of issues raised by the individuals
2 objecting to this proposal. A board of directors
3 of a cooperative apartment association is governed
4 by the business corporation law, and they are
5 basically charged with running the day-to-day
6 affairs of the corporation. And the shareholders
7 of the apartment corporation have one basic right,
8 that is to vote for those directors who they feel
9 will best serve the interests of the apartment
10 corporation. In this regard, I personally
11 attended the last three annual meetings of the
12 apartment corporation, at which time at two of
13 which meetings these ... this current board was
14 elected by acclamation without opposition. And
15 again, at these meetings there were discussions
16 concerning the plans, you know, in concept,
17 because the board did not want to go spend an
18 inordinate amount of the apartment corporation's
19 money and resources for a plan that might not be
20 approved by the City Council. I want to reiterate
21 that this increases the units by about 4%. The
22 concern about maintenance expenses, maintenance
23 costs will actually go down at this development,
24 because the costs of operating these new, these 72
25

1 units will actually enhance the revenues of the
2 apartment corporation more than the expense that
3 these units will cost. The \$12 million which we
4 expect to generate in net income will go to
5 replace roofs and elevators in this 50 plus year
6 old development. In terms of concerns raised
7 during public review, there were concerns about,
8 well, we're going to build these 72 units now, if
9 there's approval, what do we do for an encore?
10 Will there be more units going up in the future?
11 The board has committed to presenting at the
12 annual meeting of our shareholders in June of 2011
13 a resolution where, if the shareholders approve,
14 it will restrict future residential development
15 without the consent of 2/3 of the shareholders of
16 the apartment corporation. With regard to
17 parking, we are giving three years of free parking
18 to the new purchasers, they'll each get one spot.
19 Hopefully they will, by virtue of doing that, they
20 will not park on the street, once they have the
21 benefit of off-street parking. Thank you.

22
23 CHAIRPERSON WEPRIN: Thank you.

24 Next. Who wants to ... You guys never heard of
25 ladies first, huh?

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2 MR. CHAVEZ: All right, good
3 morning and thank you. My name is ... hello, my
4 name is Mike Chavez, I'm a shareholder at Windsor
5 Park. Windsor Park is a beautiful community, and
6 I've lived there for about 20 years now. I have
7 attended most ... I have attended all the meetings
8 over the past three years, and the board has well
9 informed us about the project, as well as answer
10 questions about it at the shareholder's meetings.
11 I can confirm that the project has met with
12 enthusiasm. In addition to benefiting our co-op,
13 bringing in an additional 72 families will no
14 doubt help the schools increase their population,
15 and maintain funding. Our schools are some of the
16 best-performing schools in the city, and having
17 more children that reside in the community will
18 only make them stronger. Given the tough economic
19 times, the local strip malls and stores that rely
20 on Windsor Park residents to help keep them in
21 business look forward to more families shopping on
22 the avenue. It could be the difference between
23 closing and staying open. None of us want empty
24 storefronts. Lastly, most residents ... more
25 residents mean more tax dollars in the form of

1
2 real estate taxes to our co-op, as well as income
3 and sales taxes. As the city faces tough choices
4 in hard economic times, I think it's an easy one
5 to help grow revenue and enhance the neighborhood.

6 CHAIRPERSON WEPRIN: Thank you.

7 Mrs. Radisher, sure.

8 MS. RADISHER: Okay. Good morning,
9 my name is Riva Radisher and I'm a shareholder at
10 Windsor Park and chairperson of the retiree
11 leisure committee there. Our seniors and retired
12 shareholders are very much aware of the project
13 and support it wholeheartedly. Our co-op, like
14 many others that are 60 years old, is facing
15 enormous financial challenges. We have elevators
16 that need to be replaced, roofs and windows that
17 are past their life cycle. We are very concerned
18 that without this project we will be looking at
19 significant assessments to fund these needed
20 repairs. Many of us are on fixed incomes, and the
21 thought of having to come up with several thousand
22 dollars to fund these repairs is scary, especially
23 when this fantastic alternative exists. We have
24 such a great community and our co-op offers so
25 many services for retirees. This project will

1
2 allow us to maintain our quality of life, and keep
3 our property values up when we need to sell our
4 apartments. Given all the financial burdens that
5 are upon us today that there are no real answers
6 for, it would be a shame not to move forward with
7 a project that would enhance the entire
8 neighborhood and surroundings, and allow our
9 seniors financial peace of mind. Thank you.

10 CHAIRPERSON WEPRIN: Thank you, Ms.
11 Radisher. Ms. Fruchter.

12 MS. FRUCHTER: Good morning, my
13 name is Cheryl Fruchter, and I'm a shareholder and
14 a member of the board of directors at Windsor
15 Park. It's important to put the entire project
16 into perspective. At Windsor Park we have over
17 5,000 residents and we are the closest thing to a
18 self-contained, gated community, given our
19 borders. For the past three and a half years we
20 have communicated to our shareholders about this
21 project. Only a handful have voiced any concerns,
22 and we have worked diligently to alleviate them
23 through our project design and plans. While we're
24 only a few here today, please understand that we
25 do represent the vast majority of our 5,000

1 residents who support this project. Some will say
2 there will be parking issues, you have heard
3 definitely there will not be. We have worked
4 carefully to insure the parking is not a concern.
5 Views and landscaping will be greatly enhanced.
6 Why look at broken-down asphalt lots when you can
7 view beautiful apartments and magnificent
8 landscaping? I have been on this board for
9 fifteen years, and we always move forward
10 carefully to insure that anything we do is right
11 for the community, and it is in the best interests
12 of the vast majority. We hope that we will
13 receive your support and approval to continue this
14 fabulous project that will provide great value and
15 enhance the quality of life for our residents.
16 It's definitely the right thing to do for the
17 community, and I thank you.

18
19 CHAIRPERSON WEPRIN: Thank you, Ms.
20 Fruchter. I'll address this to Mr. Kinitsky, but
21 if you think someone else is better in answering
22 these questions. You heard the previous panel, we
23 actually have another panel coming up, could you
24 describe, because I know you were rushed in your
25 testimony, could you describe how this process is

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2 going to work as far as building these things?
3 You know, people have raised issues about the
4 economy, in this economy, I just saw someone the
5 other day on 209th Street, and that was the
6 question they asked, in this economy they're
7 building this. Can you describe how this process
8 is going to work? And then we'll get into some
9 other questions.

10 MR. KINITSKY: Well, let me talk
11 about the economics and the potential risk that's
12 being brought out. First, the 72 units, we
13 already have pent-up demand. We have so many of
14 our residents that are on the property that are
15 looking to move into larger apartments. The
16 biggest downfall at Windsor Park is that we have
17 very few three-bedroom apartments, and therefore
18 have no opportunity for younger families to stay
19 with us throughout their career, and they want to
20 stay there because District 26 is one of the most
21 fabulous districts to be in. so what happens is,
22 they come to us, we have no place to put them.
23 That's the first reason. So we know we have a lot
24 of people who will trade up to these. Second of
25 all, we think actually we're at the right time

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2 from an economic cycle. Had we been here three or
3 four years ago, maybe we'd be in a more difficult
4 time, you know, but you know, over the next two
5 years as things we believe start to improve, we're
6 not worried about it. You know, the other thing
7 is, we rent apartments for close to \$2,000 for the
8 three-bedrooms that we have in Windsor Park. If
9 we were to get \$1,400 for these three-bedrooms, we
10 would break even. There's no economic risk to
11 this corporation whatsoever.

12 CHAIRPERSON WEPRIN: Could you
13 describe how you're going to go about deciding
14 who's going to build this and what that process is
15 going to be?

16 MR. KINITSKY: Yeah, we've had many
17 conversations, and you know, first, if we're
18 fortunate enough to get this process approved, as
19 we begin to design it, all of our bidding will be
20 open bidding, using the New York City website for
21 minority and ethnic contractors. Just so you
22 know, we use a lot of them on our property right
23 now, we're changing out some windows and that's
24 another process that we intend to go through. We
25 think it's a great process, it works for us today,

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2 so why would we not consider it? Why would we not
3 keep doing that in the future?

4 CHAIRPERSON WEPRIN: How long do
5 you think construction would take if you got
6 approval?

7 MR. KINITSKY: Well, if we got
8 approval, I would think that ... there's a few steps
9 before construction. One is an amendment to our
10 bylaws, which would have to go through the
11 attorney general's office. So I think, you know,
12 we're probably well over a year away before we can
13 even begin that process, but we only see it taking
14 a few months. Again, I'm not ... you know, maybe
15 Michael Zenreich, our architect, could say
16 something about that, but I don't believe it's
17 going to be a long process.

18 CHAIRPERSON WEPRIN: When you said
19 a few months, you were talking about construction
20 only going to take a few months?

21 MR. KINITSKY: Yes, yeah.

22 CHAIRPERSON WEPRIN: Have you
23 thought about one of the concerns that was raised
24 by the previous panel about noise and about how
25 dirty it would be during that construction area?

2 MR. KINITSKY: Yeah, I mean,
3 obviously yeah, we've had those conversations, and
4 obviously we're going to do everything we can to
5 minimize noise and construction. They'll not be
6 allowed to construct on weekends, they'll not be
7 allowed to work at night. We'll make sure the job
8 site gets cleaned up every night. And there have
9 also been some conversations about ... because we
10 are going to get some good revenue, about giving
11 back some of that revenue to the shareholders, and
12 particularly those shareholders that might be
13 inconvenienced through this process. So we've
14 kind of thought that through.

15 CHAIRPERSON WEPRIN: Could you
16 elaborate on that? What do you mean, particularly
17 the residents of the community?

18 MR. KINITSKY: Well, there's two
19 parts to this plan. One is, as you heard, we're
20 going to probably spend \$10 to \$12 million in
21 capital improvements. What we've committed at
22 each of these shareholder meetings is, any of the
23 funds that we make on top of that, in other words,
24 if there's a million or two million dollars left,
25 we're not going to keep it in our coffers, we're

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2 going to be returning it to our shareholders in
3 lieu of a maintenance holiday. So it's beneficial
4 to everybody, because when this project is done,
5 it's conceivable that people will be getting
6 rebates back as part of the corporation. Look at
7 it as a dividend.

8 CHAIRPERSON WEPRIN: I got a letter
9 from the community board, who had originally
10 approved this project, but raised some concerns at
11 their meeting about two issues in particular. The
12 first issue is parking, you alluded to it. A
13 woman who was testifying before lives on 209th
14 Street, and I was there just the other day again
15 just to see it. Now, I was there, there was extra
16 spots there at that time, but that is used as a
17 thoroughfare, as you know. I actually saw some of
18 your residents walking through 209th Street from
19 Union Turnpike, not to be too parochial here, but
20 walking through it, using it as a thoroughfare.
21 So I mean, people do use that to walk through.
22 Explain about the open spots, why you say you have
23 so many open spots, and why are there so many open
24 spots if people are complaining about parking?

25 MR. KINITSKY: Well, I think people

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2 are complaining about parking because, you know,
3 it's a sore spot, and it's an easy way to just,
4 you know, put a wrench in a project. The fact is
5 that we have 1,830 units and we have almost 1,900
6 parking spaces, of which 260 something of them are
7 empty. You know, we're talking about adding 72
8 units, and if every unit had two parking spaces,
9 we'd still have 125 parking spaces left over. So,
10 you know, I'm not really sure, I think part of
11 what's happened is there seems to be, you know, a
12 few people who have gotten together and felt that
13 the dissemination of incorrect information was the
14 right way, and therefore that's why the letter
15 that was put up before was a letter that we
16 responded to, only to point out the facts. There
17 is no parking problem at Windsor Park, and there
18 won't be one with the additional units. You said
19 that you're going to give free parking for how
20 long did you say?

21 MR. KINITSKY: Three years.

22 CHAIRPERSON WEPRIN: For three
23 years, someone who buys into one of these units
24 will get three years of free parking.

25 MR. KINITSKY: That's correct.

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2 CHAIRPERSON WEPRIN: And at that
3 point they would no longer get free parking, and
4 they would have to pay?

5 MR. KINITSKY: They would have to
6 pay.

7 CHAIRPERSON WEPRIN: Right.

8 MR. KINITSKY: Right, and I think,
9 you know, once you give somebody parking for three
10 years, the notion behind that is why would I want
11 to go back out and look for a spot? And that's
12 the notion right now.

13 CHAIRPERSON WEPRIN: Okay, the
14 other issue that was raised by the community
15 board, and was raised earlier today, trees.

16 MR. KINITSKY: Uh huh.

17 CHAIRPERSON WEPRIN: They showed a
18 picture of some beautiful trees before, the other
19 panel, did you see that?

20 MR. KINITSKY: Yeah, I did.

21 CHAIRPERSON WEPRIN: Okay.

22 MR. KINITSKY: First, let me just
23 say that the picture that was put up of the cul-
24 de-sac is a beautiful area, and that cul-de-sac is
25 not being touched. Where we're putting the

1
2 building is on top of a parking lot that has no
3 trees right now. It holds 45, 50 spaces. We're
4 also adding a number of trees both around it and
5 in front of it so it enhances the view. So we're
6 actually adding in those areas.

7 CHAIRPERSON WEPRIN: When you say
8 on the Vanderbilt side you're going to be adding
9 trees behind the one that borders the Vanderbilt?

10 MR. KINITSKY: Yes we are.

11 CHAIRPERSON WEPRIN: You're going
12 to add trees behind it? I see little green spots
13 there.

14 MR. KINITSKY: And behind it, on
15 the side, and enhance the- -

16 CHAIRPERSON WEPRIN: (Interposing)
17 Right. The picture I think didn't depict that
18 site, it was depicting the other site up on the
19 top of the chart. No, no, right there.

20 MR. KINITSKY: That's the other
21 site.

22 CHAIRPERSON WEPRIN: Now, the
23 picture he showed had a lot of big old trees. How
24 many of those old trees would have to come down
25 for this project?

2 MR. ZENREICH: We would selectively
3 remove the ones, I don't have a- -

4 CHAIRPERSON WEPRIN: (Interposing)
5 Can you state your name? I'm sorry.

6 MR. ZENREICH: Hi, it's Michael
7 Zenreich, I'm the architect for the project.

8 CHAIRPERSON WEPRIN: Okay.

9 MR. ZENREICH: We would selectively
10 remove the ones that would be in the footprint of
11 the buildings, but not ones outside the building
12 footprint, and we would be replacing them with new
13 trees that would buffer the parking lot, which is
14 not buffered now, and replace the trees in the
15 courtyard as well.

16 CHAIRPERSON WEPRIN: I mean, do you
17 have any estimate of how many trees you're talking
18 about taking down?

19 MR. ZENREICH: I didn't do a count.

20 CHAIRPERSON WEPRIN: Because that
21 picture, I mean, they had was of some big old
22 trees, you know? And I don't know how many trees
23 are there. Do you have any idea? He doesn't know
24 how many he's going to take down if he doesn't
25 know how many are there now. How many are there

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now, Larry? Would you say?

MR. KINITSKY: A dozen or so.

CHAIRPERSON WEPRIN: What percentage of those trees are going to come down, would you guess?

MR. KINITSKY: Not many.

CHAIRPERSON WEPRIN: A third of them? Half of them?

MR. ZENREICH: I'd say about a third.

MR. KINITSKY: A third is probably right.

CHAIRPERSON WEPRIN: A third of them, and you're going to replace every one of those trees obviously with a newer tree.

MR. KINITSKY: Right.

CHAIRPERSON WEPRIN: But and then some?

MR. KINITSKY: And many times over, yes.

CHAIRPERSON WEPRIN: Many times over?

MR. KINITSKY: Yes, because the issue is that right now, after these units go up ...

1
2 oh, I'm sorry. Sorry, sorry. After these units
3 go up, one of the things that we'd like to do,
4 obviously, you know, you've been on our property.
5 We're really big on landscaping, I mean, that's
6 one of the beautiful parts of our property. So
7 we're going to be adding a significant row of
8 trees on the one side.

9 CHAIRPERSON WEPRIN: Now those
10 would be what sized trees? Are they going to ... I
11 mean, they'll be reasonably-sized trees.

12 MR. KINITSKY: Oh yeah.

13 CHAIRPERSON WEPRIN: We're not
14 talking tiny ... I understand they're not going to
15 be 300-year-old trees, but you're going to put a
16 big tree, you're not going to put a little sapling
17 in.

18 MR. KINITSKY: Of course, that's
19 correct.

20 CHAIRPERSON WEPRIN: Because the
21 point of it is to block, is to sort of green up
22 the views for people in the buildings and people
23 walking in the neighborhood, right?

24 MR. KINITSKY: Correct.

25 CHAIRPERSON WEPRIN: If you were to

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do that.

MR. KINITSKY: Correct, Councilman.

CHAIRPERSON WEPRIN: Okay.

MR. KINITSKY: Correct.

CHAIRPERSON WEPRIN: Someone asked about the newsletter. You had ... you brought this up at three shareholder's meetings in a row, as well as other board meetings.

MR. KINITSKY: Correct.

CHAIRPERSON WEPRIN: Did you mention the newsletter?

MR. KINITSKY: No. We ... our main ... we wanted people to come out to our meetings. We had seven of these, and at this point, other than what we've said at each of those shareholder meetings, we've had no new information to communicate until we got to this point. So we had seven open meetings, three of them were annual meetings, four of them were interim meetings. And you know, let's face it, in order to hold an annual meeting, we need over 50% of our shareholders, so I mean, it's been, you know, it's been discussed, it's been ...

CHAIRPERSON WEPRIN: Okay. Okay,

2 Leroy, you had a question? Okay, I'll let Leroy
3 ask something.

4 COUNCIL MEMBER COMRIE, JR.: Just a
5 question, you said these buildings are how old
6 now?

7 MR. KINITSKY: They've been built
8 in the early 50's, so they're approaching 60 years
9 life.

10 COUNCIL MEMBER COMRIE, JR.: And
11 how much in repairs that you have to do to the
12 buildings? One of the people- -

13 MR. KINITSKY: (Interposing) We
14 have 20 buildings, and we estimate that we're
15 going to be looking at \$10 to \$12 million in
16 repairs. We have 60-year-old elevators that are
17 really having a hard time, and given all the new
18 compliance and code that's come down from the
19 city, is we're really in a position- -

20 COUNCIL MEMBER COMRIE, JR.:
21 (Interposing) Yeah, and we've got more coming.

22 MR. KINITSKY: Okay, so we're
23 really in a position to make that change rather
24 than put a few hundred thousand dollars in that,
25 it would just get us, you know, out for a year, to

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try to rebuild them.

COUNCIL MEMBER COMRIE, JR.: And how much ... so you have about \$10 to \$12 million in costs?

MR. KINITSKY: Yes sir. We've got about \$5 to \$6 million alone just in elevators. We've got about \$4 to \$5 million in roofs that we have to replace.

COUNCIL MEMBER COMRIE, JR.: Okay, and how much do you think you're going to be able to realize from this project? And won't this project have maintenance, long-term maintenance issues as well?

MR. KINITSKY: Well, what- -

COUNCIL MEMBER COMRIE, JR.:
(Interposing) Go ahead.

MR. KINITSKY: We expect to recognize a net profit of close to \$12 million, which is pretty much going to fund the capital improvements that you've asked about, and that we really need to do over the next two to three years. Additionally, the extra, the maintenance from these 72 apartments is going to throw off a positive cash flow somewhere in the neighborhood

2 of eight to nine hundred thousand dollars a year.
3 That money will go back into the general coffers
4 for the betterment of the almost 1,900
5 shareholders who will be living there. So the
6 revenue from the new buildings will not only
7 offset capital projects, but will offset ongoing
8 revenue increases. And for us, \$800,000 is
9 roughly in the neighborhood of, you know, 7% or 8%
10 of maintenance. So we can help defer that over
11 the next few years.

12 COUNCIL MEMBER COMRIE, JR.: And
13 how are you going to be able to maintain your
14 existing buildings over the ... after this \$12
15 million is realized?

16 MR. KINITSKY: Well, I think we
17 will be ... we have a reserve fund, not nearly
18 enough to take care of these projects. But we
19 think that after we get through these projects,
20 elevators, we've already put some new boilers in,
21 so we think that this sets us up for the next 30
22 or 40 years.

23 COUNCIL MEMBER COMRIE, JR.: Are
24 your boilers low-sulfur or what is that called?

25 MR. KINITSKY: We do fuel, #6 fuel,

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2 which we're looking at changing out to dual fuel.

3 COUNCIL MEMBER COMRIE, JR.: Okay.

4 MR. KINITSKY: But we're - -

5 COUNCIL MEMBER COMRIE, JR.:

6 (Interposing) Because we're going out and number ...
7 yeah, you're going out- -

8 CHAIRPERSON WEPRIN: (Interposing)

9 Well, that's going to- -

10 COUNCIL MEMBER COMRIE, JR.:

11 (Interposing) Are you going to #4, I think?

12 They're going down to #3, so they're ongoing
13 maintenance issues, I'm just concerned that you're
14 robbing Peter to pay Paul, and your existing
15 buildings, the ongoing maintenance issues will be
16 even higher. You said you've done window
17 replacements for your entire complex?

18 MR. KINITSKY: No, we've done ... let
19 me just say this. We have been keeping up with
20 the property, I think as people who have testified
21 here this morning think it's a beautiful, well-
22 maintained project ... program. The thing for us is
23 these two or three big capital issues that are
24 one-time-only issues that we're going to have to
25 deal with. And that's why, that's one of the

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2 reasons why we're looking for this funding.
3 Ongoing, other maintenance issues, and we have
4 operating budgets that take care of ongoing
5 maintenance. We operate almost a \$16 million a
6 year budget. So millions of dollars every year go
7 back into maintaining the property.

8 MR. GOIDEL: Councilman, if I
9 could, this is a situation in terms of just
10 maintenance cost that's endemic to all
11 cooperatives and condominiums in the City of New
12 York.

13 COUNCIL MEMBER COMRIE, JR.: Right.

14 MR. GOIDEL: But every building
15 faces- -

16 COUNCIL MEMBER COMRIE, JR.:
17 (Interposing) But most of them are running out of
18 money.

19 MR. GOIDEL: Most of them are
20 running out of money, and here you have a unique
21 opportunity at Windsor Park, because of the size
22 of the development and the available property, to
23 give a cooperative corporation the benefit of
24 being able to derive funds without having to go to
25 either their shareholders through an assessment,

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2 or go and place a second mortgage or refinance a
3 first mortgage on the building. So, you know,
4 Windsor Park and maybe only a handful of other
5 developments in the whole City of New York are
6 uniquely poised to be able to do this.

7 COUNCIL MEMBER COMRIE, JR.: Okay,
8 I represent southeast Queens, and one of the
9 unique parts of my district is that I don't really
10 have a major co-op or condo in my district, so I'm
11 not that familiar with all of the needs. Aren't
12 there public hearings and public postings required
13 for the condo board to file with the state or that
14 you've had public hearings, you don't have to post
15 a public hearing at any point for your
16 cooperatives to come in to specifically talk about
17 this project?

18 MR. GOIDEL: Well Councilman, what
19 we're required to do is we have to file with the
20 New York State Department of Law, the attorney
21 general's office, an amendment disclosing how ...
22 disclosing this new development, and how it's
23 going to integrate with the existing development
24 at Windsor Park, and that's a process of
25 compliance with the attorney general's regulations

2 and review, and eventually they will accept or
3 reject an amendment to add to the offering plan.
4 We do not meet as a board under the business
5 corporations law to get the vote of the
6 shareholders, if that's what you're asking.

7 COUNCIL MEMBER COMRIE, JR.: You
8 don't need a vote of the majority of the
9 shareholders?

10 MR. GOIDEL: We don't need a vote
11 of the majority of the shareholders. The board,
12 the business corporation's board is charged with
13 running the day-to-day affairs of the apartment
14 corporation, and it's the election process every
15 year that determines who's going to run that. We
16 have though, through these meetings, the three
17 annual and I believe four informational meetings,
18 contextually advised shareholders of this, and we
19 do have the intention now that we have more
20 detailed plans, to hold in December a more
21 detailed informational meeting of the
22 shareholders, so that we can really have something
23 to tell and something to present to them, but the
24 board didn't want to spend a significant amount of
25 money on all these plans until we knew we were far

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2 enough down the road here, where this had the
3 potential for reality.

4 COUNCIL MEMBER COMRIE, JR.: So you
5 don't have a detailed architectural plan developed
6 yet, it's just a concept?

7 MR. GOIDEL: No, we do.

8 COUNCIL MEMBER COMRIE, JR.: Well,
9 that's the façade. But have you broken down what
10 the electrical and the plumbing and all of that?

11 MR. GOIDEL: No, no sir.

12 MR. KINITSKY: Not yet.

13 COUNCIL MEMBER COMRIE, JR.: And
14 you haven't gone to City Planning with any of it.
15 Do you have to go to City Planning to build this
16 project?

17 CHAIRPERSON WEPRIN: This will have
18 to go to City Planning ... well, it went to City
19 Planning once. City Planning had said that these
20 are the drawings they would have liked for their
21 first meeting, which they received last week, they
22 have told us. So this would still have to go to
23 City Planning.

24 COUNCIL MEMBER COMRIE, JR.: Okay,
25 and so you do have to go to City Planning, but you

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2 don't have to get a vote of the majority of your
3 membership to build the project.

4 MR. KINITSKY: Correct.

5 COUNCIL MEMBER COMRIE, JR.: Okay.

6 CHAIRPERSON WEPRIN: Okay?

7 COUNCIL MEMBER COMRIE, JR.: And
8 just ... and what are your average rents now at your
9 locations?

10 MR. KINITSKY: Well, we- -

11 COUNCIL MEMBER COMRIE, JR.:
12 (Interposing) Cost, maintenance, right.

13 CHAIRPERSON WEPRIN: Ssh. Larry,
14 into the mic.

15 MR. KINITSKY: Depending upon the
16 size of the apartment, I'm going to say it ranges
17 from \$500 to just about a thousand, pre-parking.

18 COUNCIL MEMBER COMRIE, JR.: Five
19 hundred to a thousand a month?

20 MR. KINITSKY: Yes, for
21 maintenance.

22 COUNCIL MEMBER COMRIE, JR.: And
23 how big are your ... you said you don't have many
24 three-bedrooms now?

25 MR. KINITSKY: No, we only have two

2 buildings on our property that have any three-
3 bedroom apartments, so we're probably looking at
4 about 20.

5 COUNCIL MEMBER COMRIE, JR.: And
6 what's the average time that ... have you flipped
7 any apartments, or have you ... are you looking,
8 have you resold any apartments in the last two
9 years which are- -

10 MR. KINITSKY: (Interposing) Oh
11 sure, we turn over approximately 80 to 100
12 apartments every year. It's a very viable
13 community. You know, you have ... people love the
14 community, it's got a lot of facilities, a lot of
15 amenities. It's got great schools, it's a very
16 desirable place. And all we're looking to do is
17 keep it desirable and maintain its beauty over the
18 next few years.

19 COUNCIL MEMBER COMRIE, JR.: Okay.
20 All right.

21 CHAIRPERSON WEPRIN: The last
22 question, can you describe also your sublet rules?
23 And would they apply to these new buildings as
24 well?

25 MR. KINITSKY: Yes they would.

2 Yes, basically what happens is that our bylaws
3 call for you to live in your primary apartment for
4 three years before you can ask the board to sublet
5 your apartment, and then the board would make a
6 decision as to whether we think it's appropriate
7 or not for you to sublet. So that policy will
8 carry into these new, we're just going to keep the
9 same policies and procedures. So what that means
10 is, the 72 people who come here are coming here
11 because they want to be a viable part of the
12 community and they want this to be their
13 residence, their primary residence, so no one is
14 here to flip apartments and no one is selling out
15 to investors.

16 COUNCIL MEMBER COMRIE, JR.: Okay.

17 And what's the price point predicted for your new?

18 MR. KINITSKY: We think it's
19 probably in the \$400,000 range.

20 COUNCIL MEMBER COMRIE, JR.:

21 \$400,000?

22 MR. KINITSKY: Yes.

23 COUNCIL MEMBER COMRIE, JR.: All

24 right, and you're going to do just two- and three-
25 bedrooms? Or are you going to put in those

2 buildings?

3 MR. KINITSKY: Right now we're
4 looking at the majority would be three-bedrooms,
5 there may wind up being a few two-bedrooms, but
6 we're looking for the larger size because the
7 problem is the families, we can't really keep the
8 families here. So we're looking to make it even
9 more stable.

10 COUNCIL MEMBER COMRIE, JR.: And
11 who does your advertising?

12 MR. KINITSKY: We don't ... we
13 haven't gotten ... you mean to sell these
14 apartments?

15 COUNCIL MEMBER COMRIE, JR.: Sell
16 or- -

17 MR. KINITSKY: (Interposing) Well,
18 what we do is- -

19 COUNCIL MEMBER COMRIE, JR.:
20 (Interposing) Your existing locations.

21 MR. KINITSKY: Our existing units
22 are advertised, we have an outside management
23 company that manages our property. They sell our
24 units, we advertise in newspapers, the local
25 newspapers, we advertise online. So that's how we

2 get our ... and a lot of it is word-of-mouth,
3 because people know about the area.

4 COUNCIL MEMBER COMRIE, JR.: Okay.

5 All right.

6 CHAIRPERSON WEPRIN: Mr. Kinitsky,
7 have you considered ... I'm sorry, Leroy. Have you
8 considered, if this does happen and you are
9 allowed to do this, offering it to current
10 shareholders first, to give them like a first
11 window to try to get these larger units?

12 MR. KINITSKY: Yes, and we've had
13 that conversation, many shareholders have come up
14 to me and that's why I know there's pent-up
15 demand. And although we don't have the plan fully
16 developed yet, because we're a little ahead of it,
17 but one of the options would be to have an
18 exclusive period at a reduced price for current
19 residents of Windsor Park, because those, we'd
20 like to keep them.

21 COUNCIL MEMBER COMRIE, JR.: Okay,
22 and the opposition is claiming that their
23 sightlines would be affected, could you delve into
24 that a little bit?

25 MR. KINITSKY: Well, I think

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2 sightlines and there's two ... I'm sorry, two areas.
3 The bottom area, which is along the Vanderbilt
4 Motor Parkway, the photo that was up here before,
5 which shows the beautiful picture of the cul-de-
6 sac, that will not be. What will happen is, that
7 brown area right now is an asphalt parking lot.
8 So that is what people look out onto today.

9 COUNCIL MEMBER COMRIE, JR.: And
10 what's the approximate distance between the
11 buildings, the two buildings?

12 MR. KINITSKY: Sixty feet.

13 COUNCIL MEMBER COMRIE, JR.: Sixty
14 feet.

15 MR. KINITSKY: Yes sir.

16 COUNCIL MEMBER COMRIE, JR.: Okay.
17 So anybody on the first two floors would be
18 affected by the sight of ... they wouldn't be able
19 to look at those pictures any more, correct?

20 MR. KINITSKY: What would happen
21 is, well, they'll be able to see the beautiful
22 cul-de-sac, because nothing is happening to that.

23 COUNCIL MEMBER COMRIE, JR.: Okay.

24 MR. KINITSKY: But what would
25 happen ... Mike, can you just take that down for a

2 second, please? What would happen is, the photo
3 on the left, if you lived on the first or second
4 floor, you wouldn't see the cars there, you would
5 see further down, beautifully-landscaped
6 buildings, with lots of shrubbery around it. So
7 that would be the view that you would have.

8 COUNCIL MEMBER COMRIE, JR.: All
9 right, okay. Thank you. Thank you, Mr. Chair.

10 CHAIRPERSON WEPRIN: Okay. I don't
11 have any other questions.

12 MR. KINITSKY: Thank you.

13 CHAIRPERSON WEPRIN: So thank you
14 very much.

15 MR. KINITSKY: Thank you.

16 CHAIRPERSON WEPRIN: You might want
17 to stick around, because we have another panel in
18 opposition, we're going to move these quickly, I
19 promise. I'd like to call on this following group
20 in opposition to this particular thing, George
21 Spetsiaris, Susan Durham - sorry for messing up
22 names - Harley Max, Susan Houston, and Fleur
23 Martino we did already, right? Fleur? And that's
24 the panel on Windsor Park. And I apologize to the
25 Auburndale people, I know, I know, I know how long

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2 you've been working on this, but I want to try to
3 keep some kind of organization to this. We've
4 only got three left, right? All right, I
5 apologize. So please state your name into the
6 mic. Has someone ... ssh. I'm sorry, who am I
7 missing? She already went. Oh, there's another
8 Schlesinger? Oh, you're the ... oh. Come on up, I
9 apologize. This is you. I thought Arlene got
10 overzealous. And you're again? I thought I said
11 it before. Come on, Mr. Cooker, come on up,
12 quickly. And we'll get started. Start on up.
13 Sorry, Mr. Schlesinger, I didn't realize that.
14 I'll smooth you out again. I thought she just did
15 two, accidentally.

16 MS. HOUSTON: Hi, my name is Susan
17 Houston and I've been a shareholder in Windsor
18 Park for 24 years. When my husband and I
19 purchased our unit, it was like the best of both
20 worlds: a beautiful place to live, gorgeous
21 community, could not be happier. My fear is,
22 overcrowding. I really feel it's going to change
23 the whole character. When my parents retired, we
24 bought them a unit in my building. It is, the
25 neighbors, everything is wonderful. I understand

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2 what they're trying to do, but it will change the
3 whole character. The zoning said about, you know,
4 cars. We have a dead-end street, with a beautiful
5 greenbelt. It's going to change, and it's not
6 going to be the same, and I really feel it's going
7 to be too crowded. I do, there's nothing else I
8 can say, and that's how I feel.

9 CHAIRPERSON WEPRIN: Thank you.

10 No, that's all we can ask. And don't feel
11 obligated to do the two minutes, that's fine.
12 Please.

13 MS. DARRAM: Good afternoon, my
14 name is Susan Darram (phonetic), I've been a
15 shareholder at Windsor Park for 25 years. I come
16 here today because we need the board's help. We,
17 as you've heard of the concerns of our neighbors,
18 the congestion, real estate values, parking, the
19 costs, not even to mention the cost if this
20 project fails, but it's going to cost us. That's
21 correct, if they don't sell. We are the ones who
22 are going to pay for it. We pay a lot to live
23 there now, okay? However, I share their concerns,
24 and I echo them. However, being here today, my
25 being here today is for a completely different

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2 reason. Just last week on the news, there was a
3 story that in the five boroughs the happiest
4 people who lived here were in Manhattan, but they
5 wished for greener spaces and more open spaces.
6 And we have that in Windsor Park, and we need this
7 committee to please keep it that way for us.

8 CHAIRPERSON WEPRIN: Is that true,
9 we're happy? You're a happy guy, right?

10 MS. DARRAM: I have some
11 photographs here that I took yesterday of our
12 area, which I will pass on to you. You can keep
13 them, look at them, I've made some comments in the
14 back, so that you know what you're looking at. We
15 need, we want our home to remain the haven that it
16 is. We love it there, that's why we've been there
17 all these years. Most of the people you've heard
18 today have lived there for a number of years. I
19 would like to invite all of you to come and see it
20 before you make your decision, and see what we're
21 looking at and what we're trying so hard to keep.
22 We're fighting today for our way of life. We'd
23 like you to help us preserve it. The City
24 Planning Commission decided not to let them go
25 ahead with this project, and we're asking you to

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2 uphold their decision. Thank you very much for
3 hearing me.

4 CHAIRPERSON WEPRIN: Okay, next.

5 MS. DARRAM: Could you pass those
6 around?

7 CHAIRPERSON WEPRIN: Sure.

8 MR. SPETSIARIS: Good morning, my
9 name is George Spetsiaris.

10 CHAIRPERSON WEPRIN: I'm sorry,
11 Nick, just grab those pictures from her. She
12 wanted to show the panel the pictures.

13 MR. SPETSIARIS: I live on the
14 corner of 209 and Richland, right across the
15 street from the dead end. We already have a
16 number of cars every morning park in front of my
17 house. I happen to live on the corner, surrounded
18 by parked cars. They're waiting to pick up people
19 so that they can take the buses and head into the
20 city. They park in front of the house. The noise
21 early in the morning wakes us up, some of them
22 have their radios going on. When I come home,
23 sometimes there's no parking. This is prior to
24 anything else being built. I get home, I have to
25 pick up all the garbage that's left on my lawn, on

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2 the planters, on my property. The safety issue of
3 the congestion that's going to occur there with
4 more cars coming up and down Richland Avenue is
5 something that has to be considered. It's a
6 quiet, nice lovely little area. That will change,
7 there's no question about it. The parking spots
8 that are being offered right now for those three
9 years, they're all going to be fine and dandy, but
10 I already have them parking free in front of my
11 house. So I don't, you know, I don't understand
12 how that's going to work out. The blue skies in
13 those pictures that they have there look
14 beautiful, but there's nothing like looking across
15 there now and just seeing trees. So we really
16 need your help and understanding as to what's
17 happening in this entire area there. Thank you.

18 CHAIRPERSON WEPRIN: I don't know
19 who's next, Mr. Schlesinger?

20 MR. SCHLESINGER: Billy Schlesinger
21 ... can you hear me?

22 CHAIRPERSON WEPRIN: Yes.

23 MR. SCHLESINGER: Okay. I'm a
24 resident of Hollis Hills, the quality of life in
25 the area is going to go down. Right now it's very

1
2 congested along Richland Avenue and 209th Street.
3 Originally 209th Street was an extra-wide road
4 because I think it was supposed to be a four-lane
5 road. It was supposed to be part of the clear
6 view, sorry. But it stops at the dead end.
7 Everything there, people come walking through,
8 because they take the express bus on Union
9 Turnpike, which again, is fine, you walk. But now
10 people are overflowing with the parking onto
11 Richland Avenue, 209th Street, and if you go along
12 the area in the evening, you are already parking
13 on 73rd Avenue by Cunningham Park down by the
14 baseball fields, because there's not enough
15 parking. So you're going to build new housing and
16 not have enough parking. Where is everybody going
17 to go? And most of the parking in Windsor Park,
18 you pay for it. Where's the free parking? Free
19 parking isn't going to be free any more. And if
20 you go there in the night time, you're going to
21 see people parking everywhere else, the dead end,
22 the dead end by Windsor Park, where it's illegal
23 and they get tickets. All right, it just doesn't
24 stop. So it's going to be great and dandy for the
25 co-op to turn around and have more apartments and

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2 revenue, I understand that. But what's to become
3 of the environment of everybody living there?
4 Unless you're going to take Cunningham Park out.

5 CHAIRPERSON WEPRIN: No we are not.
6 Thank you.

7 MR. COOKER: Hi, my name is Stuart
8 Cooker, I've been a resident of Windsor Park for
9 ten years. I'm also concerned about the parking
10 situation. Larry Kinitsky talks about new
11 parking, where will this parking be? He didn't
12 say that. Where we live now is a beautiful,
13 idyllic, wonderful place. What's going to happen
14 to all the noise, the dust, the vermin that will
15 happen with this new construction? We all know
16 that construction takes a lot longer than it's
17 supposed to be, so how long will we be
18 inconvenienced by this? Larry Kinitsky said the
19 kids hang out, I never saw any kids, I live right
20 there, I don't know what he's talking about. I'm
21 a retired senior, and I oppose this project, no
22 matter what other seniors have to say. My
23 apartment values will go down, as everyone else
24 said, because parking will be a problem,
25 congestion will be a problem, and I think it's a

1
2 case of NIMBY, not in my backyard. I think if
3 these people had it in their backyard, they would
4 not be pleased to have it. Thank you.

5 CHAIRPERSON WEPRIN: Thank you.

6 Let me just ask a couple of quick questions.

7 First, what kind of neighbors are the
8 Schlesingers? Are they good neighbors?

9 MR. SPETSIARIS: Great neighbors.

10 CHAIRPERSON WEPRIN: Okay. I just
11 want to make sure they don't have any late-night
12 parties or anything. No, one of the concerns that
13 was raised by some people who lived in Hollis
14 Hills and came up with Ms. Schlesinger and other
15 people is the idea there are some kids who hang
16 out there on the Vanderbilt. You may not see them
17 all the time, but that is a bit of an area there
18 where there's not a lot of people, not a lot of
19 eyes out there. And 209th Street is used as that
20 thoroughfare over there. One of the things that
21 was raised by Mr. Kinitsky is that by having this
22 new building, this new building on that parking
23 lot area, there will be a lot more eyes there on
24 that area to watch out. I mean, it's not like
25 they're only renting to college students, these

1
2 are going to be people who are buying \$400,000 for
3 a house they can't sublet for three years. So I
4 mean, do you buy that at all, Mr. Schlesinger?

5 MR. SCHLESINGER: I don't buy it at
6 all.

7 CHAIRPERSON WEPRIN: Okay.

8 Because?

9 MR. SCHLESINGER: Because they walk
10 through anyway.

11 CHAIRPERSON WEPRIN: Who is?

12 MR. SCHLESINGER: I'm sorry. The
13 Windsor Park residents walk through there for the
14 shortcut, no problem.

15 CHAIRPERSON WEPRIN: They do that
16 anyway.

17 MR. SCHLESINGER: I'm not
18 complaining. Right? The kids down at the dead
19 end have someplace to hang out, it happens. My
20 wife calls the police all the time.

21 CHAIRPERSON WEPRIN: All right,
22 okay.

23 MR. SCHLESINGER: Both my sons are
24 cops.

25 CHAIRPERSON WEPRIN: Well, if

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they're doing anything illegal, right?

MR. SCHLESINGER: No, no, but they're hanging out, they're loitering.

CHAIRPERSON WEPRIN: Right.

MR. SCHLESINGER: It's summertime, all right? If they're not making any ruckus, no problem. All right? If they start drinking and throwing garbage on the floor.

CHAIRPERSON WEPRIN: I mean, you know, I understand your concerns.

MR. SCHLESINGER: I just go down and tell them to move it.

CHAIRPERSON WEPRIN: I understand your concerns. Right now there's 5,000 residents in Windsor Park. If this, let's give them, you know, we're talking maybe 3% increase if every unit and everybody had a lot of families.

MR. SCHLESINGER: Right.

CHAIRPERSON WEPRIN: So we're not talking about a huge amount of new people, truthfully. And the spots that you say, just to clarify, the spots that you say right now you don't know where they are, I assume ... I noticed they have some lots that the reason they're not

1
2 used is they're pay lots. So people don't want to
3 pay to park on the street, they've been able to
4 park on the street.

5 MR. SCHLESINGER: It's the economy
6 today.

7 CHAIRPERSON WEPRIN: And I don't
8 blame them.

9 MR. SCHLESINGER: They can't afford
10 it any more.

11 CHAIRPERSON WEPRIN: Yeah, not to
12 mention- -

13 MR. SCHLESINGER: (Interposing) So
14 why shouldn't you have free parking?

15 CHAIRPERSON WEPRIN: I know. Now,
16 your house, you have a driveway obviously for one
17 car.

18 MR. SCHLESINGER: Yes.

19 CHAIRPERSON WEPRIN: One car,
20 right?

21 MR. SCHLESINGER: Yeah.

22 CHAIRPERSON WEPRIN: And do you
23 have a tough time, and you can't park in front of
24 your house usually? Do you have a hard time
25 parking in front of your house because- -

2 MR. SCHLESINGER: (Interposing)

3 Most of the families on my block have three cars.

4 CHAIRPERSON WEPRIN: Right. But
5 how many spots do you usually have? Two? I mean,
6 do you usually have a spot in front of your house,
7 or are you saying no?

8 MR. SCHLESINGER: Yeah, we usually
9 have a spot in front of my house.

10 CHAIRPERSON WEPRIN: In front of
11 your house and your driveway, but you have a third
12 car?

13 MR. SCHLESINGER: I have a fourth
14 car also, because my sons still live at home.

15 CHAIRPERSON WEPRIN: I mean, I know
16 the block in question, I did walk it the other
17 day. And, you know, people do use it as a
18 thoroughfare. I didn't realize just how much they
19 do that. But the question is, is this going to be
20 a major detriment to a lot more people. Now, they
21 are going to offer free parking for three years
22 for those new units.

23 MR. SCHLESINGER: What about the
24 present?

25 CHAIRPERSON WEPRIN: But you're

1
2 right, it ... well, I can't ... well, what about the
3 present?

4 MR. SCHLESINGER: You live in the
5 neighborhood.

6 CHAIRPERSON WEPRIN: Right.

7 MR. SCHLESINGER: Go there in the
8 nighttime. 73rd Avenue is backed up.

9 CHAIRPERSON WEPRIN: I agree.

10 MR. SPETSIARIS: They're parking
11 free in front of my house right now.

12 CHAIRPERSON WEPRIN: I understand.

13 MR. SCHLESINGER: If you can park
14 free, why pay?

15 CHAIRPERSON WEPRIN: But nothing
16 we're considering today is going to be able to
17 address that issue as far as limiting current
18 parking. You're right, when I was young I had one
19 car in my family. I don't know how we did that,
20 you know. I have two cars in my family, I
21 couldn't live without two cars. (crosstalk) So
22 the world is changed now.

23 MR. SCHLESINGER: Excuse me, I'm
24 sorry. I've got another good one. Most people
25 walk through that dead end because they take the

1
2 express bus on Union Turnpike, where the one on
3 Union Turnpike runs much more often than the one
4 on 73rd Avenue.

5 CHAIRPERSON WEPRIN: Okay.

6 MR. SCHLESINGER: So why not walk
7 that extra block and a half up to Union Turnpike
8 and do it? No one minds that.

9 CHAIRPERSON WEPRIN: Okay. I
10 missed your point on that.

11 MR. SCHLESINGER: It's parking.

12 CHAIRPERSON WEPRIN: All right.

13 MR. SPETSIARIS: What about the
14 safety concerns?

15 CHAIRPERSON WEPRIN: If you want to
16 improve ... yeah, what about the safety concerns?

17 MR. SPETSIARIS: We do have them,
18 we have more traffic on Richland Avenue running
19 east to west, west to east, during rush hour than
20 ever before. Don't ask me why, but it's
21 happening, in the twelve, thirteen years that I'm
22 there, we see it.

23 CHAIRPERSON WEPRIN: Now we're
24 dealing with issues that are way beyond this
25 hearing. I mean, you're right, there are some

1
2 traffic concerns (crosstalk) and we'd be happy to
3 work with you on those issues specifically, but as
4 far, I mean, as this goes, I mean you're talking-
5 -

6 MR. SPETSIARIS: (Interposing) It's
7 related.

8 CHAIRPERSON WEPRIN: ... 72 units.

9 MR. SPETSIARIS: It's related,
10 because these cars that are parking to either, you
11 know, take the buses or to carpool, those cars are
12 right in front of Richland Avenue now. School
13 buses come there every morning, the Department of
14 Motor Vehicles runs their road tests there.

15 CHAIRPERSON WEPRIN: Right, I know,
16 we actually tried to stop that.

17 MR. SPETSIARIS: We're just adding
18 more, we're just adding.

19 CHAIRPERSON WEPRIN: Right.

20 MR. SPETSIARIS: We're just adding
21 to the problem.

22 CHAIRPERSON WEPRIN: And
23 unfortunately, well, that's true, and one of the
24 hopes of this whole project is we are downzoning a
25 lot of areas to try to limit a little bit of the

1
2 overdevelopment of the areas. But you're right,
3 there are more and more cars, more and more people
4 using them. We need to improve our public
5 transportation, where we are we have lousy public
6 transportation. It takes really too long to get
7 to Manhattan. Those are all issues that are
8 issues I agree with you 100%. The question is,
9 you know, on this one whether ... I mean, the fact
10 is, if they do have spots to park in, that
11 shouldn't really increase the parking problem. I
12 do think it will improve that little cul-de-sac
13 area over there, because I do think it does become
14 an area for dumping and other issues. That should
15 be better over there. I mean, that would be my
16 feeling on it, but you know, that's not for me to
17 decide, this is on the zoning and whether it's
18 appropriate. All right, any questions for this
19 panel, anybody else?

20 FEMALE VOICE: Some of these
21 gentlemen weren't here when we had the ability to
22 speak. So they really didn't hear what we had to
23 say. So a lot of these folks were not here, so
24 the quorum was not available for them to ask us
25 questions that are pertinent.

CHAIRPERSON WEPRIN: All right, well, I mean, I ... those who were here got to ask questions, and everyone who is here to testify, we're going to let testify. So unfortunately we've got to keep moving, because we've got a lot more people to testify. But thank you all very much. I encourage you, by the way, as we move forward in this process, to, you know, like I said, your board is elected by you, I'm elected by you, and that's, you know, you need to speak up with them as we go forward too, because it shouldn't be an adversarial relationship. If they get approved on this plan, they're going to have meetings. This isn't set in stone exactly where the trees go, what kind of trees, what kind of parking. That can be discussed and amended as we go along as well. That they will do too, thank you. All right, we're going to move to Auburndale now, I believe. Not all of them are clear what they're going to say, but I'm guessing ... this is, because that was a panel in opposition, I'm going to bring up a panel in favor in Auburndale. Henry Euler, Terri Pouymari, and Mary Donahue. Is there anyone else talking in favor of the Auburndale

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2 portion of the rezoning that I missed? And I know
3 I have a panel in opposition also coming after
4 that. Okay? Okay, we're going to keep it to two
5 minutes again, Henry. Please state your name and
6 start when you can.

7 MR. EULER: My name is Henry Euler,
8 I'm First Vice President of the Auburndale
9 Improvement Association and a lifelong resident of
10 the area. I am in favor of this rezoning plan,
11 we've been waiting for this plan for over five
12 years. We've been working on it very hard at our
13 civic association. We represent almost 600
14 members in the Auburndale area, and that's all we
15 hear at our meetings, when are we going to be
16 rezoned? When are we going to be downzoned? It's
17 very important for us that this get passed. We've
18 seen a lot of problems in our area, a lot of
19 inappropriate development, because all of the
20 other areas around us have been rezoned already.
21 So naturally our community has problems with
22 inappropriate development. Right now there's a
23 two multi-story hotel project plus a housing
24 development planned for the area by the Long
25 Island Expressway and 183rd Street, and it's going

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2 to go ahead because the foundation is already in.
3 And if we had had this rezoning before, it would
4 have been stopped. We are concerned about the
5 manufacturing zone, that must be changed. We feel
6 that going to a commercial C8-1 is not going to
7 work for that area. Councilman Halloran is right
8 when he describes it as a nightmare for the
9 community residents there. We support Station
10 Road Civic Association and the residents around
11 that manufacturing zone to get it changed to
12 residential. As those businesses leave, then we
13 can build houses, we can create jobs, and it's
14 important to change that. The last thing that I
15 wanted to mention we have a reservation about is
16 that we don't have a zone for single-family
17 attached and semi-attached homes in the area.
18 That must be done. We know that's a citywide
19 project, we're going to work on that in the
20 future. Thank you.

21 CHAIRPERSON WEPRIN: Thank you.

22 Please, next.

23 MS. POUYMARI: I'm Terri Pouymari
24 and I'm President of the Auburndale Improvement
25 Association. We've been working on this zoning,

1
2 especially for Auburndale, when we were then of
3 course added to with Windsor Park and Oakland
4 Gardens, for five or six years. I mean, John
5 Young has been visiting us regularly, keeping us
6 up to date. And of course we've had meetings with
7 people as high as Amanda Burden and her office
8 herself, trying to get some resolution and some
9 speed. The delay has caused us many houses, as
10 developers have come in and taken advantage of the
11 fact that the developed housing did not match
12 existing zoning. So they bought, they razed, and
13 they built, often selling for a profit an out-of-
14 context building. Zoning clarifications are vital
15 and are necessary. We have worked with variances
16 and we have two deed covenants that we've gotten
17 business people on Northern Blvd. to put in, but
18 we need zoning, and we've tried to protect the
19 section of Northern Blvd. from about 165th to 192nd,
20 to keep it small and like a small village, I
21 called it when I was talking to John. So that
22 we're pretty certain of, and we support that, but
23 we still, it's bittersweet to say we vote for this
24 planning plan, or zoning plan, excuse me, because
25 we still have important issues that have to be

1
2 protected. The single-family attached rowhouses
3 will need a citywide, apparently will need a
4 citywide zone, and that's not been developed. And
5 we need to continue to work on this, and we hope
6 that we have your promise to keep working on it
7 with us. And the M1 zone, which was in the plan
8 for five years, all along we talked about it, was
9 removed from the plan in June, and we support
10 Station Road Civic in that, that has to be taken
11 care of. The closing of Station Road along the
12 railroad over the objection of the Fire Department
13 in that day seems suspicious at best, and corrupt
14 at worst. So that has to be taken care of. Thank
15 you.

16 CHAIRPERSON WEPRIN: Good timing,
17 thank you. Yes, Ms. Donahue.

18 MS. DONAHUE: My name is Mary
19 Donahue, and I'm a member of the Auburndale
20 Improvement Association, president of the 46th
21 Avenue Beautification Committee, and a one-family
22 homeowner for the past 45 years in Auburndale. I
23 am definitely for the rezoning of Auburndale, but
24 I am unhappy that a new zoning classification has
25 not been created for one-family attached and semi-

1
2 attached homes. Our present zoning is R3-2, and
3 will remain R3-2, according to the proposed zoning
4 plan. This one-family, two-family and multiple-
5 dwelling classification is not appropriate for our
6 English Tudor attached and semi-attached one-
7 family homes on 194th Street, between 45th and 46th
8 Avenues, as well as 193rd Street, between 45th and
9 47th Avenues. Most real estate persons give home
10 buyers the impression that they can easily create
11 a two-family house out of the original one-family,
12 because of the R3-2 designation. With the new
13 one-family zoning classification, this
14 misconception can be eliminated. We deserve our
15 own one-family zoning classification. This
16 special zoning classification will also help to
17 avoid overloading city services such as fire,
18 police, sanitation, transportation, water and
19 sewer, due to increased density. On June 7th, 2010
20 Queens Community Board 11 approved the Auburndale
21 rezoning plan and recommended that a new zoning
22 classification for one-family attached and semi-
23 attached homes be developed citywide. It is very
24 important that the request for single-family
25 designation of attached and semi-attached homes be

1
2 kept alive, even after the approval of the
3 Auburndale rezoning plan. That's why I'm here to
4 ask for your action and cooperation concerning
5 this matter.

6 CHAIRPERSON WEPRIN: Thank you very
7 much.

8 MS. DONAHUE: Thank you.

9 CHAIRPERSON WEPRIN: Thank you
10 coming all the way from old England, don't leave
11 yet though. Mr. Comrie or Mr. Halloran, I
12 couldn't tell if you guys wanted to weigh in.
13 Don't feel obligated, but I know Mr. Halloran,
14 you're usually not at a loss for words.

15 COUNCIL MEMBER HALLORAN III: Thank
16 you, Mr. Chair.

17 CHAIRPERSON WEPRIN: We do have a ...
18 we're getting people wailing in my ear, we've got
19 to get out of here by one o'clock, so.

20 COUNCIL MEMBER HALLORAN III: Yes.
21 No, I'd just like to thank the Auburndale group in
22 particular for working with Planning to try and
23 come up with alternatives and for standing by
24 Station Road Civic. The one question I did have
25 for you is the hotel projects on the Long Island

Expressway, are we complete with foundations there? That's not my district, I know it's my good friend Peter Koo's district, but that was a major concern. This rezoning does not come in time to prevent that?

MR. EULER: Unfortunately it appears it does not appear to have come in time. They have a problem with the underpinnings of the foundation, the Department of Buildings has been looking at it. I don't know exactly what the status is at this time.

COUNCIL MEMBER HALLORAN III: Thank you, I appreciate it. Mr. Comrie.

COUNCIL MEMBER COMRIE, JR.: No, nothing, Mr. Chair.

CHAIRPERSON WEPRIN: Thank you. All right, sorry, Ms. Reyna.

COUNCIL MEMBER REYNA: Thank you, Mr. Chair, I just wanted to understand. As far as the semi-attached and attached English Tudor home comment, you're going to be remaining in the existing zoning, which is what?

MS. DONAHUE: R3-2.

COUNCIL MEMBER REYNA: R3-2, and

1
2 you would like to see what? You would like to
3 propose?

4 MS. DONAHUE: I would like a new
5 zoning classification for one-family attached
6 homes, like rowhouses. We're in clusters of five
7 and four homes, Tudors.

8 COUNCIL MEMBER REYNA: Right, I'm
9 very familiar with the Tudor home.

10 MS. DONAHUE: Right.

11 COUNCIL MEMBER REYNA: I just
12 wanted to understand what would be the proposed if
13 you had the opportunity, and you're telling me it
14 doesn't exist for that type of class.

15 MS. DONAHUE: That's right.

16 COUNCIL MEMBER HALLORAN III: Point
17 of information, Council Member, the zoning as it
18 exists, it uses the R3-2, which inherently enable
19 two-family construction, or it's an R2 structure,
20 and so unfortunately there's no in between right
21 now. And there's no way to get these attached
22 Tudors, which are actually only one-families,
23 zoned differently because of their semi- and
24 attached status.

25 COUNCIL MEMBER REYNA: In my

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2 Ridgewood area I have them, and so I'm trying to
3 understand. It doesn't have its own status, then
4 what would it fall under, and you're saying that
5 it's between R1-2A and R2A.

6 COUNCIL MEMBER HALLORAN III: Well,
7 technically it's always an R3-2, because of the
8 way the construction was done. And even though it
9 permits two families, these are one-family homes.
10 And so somebody could theoretically come in and
11 knock it down and put a two-family up, breaking
12 the row, if they chose to do that. So that
13 they're looking for protection to create a class
14 to just deal with that one particular style of
15 housing.

16 COUNCIL MEMBER REYNA: But your
17 comment as far as where it falls between, Council
18 Member Halloran?

19 COUNCIL MEMBER HALLORAN III: It
20 falls between being an R3-2, which is what they
21 all get zoned, and really like being an R2A
22 structure, but it's attached, so it doesn't fit
23 the criteria of R2A, and the R3-2, while it fits
24 the criteria, it doesn't limit it to one-family
25 residence, so these rowhouses could in theory be

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broken up.

COUNCIL MEMBER REYNA: Thank you very much.

COUNCIL MEMBER HALLORAN III:
Diana, basically it's an R2 with a zero lot line, zero lot line meaning they're attached, basically.

CHAIRPERSON WEPRIN: Okay, are we good? Thank you very much. We'll see you soon, right? Now I'm going to call another panel, again, two minutes each. Hopefully they're all still here, I apologize again. Rhea O'Ghorman, Enzo Longo, Jacqueline Sulier, Viola Norz, is it? And Janet Gillan. Yea I got it right, or yea they called you? Oh, yea, we finally got to you. Which one of those two? Reya, you've worked so hard, I feel you wouldn't mind staying another five hours. Okay. Reya, do you want to start?

MS. O'GHORMAN: No, I'm actually closing.

CHAIRPERSON WEPRIN: Oh, you're closing, okay. All right.

MS. O'GHORMAN: Every attorney wants to close.

CHAIRPERSON WEPRIN: Who wants to

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2 go first?

3 MS. SULIER: Okay. My name is
4 Jacqueline Sulier, I live on 172nd Street. I and
5 other members of the Station Road community are
6 here today for what has been removed from the
7 rezoning plan, the T. The Auburndale M1 currently
8 occupied by Helms Mercedes, Star Nissan Toyota,
9 and a yet unoccupied parcel owned by Star Umbrella
10 by the Koufakis Children's Trust, whatever that
11 is. According to newspaper articles, public
12 documents of the Board of Estimate and my personal
13 recollection as a long-term resident, the Station
14 Road community appeared before the City Council
15 Board of Estimate 46 and a half years ago
16 concerning the property that comprises the
17 Auburndale M1, this is Station Road. In 1962 the
18 city began the formal process necessary to close
19 and sell the block on Station Road from Auburndale
20 Lane to 172nd Street to Eutectic Welding. On
21 February 6th, 1964 the Board of Estimate voted to
22 close the street, declaring it was not essential
23 for traffic and would allow the consolidation of a
24 budding industrial property for plant expansion.
25 The price of the street was determined to be

2 \$6,200. The matter was set for reconsideration on
3 March 19th, 1964. After intense community
4 opposition surfaced, based on the lack of notice
5 of the prior hearing, the disregard of the
6 opposition by the first deputy fire commissioner
7 was undervaluing the street, and misrepresentation
8 of the number of additional employees that were
9 hired by Eutectic after the expansion - a hundred
10 rather than the stated 400 - and the misstatement
11 that the industrial area was pre-dated to the
12 construction of the residential homes, which is
13 untrue, as the houses on 172nd Street were built in
14 1931 and on 171st Street in 1923.

15 CHAIRPERSON WEPRIN: Thank you.

16 Thank you. Well do you want ... go ahead.

17 MR. LONGO: Yes, my name is Enzo
18 Longo and I live in the area of the Station Road
19 Civic Association, and I want to speak to the
20 quality of life issues that have been foisted upon
21 the community since this illegitimate closing of
22 that section of Station Road, and the
23 industrialization of it during the era of Eutectic
24 and the continuing quality of life problems that
25 are happening now, even though it's not actively a

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2 manufacturing, it's the obnoxious manner in which
3 the current occupants are conducting their
4 commercial enterprise, with these car service
5 facilities. And we've faced an uphill battle as
6 far as getting enforcement of what should be
7 happening there, and the issues requiring
8 enforcement pertain to the number of cars
9 allowable on the premises, stated in the zoning
10 resolution. Star is consistently over-occupied,
11 and in fact this summer, after they had purchased
12 the GM parcel, they had as many as 50 excess cars
13 in the GM lot each day, and those cars would
14 normally have packed the building, and poured out
15 onto the surrounding streets, in an area that's
16 already very dense and narrow streets. And the
17 parking spaces should be delineated inside the
18 parking lot by yellow or blue markings, and Star
19 is opposed to marking these spaces, because they
20 can cram more cars together and in all different
21 directions by having it unmarked. And- -

22 CHAIRPERSON WEPRIN: (Interposing)
23 Sorry about that, Enzo. We'll keep it moving, we
24 got the point there.

25 MS. GILLAN: Nobody's listening.

CHAIRPERSON WEPRIN: We're listening.

MS. GILLAN: What are we going to do ... no, not really. Janet Gillan. The Parks Department on their second visit had to ask the police to come, so that they would be protected from Star Nissan. After that, we're just on the losing end here. I'm sorry, I'm visually impaired so I can't read very fast. Me much more. There is no transparency in city government which concerns the M1 and the occupants. The DOB files for the Helms Brothers and Nissan properties have not been available in the Queens office for unannounced inspection for the last five years. A recent FOIL request for the files and all communications, written or electronic, was denied because the material is allegedly available in the borough office for copying. Emails have been produced by other agencies and are undoubtedly not available for the public for copying, and some of the requested correspondence originated in the commissioner's office in Manhattan. Two, DOT took nine months to respond to a FOIL request, and when they did so, they did not produce the smoking gun:

2 the communication on Helms Brothers that speaks to
3 the installation of a mechanical arm to control
4 the flow of traffic at their much-disputed exit
5 onto Auburndale Lane.

6 CHAIRPERSON WEPRIN: You can
7 finish, just try to finish up. Keep going, we cut
8 you off for a few seconds.

9 MS. GILLAN: They did not include
10 subsequent emails from Helms asking for help in
11 purchasing the requested arm. The contract.
12 Currently requests are pending with the
13 Controller's office, DCAS, the Mayor's Office of
14 Contract Services, the CAU and the Public
15 Advocate, to produce the city's contract with Star
16 Toyota of Bayside, to supply various city
17 agencies, including the enforcement agencies, DOT,
18 DOB, NYPD and DET, with new automobiles and
19 service thereof. To date DCAS and two Mayoral
20 offices have been unable to locate the contracts.

21 CHAIRPERSON WEPRIN: Okay Ms.
22 Gillan, I'll have to cut you off right there,
23 okay? Okay, next.

24 MS. NORZ: My name is Viola Norz,
25 and I have been a resident in my neighborhood for

60 years, and I'm here representing Station Road. It seems to the residents of the Station Road area that something has been rotten in the state of Auburndale since the inception of the M1, and particularly since the property was acquired by the present occupant. I put forth some of the connections between the principals of the M1, various city officials and lobbyists to illustrate why the community believes the playing field is not level. While the connections do not in any way illustrate or imply illegal conduct by the parties named, it does illustrate relationships within and with city government that will never be open to the general public. Star Nissan Toyota was until December 2009 the client of the Parkside lobby firm, with numerous ties to city government. They were retained in 2007 when the civic applied enough pressure through a two-week protest to cause DOB to require the installation of screening at Star Nissan Toyota. A compromise between Parkside and DOB called for screening for allowance for breaks in the fence at places where there are no building exits and which does not require the fencing to go to the northern boundary

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2 of the property, so it does not interfere with
3 deliveries, and which does not have rolling gates
4 at the breaks to close off the fence at the
5 business outlets. The result of this is
6 atrocious, it makes a mockery of the zoning
7 resolution, the DOB's enforcement abilities, and
8 creates an after-hours safety hazard. It should
9 be noted that Star's chief lobbyist at the time,
10 and until December 2009, was Barry Grodenchik - I
11 apologize for mispronouncing the name - was hired
12 on approximately 1/4/10 to be the Queens deputy
13 borough president. Does anyone see a conflict
14 here, as one of the stated functions of the Queens
15 borough president's office is to advocate for the
16 business community, including now Mr. Grodenchik's
17 former client, Star Nissan Toyota. Thank you.

18 CHAIRPERSON WEPRIN: Thank you.

19 Ms. O'Ghorman to close.

20 MS. O'GHORMAN: In response to some
21 of the issues that were brought up just today- -

22 CHAIRPERSON WEPRIN: (Interposing)

23 Just state your name again. I know I said it.

24 MS. O'GHORMAN: I'm Rhea O'Ghorman,
25 President of the Station Road Civic Association,

1
2 and probably known throughout the city as the bad
3 guy, probably by my own Councilman too. In
4 response to some of the issues that were presented
5 today, on the 230 jobs that were allegedly
6 increased by these businesses moving in were
7 actually relocated from Bayside in the early
8 2000's when the community pressure in Bayside got
9 so great that it was decreed that they would keep
10 the dealerships and we would get the service
11 centers. The Station Road community adamantly
12 opposes any change to a commercial designation,
13 especially a C8. A C8 would provide no enhanced
14 protections to the community against the toxic and
15 noxious types of businesses that inhabit the M1
16 now, or that can inhabit a C8. The very C8 that
17 they advertise just east on Station Road is
18 inhabited by an auto body shop who paints on the
19 sidewalk every single day with impunity, who parks
20 and works on their cars every single day with
21 impunity. There's no difference between an M1 and
22 a C8 in Auburndale, nothing to be gained. City
23 Planning, you know, they admit to eleven of these
24 things. The zoning resolution says that you can
25 intentionally pair an R2 with an M1 to create a

1
2 mixed district, but they have eleven of them, and
3 we're one of them. And it shouldn't be ... it
4 should never have happened, and it can't be
5 allowed to continue. The community must have some
6 relief going forward in terms of zoning, and
7 someone must find a way to enforce against this
8 business. As the City of New York, you know, who
9 likes to pride itself on being the biggest and
10 best city in the world, can't enforce against one
11 single solitary business, whether he makes no
12 money or the projected \$100 million of annual
13 revenue this business brings in, it doesn't
14 matter. The residential community should not bear
15 the brunt of an R2/M1 pairing and it's
16 unfortunately up to the Council, I think, to get
17 it fixed, because the agencies alone will not and
18 cannot do it. There is someone, somewhere, in
19 city government pulling strings for these people.

20 CHAIRPERSON WEPRIN: Thank you very
21 much. We, as you know, have been working very
22 hard with the agencies to try to work on this
23 enforcement issue. This issue is not over today,
24 I promise you that. And Dan Halloran will not
25 allow that to happen, I know he wants to make a

1
2 last statement. So, Mr. Halloran.

3 COUNCIL MEMBER HALLORAN III: Let
4 me just say to this panel that first of all, I am
5 a 38-year resident of that community, and I grew
6 up three blocks away from this area. So ... you've
7 got me by a little bit of time. But I understand
8 what's going on. Some maligning of people just
9 took place. Barry Grodenchik has been a lobbyist,
10 yes, for the Parkside Group, which incidentally is
11 the group that funded and worked with my opponent
12 in my race, so I'm not here to defend the Parkside
13 Group. But I will defend Barry Grodenchik, he has
14 been trying to get a meeting for me with the
15 Koufakis's. Now whether or not he's compromised
16 in some way because he previously lobbied for them
17 I won't say, but I will say that, as the deputy
18 borough president, I have seen nothing but honest
19 and straightforward work on his behalf, and I
20 would really hope that our community, as much as
21 there's reason to be suspicious of conspiracies
22 with regards to this particular site, be very
23 tempered in who they wield the accusation of
24 corruption against. What's clear is that the City
25 of New York in 1961 and '62 did something illegal.

1
2 They did it, and a corrupt government in '62 does
3 not exist in the City of New York today. The
4 government that de-mapped a city street in order
5 to connect these places, that allowed Eutectic
6 Castolin to go in there and contaminate and then
7 walk away, that's long-ago history. What we're
8 stuck with now is something completely different.
9 I disagree respectfully with Rhea, that I think
10 that you're the bad guy, I don't. I think you're
11 a zealous advocate for your community. I wish
12 you'd be more temperate in how you speak about me
13 in the newspapers, but of course that's your
14 prerogative and your business. Your prior
15 Councilman had eight years to try to do this and
16 did absolutely nothing for you, and I think that I
17 have done everything Herculeanly possible to bring
18 the city agencies to bear, to hold up this
19 rezoning with the Council Member Weprin, Chair
20 Comrie, who sat in a meeting with us here in June,
21 put the brakes on this so that we could try to get
22 some understanding done. They didn't have to do
23 that, they did that because they understood how
24 important this was, and what a bad deal that the
25 neighborhood had gotten. I disagree again,

1
2 respectfully, that the C8 isn't an option. It
3 does bring down the zoning, it gives us an
4 opportunity to curtail the future abuse of this
5 land by having a real M1 go in there, a real
6 manufacturer go in. I have introduced legislation
7 at City Hall to talk about enforcement issues with
8 this property in mind. And assuming that goes
9 forward, we will have teeth to sink in. But I
10 just would like to say that your group is coming
11 here to City Hall understandably frustrated, but
12 your Councilman is just as frustrated, and is
13 between a rock and a hard place with this, because
14 this zoning has to go forward to protect all of
15 these other people, who are suffering exactly as
16 you are in some ways, and in some ways, you know,
17 differently, but at the same level. And I have my
18 commitment from Mark and from Council Member Koo
19 and from Council Member Comrie to continue to go
20 over enforcement and to make things happen. I
21 just wish that you guys understood that there are
22 some things which are a function of a bad decision
23 made 40 something years ago, that we can't just
24 undo with a magic wand, as much as I would like to
25 have one, and as much as the Tribune thinks I have

a magic wand at home.

MS. O'GHORMAN: Well, can they be undone?

CHAIRPERSON WEPRIN: Well, we're going to move on. We've got- -

MS. GILLAN: (Interposing) Could I ask the Councilman one question?

CHAIRPERSON WEPRIN: You can ask him that tomorrow, or after this meeting. You're welcome to do it any time.

MS. GILLAN: It was a suggestion from you people, I wanted to reinforce it.

CHAIRPERSON WEPRIN: Thank you. Mr. Halloran, I understand, believe me, Council Member Halloran works very hard on this issue. I know his predecessor, although he said he did nothing, has also suffered a lot of frustration on this issue, and spoken out on this issue. It's sometimes more difficult than- -

MS. GILLAN: (Interposing) But he suggested something I wanted to say.

CHAIRPERSON WEPRIN: Yes, you may talk to him all you want after the meeting. I thank you all for coming. Is there anyone else

1 here on this rezoning? I think that's it, for
 2 everyone who's on this particular rezoning, on the
 3 city one. So with that I'm going to close the
 4 hearing on the largest rezoning in the history of
 5 the City of New York, until the next one, which
 6 will be larger, and we're going to move on to the
 7 next item of our agenda. I'm sorry, Mr. Halloran,
 8 you'll go outside? Okay. He's going to answer
 9 your question right now. All right, we're going
 10 to move on to the next item. Again, I apologize.
 11 The next item is Land Use #231 and 232, Third
 12 Avenue corridor, in Council Member Mendez's
 13 district, Council District 2, Community Board 3,
 14 those are number C100420 ZMM and N100419 ZRM, and
 15 I'd like to call the very patient Edith Hsu-Chen.
 16 Are you here, Edith, yes?

17
 18 MS. HSU-CHEN: Yes, yes.

19 CHAIRPERSON WEPRIN: To come up, I
 20 apologize. I want to be perfectly honest, since
 21 I'm trying to be frank, if this wasn't a local
 22 project in Queens, we probably would have had you
 23 go first. So I apologize, I apologize, but
 24 Council Member Comrie and Council Member Halloran
 25 and I pulled the Queens rank on you there, so we

1
2 wanted to make sure we got that project done. So
3 I appreciate your patience, thank you.

4 MS. HSU-CHEN: My pleasure. Good
5 afternoon, Council members. Okay, we have some
6 handouts here. Good afternoon, Council members.
7 It is my ... it is our pleasure to be here today to
8 discuss with you, to present to you, a rezoning
9 proposal that has been so well received, and in
10 fact of course it's been so well received because
11 in fact the genesis of the rezoning comes from the
12 community. And we would also like to thank
13 Community Board 3, Susan Stetzer is here from
14 Community Board 3, and Council Member Mendez, for
15 bringing this need for rezoning to our attention,
16 and initiating our meetings at the beginning. So
17 this rezoning is of the Third and Fourth Avenue
18 corridor in Manhattan, which is of course between
19 Third Avenue and Fourth Avenue, and between East
20 9th and East 12th Street. The purpose of this
21 rezoning is to introduce contextual zoning onto
22 the area. Right now the district does not have
23 any height limit and also encourages commercial
24 development well over residential development, but
25 the neighborhood is very much leaning towards

1 residential. This rezoning also provides for
2 opportunities for the inclusionary housing
3 program. So on that very general overview, I'd
4 like to turn the microphone to Arthur Huh, who is
5 the planner for Community District 3, thank you.
6

7 MR. HUH: Am I on? Okay, thank
8 you.

9 CHAIRPERSON WEPRIN: You're on.

10 MR. HUH: And with that
11 introduction I'll just sort of walk you through
12 this handout. I'm sorry, my name is Arthur Huh,
13 I'm with the Department of City Planning. The
14 second page of the handout is just to illustrate
15 once again from a different perspective where
16 we're talking about. This is from East 9th Street
17 on the south to East 13th Street on the north,
18 between Third and Fourth, and as indicated by the
19 yellow and orange colors on the land use map, the
20 area as Edith has said is quite residential, or
21 mixed-use in nature, with residential uses on the
22 upper floors over ground-floor-level retail. The
23 other color of note in the area is blue, which is
24 to indicate the very significant institutional
25 presence which is also there. The third page of

1
2 the handout is the existing zoning, which again is
3 a non-contextual C6-1, that's a zoning district
4 that does not have a maximum building height, does
5 not require street wall buildings, and is fairly
6 loose in terms of height and setback regulations.
7 And also on that page is a photo that shows the
8 type of development that can be built as of right
9 now under that existing zoning. In many cases as
10 is shown in that photo, the existing zoning also
11 allows for a significant gap in terms of allowable
12 floor area density. Depending on the use,
13 allowing here effectively a doubling of the
14 allowable floor area for commercial and/or
15 community facility uses, against residential. The
16 ... moving on to the fourth page, which is basically
17 the proposal, straightforward C6-2A contextual
18 district over the entire block. This addresses
19 the FAR gap by introducing a modest increase in
20 residential FAR, it institutes a maximum height
21 limit of 120 feet over a street wall base, which
22 is between 60 and 85 feet. And the final page
23 also shows a graphic representation of that
24 envelope. Thank you.

25 CHAIRPERSON WEPRIN: Ms. Mendez,

1
2 did you want to make a question or statement at
3 this time?

4 COUNCIL MEMBER MENDEZ: Thank you,
5 Mr. Chair. After waiting two years, three hours
6 seems like nothing, almost.

7 CHAIRPERSON WEPRIN: I apologize
8 for that also.

9 COUNCIL MEMBER MENDEZ: Just to put
10 this in context for my colleagues, this is just
11 south of Union Square, and just north of the Astor
12 Place Cube that many people are familiar with.
13 And this is something that was demanded by my
14 community when we were doing the Lower East Side
15 East Village rezoning some years ago that we
16 passed in November of 2008. Originally the
17 community wanted to expand that rezoning to
18 include this area. For a variety of reasons, to
19 not delay the Lower East Side East Village
20 rezoning, and some concerns on the Department of
21 City Planning about what we were asking, our
22 community decided to wait and do more research,
23 and in February of 2009 we had a very productive
24 meeting where my community came forward with all
25 of the reasons why we should have this rezoning.

1
2 I want to thank Edith and Arthur and Commissioner
3 Burden. I want to thank my chief of staff, Lisa
4 Kaplan, for all the work she's done on this,
5 Community Board 3 and the Chair who's not here
6 today, but the District Manager, who is here. I
7 have some testimony from Elizabeth Langwith, who
8 is the Chair of the St. Anne's Committee, she had
9 to leave. But we could submit this into the
10 record.

11 CHAIRPERSON WEPRIN: Which we will
12 do.

13 COUNCIL MEMBER MENDEZ: And also
14 the Greenwich Village Society for Historic
15 Preservation and Andrew Berman for all working
16 together to make this a reality. It's not quite
17 what we asked for, but it goes a long way, and we
18 are very delighted to see this finally coming to
19 the Third and Fourth Avenue corridor. Thank you
20 very much.

21 MS. HSU-CHEN: Thank you.

22 CHAIRPERSON WEPRIN: Thank you.
23 Any other questions from the panel? Oh, we do
24 from Ms. Reyna.

25 COUNCIL MEMBER REYNA: Thank you,

1
2 Mr. Chair. I just wanted to understand the
3 inclusionary zoning. The inclusionary zoning, as
4 far as the C6-2A proposed, there's an inclusionary
5 zoning of ... bonus of 1.6, with a maximum FAR of
6 7.2. Prior to, what was the FAR?

7 MR. HUH: For residential uses in
8 the C6-1, the maximum is 3.44.

9 COUNCIL MEMBER REYNA: The base was
10 3.14? (sic)

11 MR. HUH: Today the base ... today
12 the maximum is 3.44, there is no mechanism where
13 you can exceed the maximum, as there is in the
14 inclusionary district being proposed. The
15 inclusionary introduces that bonus mechanism.

16 COUNCIL MEMBER REYNA: Right. And
17 so the best base FAR at 5.4 was proposed that much
18 higher from 3.14?

19 MR. HUH: Correct, well, there is ...
20 so there is an increase in residential- -

21 COUNCIL MEMBER REYNA:
22 (Interposing) As a base.

23 MR. HUH: As a base, yes. From 3.4
24 to 5.4.

25 COUNCIL MEMBER REYNA: Why not

2 maintain it at 3.14? And the addition would have
3 been the inclusionary housing bonus?

4 MS. HSU-CHEN: The inclusionary
5 housing program, as you may know, has a very
6 strict formula, in fact. And the 5.4 and 7.2
7 reflect a base and a bonus that reflects a 20%
8 floor ... a 30% floor area bonus in exchange for 20%
9 of affordable housing set asides.

10 COUNCIL MEMBER REYNA: But the base
11 has been increased in this proposal.

12 MS. HSU-CHEN: The base has been
13 increased, and to reflect the existing character
14 of the neighborhood, which is more residential
15 than commercial.

16 COUNCIL MEMBER REYNA: So there's a
17 conformity of the base at 5.4.

18 MS. HSU-CHEN: Yes, absolutely- -

19 COUNCIL MEMBER REYNA:

20 (Interposing) Therefore- -

21 MS. HSU-CHEN: (Interposing) You're
22 increasing our degree of compliance with the
23 increase from 3.44 to 5.4.

24 COUNCIL MEMBER REYNA: And so
25 anything above the 5.4, which is in conformity

1
2 now, once this particular rezoning has been
3 passed, to give an additional one point as an
4 inclusionary housing bonus.

5 MS. HSU-CHEN: If I understand your
6 question correctly, yes. The more ... one of the
7 main reasons why this rezoning was asked for, and
8 why we fully support it, is because the area is
9 predominantly residential. There is some
10 commercial presence, certainly on the ground
11 floor, there is some. And there is some limited
12 office space. But the area is predominantly
13 residential. The existing zoning right now
14 encourages more commercial development than
15 residential, because the existing zoning allows
16 for 6 FAR commercial, but only 3.44 residential
17 development. So we were looking to equalize the
18 FAR allowances for residential and commercial, and
19 in fact even provide a little boost for the
20 residential, through the inclusionary housing.

21 COUNCIL MEMBER REYNA: Right, but
22 my point is that you've increased the base FAR at
23 the residential component.

24 MS. HSU-CHEN: The existing zoning,
25 there's no base, there's a maximum of 3.44

1 residential, period. That's the maximum FAR for
2 residential. Under the new zoning there will be a
3 maximum FAR residential of 7.2, but that is of
4 course if you include affordable housing.
5

6 COUNCIL MEMBER REYNA: Right, but
7 the base FAR.

8 MS. HSU-CHEN: Uh huh, yes.

9 COUNCIL MEMBER REYNA: Prior to the
10 increase of 5.4 base, was what?

11 MS. HSU-CHEN: There is no current
12 base.

13 COUNCIL MEMBER REYNA: There was
14 no.

15 MS. HSU-CHEN: Correct, because
16 there's no inclusionary housing program on the- -

17 COUNCIL MEMBER REYNA:
18 (Interposing) No, aside from the inclusionary
19 housing.

20 MS. HSU-CHEN: Okay. There is no
21 base residential- -

22 COUNCIL MEMBER REYNA:
23 (Interposing) 3.44.

24 MS. HSU-CHEN: That's the maximum.

25 COUNCIL MEMBER REYNA: Right.

MS. HSU-CHEN: Not the base.

COUNCIL MEMBER REYNA: Right.

MS. HSU-CHEN: The maximum right now is 3.44. You could do zero residential development FAR, but there's no base under the existing zoning.

COUNCIL MEMBER REYNA: Because there's a maximum in the current zoning.

MS. HSU-CHEN: The base is a term that we use associated with the inclusionary housing program.

COUNCIL MEMBER REYNA: Right.

MS. HSU-CHEN: A bonus. So the- -

COUNCIL MEMBER REYNA:
(Interposing) I'm just saying that you could have started at zero and gotten more affordable housing, and that was not done.

MS. HSU-CHEN: Well, earlier what I said was, the inclusionary housing program does have a strict formula, and one that's been tested throughout the city, and it's a very sensitive formula. Again it's 1/3 bonus floor area in exchange for setting aside 20% of affordable housing units onsite or offsite. So the 5.4 base

1
2 and the 7.2, you know, maximum FAR reflect that
3 formula that's in place throughout the city for
4 the inclusionary housing program.

5 COUNCIL MEMBER REYNA: I guess it's
6 a difference of opinion as far as how to approach
7 the same concept. You had a zero base, because
8 inclusionary housing was not applicable in this
9 area.

10 MS. HSU-CHEN: Right.

11 COUNCIL MEMBER REYNA: Now it's
12 applicable.

13 MS. HSU-CHEN: Correct.

14 COUNCIL MEMBER REYNA: But you gave
15 away a base of 5.4 rather than starting it at
16 3.44.

17 MS. HSU-CHEN: The 5.4 is the
18 established base for all C6-2A's throughout the
19 City of New York. So it is a set.

20 COUNCIL MEMBER REYNA: A standard.

21 MS. HSU-CHEN: A set standard,
22 correct.

23 COUNCIL MEMBER REYNA: Okay, thank
24 you.

25 CHAIRPERSON WEPRIN: Thank you.

1
2 Any other comments or questions? We thank you,
3 don't go far away, we'll need you later. I'm
4 going to move on to some ... but you do have to get
5 up for now, I do have a couple of people who want
6 to testify on this item. I think they're still
7 here, Susan Stetzer and Elizabeth Finkelstein, is
8 she here? Yes. Are you here on this item or on
9 the next item?

10 MS. FINKELSTEIN: Both.

11 CHAIRPERSON WEPRIN: Oh, okay.

12 Well, come on up for this one. And we're going to
13 limit ... now we're going to limit the speakers to
14 two minutes. We've been here a long time, and I
15 know people have been very patient, so we're going
16 to move quickly, if you could state your name.
17 Nick is going to take that from you. And we do
18 have also the testimony that Ms. Mendez had
19 mentioned from Elizabeth Langwith, which we have
20 here and we will share it with the Committee.
21 Okay, whenever you're ready.

22 MS. STETZER: Okay, thank you. My
23 name is Susan Stetzer, I am the District Manager
24 for Community Board 3, and I'm here today to
25 represent the Community Board. I am not going to

1
2 read from my testimony, I'm just going to make a
3 short statement in addition to the testimony. As
4 Edith mentioned, this plan came from the
5 community. We have been working for this plan for
6 five years, and it was accomplished with great
7 help from many people, including, in the
8 community, including Greenwich Village Historical
9 Preservation Society, from elected officials,
10 including our Council Member, Rosie Mendez, and
11 with the help of our urban planning fellow from
12 the borough president, and with help from working
13 with City Planning. The community made very clear
14 to the community board that the current
15 development is out of context and unwelcome. This
16 plan responds to the community's concerns to
17 preserve contextual development. The community
18 board voted 35 in favor of the plan, zero against,
19 with two abstentions. And there has not been a
20 single negative response to the board in regard to
21 this plan. We all welcome it very much. This
22 plan will reduce pressure from institutional
23 overdevelopment on our community, and it responds
24 to the two highest priorities in our community,
25 which is affordable housing and contextual

development. Thank you.

CHAIRPERSON WEPRIN: Ms.
Finkelstein.

MS. FINKELSTEIN: Good morning, my name is Elizabeth Finkelstein, and I am testifying on behalf of the Greenwich Village Society for Historic Preservation in favor of the proposed rezoning of the Third and Fourth Avenue corridor. Our organization, working with neighbors and the local community board and elected officials, first approached City Planning about the desperate need to rezone these blocks in 2005. Unfortunately, due to lack of action then and in subsequent years, a mammoth and woefully out-of-scale 26-story NYU dorm was constructed within the proposed rezoning area at 112 East 12th Street. This is now the tallest building in the East Village, located on this narrow residential street. It joins several other grossly out-of-scale dorms and other construction which has intruded upon the neighborhood in recent years. The current zoning would allow more such incursions, and strongly encourages the development of dormitories, hotels and other types of community facilities and

1 commercial development, in spite of the strongly
2 residential character of these blocks. The
3 current zoning also has no height limits, and
4 encourages towers set back on plazas, even
5 providing a plaza bonus in some circumstances.
6 The new zoning will set an absolute height limit
7 of 120 feet, considerably less than the height of
8 development we are seeing under the existing
9 zoning, and will put contextual controls in place
10 preventing the addition of more dead plazas to the
11 area, and will eliminate the incentive for dormant
12 hotel development. Thus we urge you to approve
13 the proposed rezoning as soon as possible, thank
14 you.
15

16 CHAIRPERSON WEPRIN: Thank you very
17 much. Ms. Mendez, did you have anything you
18 wanted to say now? Or you're okay?

19 COUNCIL MEMBER MENDEZ: Thank you
20 for hanging in there for the three hours.

21 CHAIRPERSON WEPRIN: Yes, I do
22 appreciate that as well. Thank you very much.
23 I'm going to close this hearing and move on to the
24 next hearing. The next one is Land Use 233, Land
25 Use 233 Washington Greenwich Street rezoning

1
2 C100437 ZMM in Speaker Quinn's district. I'd like
3 to invite the Manhattan City Planning Office back
4 up, now Edith Hsu-Chen again and Adam Wolff this
5 time. Do you want to do that first? Okay, you
6 want to do Hudson Yards first? That's fine.
7 Anything to keep us moving is fine with me. 234,
8 Hudson Yards, West Chelsea follow-up, that's
9 N100424 ZRM, and that would be Edith and who?
10 Edith and Frank, right? Frank Ruchala. Okay,
11 Frank, whenever you're ready.

12 MR. RUCHALA: I'll be very brief.

13 CHAIRPERSON WEPRIN: Okay, yeah.

14 MR. RUCHALA: Good afternoon,
15 Council members, my name is Frank Ruchala from the
16 Manhattan office of the Department of City
17 Planning. The text amendment before you deals
18 with two specific topics: one, the above-grade
19 infrastructure necessary for access and operation
20 of the #7 subway extension, and then also to
21 address community concerns of the significant
22 growth forecasted for Hudson Yards and the
23 adjacent areas, should it occur it could result in
24 development pressure that may affect housing that
25 has historically provided an affordable housing

1
2 resource for area residents. I'll start with the
3 transit portions of the text amendment. First, it
4 would confirm that the floor space within the
5 above-grade transit facilities is not treated as
6 floor area, as was expected in the 2005 Hudson
7 Yards rezoning. The existing zoning text allows
8 this exemption for subway station entrances, but
9 the same concept is not clearly applied to above-
10 grade facilities. The amendment would clarify
11 that. It would also update provisions for the
12 future Tenth Avenue station subway entrances,
13 regarding easements and dimension requirements,
14 and finally it would update provisions for the
15 retail continuity requirements in Hudson Yards, so
16 that sites with these above-grade transit
17 facilities could comply with those requirements.

18 CHAIRPERSON WEPRIN: That's fine.

19 MR. RUCHALA: Okay. There's- -

20 CHAIRPERSON WEPRIN: (Interposing)

21 You were so convincing. You wanted to say
22 something on this as well? No, that's fine. Any
23 members of the panel have something they want to
24 volunteer on this? Well, thank you very much,
25 Frank, you were great. And we'd like to close

1
2 this hearing, you're not here on this one, right?
3 And we're going to close this hearing and now
4 switch over, are we okay to go to the other one?
5 They'll do it ... that's all right, we're going to
6 work on this, because the Speaker I know is very
7 supportive and all the people testifying are in
8 favor of it.

9 MS. HSU-CHEN: Yes.

10 CHAIRPERSON WEPRIN: I have a
11 feeling without the drawings you may be in good
12 shape. But we'll see. Land Use 233, again,
13 Washington Greenwich Street rezoning. Go ahead.

14 MS. HSU-CHEN: Good afternoon
15 again. Hello, Council members. We are here to
16 present another rezoning proposal that also comes
17 from the community. The proposed zoning map
18 amendment is in the Greenwich Village area, and it
19 would change the existing non-contextual zoning
20 district to a contextual zoning district to
21 address the disparity between the commercial and
22 the residential FAR, to bring in height limits for
23 the area, and would also encourage new develop to
24 reflect the existing character of the
25 neighborhood, which is by far predominantly

1 residential. The existing zoning envelope, or the
2 existing zoning is a C1-6A, which allows 6.0 FAR
3 for commercial and 3.4 FAR for residential, so as
4 I mentioned earlier, this kind of zoning basically
5 incentivizes commercial development, which is
6 inappropriate for this neighborhood, which is
7 predominantly residential. The new zoning that we
8 are proposing is a C1-6A, excuse me, the previous
9 district was a C6-1. The new zoning district is a
10 C1-6A, which has a residential and commercial
11 development of 2.0 FAR and 4.0 FAR. So you can
12 see here that the FAR's have been more equalized
13 and in the favor of residential development.
14 Also, there is going to be a height limit of 80
15 feet, which is the equivalent of seven to eight
16 stories, which is also in line with the character
17 of the neighborhood.
18

19 CHAIRPERSON WEPRIN: Thank you very
20 much. Any questions, comments? I understand that
21 Speaker Quinn is very supportive of this project
22 and change, so that is good. And we thank you.

23 MS. HSU-CHEN: Thank you.

24 CHAIRPERSON WEPRIN: And we'll now
25 call on some people who want to testify in favor,

1
2 if you can keep your remarks as short as possible,
3 because you can only mess it up now. Elizabeth
4 Finkelstein, you're coming back up for one and I'm
5 pronouncing your name correctly. Jordan Chapps
6 (phonetic), Zack Weinstein, I think, Jeffrey
7 Knove, Knox, okay. Alice Carey. Okay, as short
8 as you want to keep it, what do you want to do?

9 MS. HSU-CHEN: One quick
10 correction, I apologize, in my haste I just want ...
11 the residential, the proposed residential FAR is
12 4.0 FAR and the commercial is 2.0 FAR, I had
13 switched them in my presentation. Thank you.

14 CHAIRPERSON WEPRIN: Sorry, thank
15 you. All right, well, we'll get you seats for
16 everybody, but just you can start up whenever you
17 ... whoever wants to grab the mic first, just go on
18 in, two minutes each, please. At most.

19 MR. KNOX: Okay, so my name is
20 Jeffrey Knox, I live at 348 West 11th Street, I've
21 been a resident there for 36 years and I can't
22 tell you how much the community supports this
23 zoning change. We were shocked into discovering
24 that even though we live in an historic district,
25 we couldn't stop a hotel and dormitory use. I'd

2 never heard of C6-1 or C1-6A, over the past four
3 hours I've learned about R2 and R4 and- -

4 CHAIRPERSON WEPRIN: (Interposing)

5 Glad we could help.

6 MR. KNOX: ... so but what happened
7 to galvanize the community, we started with a
8 small group. At some point a year and a half
9 later we held a public meeting hoping there would
10 be 50 people, 150 people showed up. We have
11 petitions online signed, over 600 people. And
12 actually from around the world people have come up
13 to us at street fairs citing Jane Jacobs, how much
14 they loved the Village and how much they support
15 this zoning change. So I hope that you will
16 support it as well and vote for it. Thank you.

17 CHAIRPERSON WEPRIN: Thank you very
18 much. Be sure to say your name.

19 MS. CAREY: My name is Alice Carey,
20 and I've lived in the far West Village all of my
21 adult life. In the late 1960's I ran from home
22 and headed straight to Greenwich Village, but I
23 couldn't afford an apartment in the grand houses
24 in Washington Square. I had to cross that DMZ
25 zone called Hudson Street and settle on the far

1
2 West 11th where the river was my neighbor. At that
3 time the place was simply called the Village.
4 There was no far West Village. So when the
5 Village was landmarked, it was truly a historic
6 event. I remember reading about it in the Times
7 and then going out to buy the first AIA guide that
8 I carried around like a bible. Armed with the
9 blue-covered AIA guide, I decided which streets
10 I'd visit in the Village, my home, the best place
11 to live in New York. I thought that, and I think
12 so now. Then the AIA did not give much space to
13 what would eventually become the far West Village,
14 it really wasn't very pretty, or thought to be
15 historic. 11th Street between Greenwich and
16 Washington didn't even have a street lamp at that
17 time. What we had, though, was sunlight and
18 shadows from all the old buildings, garages and
19 warehouses, not to mention the benign neglect of
20 the area across Hudson Street near the meat market
21 and slaughterhouse, and the traffic of the West
22 Side Highway. Yet I loved living there, I loved
23 being part of the historic Village, as did my
24 neighbors. Yet that love was tainted by fear in
25 2007, when posters went up announcing the

1
2 intention of a large hotel being built on the
3 corner of Perry and Washington. Panic flooded
4 cobblestone streets. This is a historic district,
5 we said, we are protected. But upon taking a
6 closer look, we found this not to be so. And in
7 the 60's our buildings were thought not to be of
8 historic value, so entire blocks and pieces of
9 blocks were carved out of the Greenwich Village
10 historic district and zoned for commercial use.
11 But you know all this. What you may not know,
12 however, is how hard my neighbors have fought, my
13 neighbors, to rezone these precious old blocks
14 oozing with history. Foolish as it may seem, I
15 imagine Melville and Whitman, even Oscar Wilde who
16 visited New York, walking the same blocks we
17 walked. The far West Village is a place apart and
18 its residents like it that way, and we are
19 delighted that we are no longer deemed commercial.
20 So, if you pass Melville, say, on a rainy morning
21 on Horatio Street hurrying to his job at the
22 Customs office, and you catch his eye, smile.
23 You've kept his memories intact.

24 CHAIRPERSON WEPRIN: Thank you, Ms.
25 Carey. Wow, we appreciate your enthusiasm.

MS. CAREY: I am.

CHAIRPERSON WEPRIN: Maybe you could run for the City Council and be the second redhead to represent the area. Look at that. Next.

MR. CHAPPS: Hi, my name is Jordan Chapps, I live on Perry Street, for my entire adult life too. And again, we're talking about saving the character of the West Village, which is probably one of the last vestiges of the city that has a character. I want to tell you one thing, we have ... it has been brought to our attention that by rezoning it would be anti-development. It's not anti-development, it's anti-inappropriate development, in the respect, just by example, to whatever degree you consider this development. Within the last year we've had 25 bike racks put up in the Village, there have been nine new trees put up in our area. There's a wonderful restaurant that took over a derelict double storefront, called Aria, it's a wine bar and Italian trattoria. There's a bike shop on Charles Street. There's a deco furniture shop, there's a clothes shop for men. We're not against

1
2 development, we're against inappropriate
3 development. There is an area of the West Village
4 that is zoned for historic landmark, in the middle
5 of it there's a hole, and we hope that you will
6 vote to close that hole. And I hope that you'll
7 also vote for the Greenwich Village salvation by a
8 three-letter word that would work in a crossword
9 puzzle, and that word is Y-E-S.

10 CHAIRPERSON WEPRIN: Yes, that
11 spells yes, right? Who's next? Ms. Finkelstein.

12 MS. FINKELSTEIN: Hi, my name is
13 Elizabeth Finkelstein, I represent the Greenwich
14 Village Society for Historic Preservation. We're
15 the largest membership organization in Greenwich
16 Village, NoHo and the East Village. I'm not going
17 to read all of my testimony, because you have a
18 copy of it, but I just want to say that the need
19 for the rezoning is actually more than
20 theoretical. There are ... we've identified twelve
21 potential development sites in the area, and two
22 of these large development sites recently were
23 given Landmarks Preservation Commission approval.
24 So if this rezoning goes through quickly, which we
25 hope it does, those grossly out-of-scale

2 developments will not be allowed to happen. Thank
3 you, we support it.

4 CHAIRPERSON WEPRIN: Thank you.

5 And last but not least.

6 MR. WEINSTEIN: Sorry, my name is
7 Zack Weinstein, I live at 92 Horatio Street, and
8 I'm here representing the Greenwich Village
9 Community Task Force, which is a coalition of
10 local block associations and community groups.
11 We're one of the groups that initiated this
12 rezoning request several years ago. We're thrilled
13 to be here, we'd like to thank City Planning for
14 their work putting this proposal together and
15 bringing it to this stage. And I'd just like to
16 emphasize what Elizabeth just said, there is a
17 matter of urgency on this. We would ask the
18 Council to act as quickly as possible. There are
19 several developers with plans in the pipeline,
20 we've been doing our absolute best to try and get
21 this through to make sure that those plans are
22 redone to conform to what's in the surrounding
23 community. We thank you very much for your help,
24 we look forward to your vote, and that's it.

25 CHAIRPERSON WEPRIN: Your wish is

1
2 my command. All right, anyone have questions for
3 this panel? I guess nobody here. Thank you very
4 much. That's going to ... is there anyone else here
5 who is here to testify on anything today? Seeing
6 none, thank you. We will now move to close this
7 hearing, and now we are going to move to a vote.

8 I want to make a statement on the Queens rezoning
9 that we heard so much testimony about. You know,
10 one of the difficult parts about being an elected
11 official is trying to make everybody happy, it
12 just doesn't happen. And you've got to try to
13 take different opinions and try to sort out what's
14 best for the entire community. A lot of important
15 issues were raised on the Queens rezoning, issues
16 of, you know, parking and trees, of which a lot
17 have been addressed because of those people
18 speaking up. So it's important you speak up. We
19 are going to move, though, to modify the Queens
20 plan to change the existing R4 in the Windsor Park
21 area. CPC had originally proposed an R5D, we're
22 just going to make that an R5, which is the
23 minimum rezoning they could allow to do what they
24 want to do, and to hold them at that. We're going
25 to change the R4 district to an R5 district, on

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2 the property bounded by 73rd Avenue, 217th Street,
3 77th Avenue, Bell Blvd., the center line of the
4 former Vanderbilt Motor Parkway, and its northerly
5 prolongation at 210th Street, that's the Windsor
6 Park aspect of that project, for those who didn't
7 know that. And we are going to move to couple the
8 following items. We are going to couple the two ...
9 the cafes which we heard today, Veranda Café in
10 Speaker Quinn's district, TGI Friday and Tim
11 Horton's. Silver Spurs was withdrawn. We are
12 then going to couple Land Use 230, the Oakland
13 Gardens, Hollis Hills rezoning with the
14 modification that I just described, Council Member
15 Mendez's district, 231 and 232, the Third Avenue
16 corridor. Land Use #233 and 234, Washington
17 Street rezoning and the Hudson Yards-West Chelsea
18 follow-up. Those are the items, the Chair will
19 recommend an aye vote and the Council ... Christian
20 Hylton will read the roll, thank you.

21 MR. HYLTON: Chair Weprin.

22 CHAIRPERSON WEPRIN: Aye on all.

23 MR. HYLTON: Council Member Reyna.

24 COUNCIL MEMBER REYNA: Aye on all.

25 MR. HYLTON: Council Member Comrie.

2 COUNCIL MEMBER COMRIE, JR.: Aye on
3 all.

4 MR. HYLTON: Council Member
5 Jackson.

6 COUNCIL MEMBER JACKSON: Aye on
7 all.

8 MR. HYLTON: Council Member
9 Seabrook.

10 COUNCIL MEMBER SEABROOK: Aye on
11 all.

12 MR. HYLTON: Council Member Rivera.

13 COUNCIL MEMBER RIVERA: I vote aye
14 on all.

15 MR. HYLTON: Council Member
16 Garodnick.

17 COUNCIL MEMBER GARODNICK: Aye.

18 MR. HYLTON: Council Member Lappin.

19 COUNCIL MEMBER LAPPIN: Aye.

20 MR. HYLTON: Council Member
21 Ignizio.

22 COUNCIL MEMBER IGNIZIO: Yes, just
23 very briefly, I want to wish the people in Queens
24 well, and I know it was a very difficult thing as
25 a district that's ... my district is larger than the

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2 borough of Manhattan, I appreciate the issues we
3 have with overdevelopment, and as the father of
4 the modern-day overdevelopment movement, we agree
5 that you have to make sure ... well, in my district
6 we've done eight and now we're up to eleven, we
7 have to make sure that we really do see to it that
8 our communities are held with the character and
9 integrity that they've always had. Not that we
10 don't want development, not that we don't want
11 building, but we want to make sure that they fit
12 in contextually with the rest of the zoning. But
13 for those that passed rezonings today, watch the
14 builders, watch the foundations, because in my
15 district literally on the last day there was
16 cement trucks which were paid higher fees to run
17 and put foundations in, so that they could secure
18 their zoning. Particularly in Queens, whereas in
19 Manhattan it's a little bit more difficult to do
20 so, but for those that passed rezoning, please
21 watch. I vote aye on all.

22 CHAIRPERSON WEPRIN: Thank you, Mr.
23 Ignizio.

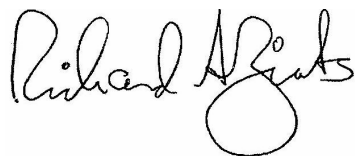
24 MR. HYLTON: By a vote of nine in
25 the affirmative, none in the negative and no

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2 abstentions, LU 229, 225, 231, 232, 233, 234 are
3 approved and referred to the Land Use Committee.
4 LU 230 is approved with modifications and referred
5 to the City Planning Commission, and LU 237 is
6 motion filed pursuant to withdrawal.

7 CHAIRPERSON WEPRIN: Thank you very
8 much, we're going to leave it open for a few
9 minutes for Mr. Vacca and Mr. Vann, the missing
10 V's just stepped out. With that the meeting is
11 now adjourned.
12

C E R T I F I C A T E

I, Richard A. Ziats, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature _____

Date November 19, 2010