

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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March 15, 2016
Start: 10:18 a.m.
Recess: 10:39 a.m.

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

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

COUNCIL MEMBERS: Daniel R. Garodnick
Jumaane D. Williams
Antonio Reynoso
Ritchie J. Torres
Vincent J. Gentile
Ruben Wills

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

Eric Plotnick
Prime Home Healthcare
Sheepshead Bay

2 [sound check, pause]

3 [gavel]

4 CHAIRPERSON RICHARDS: Alrighty, good
5 morning. I'm Donovan Richards, Chair of the
6 Subcommittee on Zoning and Franchises, and I am happy
7 to be joined by Council Member Antonio Reynoso,
8 Council Member Ritchie Torres, Council Member Jumaane
9 Williams. Today, we will be considering one item
10 with two related actions. Oh, and Dan Garodnick.
11 Sorry. He's sitting right next to me. Land Use No.
12 345 and 346, 3133-3135 Emmons Avenue, an application
13 for a zoning text amendment and special permissive
14 facility enlargement of an existing two-story
15 commercial building. This item is in Council Member
16 Chaim Deutsch's district, and I talked to him last
17 night. I know he supports the application. I will
18 now open the public hearing for Land Use Items No.
19 345 and 346, 3133-3135 Emmons Avenue once again, and
20 I will now call our speaker Eric. I'm not going to
21 say his last name wrong. Plotnick (sp?), Prime Home
22 Health he's representing today the same as Eric,
23 Infamous Eric, I call him.

24 ERIC PLOTNICK: [off mic]

25

2 CHAIRPERSON RICHARDS: Oh, well, make
3 sure you hit your button first.

4 ERIC PLOTNICK: There you go. Oh, my.

5 CHAIRPERSON RICHARDS: Yeah, there you
6 go.

7 ERIC PLOTNICK: You're actually
8 complimenting on the record, right?

9 CHAIRPERSON RICHARDS: Put that on your
10 record.

11 ERIC PLOTNICK: Good morning, I--I--I'm--
12 it's a pleasure to be in front of the esteemed
13 Council and the all stars of the Land Use Division in
14 New York City. I think he's just missing a--a few
15 more players, but he's got most of you here. First
16 of all, at the outset, I just--I know you have a lot
17 on your plate and you're very busy. So I'll try and
18 make this as quick as possible, but I do applaud all
19 of your efforts and what you're doing for the City of
20 New York right now. I'm sure it will have lasting
21 benefits for many future generations. We are not
22 here today with an application as laudable as
23 affordable housing but nonetheless it is still
24 providing jobs an area of Sheepshead Bay. It's a--
25 doing a little request that we are making of you

2 today. The first is the request for a text change to
3 create Sections 90--74-9--excuse me--to create
4 Section 94-096 within the Special Sheepshead Bay sub-
5 district of Brooklyn to allow for a special permit on
6 zoning lots, which are greater than 10,000 square
7 feet to enable them to have commercial uses that
8 exceed the second story. Right now in a commercial
9 district in the district--a commercial zoning
10 district in Sheepshead Bay, you're allowed to have
11 just two stories of commercial. We're asking to be
12 permitted to go up to a third story of commercial,
13 and we're also asking for a special permit to
14 increase the allowable floor area, which is now maxed
15 out for 1.0 for a commercial development in the
16 district, FAR, to allow for 2.0 floor area ratio
17 within the district. And we're also as a part of
18 that same special permit making the request to reduce
19 the required parking. So the special permit that's
20 being requested would allow for--to summarize--an
21 increasing floor area to 2.0 from 1.0, to allow the
22 height of commercial use to go to three stories where
23 it's currently maxed at two, and to reduce the
24 required parking. And that request is being made to
25 occur in Subdistrict G of the Special Sheepshead Bay

2 Zoning District, and I've pulled that, and now the
3 plan (sic) is there. Can I walk with this? Is this
4 okay? So if I do--

5 CHAIRPERSON RICHARDS: It's a--you have
6 been--oh, okay.

7 ERIC PLOTNICK: Is there a portable mic
8 that I might can use or-- [background comments]
9 Okay. I've got a mic over here. Good morning,
10 Councilman Greenfield. Now, the all star team is
11 complete, right. That was the last player? If I can
12 show you the building right here, this is Prime Home
13 Healthcare. What--Prime Home Healthcare is a home
14 healthcare aid service. When the aids come in they
15 get education. They work with people. An
16 administration staff within the office, and then they
17 go out to the homes in the area, and work with the
18 actual patients that they service. The building is
19 utilized primarily for training, for business
20 purposes, for administrative functions and things
21 like that. There's a parking garage. It's shown
22 right here that's at the ground floor level. It has--
23 currently has 44 spaces. We're seeking to maintain
24 the parking of the ground floor 44 spaces. The
25 request of our special permit will have the effect of

1 filling in this second floor right here so it's
2 contiguous with the entire building, and creating a
3 partial third floor. I have a rendering of that that
4 I could show you. [pause] This is what the proposal
5 would create. It would fill in the second floor that
6 I just showed you at this level, and would create a
7 partial third floor. That's what you're seeing here
8 behind these sail like structure. The sail like
9 structures in the design were done in close work with
10 the Plumb Beach Civic Association and the heads of
11 Community Board 15. We are in a nautical district in
12 Sheepshead Bay, and there was a request that the
13 design of the building be used to somehow evoke the
14 nautical theme of the community. So that's how we
15 came to that. It's show and this is Chaim Deutsch's-
16 -Councilman Chaim Deutsch's district, and he was very
17 instrumental in working on this application for the
18 past few yeas with us. This shows you in a more
19 concrete visible way of what the enlargement is. As
20 I mentioned before, we're filling in that partial
21 second floor just to give you a side by side. So
22 that existing top floor is the second floor. We'll
23 be filling that in entirely and the entire floor, and
24 we'll be adding exactly pretty much what's there now
25

2 on the second floor pushing it up. So we'll have
3 two--two full floor plates and a partial third floor
4 plate. By doing that, we'll create a building that
5 has a total floor area of exactly-- I apologize. I'm
6 stumbling with this. I actually have this right in
7 front of me. 12--23,348 square feet.

8 CHAIRPERSON RICHARDS: It's going from
9 what square footage to what?

10 ERIC PLOTNICK: It's going from--right
11 now it's 12,297 square feet--

12 CHAIRPERSON RICHARDS: [interposing] Uh-
13 huh.

14 ERIC PLOTNICK: --to 23,348 square feet--

15 CHAIRPERSON RICHARDS: [interposing] Uh-
16 huh.

17 ERIC PLOTNICK: --which represents an
18 increase of 11,051 square feet

19 CHAIRPERSON RICHARDS: And all of that
20 space to be used for--

21 ERIC PLOTNICK: Prime Home Healthcare
22 Services.

23 CHAIRPERSON RICHARDS: For training?

24 ERIC PLOTNICK: For training, for
25 administrative functions, and back office functions.

2 CHAIRPERSON RICHARDS: [interposing] Uh-
3 huh.

4 ERIC PLOTNICK: A lot of times the
5 pharmaceutical companies will come in and teach
6 people about the different drugs that they're--
7 they're promoting or the newest and latest
8 technologies, and that's what the idea of it is for
9 also, and the home healthcare workers the majority of
10 them are out and about.

11 CHAIRPERSON RICHARDS: So I can get on
12 the record because this is an agreement between you
13 and the community I'm sure. So we don't have to
14 worry about it being converted to any other use?

15 ERIC PLOTNICK: No, and as a matter of
16 fact, the special permit that's being requested is
17 conditioned up the specific user that's making the
18 application. So should the user change,
19 theoretically the special permit would have to be
20 modified to address that, the application. The
21 number of workers that we're going to be adding are a
22 total of 150 workers. Right now there are a total of
23 200 workers that come to and from the site. We'll be
24 asking permission to have a total of 350 workers.

2 And I'll walk you through a little bit more about the
3 special permit that's sought. (sic)

4 CHAIRPERSON RICHARDS: Can you go through
5 parking, too. So there's going to be a reduction in
6 the number of required--

7 ERIC PLOTNICK: [interposing] Yes.

8 CHAIRPERSON RICHARDS: Parking spots.

9 [pause]

10 ERIC PLOTNICK: Right now the building
11 is--is--is built with 44 parking spaces, and what
12 we're proposing to have is a total of 32 parking
13 spaces. Although this where it gets confusing. The
14 44 are--we're not asking to reduce the as-built
15 conditions for the parking spaces at all. When the
16 building was built in the '70s, the Certificate of
17 Occupancy attributed to this level, which we're not
18 changing at all the--the size of it. Right now if
19 you look and you were to count up all the numbers,
20 you'd see there's a total of 32 spaces. You could
21 theoretically park 44 cars there. And under the ways
22 the Department of Buildings used to apply the parking
23 standards and the dimensions for the parking spaces,
24 they allowed 44 spaces there. Under the current
25 regulations that are em--embraced by the Department

1 of Buildings and City Planning, which is depicted
2 right there is an 18-foot by 8 foot 6 inch stall. If
3 you apply that dimension to the space, you can only
4 fit 32 spaces. If you physically drove in and wedged
5 cars in there, you could fit 44 cars. So the
6 Certificate of Occupancy leaves 44. We're asking to
7 go to 32 because under the current way the Department
8 of Buildings applies the parking counts, we can fit
9 under the new count more spaces, but it's the same
10 exact physical space. We're not asking to reduce it.
11 The reduction that we are asking for is to get from
12 78 parking spaces that would be needed if you applied
13 the parking count of one per 300 to all 23,000
14 changed square feet that we're asking for. So that
15 would trigger a need for 78 parking spaces. The
16 special permit requests that we're making is to
17 reduce those 78 parking spaces to 32 parking spaces.
18 And the basis of our request is on the fact that it's
19 --it's--it's a home healthcare service organization
20 as I spoke about a few minutes ago. Most of the
21 employees don't work in the building everyday. They
22 go out to the job site and they work there. A lot of
23 people come by mass transit. We submitted a parking
24 and traffic study to Community Board 15 when this was
25

2 highly vetted, and we demonstrated that there's ample
3 on-street parking available in the immediate area,
4 and that this would have no impact on the surrounding
5 community when it comes to parking, and that's in
6 part how the community board came to support the
7 application. That was a big discussion at the
8 community board level.

9 CHAIRPERSON RICHARDS: Well, thank you,
10 Eric. I think this is a great project. I thin
11 certainly the parking. The jobs outweigh the parking
12 issue obviously, and this situation. I think it's a
13 very good thing, and Attorney Zion is very
14 thoughtful. I think you work with the community well
15 in an ever-growing health industry, right.

16 ERIC PLOTNICK: [interposing] Yeah, and
17 there are good job needs.

18 CHAIRPERSON RICHARDS: They're good jobs.

19 ERIC PLOTNICK: Very good jobs. Very
20 well paying jobs so--

21 CHAIRPERSON RICHARDS: Congratulations on
22 a good project, and Council Member Chaim Deutsch
23 certainly supports this project so I see no reason
24 not to support this as well. Alrighty, anyone have
25 questions? Seeing none, alrighty, thank you. Is

2 there anyone here from the public who wishes to
3 testify on this particular matter? Alright, if not,
4 Land Use Items No. 345 and 346 at Emmons Avenue is
5 now closed. [gavel]

6 ERIC PLOTNICK: Thank you for your time.

7 COUNCIL MEMBER: [off mic] And what is
8 the service?

9 ERIC PLOTNICK: Home healthcare aids.
10 Oh, is that what your mom does, you say?

11 [pause]

12 CHAIRPERSON RICHARDS: Alrighty, we're
13 going to ask the Council now to please call the--the
14 roll. [pause]

15 LEGAL COUNSEL: Chair Richards.

16 CHAIRPERSON RICHARDS: I vote aye.
17 Congratulations to Council Member Chaim Deutsch on a
18 great project.

19 LEGAL COUNSEL: Council Member Garodnick.

20 COUNCIL MEMBER GARODNICK: Aye.

21 LEGAL COUNSEL: Council Member Reynoso.

22 COUNCIL MEMBER REYNOSO: I vote aye.

23 LEGAL COUNSEL: Council Member Torres.

24 COUNCIL MEMBER TORRES: I vote aye.

25 [background comments]

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 14

2 LEGAL COUNSEL: Land Use Items 345 and
3 346 are approved with 4 votes in the affirmative, 0
4 in the negative and 0 abstentions--

5 COUNCIL MEMBER: [interposing] Oh, and
6 Jumaane Williams. -

7 LEGAL COUNSEL: --and referred to the
8 full Land Use Committee.

9 [pause]

10 CHAIRPERSON RICHARDS: All right, I'll
11 leave the vote open for 15 minutes.

12 LEGAL COUNSEL: Council Member Williams.

13 COUNCIL MEMBER WILLIAMS: I vote aye.

14 LEGAL COUNSEL: The final vote for Land
15 Use Items 345 and 346 is 5 votes in the affirmative,
16 0 in the negative and 0 abstentions.

17 [background comments]

18 COUNCIL MEMBER WILLIAMS: The hearing is
19 now closed. [gavel]

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C E R T I F I C A T E

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



Date April 9, 2016