

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LAND USE

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September 4, 2008

Start: 10:45am

Recess: N/A

HELD AT: Committee Room
City Hall

B E F O R E:
MELINDA R. KATZ
Chairperson

COUNCIL MEMBERS:
Maria del Carmen Arroyo
Tony Avella
Maria Baez
Charles Barron
Leroy G. Comrie, Jr.
Inez E. Dickens
Simcha Felder
Daniel R. Garodnick
Eric N. Gioia
Vincent Ignizio
Robert Jackson
Jessica S. Lappin
John C. Liu

A P P E A R A N C E S

COUNCIL MEMBERS:

Miguel Martinez
Michael E. McMahon
Rosie Mendez
James S. Oddo
Annabel Palma
Joel Rivera
Helen Sears
Albert Vann

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2 CHAIRPERSON KATZ: Land Use. I
3 would like make a comment, if I can, on the
4 Subcommittee hearing and the agreement if I can do
5 that. I think that this was probably one of the
6 best tests and displays of the democratic process
7 that there is. The Council Members were all
8 talking to one another and talking to me and
9 talking to the Speaker's office and talking to the
10 Chair of the Subcommittee, Jessica Lappin, who I
11 think always does a phenomenal job at her
12 hearings, under some very difficult circumstances.
13 And, you know, we made it clear that everyone
14 should listen to the testimony and vote. And that
15 was that. And I think that that's important for
16 everyone to know and acknowledge. I just want to
17 say, as the Chair of the Land Use Committee though
18 that this agreement was made between the
19 Councilmember and the administration, and I think
20 that Alan should be congratulated for the
21 agreement that he made. But I want to make it
22 clear to the Council Members and to the public
23 that is watching, I am extremely uncomfortable
24 with making an agreement with the administration
25 on things that they will do, and not because we

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2 don't trust them, not because they're not good
3 agencies; the Landmark Commission is a very good
4 agency, but because we don't have the power or
5 control as we move forward to make sure that that
6 actually happens. So just from a process
7 viewpoint, everyone needs to understand that
8 there's a difference, I believe, on making an
9 agreement on, for instance, there's going to be a
10 rezoning but the infrastructure—if I can have some
11 order in the room that would be great. The
12 infrastructure needs to be taken care of so the
13 City agrees to take care of the infrastructure so
14 the project can move forward. I think it's a
15 little different also than a Fuco [phonetic],
16 which we have done several times, which is an
17 agreement on a certain thing that will be done in
18 the future and a certain outcome that we agree to.
19 And I also think it's different than negotiating
20 with the city, for instance, on the height of a
21 building, which may not necessarily be in the
22 outskirts of the zoning, but the developer, the
23 Councilmember and the Committee agree on it. So I
24 think that there's a big difference, because of
25 what Councilmember Fidler said, which is that we

1 don't know what the outcome is going to be. And I
2 just wanted to state that for the future, so that
3 when you're negotiating your items, that you
4 understand that I do think there's a difference
5 between those things. Having said that, as Chair
6 of the Committee, I think that the Subcommittee
7 Chair Councilmember Lappin did such a phenomenal
8 job in really getting everybody and having
9 Landmarks come testify and pursuing this process.
10 And the Councilmember has the support of the
11 majority of the members. And I think that's
12 important. And I also would remind him that in
13 the future we want to talk a little more about how
14 we view the agencies as we go forward. But we
15 know that you're going to keep on top of this.
16 And so now that I got that on the record, I am
17 going to go through the agenda and make a motion
18 to approve. LU number 810, ACA Dollar Homes
19 Amendment. That's a technical amendment to
20 previously approved projects to allow the tax
21 exemption to begin. LU number 827, Councilmember
22 Gerson and Councilmember Mendez's district, LU
23 number 827, which is the NOHO historic district
24 Extension, LU number 859 is to preserve the built
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2 content and support, to make sure that there's
3 orderly growth in Laurelton, and that is in
4 Councilmember Sanders' District. UDAAP Is LU
5 number 763 in Councilmember Sanders's district; LU
6 number 776 in Councilmember Jackson's district; LU
7 number 777 in Councilmember Dickens's district;
8 778 in Councilmember Dickens's district;
9 Councilmember Vann's district is 809 and
10 Councilmember Dilan's District is LU number 852.
11 Any discussion? And again with congratulations to
12 everyone involved with NOHO, including
13 Councilmember Mendez, who I neglected to mention,
14 and I apologize for that. I know that she was
15 very supportive of it. I make a motion to
16 approve.

17 MALE VOICE: Katz.

18 CHAIRPERSON KATZ: Aye on all.

19 MALE VOICE: Dickens.

20 INEZ E. DICKENS: Aye.

21 MALE VOICE: Avella:

22 TONY AVELLA: Aye on all.

23 MALE VOICE: Barron.

24 CHARLES BARRON: I'd just like to
25 explain my vote very briefly. You know I heard

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2 what you said, Madam Chair, but I hope we're
3 consistent with that. Because, see, I hear what
4 you're saying, Madam Chair, around this particular
5 issue, how we shouldn't trust Landmarks. But I've
6 been in these meetings where other items come up
7 and the chair and the speaker and others agree
8 with, and we have to make commitments to trust an
9 agency. So I mean, I appreciate the lecture. But
10 let's be consistent. If we're not going to trust
11 agencies and we have power to do something about
12 it, then we should use that power until we get the
13 right thing for the people, and not have it judged
14 project by project; in one meeting we're not
15 trusting and in the next meeting, particularly
16 like Duffield Street, we voted for the demolition
17 of Duffield Street. Madam Chair, are you hearing
18 us?

19 CHAIRPERSON KATZ: Yes.

20 CHARLES BARRON: Okay, I just want
21 to make sure, because I know you're very busy over
22 there. But we voted—and I read an article that
23 said people who think they multi-task, it is not a
24 good thing, that you really should focus, because
25 you miss things.

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2 CHAIRPERSON KATZ: What did you
3 say, John?

4 [Laughter]

5 CHAIRPERSON KATZ: Did you say
6 something, John? Go ahead.

7 CHARLES BARRON: So I just remember
8 Duffield Street, where we didn't have the
9 conclusion of whether that was some historical
10 value to the Black the community. We voted to
11 demolish; we voted trust the Landmarks Commission
12 to do their research and so on and so forth. So
13 let's be consistent. If we're going to feel that
14 way, we should be consistent on all the projects.
15 And I vote aye on all.

16 CHAIRPERSON KATZ: And I would like
17 to clarify my position. It's funny you mentioned
18 Duffield, because we were just actually talking
19 about that. I am not at all stating that I don't
20 trust Landmarks. In fact, I've had a very decent
21 relationship with Landmarks, especially
22 Commissioner Tierney, who I find has kept his word
23 to me. The issue is not whether we trust the
24 agency or not trust the agency. The issue is
25 whether or not in the end the agency has agreed to

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2 review it, has agreed to expedite it and we all
3 appreciate that. And I know that they will do
4 exactly what they agreed to. The issue is my
5 concern that Councilman Gerson gets what he thinks
6 he needs for his area, in the end. And I think
7 that that's really the issue, because they may
8 have actually a very logical, substantive
9 disagreement. And nobody can fault the agency or
10 the Councilman for that. And that's really where
11 my issue was, is that we hope that in the end they
12 come to an agreement that they both can live with.
13 And that's really where my issue is. Thank you.

14 MALE VOICE: Rivera.

15 JOEL RIVERA: I vote aye.

16 MALE VOICE: Baez.

17 MARIA BAEZ: Aye on all.

18 MALE VOICE: Comrie.

19 LEROY G. COMRIE, JR: Permission to
20 explain my vote. I'll take that as a yes, okay.
21 I want to congratulate Councilmember Mendez. I
22 didn't mention her name before. I do want to also
23 congratulate the Laurelton and Springfield Gardens
24 community and Councilmember Sanders on the long
25 awaited rezoning that will create protection over

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2 in that area. I am concerned about, and I guess I
3 need to hear more clarification from Councilmember
4 Katz about what she was saying about negotiation
5 with agencies, because if we don't negotiate
6 within projects, how do we get stuff done? I
7 understand your point in general, but there's a
8 specific problem on how we deal with all of these
9 projects, and I think that that's a general Land
10 Use problem that I think we're going to need to
11 talk about, especially as things come up in the
12 next few months. There's some major projects that
13 are coming down our pike, such as Willets Point,
14 such as Hunts Point. I think we're in a position
15 now where we're trying to figure out how to meet
16 the needs of communities, how to meet the needs of
17 individuals, how to meet—long-term projects that
18 will be finalized by other entities or not, is
19 something that we really have to take into
20 consideration; and how do we make sure that
21 there's a process to ensure that what we do today,
22 what we implement today is actually done at the
23 end of the process is something that concerns all
24 of us, I think. And I'm not going to get into one
25 project over another project, but clearly there

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2 are issues that we need to think about this and
3 deal with this in open discussion. I vote aye on
4 all.

5 MALE VOICE: Gioia.

6 ERIC N. GIOIA: Thank you. I vote
7 yes.

8 MALE VOICE: Jackson.

9 ROBERT JACKSON: I vote aye on all.

10 MALE VOICE: Liu.

11 JOHN C. LIU: Yes.

12 MALE VOICE: Martinez.

13 MIGUEL MARTINEZ: I vote aye with
14 exception LU number 827. That one is no.

15 MALE VOICE: McMahon.

16 MICHAEL E. MCMAHON: - - Aye.

17 MALE VOICE: Sears.

18 HELEN SEARS: Aye.

19 MALE VOICE: Palma.

20 ANNABEL PALMA: Aye.

21 MALE VOICE: Arroyo.

22 MARIA DEL CARMEN ARROYO: Aye.

23 MALE VOICE: Garodnick.

24 DANIEL R. GARODNICK: I vote aye.

25 MALE VOICE: Lappin.

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2 JESSICA S. LAPPIN: Aye on all and
3 big congratulations to Alan Gerson.

4 MALE VOICE: Mendez.

5 ROSIE MENDEZ: I vote aye, and I
6 wanted to thank Chair Lappin for all of her hard
7 work, which I forgot to do earlier. Thank you,
8 Jessica.

9 MALE VOICE: Vann.

10 ALBERT VANN: Aye.

11 MALE VOICE: Ignizio.

12 VINCENT IGNIZIO: I vote no on Land
13 Use 827, primarily because I believe the
14 developers have come here and agreed under duress.
15 Aye on all others.

16 MALE VOICE: Oddo.

17 JAMES S. ODDO: No on 827, yes on
18 all others.

19 MALE VOICE: Felder.

20 [Break in Audio]

21 MALE VOICE: By a vote of 22 in the
22 affirmative, zero in the negative and no
23 abstentions all items are adopted; with the
24 exception of Land Use item 827, which is adopted
25 by a vote of 19 in the affirmative, 3 in the

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negative and 0 abstentions. Council Members,

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please sign all committee reports. Thank you.

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CHAIRPERSON KATZ: Meeting is

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adjourned.

C E R T I F I C A T E

I, Erika Swyler, 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 _____ September 12, 2008 _____