

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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October 31, 2017
Start: 10:37 a.m.
Recess: 10:56 a.m.

HELD AT: Council Chambers - City Hall

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

COUNCIL MEMBERS:

VINCENT J. GENTILE
BARRY S. GRODENCHIK
DANIEL R. GARODNICK
DEBORAH L. ROSE
JUMAANE D. WILLIAMS
ANTONIO REYNOSO
RITCHIE J. TORRES

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

[gavel]

CHAIRPERSON RICHARDS: Alright, good

morning, good morning. I'm Donovan Richards, Chair of the Subcommittee on Zoning and Franchises and this morning we're joined by Council Member's Garodnick, Gentile, Grodenchik, and Council Member Rose who has brought us out this morning. We will be holding a vote on one application today. We will be voting to approve Land Use Item Number 759 and 760, the 7th Avenue retail development. This is an application for a special permit pursuant to Section 74-922 of the zoning resolution to allow large retail establishments and for an amendment to the city map that would facilitate the South Avenue re, retail development including a BJ's. The project comprised of 219,377 square feet would include 838 required accessory parking spaces. Council Member Rose has negotiated significant commitments from the developer regarding enhanced storm water management through additional bio-swells, extra plantings, the use of permeable pavement... pavers, energy efficiency measures, a designated viewing area, additional and expanded traffic studies and other quality of life provisions. All of these benefits would not have been

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2 provided in an as of right project. I will now go to
3 Council Member Rose who's done a phenomenal job at
4 making this the most energy efficient project that
5 I've seen in a while especially in Staten Island
6 where it's, it's needed immensely, and I want to
7 thank her for her leadership in getting this done. I
8 will go to Council Member Rose for a statement then.

9 COUNCIL MEMBER ROSE: Thank you Chair
10 Richards and I, I want to thank you for your patience
11 and indulgence, I, I know that I got you out here
12 earlier than, then normal for a stated day and I
13 really do appreciate all of your help in us getting
14 to this point. And so, we have before us today an
15 application for a zoning special permit to allow
16 retail establishments larger than 10,000 square feet
17 in a mapping action that will remove unbuilt mapped
18 streets to prevent development in adjacent wetlands
19 on the property that's located at the corner of
20 Forest and South Avenues in the neighborhood of
21 Mariners Harbor. There has been a lot of
22 misinformation swirling about this development so let
23 me set the record straight. All titled wetlands will
24 be protected and strengthened with the removal of
25 harmful, harmful invasive species and the planting of

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2 2,200 native trees and 9,600 shrubs while preserving
3 more than 1,100 existing mature trees. I've spent
4 hours in meetings with the applicants, with Land Use
5 experts and with the local residents to arrive at a
6 project that delivers smart planning, environmental
7 preservation, sustainability, resiliency and economic
8 development. On several occasions I hosted meetings
9 in my office that allowed residents to speak directly
10 with the developers and, and environmental and
11 traffic specialists to resolve their legitimate
12 concerns. I've been sensitive to the feedback from
13 all voices positive and negative and I've taken their
14 feedback to the negotiating table and worked up to
15 the last minute as this is testament to, to secure
16 the best outcome for my constituents. Let me be
17 clear, the applicants can put shovels in the ground
18 tomorrow for a project of the same footprint with no
19 approval from the city council needed but by
20 undertaking this land use process we have now a
21 development that respects the needs of this
22 environmental justice community, increases our
23 resiliency, decreases our carbon footprint and brings
24 jobs to local residents and groceries to a food
25 desert. While the applicant is required by state and

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2 federal regulations to manage all storm water on the
3 site at the same rate as the land currently does. My
4 negotiations have secured a commitment to construct
5 several additional bio-swells, a bio-swell filled
6 with storm water and diverts it from city storm
7 drains. In this case they hold and filter storm water
8 and release at a rate and pattern identical to the
9 current condition. This project has a series of
10 eight-foot-wide bio-swells throughout the parking lot
11 as well as two 16-foot-wide bio-swells in the parking
12 lot. The applicant has also committed to a large
13 aerated retention pond area, new trees and dry wells
14 in the parking lot. As a result of our negotiations
15 the applicant will install additional bio-swells
16 along all of the proposed street tree pits at the
17 perimeter of the project, project site and include
18 permeable pavers on the sidewalks lining the enlarged
19 bio-swells proposed on the site. Finally, in our
20 negotiations last week the developer agreed to add a
21 sizable 14,119 square foot bio-swell at the
22 Northwestern portion of the site. These improvements
23 made during negotiations increased the permeable
24 space on the site by 16,000 square feet over the
25 original proposal. These features will manage

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2 rainfall from storms that well exceed the rainfall of
3 hurricanes Irene and Sandy combined. The applicant
4 has also committed to a landscape screening along the
5 length of South Avenue to preserve the existing
6 aesthetics. Through my negotiations I have also
7 secured a public viewing area of the wetlands along
8 the Southwest portion of the development site that
9 will include public benches and signage to prevent...
10 provide information about existing natural features.
11 The applicant has committed to installing solar
12 panels on the roof of the development as well as
13 skylights, cool roof enhancements, and LED motion
14 detected lighting to minimize the carbon footprint of
15 this development. The applicant is required to file
16 documentation with the state to ensure that the
17 development is meeting all requirements to manage
18 storm water on this site at the rate that existed
19 before development and that the new plantings are
20 functioning as described in the storm water
21 mitigation plan. These documents will also be filed
22 with my office. Additionally, we are including a
23 traffic monitoring program that will be developed in
24 close coordination with my office. We will begin this
25 study sooner than originally proposed to ensure

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2 minimal disruption to the neighboring residents. A
3 second traffic monitoring program will include other
4 intersections of concern that may be impacted by new
5 construction proposed in the area, area in the next
6 two years. All large truck traffic will use Forest
7 Avenue, the commercial corridor rather than the more
8 residential street South Avenue. The applicant will
9 meet with my office quarterly to review the traffic
10 mitigation program and address any traffic concerns
11 produced by this project. The largest expected tenant
12 on this site, BJ's wholesale Club will host a job
13 fair with my office to provide in person
14 opportunities to meet hiring representatives
15 providing early notification to community board one
16 and my office of other job hiring opportunities and
17 reporting to my office on the results of their local
18 hiring effort. The applicant has also committed to
19 soliciting bids for a construction contract and
20 subcontracts from local and MWBE businesses. The
21 applicant will encourage future tenants on the site
22 to conduct the same outreach efforts as BJ's. I want
23 to be clear to anyone who's encouraging a no vote on
24 this project, a no vote would bring us a development
25 with the same footprint but without any of these

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2 commitments that I've just listed. A no vote would
3 mean no increased permeability and bio-swells, no
4 solar panels and skylights, without benches and
5 signage, no measures to preserve aesthetics, no local
6 and MWBE hiring commitments and no traffic
7 evaluations or mitigations. Contrary to what has been
8 said this land use agreement is a win for protecting
9 the environment, I am voting yes on this application
10 because after months of negotiations we have a
11 project that represents smart, forward thinking,
12 environmentally conscious planning and response to
13 the real concerns and needs that I hear
14 overwhelmingly from the community and I urge my
15 colleagues to vote yes with me. I want to thank
16 Speaker Melissa Mark-Viverito for her assistance in
17 this land use. I want to thank our Land Use Committee
18 Chair, David Greenfield for his patience, for
19 extending our time so that we could get to this point
20 and our Zoning Chair Donovan Richards for his
21 patience and his input, Ramone Martinez for what
22 Ramone does best and our amazing Land Use team Raju
23 Mann; Amy Leviton; Julie Lubin and John Douglas whose
24 expertise got us to this point where I believe this
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is the best project that we could have. So, I thank you all for your help in this effort.

CHAIRPERSON RICHARDS: Thank you Council Member Rose and now we will go to the vote. I, I will now call the vote to approve Land Use Items Number 759 and 760, the South Avenue retail development, Counsel please call the roll.

COMMITTEE CLERK: Chair Richards?

CHAIRPERSON RICHARDS: Congratulations, I vote aye.

COMMITTEE CLERK: Council Member Gentile?

COUNCIL MEMBER GENTILE: With my kudos to my friend and colleague Debi Rose I vote aye.

COMMITTEE CLERK: Council Member Garodnick?

COUNCIL MEMBER GARODNICK: Aye.

COMMITTEE CLERK: Council Member Reynoso?

COUNCIL MEMBER REYNOSO: I vote aye.

COMMITTEE CLERK: Council Member Torres?

COUNCIL MEMBER TORRES: [off-mic] I vote aye.

COMMITTEE CLERK: Council Member Grodenchik?

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COUNCIL MEMBER GRODENCHIK: [off-mic
dialogue]

COMMITTEE CLERK: By a vote of six in the
affirmative, zero negatives and zero abstentions,
Land Use Item 759 and 760 are approved and referred
to the full Land Use Committee.

CHAIRPERSON RICHARDS: I'm going to hold
the vote open for five minutes, thank you.

COMMITTEE CLERK: Council Member Rich..
Williams?

COUNCIL MEMBER WILLIAMS: Aye.

COMMITTEE CLERK: By a vote of seven in
the affirmative, zero negative and zero abstentions
Land Use Items 759 and 760 are approved and referred
to the full Land Use Committee.

CHAIRPERSON RICHARDS: Alright, we are
now closing this hearing.

[gavel]

C E R T I F I C A T E

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



Date

November 15, 2017