

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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February 24, 2015
Start: 10:16 a.m.
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HELD AT: 250 Broadway - Committee Rm,
16th Fl.

B E F O R E:
MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:
Daniel R. Garodnick
Jumaane D. Williams
Donovan J. Richards
Antonio Reynoso
Ritchie J. Torres
Vincent M. Ignizio
Vincent J. Gentile
Ruben Wills
Margaret S. Chin
David G. Greenfield
Brad S. Lander
Carlos Menchaca

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

Vincent Petraro
Attorney
Representing Hamilton's Patio

Frederick Becker
Attorney

Andre Cooper
Representative
PPF Holdings, Peter McCoy, Owner

David Solnick
D Solnick Design and Development

Dan Egers
Attorney
Greenberg Traurig

Fran Schwartz
Executive Director & CEO
Brooklyn Birthing Center

Mitchell Hirth
Hirth Real Estate

2 CHAIRPERSON WEPRIN: Alright. Good

3 morning everyone. My name is Mark Weprin; I'm Chair
4 of the Zoning and Franchises Subcommittee and I am
5 joined by the following members of the Subcommittee,
6 Council Member Jumaane Williams, Council Member
7 Donovan Richards, Council Member Antonio Reynoso and
8 Council Member Vincent Ignizio. We are also joined
9 by the Chair of the Land Use Committee, David
10 Greenfield, as well as our colleagues Margaret Chin
11 and Brad Lander, who have items on this agenda in
12 their districts. I'd like to tell you that nobody
13 gets the gold star today; I'm giving it to myself,
14 [laughter] even though Donovan Richards was the first
15 member here after me, but you were still late, so no
16 gold stars.

17 So we have a number of items on -- we're
18 gonna take it a little out of order because there are
19 people who've been waiting her for a long time who
20 were right on time and we're gonna let them be
21 rewarded, as well as some Council Members who are
22 here.

23 So the first item we're gonna do is Land
24 Use No. 0175 -- and I wanna get my Fort Hamiltons
25 straight before I do this, since we have a couple of

1 items on Fort Hamilton -- Hamilton's Patio this is
2 and Vincent Petraro is here representing the owners
3 on this very interesting item in Council Member
4 Lander's district. So Mr. Petraro, whenever you're
5 ready and then we'll call on Mr. Lander after that to
6 make a statement on this so the members understand
7 all the issues involved. [background comments] And
8 whenever you're ready, Mr. Petraro, you know to say
9 your name into the microphone when you speak and
10 whenever you're ready.

12 VINCENT PETRARO: Good morning. My name
13 is Vincent Petraro; I'm representing Kevin and
14 Georgia Reid [sp?], who are with me today and they
15 own Hamilton's Restaurant on 2826 Fort Hamilton
16 Parkway. You all should [sic] have a handout with
17 testimony and the back park is actually the diagrams;
18 some of them which are right here, and so you could
19 see better what exactly we're trying to do.

20 The actual operator is Lula Enterprises,
21 run as Hamilton's Restaurant and Georgia and Kevin
22 have 12 years remaining on their lease. The building
23 owner has also authorized the filing of this
24 application.

1 The application is to map a C2-4 Overlay
2
3 District in an existing R5 Zoning District in the
4 Windsor Terrace area of the Special Ocean Parkway
5 District. And if you look at your diagram, the first
6 one, you'll see right above where it says R5 in the
7 center is the two little corners where we'd like to
8 map that C2. If you look across the street, there's
9 already a C2 overlay there.

10 Their particular building, actually, has
11 been a building with commercial use on the ground
12 floor since 1926, but it was never zoned by the City,
13 so it's a preexisting use. They would like to put a
14 sidewalk café there and in order to have a sidewalk
15 café we need the commercial overlay zone. We're also
16 rezoning the site across the street, Jaya Yoga, and
17 they also support this application.

18 The Community Board voted unanimously in
19 favor of this application, 37 individuals sent in
20 emails stating their support; many of them which I
21 attached to my testimony. The Borough President was
22 in favor and the only proviso was that they wanted
23 the owners to speak to the community about the layout
24 and the Reeds did that back in January and everybody
25 was happy there. City Planning Commission was also

1
2 unanimously in favor; I attached a letter from
3 Council Member Brad Lander of support, but he's here
4 so I'll let him speak for himself if he'd like.

5 And so we now would like to answer any
6 questions and ask you for your support in this
7 rezoning application.

8 CHAIRPERSON WEPRIN: Okay, I'm gonna call
9 on Council Member Lander to make a statement.

10 COUNCIL MEMBER LANDER: Thank you,
11 Mr. Chair and thank you to Vincent and especially
12 Georgia and Kevin for being here.

13 This is just a real no-brainer, I have to
14 say; it is and has been, as you hear, [sic] for a 100
15 years, a commercial use, so the fact that the overlay
16 wasn't mapped is just sort of an accident of history;
17 it fits right in, they're great business people, the
18 community loves this business, it's a stretch of Fort
19 Hamilton Parkway that people have wanted to have more
20 commercial activity on for years; the Community
21 Board's supportive; I'm proud to be supportive.

22 I will note just for other members, you
23 know, it did seem to me and we talked at the
24 beginning about whether there'd be some way in future
25 circumstances like this where you've got a

1
2 preexisting commercial use, not to make people
3 looking for a sidewalk café go through an entire
4 ULURP process to map the commercial overlay in order
5 to then go back and get a sidewalk café application,
6 but we looked to see if we could short-circuit that
7 process and the answer was no; they decided and the
8 community was really grateful, 'cause the community
9 was sad when we learned that we might not be able to
10 have the overlay and the sidewalk café there. So I'm
11 enthusiastic and supportive and ask my colleagues to
12 go ahead and support this application.

13 CHAIRPERSON WEPRIN: Great. And after
14 hearing that, does any member have any questions or
15 comments about this item? I see none. Mr. Petraro,
16 I wanna thank you. Is anyone else here to testify on
17 this matter; I don't think so? So we're gonna close
18 this hearing. We will be voting on this item, as
19 well as other items on this agenda later on, in a few
20 minutes, so if you all can hang in there on the
21 panel. Thank you, Mr. Petraro.. [crosstalk]

22 VINCENT PETRARO: Thank you. Thank you.

23 CHAIRPERSON WEPRIN: you can take your
24 charts and Mr. Lander will autograph them for you.
25 [laughter]

1
2 Alright. So we're now gonna skip to Land
3 Use No. 0174, which is 498 Broome Street, which is in
4 Council Member Chin's district, who also has been
5 here and very patient and this item is being
6 represented by Fred Becker. Frederick Becker I see
7 it says, Fred, yes. [background comments] So
8 Mr. Becker, whenever you're ready. Full disclosure
9 -- Mr. Becker is like my sixth cousin or something
10 like that, we've decided, so. [background comments]
11 [laughter] No, not quite that. [background comment]
12 I just wanna disclose that now. [background
13 comments] Mr. Becker, that wall's getting bigger.
14 Mr. Becker, tear down that wall. No. Whenever
15 you're ready, make sure to state your name for the
16 record.

17 FREDERICK BECKER: Good morning Mr. Chair
18 and members of the Committee. My name is Frederick
19 Becker; I am here on behalf of the owner of 498
20 Broome Street in a special permit application
21 pursuant to 74-711 to allow the change of use of the
22 upper floors of the subject building in return for
23 the filing and entering of a restrictive declaration
24 with the City of New York to preserve and maintain in
25 perpetuity the façade and the entire building with a

1
2 five-year cyclical maintenance program, as well as
3 the restoration of all three exposed facades of this
4 building, the front, side and rear.

5 The building is located at 498 Broome
6 Street, which is on the northerly side of Broome
7 Street, one building off of West Broadway to the
8 east. The building was occupied by an artist for
9 approximately 40 years and was then vacant for three
10 years prior to my client's purchase of the building.
11 The artist who lived in that space was not a
12 certified artist, according to the Department of
13 Cultural Affairs.

14 My client purchased the building in
15 December of 2011; we then met with City Planning and
16 Landmarks Preservation Commission; we agreed to do an
17 entire façade restoration to original condition and
18 this restrictive declaration. We spent in excess of
19 a million dollars alone just for this façade
20 restoration, which is far in excess of what would
21 needed have to be done were this just a standard
22 landmark building.

23 We met with the Community Board as part
24 of that process; we informed the Community Board in
25 2012 that we would be going for a special permit

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2 under Section 74-711 to convert the upper floor units
3 to Use Group 2, residential use. As this had never
4 been a joint living-work quarters artists building,
5 we were not removing any joint living-work quarters
6 artist units from the City roll or from this
7 building. The Community Board had no issues at that
8 point in time; they voted unanimously to support our
9 application through Landmarks, we went to City
10 Planning; they were also in agreement with the change
11 of use to Use Group 2.

12 Slow forward three years later, it was a
13 very lengthy process for a variety of reasons, and we
14 went before the Community Board and the Community
15 Board said to us, well we understand, but these are
16 changed times and we agree with three of the four
17 units to be residential Use Group 2; we would like
18 you to maintain or have one created as a joint
19 living-work quarters artists building; they voted
20 that unanimously. The Borough President supported
21 that; when we went to City Planning, City Planning
22 issued a report saying that given the history of this
23 building, given the relatively unique nonprecedential
24 nature of this building, that they would not place
25

1 conditions; that it was too restrictive on the
2 building.
3

4 A joint living-work quarters artists unit
5 is limited to artists who are certified by the
6 Department of Cultural Affairs; not any artist can
7 live there, they have to be a certified artist. In
8 order to be a certified artist you have to -- which
9 used to be fairly easy to do -- you now must go
10 before the Department of Cultural Affairs, you must
11 be a juried artist, represented, official, and you
12 must only do large-scale works, you cannot do small-
13 scale works. Last year -- and this has been an
14 ongoing trend in the Cultural Affairs Department --
15 out of 8 million New Yorkers, there were a total of
16 13 individuals who were certified as artists last
17 year and this has been an ongoing trend for the past
18 several years; therefore, to effectively place our
19 building in that restriction is beyond a needle in a
20 haystack in terms of what we are doing and
21 effectively condemns us to having no occupancy of
22 this building on this one particular floor. We did a
23 survey; I did an individual survey of all the
24 buildings in the 400-foot area, the Department of
25 Buildings, as well as an on-foot survey; we found

1 that approximately 80 percent of the buildings in
2 this area have either residential or joint-living
3 work quarters for artists; if you multiply the number
4 of blocks in this area, which is approximately 8
5 times the entire M15A and M15B in SoHo and in NoHo
6 you have approximately -- we figured there were
7 approximately 600 buildings that contain joint-living
8 work quarters for artists and therefore that is a
9 substantial number, when you start multiplying the
10 number of units in each building and this one unit is
11 not going to be determinative of whether or not the
12 artist nature of SoHo, which is important, I
13 understand; that will continue. We think that given
14 the extreme expense, we spent over \$10 million in
15 purchasing and renovating this building; over one
16 million specifically for this, the restrictive
17 declaration, the ongoing cost of maintenance, that it
18 is only fair and reasonable that we be allowed to
19 continue with the conditions that were discussed
20 originally with the Community Board and with City
21 Planning. We feel that we acted in good faith
22 reliance and we have been sort of sideswiped; it's
23 sort of like running a marathon, you get to mile 25
24 and then they say, oops, you know, okay, not 26

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2 miles; you have to go to 35 miles. So we request
3 your support in this application; we have met with
4 the council member and we thank you and I'm available
5 for any questions.

6 CHAIRPERSON WEPRIN: Thank you,
7 Mr. Becker. I'm gonna call on Council Member Chin,
8 who will discuss some of the outstanding issues and
9 the concerns of the community. Ms. Chin.

10 COUNCIL MEMBER CHIN: Yes, good morning.
11 Thank you, Chair Weprin and to the committee member
12 for the opportunity to speak today on today's
13 hearing. I also wanna thank the representative of
14 the applicant for being here today.

15 The ULURP application for 498 Broome
16 Street calls for a special permit pursuant to Section
17 74-711 of the Zoning Resolution to allow for
18 residential use in a manufacturing district.
19 Currently in an M15A district the only residential
20 use permitted is joint-living work quarter for
21 artists; the special permit would allow the applicant
22 to use a unit on the 2nd through 5th floor and the
23 penthouse for unrestrictive residential use. This
24 landmark building is located in the SoHo Cast Iron
25 Historic District. SoHo has become one of the most

1 desirable neighborhoods in the City; every day SoHo
2 draws thousands of visitors to its local and
3 commercialized businesses; the visitors and
4 businesses are drawn by the historic character of
5 this neighborhood, home to artists living and working
6 in lofts of the old manufacturing district. Today
7 SoHo continues to attract many interested developers
8 who want to capitalize on SoHo's artistic character
9 with luxury housing and oversize retail stores. Both
10 the local Community Board and the Manhattan Borough
11 President expressed concern about the potential loss
12 of joint-living work quarter units at the expense of
13 allowing the proposed residential use for market rate
14 rental or luxury condos. We seeing more and more
15 applications that come in with similar proposals in
16 converting the manufacturing use for residential
17 purposes. Many of the buildings in the SoHo area
18 have joint-living work quarters like 498 Broome
19 Street, which will be lost if the proposed special
20 permit is granted in full.

22 So this issue we're dealing with today
23 will likely come back again and again to us in other
24 forms. I'm still reviewing this application and in
25 discussion with the applicant, but I look forward to

1 exploring some of these issues with my colleagues
2 today. Thank you.

3 CHAIRPERSON WEPRIN: Okay, thank you.
4 Mr. Becker, did you wanna add anything after hearing
5 that statement?
6

7 FREDERICK BECKER: We understand the
8 position of the Community Board and Council Member
9 Chin; I would only reiterate that we are not losing
10 any joint-living work quarters artists in this
11 building because there were none to begin with and as
12 I said, if I were approaching this matter today or
13 last year, in 2014, I would have reviewed the matter
14 differently with my client and under different
15 circumstances.

16 CHAIRPERSON WEPRIN: Okay. Mr. Reynoso
17 wants to ask a question, unless.. is that okay?
18 [background comment] Okay.

19 COUNCIL MEMBER REYNOSO: I just wanna
20 say, to put a couple of things in perspective; you do
21 know what speculation is, and even though you might
22 not directly be affecting the amount of living
23 workspaces that would be targeted or affected by your
24 zoning change, you indirectly would be through
25 speculation and then being able to convert your

1
2 property to permanent residential, it would encourage
3 other folks to look for the higher per square foot
4 cost that you're gonna be receiving. So I just wanna
5 say that there is an indirect affect to what you're
6 trying to do here.

7 You also talked about the fact that
8 converting it into a living workspace there's only 13
9 applicants that have gone through this year, but then
10 you talked about within a 400-foot radius 80 percent
11 of these buildings were living workspaces, so they
12 found the tenants or they were able to find the need
13 or the demand and were able to supply it, but you
14 feel that you wouldn't be able to do that in your
15 circumstances because of these 13 new applicants,
16 only 13 new people this year certify themselves as
17 artists. Can you just clarify that with me, please?

18 FREDERICK BECKER: Yes. I've been doing
19 this for more than 30 years and have worked with this
20 area for more than 30 years on many, many projects;
21 some of these buildings are as-of-right residential;
22 I would say that the City of New York, for the most
23 part, has turned a blind eye to the joint-living work
24 quarters artists' registrations and that the majority
25 of these units, though they may have certificates of

1
2 occupancy for joint-living work quarters, are not
3 legally occupied by certified artists; I could attest
4 to that fact. So therefore, 80 percent of the
5 buildings in the area are not occupied by certified
6 artists; additionally, it used to be much easier
7 under Cultural Affairs to obtain certification; that
8 has changed in the past five plus years, their rules
9 have become much more stringent. So what I'm saying
10 is that the limited number of artists who are out
11 there, there is a tremendous amount of stock
12 available to them existing that is not being
13 currently properly occupied by artists, to a great
14 extent, and this is common knowledge in the community
15 I would say, so I would say that for us to now go out
16 and find someone, given the limited scope, is quite
17 difficult. And in terms of precedential nature, I
18 would say that this given the age of this application
19 and given what has recently been happening in SoHo
20 and the recent positions set forth in City Planning,
21 this is not a precedential application, people are
22 not gonna look to this and say, well he got it; I'm
23 entitled too. This is a very unique set of
24 circumstances and I, as I say.. [interpose]

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2 COUNCIL MEMBER REYNOSO: What happens
3 there now; what do you have; what's the use; what's
4 happening in that building now?

5 FREDERICK BECKER: It's a 100 percent
6 vacant and has been since 2008.

7 COUNCIL MEMBER REYNOSO: Since 2008.
8 What was there prior to 2008?

9 FREDERICK BECKER: There was one man, an
10 artist who lived there in a building that in fact
11 almost collapsed after he left, with no elevator and
12 he occupied the upper four floors as his own use and
13 he is the one who sold it.

14 COUNCIL MEMBER REYNOSO: So he was the
15 owner?

16 FREDERICK BECKER: He was the owner.

17 COUNCIL MEMBER REYNOSO: And he sold it?

18 FREDERICK BECKER: And he sold it.

19 COUNCIL MEMBER REYNOSO: And the person,
20 your client, I guess or you purchased the building..

21 [crosstalk]

22 FREDERICK BECKER: My client. Yeah.

23 COUNCIL MEMBER REYNOSO: Your client
24 purchased the building knowing that it was a building
25 that had elevator problems and was dilapidated with

1
2 an interest to possibly convert it to residential...
3 [interpose]

4 FREDERICK BECKER: My... My client, in
5 meeting with City Planning and meeting with the
6 Landmarks Preservation Commission, my client was
7 interested in pursuing this application, spending
8 over a million dollars just for the façade
9 renovation; we're not talking about structural, we're
10 not talking about interior renovation, to bring this
11 building to A1 condition and maintain it in
12 perpetuity pursuant to the deed restriction or
13 restrictive declaration, and yes, he made this extra
14 effort to obtain this give-back, if you will, from
15 the community, which agreed to it in 2012, and the
16 City of New York, which agreed to it in -- or the
17 City Planning Commission I should say, not the City
18 of New York... [interpose]

19 COUNCIL MEMBER REYNOSO: Now this map
20 right here; is that the zoning use... the zoning map?

21 [background comments]

22 FREDERICK BECKER: Yes, the map that you
23 see to my left, the colored, is the radius diagram;
24 everything that you see in orange effectively is
25 based on surveys -- physical and through Department

1 of Buildings [sic], 'cause a lot of buildings do not
2 have certificates of occupancy, are buildings in the
3 area that have residential or potentially joint-
4 living work quarters for artists, so the area has a
5 substantial number of units and the loss, or not the
6 loss, but the lack of creation of one unit is not --
7 and this is only within 400 feet of the property..
8 [interpose]

10 COUNCIL MEMBER REYNOSO: What's the red..
11 the pink or red portion... [crosstalk]

12 FREDERICK BECKER: The red is commercial,
13 is pure commercial.

14 COUNCIL MEMBER REYNOSO: And the yellow?

15 FREDERICK BECKER: Yellow I believe is
16 pure residential... is pure residential... [crosstalk]

17 COUNCIL MEMBER REYNOSO: And where are
18 you located in that map; can you point at it? Sorry;
19 I'm blind. [background comment] Alright. So that..
20 so... [interpose] [background comments]

21 COUNCIL MEMBER REYNOSO: Yes... [crosstalk]

22 FREDERICK BECKER: But a very competent
23 one.

24 COUNCIL MEMBER REYNOSO: Yes he is; he's
25 amazing. So just wanna say that you would be putting

1 a residential building, if I see it, you know, if you
2 were just to put that at 300 feet, you would see no
3 residential almost and it's a district that I
4 consider like work districts. Districts where people
5 are walking to work or going to work, whether it's
6 commercial or whether it's manufacturing and you're
7 gonna put a residential building right in front, or
8 right at the heart of it. So I'm really concerned
9 about that because then you start hurting the
10 character of the neighborhood and making it so that
11 it has to be more conducive to residents as opposed
12 to conducive to a work environment, a working
13 environment, where you have the trucks, where you
14 have the people working and I don't like when those
15 things get threatened; I'm a huge proponent and
16 champion of manufacturing districts; I know the
17 importance of jobs; we need jobs, we need to make
18 sure we have spaces for jobs; we can't just think
19 about affordable housing, it has to be much more
20 comprehensive, or housing, I'm sorry, just housing
21 and in this case there would be no affordable
22 housing, so I'm very concerned about this
23 application; I just wanna express those concerns.
24
25

1
2 FREDERICK BECKER: And if I may respond,
3 in our Environmental Review, which went on for
4 approximately two years because this is designated as
5 a manufacturing district, we did not find one
6 manufacturing factory use within 400 feet of our
7 property.

8 COUNCIL MEMBER REYNOSO: Yeah, but there
9 is work, people are working there.

10 FREDERICK BECKER: The only... the primary
11 work is ground floor commercial retail stores; there
12 is very limited upper floor commercial use...
13 [crosstalk]

14 COUNCIL MEMBER REYNOSO: Okay.

15 FREDERICK BECKER: in the area. So there
16 is very, very... this is not... [interpose]

17 COUNCIL MEMBER REYNOSO: So this area is
18 zoned for manufacturing use... [interpose]

19 FREDERICK BECKER: And there is none.

20 COUNCIL MEMBER REYNOSO: above the first
21 floors, but... [crosstalk]

22 FREDERICK BECKER: And there is none that
23 exists.

1
2 COUNCIL MEMBER REYNOSO: Alright, I might
3 have to go take a tour and see that, but thank you...

4 [crosstalk]

5 FREDERICK BECKER: That... that... that is...

6 COUNCIL MEMBER REYNOSO: thank you for
7 your... [crosstalk]

8 FREDERICK BECKER: Yes, but we...

9 [crosstalk]

10 COUNCIL MEMBER REYNOSO: but it is your
11 opinion that there is not... [crosstalk]

12 FREDERICK BECKER: No, it's... it's a fact;
13 we did a... because we were introducing residential use
14 into a manufacturing district -- an M1 is a
15 manufacturing district -- [interpose]

16 COUNCIL MEMBER REYNOSO: I know that.

17 FREDERICK BECKER: part of our analysis
18 had to do with emissions, air quality, traffic, etc.
19 and I believe that we did not find any active
20 factories or manufacturing uses within the 400 feet
21 of our property. So therefore... [crosstalk]

22 COUNCIL MEMBER REYNOSO: Okay, and I just
23 wanna... manufacturing -- you don't need to be a
24 factory to be a manufacturer. I just wanna be very

1
2 clear; you can build a chair; you can do many things
3 to be considered a manufacturer... [interpose]

4 FREDERICK BECKER: But nothing was listed
5 as manufacturing use within... [background comment] in
6 the review.

7 COUNCIL MEMBER REYNOSO: Alright. Thank
8 you, Chair.

9 CHAIRPERSON WEPRIN: Alright. Just for
10 the panel's knowledge, we are not gonna vote on this
11 item today; we're gonna try to work out these issues
12 and see if we can come to an agreement. Ms. Chin
13 wants to add and have the closing statement, I think.

14 COUNCIL MEMBER CHIN: Well when we met
15 there were still come questions that the applicant
16 couldn't answer for us, so -- like how much did the
17 owner purchase...

18 FREDERICK BECKER: I sent three emails
19 that said \$6.6 million... [crosstalk]

20 COUNCIL MEMBER CHIN: For...

21 FREDERICK BECKER: that were sent Friday
22 afternoon, 15 minutes after our meeting.

23 COUNCIL MEMBER CHIN: Okay, \$6.6 million
24 that he purchased... [interpose]

25 FREDERICK BECKER: From the artist.

1 COUNCIL MEMBER CHIN: From the artist.

2 Okay.

3 FREDERICK BECKER: From the artist.

4 COUNCIL MEMBER CHIN: Why'd he pay that
5 amount of money knowing that he won't... [crosstalk]

6 FREDERICK BECKER: Because in...

7 COUNCIL MEMBER CHIN: get a good return
8 back?

9 FREDERICK BECKER: Well we... good return
10 based on what the Community Board told us and what
11 [background comments] City Planning told us.

12 CHAIRPERSON WEPRIN: Okay. Any other...
13 You wanna add something else...? [crosstalk]

14 COUNCIL MEMBER CHIN: No. And then also,
15 when he's talking about spending the amount of money
16 to renovate the building for the historic
17 renovations, but all that adds value to the building,
18 but I think it's really important for us, I think for
19 the Community Board, for the Borough President, that
20 to a certain extent we want to continue to maintain
21 the character of SoHo, because it's constantly
22 getting under attack with all these conversations
23 that are going on, so -- and the Mayor, in his State
24 of City Address talked about creating 1,500 units of
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2 live-work space in the City. So that is something
3 that if we can continue to create those units; we
4 will continue to do that. So I look forward to
5 continued discussion with you and we will let the
6 Committee know what our recommendation would be.
7 Thank you, Chair.

8 CHAIRPERSON WEPRIN: Okay. Thank you Ms.
9 Chin; thank you Mr. Becker... [crosstalk]

10 FREDERICK BECKER: Thank you. [sic]

11 CHAIRPERSON WEPRIN: Did anyone else have
12 any questions or comments? I don't see any. Is
13 there anyone else here to testify on this matter? I
14 don't see that either. So we're gonna close this
15 hearing for now; discussions will continue,
16 Mr. Becker and we're gonna move on in the agenda.

17 FREDERICK BECKER: Thank you Mr. Chair.

18 CHAIRPERSON WEPRIN: Okay. So these
19 other signs are for another project or those are
20 yours, Vincent; the ones with the backs to us?

21 [background comments] Oh those are... Okay.

22 [background comment] Oh okay. Alright. Fine.

23 We're not gonna swing back to the café;
24 that is the first item on our agenda -- right? --
25 0172, McCoy. I'd like to ask Andre Cooper, I think

1
2 it is. Mr. Cooper, whenever you can, please come on
3 up. Speak into the microphone; make sure to state
4 your name and you can discuss this item, which is
5 located in Council Member Corey Johnson's district.
6 We've also been joined by Council Member Dan
7 Garodnick. Mr. Cooper, whenever you're ready.

8 ANDRE COOPER: Hello. Mr. Andre Cooper
9 here representing PPF Holdings, Peter McCoy, owner of
10 McCoy's Restaurant.

11 "Dear Mr. Johnson, this letter services
12 as confirmation that PPF Holdings, LLC, McCoy's, it's
13 owners and operators will rectify the operations of
14 Community Board 2 as follows. We will abide by the
15 seating chart as stated on plans; we will remove the
16 plants from the sidewalk; we will keep the grates on
17 the sidewalk clear of any furniture or grates, we
18 will maintain all clearness as stated on plan."

19 CHAIRPERSON WEPRIN: Great. Alright.
20 Well thank you; we understand that in discussions
21 with Council Member Corey Johnson's office that they
22 are okay with these changes, so that's the good news.
23 Does anybody on the panel have any questions for this
24 gentleman? We see none. Thank you for your patience
25

1
2 and we're gonna close this hearing. [background
3 comments]

4 We've been joined by Council Member
5 Gentile and Council Member Wills, who are both here.
6 Stick around guys, we're gonna have a vote in a few
7 minutes.

8 We're now gonna call Land Use No. 0170,
9 which is Hudson Yards Sliver text amendment in
10 Council Member Johnson's district, David Solnick.
11 Mr. Solnick, are you here? Yes. [background
12 comments] Please head to the microphone; you can
13 discuss this application and we'll give the members a
14 chance with any concerns or questions. [background
15 comments] Whenever you're ready Mr. Solnick, just
16 state your name formally for the record.

17 [background comments]

18 DAVID SOLNICK: Hi, my name is David
19 Solnick; I'm representing D Solnick Design and
20 Development. I'm an architect by trade, but also do
21 some small-scale development, which this represents.
22 I'm also a resident and member of Community Board 4
23 and also a founding member of the Hudson Yards BID,
24 which was just formed and I'm proud to say just began
25 its first services in our neighborhood.

1 The text amendment before you, I wanna
2 point out, does not alter the Sliver Law, but only
3 the code section that describes how the Sliver Law
4 applies to a small subarea of the Hudson Yards
5 Special District. The Sliver Law does not apply to
6 any other areas of Hudson Yards.

7 The Sliver Law, which you may know, was
8 intended to prohibit tall, thin, free-standing
9 slivers that were set back from their neighbors,
10 they're unsightly and I'm sure we've all seen them
11 and wish they weren't there. The Sliver Law was
12 intended for zones that did not have underlying
13 height and setback controls that prevented those
14 kinds of buildings.

15 The Hudson Yards Special District was
16 completed in 2005 in consultation with Community
17 Board 4 that imposed contextual zoning on that area,
18 which included height and setback restrictions, so
19 the protections offered by the Sliver Law became much
20 less important.

21 The Sliver Law has an unintended
22 consequence; essentially small properties, narrow
23 properties become more valuable -- because the Sliver
24 Law limits the height of buildings on narrow lots, it
25

1
2 more often than not means that the underlying FAR
3 cannot be built on them, but of course, if the lot
4 could be widened it could be. And so what that means
5 is, it incentivizes small landowners to sell to their
6 neighbors into an aggregate. That is not always a
7 bad thing, but in a mid-block situation such as this
8 on a narrow street, it is and I think that's an
9 argument that resonated with the Community Board, who
10 was unanimously in support of this, as was the
11 Borough President, who also... who... Donnelly [sic] was
12 in support of it, but thought that -- if you've seen
13 her letter, thought that it should be considered for
14 application elsewhere in the City and it was also
15 approved unanimously by the Planning Commission.

16 So given that unintended consequence, the
17 point is that the Sliver Law really should only be in
18 place where it provides a benefit; that is,
19 preventing slivers; not in situations like this where
20 the underlying zoning has its own height and setback
21 limits and where the building would be no taller than
22 one of its neighbors. If a sliver is no taller than
23 the neighbor, then it really doesn't appear as a
24 sliver.

1
2 It's already the case that you can build
3 to the height of the taller of your adjacent
4 buildings on wide streets, but you can't do it on a
5 narrow street. So this is a very narrowly-defined
6 text amendment which only applies in subareas D4 and
7 D5; it only applies when it's adjacent to an existing
8 tall building and it would restrict the height of the
9 building to the height of that neighboring building
10 or the underlying zoning, whichever's less. And as
11 it turns out with the EIS, the study was done; it
12 appears that this is the only site that would be
13 impacted by this text amendment. But nevertheless,
14 you know, it may act as a test case for other areas
15 of the City.

16 CHAIRPERSON WEPRIN: Alright,
17 Mr. Solnick, from what I understand, Council Member
18 Johnson is okay with this item... [interpose]

19 DAVID SOLNICK: Right.

20 CHAIRPERSON WEPRIN: and as you
21 mentioned, Community Board was unanimous and so far
22 you've had a shutout on all your appeals so far, so
23 you're doing well. I wanna ask if there are any
24 members of the panel who have any questions, with
25

1
2 that in mind. I don't see any, so let's just say
3 thank you... [crosstalk]

4 DAVID SOLNICK: Okay. Thank you.

5 CHAIRPERSON WEPRIN: and excuse you. Is
6 anyone else here to testify on this item? Nope,
7 seeing none, we're going to close this hearing and
8 move to the last item on our agenda, which I know is
9 in Council Member Menchaca's district and he is on
10 his way here and wants to be here, but we're gonna
11 call up the applicants and hopefully by the time they
12 are done Mr. Menchaca will be here.

13 Dan Agars, Fran Schwartz and Mitchell
14 Hirth; you all here? Okay. Walk slowly up to the
15 mic [laugh] and... [background comments] Alright, so
16 this... [background comment] 'Kay. [background
17 comments] [pause]

18 'Kay. We've been joined by Council
19 Member Ritchie Torres. The entire jet-lagged crew is
20 here now. Yeah. Alright. I guess we'll get started
21 on the discussion of the application, since Mr.
22 Menchaca is very familiar with it and this way the
23 rest of the panel can get familiar too. Could we
24 have some quiet from the panel and whenever you guys
25 are ready, please state your name... when you speak

1
2 into the mic, please say your name so we know for the
3 record who's speaking. Whenever you're ready.

4 DAN EGGERS: Hello, good morning.

5 [background comment] There we go.

6 Good morning Chairman Weprin and members
7 of the Committee; my name is Dan Egers; I'm an
8 attorney with Greenberg Traurig; we represent the
9 applicant for this application to rezone portions of
10 two blocks fronting Fort Hamilton Parkway in Borough
11 Park in Brooklyn from an R5 to an R6 district,
12 maintaining the current C1-3 overlay by extending an
13 existing R6 district. This would facilitate the
14 development of a women's wellness center on the
15 parcel owned by our client.

16 Also here today in support of the project
17 are Fran Schwartz and Mitchell Hirth, who will
18 discuss the program proposed for the building. We're
19 also joined by my colleague, Deirdre Carson,
20 architects Arpad Baksa and Jason Holmes and
21 transportation consultant, Chris Mojica.

22 The proposed rezoning area is in
23 Community Board 12 on the west side of Fort Hamilton
24 Parkway, north and south of its intersection with
25 54th Street. The more northerly of the two affected

1 parcels is occupied by the Monastery of the Precious
2 Blood, a portion of which is already located in an R6
3 district; no development is expected on that site.

4 The parcel owned by our client, the
5 anticipated development site, has for decades been
6 occupied by a nonconforming automotive services
7 facility that's been discontinued and a three-story
8 house.

9 The rezoning will permit development of a
10 new six-story community facility building on a lot
11 having 11,167 square feet of area; the building will
12 contain 50,669 square feet of floor area, for a floor
13 area ratio of 4.54. It will set back above the level
14 of the fourth story at a height of 44 feet and will
15 rise another two stories to a height of 66 feet, not
16 including the stair and elevator bulkhead. The
17 building's envelope would fully comply with the R6
18 district regulations.

19 The ground floor of the building will
20 contain the lobby to the medical offices and a retail
21 component that may be a use, such as a pharmacy, that
22 would be complementary to the medical office use
23 above. One of those uses will be the Brooklyn
24 Birthing Center, which Fran Schwartz will describe to
25

1
2 your shortly. Accessory parking for 150 cars,
3 required by zoning, will be provided in an automated
4 facility in three levels below the building's cellar.

5 The applicant believes this type of
6 facility providing a spectrum of medical services for
7 women in a coordinated delivery system represents the
8 optimal model for healthcare and will provide the
9 residents of this community with much needed
10 services.

11 We received favorable recommendations
12 from the Community Board, unanimously, and the
13 Borough President and were unanimously approved by
14 the City Planning Commission. We met with Councilman
15 Menchaca last week, who was highly engaged with our
16 briefing; we therefore respectfully request your
17 favorable consideration of our application and
18 welcome any questions.

19 CHAIRPERSON WEPRIN: And we have been
20 joined by the aforementioned Carlos Menchaca.

21 [background comments]

22 FRAN SCHWARTZ: Hi, good morning..
23 [background comments] Hi, good morning. [background
24 comments] Now good morning. I wanna thank you for
25 allowing me to speak; my name is Fran Schwartz; I

1
2 have been involved in this project for over six
3 years, having met Mr. Hirth, who owned the actual lot
4 and in looking for a use, I was very happy to work on
5 a project that would provide a women's health center
6 in regard to all phases of women's health. This is
7 located within four blocks of Maimonides Medical
8 Center; there is a great need in the Borough Park
9 community as well as in the other areas surrounding
10 that there should be available to women the different
11 medical services.

12 Included in the program that we've
13 provided is basically it's about 55,000 square feet
14 above ground that will include an ambulatory surgery
15 center, medical offices and I myself have been
16 involved over 25 years in the Borough Park community
17 and women's health, having been an Executive Director
18 and Healthcare Administrator for opening midwifery
19 offices and OB-GYN offices, as well as my recent
20 three-year Executive Director and CEO of the Brooklyn
21 Birth Center. Brooklyn Birthing Center is the only
22 free-standing and licensed birth center in the State
23 of New York, which is an aberration, but for the
24 purpose of allowing women to be offered an
25 alternative to natural childbirth outside of a

1 hospital and in an outpatient facility, which it
2 would be as an Article 28. I'd like to just correct
3 the fact that it may not be the Brooklyn Birthing
4 Center in this building; there will be hopefully a
5 birth center; the Brooklyn Birthing Center is
6 presently located in Flatbush. The idea, of course,
7 is to provide the different services to women who
8 need all different types of services. So this is a
9 project that we've been working on in order to
10 provide to the community to work within the new
11 trends of women's care that need and facilitate a use
12 of a medical office, community health building that's
13 direly needed in this community.

14
15 CHAIRPERSON WEPRIN: Thank you. Sir; are
16 you speaking as well or are you gonna wait? Make
17 sure to say your name if you're gonna say something.
18 Yeah.

19 MITCHELL HIRTH: Yes. Good morning; my
20 name is Mitchell Hirth and I'm here representing the
21 Hirth family that's been in the real estate business
22 in Manhattan, Brooklyn; Queens' outer boroughs since
23 1945. I met Fran about six years ago and I liked the
24 idea of a women's wellness center, it was different;
25 we've done a lot of residential development and it

1
2 really doesn't interest me any longer and I like this
3 concept; I think the community's in need for it; I'm
4 really here to assure the Board that we have the
5 wherewithal to build this building, we have the
6 financial backing and you know, knowledge of
7 construction and development and we are perfectly
8 capable of building a women's wellness center and
9 that is what our intention is to do if you give us
10 permission to do so. Thank you.

11 CHAIRPERSON WEPRIN: Thank you, Mr.
12 Hirth. I'm gonna call first on Council Member
13 Menchaca whose district this is in; he has a
14 statement he wants to make and then I know Council
15 Member Greenfield and others might have questions.

16 COUNCIL MEMBER MENCHACA: Thank you,
17 Chair and welcome everyone. Thank you again for
18 coming before the City Council; I know we had some
19 conversations about the project and this has been a
20 long time coming for you all; I know you've been
21 working on this, not just on the business plan, but
22 really on the actual development site.

23 This is a location in Community Board 12
24 and one question that I had was; in this long time
25 coming, how were the residents and the Community

1 Board able to kinda make this project better and with
2 not only questions but suggestions on how to make
3 this project different?
4

5 [background comments]

6 CHAIRPERSON WEPRIN: Just say your name
7 when you speak.

8 FRAN SCHWARTZ: Hi again, this is Fran
9 Schwartz. I think that we are very open and have
10 been to talking with the community; we have in fact
11 spoken to our neighbors and have learned a lot about
12 how we can in fact enhance our project within the
13 community. We would also be very welcoming to
14 meeting with the community as we go through the
15 project, looking for suggestions and focus groups in
16 regard to how we can better accommodate the choices
17 of the retail in regard to the brand or the company
18 or whether or not there is a better fix for the
19 community and that we can help with. So we would be
20 very honored to work with the community.

21 COUNCIL MEMBER MENCHACA: I guess I don't
22 want you to be shy about some... you're already talking
23 about the future; I trust that you're gonna be
24 working with the community in the future; that's
25 something we're gonna demand in a big way, but you've

1
2 already done that in the past I guess is what... We're
3 just giving you an opportunity to talk about some of
4 the ways that you've already reshaped some of the
5 project elements [background comment] by talking to
6 the community.

7 FRAN SCHWARTZ: Sure. In talking to the
8 community, a big example of course is across the
9 street, the Yeshiva [sic], we've talked to them and
10 we received recommendations and concerns that we've
11 addressed completely in regard to privacy issues of
12 women who might be birthing, 'cause there's a tarrets
13 [sp?] on the floor that I'd like to do the birth
14 center, privacy and so forth. But I think the most
15 important thing that came out of this discussion,
16 including the neighbors that came to the original
17 meeting was that there is a huge problem with traffic
18 in this area because the Yeshiva has a lot of their
19 events in the evening and it's become a catering
20 event and what the community is most affected by is
21 the fact that the cars are there blocking their
22 driveways, congestion, honking horns and so forth and
23 they can't sleep at night and there's a lot of
24 complaints that have been voiced. So when we heard
25 about this we said well wait a minute, why not

1
2 accommodate the traffic problem by allowing the use
3 of our project which will have three subcellar floors
4 of parking for 158 parking spaces which in the
5 evening will be mostly unused because it's, you know,
6 a working building and then allow a valet parking
7 situation where you can bring the cars from across
8 the street into this building in the evenings for a
9 very low cost and thereby actually helping the
10 community in a big way. So we were happy to work
11 with that paradigm.

12 COUNCIL MEMBER MENCHACA: And I'll stop
13 there and just say, this is why I support this
14 project; I think you've already shown that community
15 engagement element of your business plan; that's just
16 one of many examples and I really wanna give credit;
17 most of the Board is chose by the Borough President
18 and Council Member Greenfield and so I really wanna
19 honor that role that the Community Board did with
20 their district manager and the Chair, who really
21 kinda came to the table with some really great ways
22 to shape programs or design elements. And so thank
23 you so much for hearing that; we're gonna expect you
24 to do that in the future.. [crosstalk]

25 FRAN SCHWARTZ: Sure.

1
2 COUNCIL MEMBER MENCHACA: so thank you so
3 much.

4 CHAIRPERSON WEPRIN: Thank you
5 Mr. Menchaca; I'm gonna call on the neighboring
6 council member, Councilman David Greenfield; I think
7 he had a question or comment.

8 COUNCIL MEMBER GREENFIELD: Thank you
9 Mr. Chairman and thank you Council Member Menchaca.
10 I just wanted some clarity on some of the things that
11 you discussed; you said it's a women's wellness
12 center, also a birthing center; can you sort of
13 explain the difference between the two, and then you
14 mentioned that it might not be a birthing center or
15 there is going to be a birthing center, just not the
16 one that is already in existence in Flatbush, so this
17 would be the second birthing center in New York; do
18 you have the licensing yet for that; I mean I'm just
19 a little bit confused by some of the background; can
20 you clarify, please? Thank you.

21 FRAN SCHWARTZ: Sure. When we originally
22 started the project we actually were working with
23 OB-GYN, women's health as a main focus and have
24 evolved it into what are the needs of the community
25 for women. So we've all learned over the past years

1
2 that women's health services are not being satisfied
3 because there isn't one place for women to go to, so
4 what would be the program in regard to your question,
5 Mr. Greenfield, is that if we have physicians who
6 come in, whether it's pediatricians and a perinatal
7 unit and cardiology is a very big need for women,
8 since women die of cardiac disease more than breast
9 cancer today and these are areas that we need to
10 focus on -- adolescent, gynecology and so forth. So
11 basically it's to address all the different needs of
12 women from adolescent, gynecology, right through to
13 postmenopausal stages. And there's a lot in there,
14 so from the perspective of providing for space, the
15 first floor is retail, there would be another floor,
16 which is the 6th floor, might be the birth center,
17 which I'll address in a second, as well as the other
18 floors that -- ambulatory surgery center -- and you
19 would need of course physicians who are available to
20 see their patients and be able to do minor procedures
21 and so forth if the ambulatory center would become a
22 fixed presence.

23 In regard to the birth center, well you
24 know the birth center presently in Flatbush is the
25 only licensed birth center; I hope that it will

1 expand and actually be the birth center that will be
2 in this building, but I caveat that because if this
3 particular birth center, if the Brooklyn Birthing
4 Center is not for any reason viable by the time we go
5 into the actual construction and so forth, then I
6 would definitely apply for a separate license for a
7 birth center, since it would need to go through a
8 process of an Article 28, Diagnostic Treatment Center
9 under the hospital statute.
10

11 So my point is is that whether it's the
12 expansion of the Brooklyn Birthing Center; I can't
13 speak for the owner in regard to being positive that
14 that's going to occur, but being that I'm on the
15 Board of Directors of the American Association of
16 Birth Centers and have a passion for birth centers
17 being in our state, since it is one of the few,
18 besides New Jersey, who doesn't have a birth center
19 either, but all other states have birth centers, that
20 I hopefully will achieve that result. I hope I've...
21 [crosstalk]

22 COUNCIL MEMBER GREENFIELD: Great.

23 FRAN SCHWARTZ: responded.

24 COUNCIL MEMBER GREENFIELD: So yeah. You
25 also mentioned before that a birthing center I think

1 you refer to it as is direly needed in this
2 particular area; how did you come to that
3 determination? I'm just curious because there's a
4 very large hospital just a few blocks away.
5

6 FRAN SCHWARTZ: Well actually my comment
7 was in reference to women's services being direly
8 needed entirely, not just in fact to the birth
9 center, but I would like to invite anyone to -- and
10 understanding that a birth center is, according to
11 the ACA, Chapter 2301, which gives a tremendous
12 amount of discussion by President Obama in regard to
13 the need for a lower-cost alternative to childbirth
14 because of the huge expense that birthing and its
15 subsequent outcomes have cost our healthcare. So
16 basically the purpose is to -- 45 percent has just
17 recently been founded in a published article -- are
18 low-risk women. So women who are continuously
19 screened as low-risk, given an opportunity to birth
20 in a homey environment with midwives has proven to
21 have better outcomes and this is without medical
22 intervention, without anesthesia, no epidural, to
23 allow women -- women are not laboring more than 10
24 hours in the birth center and they're not staying
25 postpartum after they've birthed for longer than --

1 minimum is 4 hours and the average is about 8-10
2 hours for any woman that births there. But the idea
3 is is our outcomes need to be better; this country,
4 unfortunately, is number 32 in morbidity and
5 mortality rates when it comes to childbirth and we
6 can do better and birth center is going to be a model
7 that is going to achieve better outcomes. In fact,
8 the Maternal Fetal Medicine and American College of
9 Obstetrics and Gynecology just recently have provided
10 for a new level of maternity care that is a birth
11 center which is basic and then level 1, 2, 3
12 tertiary. Now what is a hospital for? A hospital is
13 to provide medical intervention in the event that
14 natural childbirth has gone into a situation which
15 demands a higher level of tertiary care and we must
16 provide for transportation and safety in regard to
17 birth centers, and the birth center in Brooklyn,
18 unfortunately is 20 minutes, which is the legal
19 perimeter, but we can do better, we can do better by
20 being four blocks from a hospital and allowing women
21 to feel safer and be more secure about birthing in a
22 birth center and the transfer rate between the birth
23 center and the hospital is very low, 10 percent; 15
24

1 percent. So we've had success, it's been shown
2 everywhere in all of the evidence-based medicine.

3
4 COUNCIL MEMBER GREENFIELD: Just to be
5 clear. So for the 15 percent that actually do have a
6 problem at your birthing center, you would then take
7 them to the local hospital; is that Maimonides or..
8 [crosstalk]

9 FRAN SCHWARTZ: Yes, we..

10 COUNCIL MEMBER GREENFIELD: which
11 hospital would you take them to?

12 FRAN SCHWARTZ: We have a transfer and
13 affiliation agreement with Maimonides and..
14 [crosstalk]

15 COUNCIL MEMBER GREENFIELD: Okay.

16 FRAN SCHWARTZ: therefore Maimonides must
17 accept all of our patients for transfer care. And
18 depending on the type of situation, 70 percent of the
19 time the women are not going in an ambulance that are
20 transferring 'cause it's for a failure just to
21 progress, but rather the other 30 percent are in fact
22 going by ambulance for any other reason.

23 COUNCIL MEMBER GREENFIELD: Okay. And
24 you said that this is all natural; is that what you
25 said, there's no epidural... [crosstalk]

1
2 FRAN SCHWARTZ: No epidural, no medical
3 intervention, no continuous fetal monitoring, it's
4 basically, let's have a baby.

5 COUNCIL MEMBER GREENFIELD: Got it.
6 Okay, very good. Final question is relating to
7 parking. Do you have any plans to apply for any
8 exemptions to the parking or are you committed to
9 building those 150 some odd parking spots?

10 MITCHELL HIRTH: I think we made that
11 commitment in the application... [crosstalk, background
12 comments] Mitchell Hirth again; [background
13 comments] in answer to that question, that commitment
14 has been made already and it's part of the
15 application. We will build three floors below grade,
16 possibly even a fourth might be required and we
17 intend to certainly, you know, adhere to that. Yes.

18 COUNCIL MEMBER GREENFIELD: What does it
19 mean when you say possibly a fourth might be
20 required?

21 MITCHELL HIRTH: We're not sure in the
22 engineering exactly if necessary to get an extra few
23 spaces that we might be short, we're prepared to do
24 that as well.

1 COUNCIL MEMBER GREENFIELD: Okay, so you
2 have no plans to... [crosstalk]

3 MITCHELL HIRTH: No.

4 COUNCIL MEMBER GREENFIELD: any exemption
5 or anything like that?

6 MITCHELL HIRTH: No.

7 COUNCIL MEMBER GREENFIELD: Okay.

8 FRAN SCHWARTZ: Fran again. We are
9 required to [background comment] provide 158 parking
10 spaces and we are doing so in a very special system I
11 think that all of you can appreciate is not in
12 Brooklyn, which is a rack system; it does exist in
13 the City, and the idea is that, of course, it's
14 automated and so you go in, car goes to its spot and
15 then automatedly [sic] comes back, so therefore it's
16 basically a system that's built in, it's like a Lego
17 system, so you just... we build it within the excavated
18 area under the building.

19 COUNCIL MEMBER GREENFIELD: Great.
20 Thanks very much.

21 MITCHELL HIRTH: Thank you.

22 CHAIRPERSON WEPRIN: Alright, thank you
23 Mr. Greenfield. Before you leave, I just wanna make
24 sure no one else has any questions for this panel.
25

1 Terrific. Well we're gonna vote on this today.

2 Anyone else here to testify on this item? No. Okay.

3 So we're gonna close this hearing, so you're excused.

4 We are then gonna couple the following items for a

5 vote today, the Land Use No. 0172, which is McCoy

6 Sidewalk Café, Land Use No. 0170, the Hudson Yards

7 Silver Text Amendment, [background comment] sliver,

8 sorry, sliver. Sorry about that. Land Use No. 0175,

9 Hamilton's Patio in Council Member Lander's district

10 and then this item, Land Use No. 0176 in Council

11 Member Menchaca's district on Fort Hamilton Parkway.

12 There is also a motion to file for Land Use No. 0173,

13 which is on Greene Street, because the applicant has

14 withdrawn their application.

15
16 The last item that was on the agenda,

17 Land Use No. 0174, we are not voting on today, so

18 it's just the other items which are gonna be coupled.

19 I will now call on counsel to please call the roll.

20 COMMITTEE COUNSEL: Chair Weprin.

21 CHAIRPERSON WEPRIN: I vote aye.

22 COMMITTEE COUNSEL: Council Member

23 Gentile.

24 COUNCIL MEMBER GENTILE: I vote aye. I

25 vote aye.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 51
2 COMMITTEE COUNSEL: Council Member
3 Garodnick.
4 COUNCIL MEMBER GARODNICK: Aye.
5 COMMITTEE COUNSEL: Council Member
6 Williams.
7 COUNCIL MEMBER WILLIAMS: Aye.
8 COMMITTEE COUNSEL: Council Member Wills.
9 COUNCIL MEMBER WILLS: Aye.
10 COMMITTEE COUNSEL: Council Member
11 Richards.
12 COUNCIL MEMBER RICHARDS: Aye.
13 COMMITTEE COUNSEL: Council Member
14 Reynoso.
15 COUNCIL MEMBER REYNOSO: I'd just like to
16 thank the last applicant for the work that he did
17 with the community and I vote aye on all.
18 COMMITTEE COUNSEL: Council Member
19 Torres.
20 COUNCIL MEMBER TORRES: I vote aye.
21 COMMITTEE COUNSEL: Council Member
22 Ignizio.
23 COUNCIL MEMBER IGNIZIO: Yes.
24 COMMITTEE COUNSEL: Land Use Nos. 172,
25 170, 175 and 176 are approved, with 9 votes in the

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affirmative, 0 in the negative and 0 abstentions, and motion to file Land Use No. 0173 is approved and with 9 votes in the affirmative, 0 abstentions and 0 in negative.

CHAIRPERSON WEPRIN: Great. Thank you all for your cooperation and with that in mind, the Subcommittee on Zoning and Franchises is now adjourned.

[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 March 9, 2015