

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LAND USE

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December 14, 2009

Start: 10:15 am

Recess: 10:24 am

HELD AT: Council Chambers  
City Hall

B E F O R E:  
JOEL RIVERA  
Chairperson

COUNCIL MEMBERS:

Vincent Ignizio  
Simcha Felder  
Robert Jackson  
Charles Barron  
Annabel Palma  
Inez E. Dickens  
Maria del Carmen Arroyo  
Sara M. Gonzalez  
Albert Vann  
Larry B. Seabrook  
Helen Sears  
Leroy G. Comrie, Jr.  
Tony Avella

## A P P E A R A N C E S

## COUNCIL MEMBERS:

Melinda R. Katz  
Rosie Mendez  
Daniel R. Garodnick  
Melissa Mark-Viverito  
John C. Liu  
Jessica S. Lappin

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2 CHAIRPERSON RIVERA: Please ladies  
3 and gentlemen, we're about to start the Land Use  
4 Committee. My name is Joel Rivera, I'll be the  
5 Acting Chair of the Committee today.

6 Today we're going to be--first let  
7 me introduce my colleagues who are here with us.  
8 To my right, we have Council Member Vincent  
9 Ignizio, Council Member Simcha Felder, Council  
10 Member Robert Jackson, Council Member Charles  
11 Barron. To my left, we have, over here we have  
12 Council Member Annabel Palma, Council Member Inez  
13 Dickens, Council Member Maria del Carmen Arroyo,  
14 Council Member Sara Gonzalez. To my left, we have  
15 Council Members Al Vann, Council Member Larry  
16 Seabrook, Council Member Helen Sears, we have the  
17 Council Deputy Majority Leader Leroy Comrie. In  
18 back of me, we have Council Members Tony Avella  
19 and Council Member Melinda Katz. Did I miss  
20 anyone? I don't--

21 COUNCIL MEMBER SEARS: Did you get  
22 Leroy?

23 CHAIRPERSON RIVERA: Yeah, I got  
24 Leroy. So at this point in time we have two items  
25 on today's agenda we have Land Use numbers 1256

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2 through 1259 are all related in reference to the  
3 Kingsbridge Armory, we're voting a motion to  
4 disapprove. And then we also have Land Use  
5 numbers 1260 to 1268, are all related as well in  
6 reference to the Western Rail Yard in the  
7 Speaker's district, this motion is to approve with  
8 modification.

9 And the Chair recommends an eye  
10 vote on both, but if there's any comments from any  
11 Committee members. Council Member Barron.

12 COUNCIL MEMBER BARRON: Thank you  
13 very much. I just wanted to say that this is a  
14 historic moment in the City Council. I can't  
15 remember any big, huge project like this that the  
16 Mayor initially wanted that the Council would go  
17 against in support of the people. So while I  
18 think we're making history on this day, and I have  
19 to say this is probably following the  
20 Barron/Avella theory: Protect the people over the  
21 big developers and the Mayor and sometimes the  
22 Speaker.

23 So this is a crowning achievement  
24 on Tony Avella's exit from the City Council that  
25 we would come for such a huge project to have the

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Council actually vote against the Mayor.

And for those who don't think the Bronx delegation put their heart and soul into trying to come to an agreement, and they did, it wasn't the Bronx delegation, they did their job, it was the Mayor who pulled this off the table. Things were going in a way where there could have been some resolution, it is the Mayor that came and said that I've had it, he pulled it and went to Copenhagen and said the heck with the rest of us, or heck with any resolution. So I want to applaud the Bronx delegation for the great job they did sticking up for the people in the Bronx, they did a excellent, excellent job.

[Applause]

CHAIRPERSON RIVERA: Quiet, please, we have to try to expedite the meeting 'cause we're on a timeline. Continue, Council Member.

COUNCIL MEMBER BARRON: Yes, so on that note, I will be certainly voting in the affirmative to reject the Kingsbridge Armory proposal. And also I'll be voting against the West Side--what is it, the Western Rail Yard project 'cause it's only 24% affordability and the

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2 range of affordability is 50 to 135% of the AMI,  
3 and to me that's not real affordability and our  
4 Council should be about real affordability, so I'm  
5 going to vote no on that and in the affirmative on  
6 rejecting the Kingsbridge project.

7 Congratulations to the Bronx delegation.

8 And jobs and other things that  
9 people are concerned about, that will come in the  
10 future, that has nothing to do with this vote,  
11 this vote is mainly on the project itself and not  
12 on any community benefits, agreements. Just to  
13 make very, very clear that the Council, when we  
14 take our vote, it's based upon the project.

15 Thank you very much.

16 CHAIRPERSON RIVERA: Thank you very  
17 much, Council Member. Now we have Council Members  
18 Melinda Katz, followed by Council Member Tony  
19 Avella.

20 COUNCIL MEMBER KATZ: Thank you,  
21 Council Member Rivera. Two quick things, number  
22 one, I want to thank you for Chairing the Land Use  
23 Committee today in my stay. The reason is that I  
24 am going to abstain on today's vote for both  
25 applications because of a possible future conflict

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2 of interest, so I just wanted to state that for  
3 the record and I thank you for Chairing today.

4 CHAIRPERSON RIVERA: Thank you very  
5 much. Council Member Avella.

6 COUNCIL MEMBER AVELLA: Thank you,  
7 Mr. Chair. I, too, want to congratulate the Bronx  
8 delegation for really standing up and expressing  
9 the concerns and the wishes of the Bronx  
10 community. And I also want to thank Kara and the  
11 community, this was really a collaborative effort  
12 and it's nice to see it happen because the City  
13 Council is an equal body with the Mayor and we  
14 should be doing more of that.

15 CHAIRPERSON RIVERA: Are there any  
16 more comments from Committee members before we  
17 take a vote? Seeing none at this point in time,  
18 the Chair recommends an aye vote, and if the Clerk  
19 can please call the roll.

20 FEMALE VOICE 1: I called it.

21 CHAIRPERSON RIVERA: Hold on, we  
22 have Council Member Rosie Mendez in the back.

23 COUNCIL MEMBER MENDEZ: I'd like to  
24 vote yes to reject the Kingsbridge Armory plan  
25 and--

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CHAIRPERSON RIVERA: [Interposing]

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We haven't started the roll call yet, this is just

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a comment--

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COUNCIL MEMBER MENDEZ:

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[Interposing] Oh, I'm sorry--

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CHAIRPERSON RIVERA: --period.

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COUNCIL MEMBER MENDEZ: --I just

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walked in, I'm sorry.

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CHAIRPERSON RIVERA: Yes, and we've

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been joined by Rosie Mendez, Council Member Dan

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Garodnick and Council Member Melissa Mark-

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Viverito.

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At this point in time, the Chair

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recommends an aye vote, motion to disapprove on

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the Kingsbridge Armory and motion to approve on

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the Western Rail Yards. Can the Clerk please call

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the roll. [Pause] And also if there's any clergy

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here for the Transportation Committee, it's going

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to be across the street on the 14th floor, the

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hearing, just for the record.

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CAROL SHINE: Carol Shine, Clerk to

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the Committee. Council Member Rivera.

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CHAIRPERSON RIVERA: I vote aye on

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all.



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CAROL SHINE: Council Member

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Avella.

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COUNCIL MEMBER AVELLA: Aye on all.

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CAROL SHINE: Council Member

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Barron.

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COUNCIL MEMBER BARRON: I vote no

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on the Western Rail Yard and I vote affirmative on

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the Kingsbridge rejection.

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CAROL SHINE: Council Member

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Comrie.

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COUNCIL MEMBER COMRIE: Yes to all.

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CAROL SHINE: Council Member

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Jackson.

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COUNCIL MEMBER JACKSON: Aye on

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all.

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CAROL SHINE: Council Member

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Seabrook.

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COUNCIL MEMBER SEABROOK: To

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explain my vote, please?

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CHAIRPERSON RIVERA: Yes.

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COUNCIL MEMBER SEABROOK: Thank

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you, Mr. Chair. I just want to in reference to

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the rail yard situation and other major projects,

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and as long as I've been on both of these

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2 committees, I've raised the issues about minority  
3 and women-owned participation in minority business  
4 and the level of participation in which they  
5 should be playing a role in this city in terms of  
6 jobs, business, etc. And when we had the hearing  
7 around the rail yard proposal, the developers had  
8 agreed that they should have some dialogue and  
9 discussion and have a real program to implement  
10 minority and women-owned business, so I hope that  
11 we don't miss this opportunity to pursue that and  
12 to see that that happens with this development  
13 that the City is putting forth this effort, the  
14 MTA, and all the others. And that we should have  
15 a real MWBE program that this Council saw fit to  
16 pass legislation to make that happen and we should  
17 be working to see that that is implemented. So on  
18 this, I vote aye.

19 CAROL SHINE: Council Member Sears.

20 COUNCIL MEMBER SEARS: I vote yes  
21 for the Western Rail Yards and no for--

22 CHAIRPERSON RIVERA: Motion to  
23 disapprove.

24 COUNCIL MEMBER SEARS: --the motion  
25 to disapprove.

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CAROL SHINE: Council Member Vann.

COUNCIL MEMBER VANN: Aye on all.

CAROL SHINE: Council Member  
Gonzalez.

COUNCIL MEMBER GONZALEZ:

[background noise] on all.

CAROL SHINE: Council Member Palma?

COUNCIL MEMBER PALMA: Aye on all.

CAROL SHINE: Council Member  
Arroyo.

COUNCIL MEMBER ARROYO: Aye.

CAROL SHINE: Council Member  
Dickens.

COUNCIL MEMBER DICKENS: Aye.

CAROL SHINE: Council Member  
Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

CAROL SHINE: Council Member  
Mendez.

COUNCIL MEMBER MENDEZ: Okay, I'm  
ready now. I vote yes to reject the Kingsbridge  
Armory plan and yes on all other items. Thank  
you.

CAROL SHINE: Council Member

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2 Ignizio.

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COUNCIL MEMBER IGNIZIO: Aye.

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CAROL SHINE: Council Member Katz.

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COUNCIL MEMBER KATZ: I abstain.

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CAROL SHINE: Council Member

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Felder.

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COUNCIL MEMBER FELDER: Yes.

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[Pause]

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CAROL SHINE: All right. LUs 1260

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through 1268, motion to approve with modifications

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is approved by a vote of 15 in the affirmative,

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one in the negative, and one abstention. LUs 1256

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through 1259, motion to disapprove is approved by

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a vote of 15 in the affirmative, one in the

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negative, and no abstentions.

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CHAIRPERSON RIVERA: At this point

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in time, we're going to keep the vote open for

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five minutes, but only five minutes because we

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have to expedite the process and go into Stated

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because of the timeline to get the information to

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City Planning. Thank you very much, ladies and

23

gentlemen.

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FEMALE VOICE 1: Okay. Oh, God,

25

[off mic].

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2 CHAIRPERSON RIVERA: I know, so  
3 don't forget that tomorrow we have a regularly  
4 scheduled Zoning Committee at 9:30, today does not  
5 take the place of tomorrow, we do have a regular  
6 meeting tomorrow at 9:30 for Zoning.

7 MALE VOICE 1: Yeah.

8 FEMALE VOICE 2: Yes.

9 [Off mic]

10 [Pause]

11 FEMALE VOICE 2: Okay.

12 CAROL SHINE: Council Member Liu.

13 [Off mic]

14 [Pause]

15 COUNCIL MEMBER LIU: I vote yes.

16 CAROL SHINE: On both sets of  
17 items, the vote stands at 16 in the affirmative,  
18 one in the negative, and one abstention.

19 [Pause]

20 [Off mic]

21 FEMALE VOICE: Shit.

22 MALE VOICE 2: [Off mic] you turned  
23 it off?

24 [Pause]

25 MALE VOICE 3: Test.

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CAROL SHINE: Council Member  
Lappin.

COUNCIL MEMBER LAPPIN: Yes, yes on  
all.

CAROL SHINE: The vote stands at 17  
in the affirmative, one in the negative--

MALE VOICE 3: Test.

CAROL SHINE: --and one abstention  
on both sets of items.

[Pause]

COUNCIL MEMBER VANN: Land Use  
Committee is adjourned.

[Off mic]

C E R T I F I C A T E

I, Tammy Wittman, 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 Tammy Wittman

Date December 21, 2009