

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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JUNE 20, 2019
Start: 10:10 A.M.
Recess: 12.40 P.M.

HELD AT: 250 Broadway - Committee Room
16th Floor

B E F O R E: FRANCISCO MOYA
Chairperson

COUNCIL MEMBERS:
Barry Grodenchik
Rory I. Lancman
Stephen T. Levin
Antonio Reynoso
Donovan J. Richards
Carlina Rivera
Peter Koo

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

Robert Callahan

Robert Brisken

Richard Lobel
Sheldon Lobel P.C.

David Rosenberg

Rachel Skal (sp?), Associate
Greenberg Charg

Todd Macaluso (sp?)

Ethan Goodman, Legal Counsel
Fox Rothschild

Betty McIntosh, Co-chair
Manhattan Community Board for Chelsea Land
Use Committee

Jodi Stein, Land Use Counsel
Harrick, Fein, Steen

John Clifford
S9 Architecture

Nick Brown, Applicant
Kimco Realty

Udre Gutierrez, New York Resident

Jasmine Unknown, Translator

Michael Madrid, New York Resident

Martha Flores Vasquez, District Leader
Queens

Wen Tao Zhao (sp?), New York Resident

Terrance Park, New York Resident

John Ha, New York Resident

Jack Zang (sp?), New York Resident

Beverly McDermitt, President
Kissena Park Civic Association

Denise Winters, President
Holly Civic Association

Carol Marrone, Vice President
Holly Civic Association

Kevin Forrestall, President
Queens Civic Congress

Billy Azuran (sp?), New York Resident

Hang Hari (sp?), New York Resident

Pang Hang (sp?), New York Resident

Eddie Abrams, member
Holly Civic Association

Kathleen Kennedy, member
Kissena Park Civic Association

Carsten Glaser, member
Kissena Park Civic Association

Stephen Smith
Open New York

Brendan Levy, Business Development Manager
Queens Chamber of Commerce

Amy Woo, New York Resident

Yi Chen (sp?), New York Resident

Jenny Wang, New York Resident

Pauline Na, New York Resident

Roland Wade, New York Resident

Edward Chin, New York Resident

Jack Tuan, New York Resident

Doreen Bartnakowski, New York Resident

2 SERGEANT-AT-ARMS: sound check for the
3 subcommittee on zoning, franchises being heard in the
4 committee room City Hall recorded by Israel Martinez
5 June 20th, 2019. There we go.

6 [gavel]

7 CHAIRPERSON MOYA: Good morning and welcome
8 to the meeting of the subcommittee on zoning and
9 franchises. Council member Francisco Moya, the
10 chairperson of the subcommittee, and today we are
11 joined by Council members Rivera and Council member
12 Koo. If you are here to testify, please fill out a
13 speaker slip with the Sergeant-at-arms indicating
14 your full name and application name or LU number you
15 wish to testify on. I would like to first know that
16 we will be laying over LU number 419, the court
17 square block three text amendment. Our first hearing
18 is on LU 438, and application by Center Boulevard
19 Restaurant LLC, American Brass for the new revocable
20 concern for an unenclosed sidewalk café located at
21 201 50th Avenue and cleans and Council member Van
22 Bramer's district. I know the public hearing on this
23 application and I would like to call up Robert
24 Callahan and Robert Brisken.

25 [Background comments]

2 SERGEANT-AT-ARMS: Do you have a prepared
3 statement you'd like to--

4 ROBERT CALLAHAN: I do. Yeah.

5 SERGEANT-AT-ARMS: I'll take it and I'll
6 distribute it for you.

7 ROBERT CALLAHAN: Okay. Thank you.

8 SERGEANT-AT-ARMS: Thank you.

9 ROBERT CALLAHAN: Oh. Actually--
10 [inaudible 00:02:03] Thank you.

11 SERGEANT-AT-ARMS: You got it.

12 ROBERT CALLAHAN: Thank you, Mr. Chairman.

13 CHAIRPERSON MOYA: Thank you. Counsel,
14 please swear in the panel.

15 LEGAL COUNSEL: Please state your name
16 as part of your response. To use swear or affirm
17 that the testimony you are about to get will be the
18 truth, the whole truth, and nothing but the truth and
19 that you will answer all questions truthfully?

20 ROBERT CALLAHAN: I do.

21 ROBERT BRISKEN: I do.

22 LEGAL COUNSEL: Please state record.

23 ROBERT BRISKEN: Robert Brisken.

24 ROBERT CALLAHAN: Mr. Chairman, at this
25 time, I would like to read a letter of agreement that

2 was sent to the Council member Van Bramer's office on
3 June 18th of 2019.

4 Dear Honorable Chair Moya and Council
5 member Van Bramer,

6 Please accept this letter as confirmation
7 of our agreement with you. As per our agreement with
8 community board two of Queens, on 6-20-2019, the
9 sidewalk café seating in New York City property will
10 be reduced from 24 tables and 86 seats to 12 tables
11 and 48 seats. The hours of operation will be 11 AM
12 to 10 PM Sunday to Thursday 11 AM to 11 PM on Friday
13 and Saturday. These are the hours agreed to with the
14 community board at the hearing. We did not propose
15 later hours. The new plans and compliance checklist
16 showing 12 tables and 48 seats has already been
17 submitted to the New York City Department of Consumer
18 Affairs. We will store all the sidewalk café
19 furniture against the restaurant façade on our
20 private property at night. If anything else is
21 required, please contact my representative, Michael
22 Kelly, 914-740-3580.

23 Sincerely, Robert Brisken, Member.

24 CHAIRPERSON MOYA: Okay. That's a
25 testimony for today?

2 ROBERT BRISKEN: Yes.

3 CHAIRPERSON MOYA: That's what you-- Thank
4 you. Thank you. Thank you. Are there any other
5 members of the public who wish to testify? Seeing
6 none, I now close the public hearing on this
7 application. We will now turn our public hearings to
8 our next hearing, which is on LU number 470 for the
9 76 Drive and Austin Street rezoning for property and
10 Council member Koslowitz's district in Queens. The
11 applicant seeks approval of a zoning math amendment
12 to rezone an existing R2 zoning district in the
13 neighborhood of Forest Hills as an R32 district. The
14 proposed action would facilitate the legalization and
15 expansion of use group for medical offices within the
16 existing buildings located at 111 - 04 76th Drive and
17 11103 77th Avenue. I now hope in the public hearing
18 on this application and I would like to call up
19 Richard Lobel and David Rosenberg. Thank you.
20 Counsel, if you could please swear in the panel?

21 LEGAL COUNSEL: Please save your full
22 name as part of your response. Do use swear that the
23 testimony you are about to give the truth, the whole
24 truth, and nothing but the truth and you will answer
25 all questions truthfully?

2 RICHARD LOBEL: Richard Lobel. I do.

3 DAVID ROSENBERG: David Rosenberg. I do.

4 LEGAL COUNSEL: Thank you. You may
5 begin.

6 RICHARD LOBEL: Good morning, Chair,
7 Council members. Again, Richard Lobel from Sheldon
8 Lobel joined by David Rosenberg and we are here today
9 to discuss the Austin Street rezoning. So, as you
10 can see from the circled area on the map, this
11 district is currently zoned R 2 and is bordered on
12 the west and south by an existing R 6 district. The
13 district was rezoned and are around 2000 and far as
14 the Q forest rezoning and, as you can see from the
15 highlighted area on the tax map, the zoning district
16 that is sought is an R 32. Very simply, what this
17 would do is to allow existing nonconforming medical
18 office located within both lot one and Lot 61 as part
19 of the rezoned area to become conforming uses under
20 the R 32. You can see the land use in the area
21 reflects both larger density R 6 buildings to the
22 west and south as well as to the-- more single-
23 family character of the area to the north and east.
24 The area is also encumbered by restrictive covenants
25 so that, on this spot, within the R 2 district and

1 within the proposed R 32, there would be no multi-
2 family buildings allowed. This is pursuant to long-
3 standing restrictive covenants. So the medical
4 office that is existing amounts to roughly 1600
5 square feet and each of the two buildings. The
6 community board was very much in favor of this.
7 Voted 34 to 2 in favor. That was community board six
8 in Queens and this approval was, again, issued by the
9 Queens Borough Pres., as well as the city planning
10 commission. The R 32 here scene is appropriate for
11 two reasons. The first is that this will the
12 conforming use at the property from an existing
13 nonconforming doctor's office, so it will allow this
14 to become conforming, as well as the fact that it
15 serves as a decent buffer between the lower density R
16 2 and the higher density R 6 to the south and west.
17 I'd also note, of course, that, with regards to the
18 zoning calculations-- and we threw the table up on
19 the screen right now. There are no basic bulk
20 differences between the R 2 and the R 32. So, the .5
21 FAR for residential remains the same. Though one FAR
22 for community facility remains the same. Really,
23 other than slight variations in height and setback,
24 the major difference here is-- for us is medical
25

2 office as the R 2 does not permit doctors' offices
3 and the R 32 does. So, as was discussed fully with
4 the community board, this is really a rezoning to
5 allow for an expansion of the single nonconforming
6 use. And we'd be happy to answer any questions
7 regarding our presentation.

8 CHAIRPERSON MOYA: Thank you. Just one
9 quick question. Are there any plan changes to
10 parking on the site?

11 RICHARD LOBEL: There's an existing
12 parking area between the buildings. This is going to
13 be improved as part of the as of right requirements
14 in the R32. So, there's additional planting that
15 will be asked for and some curb cut adjustment will
16 be made. This was detailed in a letter to city
17 planning, which has been submitted to the Council, as
18 well.

19 CHAIRPERSON MOYA: Okay. And is there any
20 other development expected on the site due to the
21 rezoning?

22 RICHARD LOBEL: No. There is none. The
23 real advantage to the applicant here is that they
24 will be able to ask and within existing buildings.
25 Right now, they can't even allow for back office

2 space to occupy any additional square footage without
3 allowing for a change in the zoning district. So,
4 we've gotten a really good response. The doctor
5 here, Dr. Manuel, is a valued local surgeon. Is an
6 orthopedic surgeon. He's got a wonderful practice
7 and works closely with several local hospitals. So,
8 everyone is been really positive about the rezoning.

9 CHAIRPERSON MOYA: Great. Thank you very
10 much.

11 RICHARD LOBEL: Thank you, Chair.

12 CHAIRPERSON MOYA: Thank you.

13 RICHARD LOBEL: Good seeing you.

14 CHAIRPERSON MOYA: Thank you. Are there
15 any other members of the public who is to testify on
16 this item? Seeing none, line now close the public
17 hearing on this application and it will be laid over.
18 Our next hearing is on only a number 469 for the 38 -
19 01 23rd Avenue rezoning for property in Council
20 member Constantinides' district in Queens. The
21 applicant seeks approval for a zoning map amendment
22 to map a C 23 commercial overlay district along 23rd
23 Avenue between 38th Street and Steinway (sp?) Street.
24 This action would allow the applicant to seek special
25 permits for physical, cultural establishment use from

2 the board of standards and appeals for the purpose of
3 legalizing the gym and a yoga studio within the
4 existing building as well as to allow for future use
5 consistent with the proposed C 2 district
6 regulations. The city planning commission voted to
7 modify the proposal by removing from the rezoning
8 area, the portion of the C 23 overlay beyond 100
9 feet north of 23rd Avenue and within 75 feet Steinway
10 Street. I now hope in the public hearing on this
11 application and we would like to call up Rachel Skal
12 and Todd Macaluso. Thank you. Counsel, if you could
13 please swear in the panel?

14 LEGAL COUNSEL: Please state your name
15 as part of your response. Do you swear or affirm
16 that the testimony you are about to give will be the
17 truth, the whole truth, and nothing but the truth and
18 that you will answer all questions truthfully?

19 TODD MACALUSO: Yes. I do.

20 RACHEL SKAL: I do.

21 LEGAL COUNSEL: Thank you.

22 RACHEL SKAL: Good morning. My name is
23 Rachel Skal. I'm an associate with Greenberg Charg.
24 We represent 23rd Avenue Realty LLC, the applicant
25 think being a rezoning to the map a C 32 commercial

1 overlay to a depth of 150 feet from the north side of
2 23rd Avenue and 125 feet from the East side of 38th
3 Street into a depth of 100 feet from the north side
4 of 23rd Avenue and 75 feet from the west side of
5 Steinway Street and Todd Macaluso is here on behalf
6 of the applicant to help answer any questions.

7
8 Currently, the portion of the rezoning area within
9 100 feet of the northern side of 23rd Avenue and
10 within 100 feet of the western side of Steinway
11 Street is an a R5D zoning district and the remainder
12 of the rezoning area is an and R5B residential zoning
13 district. The proposed rezoning not change the
14 underlying districts which were part employees as
15 part of the 2010 story a rezoning. Our client owns
16 3801 23rd Avenue Lot 1, outlined in red on the slide.
17 It's in approximately 17,000 square foot lot improved
18 with a four-story 50 foot tall loft building with a
19 one-story interior portion. The building wait to you
20 see here was constructed in 1912. As part of the
21 story at Silk Works complex which formally took up
22 this block. It contains approximately 48,700 square
23 feet of floor area. They uses in the area have been
24 legal, nonconforming since the enactment of the 1961
25 zoning resolution and the building is legal

2 noncomplying with respect to bulk and is overbuilt by
3 about 19,000 square feet.

4 CHAIRPERSON MOYA: Can I just--

5 RACHEL SKAL: Today, the building--

6 CHAIRPERSON MOYA: I'm sorry. Can I just
7 ask you to move the microphone a little closer? I
8 Can--

9 RACHEL SKAL: Sorry.

10 CHAIRPERSON MOYA: Yeah. Thank you.

11 RACHEL SKAL: Today, the building contains
12 a mix of residential and commercial uses, including
13 offices, music rehearsal and production space,
14 acupuncture, a tattoo artist, a Cross Fit gym, and a
15 yoga studio. It's a bit of a local office park in
16 there. The rezoning area also encompasses lot 61 and
17 64. Lot 61 is improved with a two story mixed-use
18 building housing and auto body shop, building supply,
19 and residential uses lot-- sorry. And that's-- so
20 that's the black and yellow auto body entrance you
21 see right there, as well as the building on the right
22 in this photo. And then, lot 64 is improved with a
23 three story mixed-use building on the left there
24 housing a residential uses and a café with this
25 garage along 23rd Avenue. There is no development or

1 enlargement proposed with this rezoning. Rather, the
2 rezoning well aligned the zoning in the area with the
3 primarily non-residential character of this portion
4 of the block and will allow for the orderly and
5 lawful transition of uses in the future. It will
6 also allow the yoga studio and Cross Fit gym within
7 this building to seek physical culture establishment
8 special permits from the board of standards and
9 appeals. And the reason that we are seeking this
10 rezoning now is that several years ago my client
11 started receiving a little bit of attention from the
12 Department of buildings and, when he went to correct
13 his CO legalize uses within the building, we
14 discovered that back in nearly 1970s, a neighbor had
15 erroneously filed documents at the Department of
16 buildings claiming that his lot was merged with my
17 clients lot. It took a few years to undo all of
18 that. Now, we are seeking this rezoning which will
19 allow this to-- the best studio and Cross Fit gym to
20 seek those two PCE special permits which, in turn,
21 well I'll my client to update the CO for his building
22 and have everything in order. And we are happy to
23 answer any questions.

2 CHAIRPERSON MOYA: Thank you. Just two
3 quick questions and I'm not sure if you said this. I
4 might not have heard it. But, as this building
5 always been included in the nonconforming use?

6 RACHEL SKAL: Right. So it's been-- they
7 uses have been nonconforming since the 1961 zoning
8 resolution went into place.

9 CHAIRPERSON MOYA: Okay. And is there any
10 plan development expected on site or the adjacent
11 site as a result of the rezoning?

12 RACHEL SKAL: There is no development
13 expected.

14 CHAIRPERSON MOYA: That's it. Thank you
15 very much.

16 RACHEL SKAL: Thank you.

17 CHAIRPERSON MOYA: Thank you for your
18 testimony. Are there any other members of the public
19 who ways to testify? Seeing them, and now close the
20 public hearing on this application and it will be
21 laid over. Our next hearing is on LU number 466 for
22 the 115 West 18th Street garage special permit for
23 property in Council Speaker Johnson's district in
24 Manhattan. The applicant seeks approval for a
25 special permit to allow a 180 the space attended

2 accessory parking garage within a future as of right
3 mixed-use development to be located at 115 West 18th
4 Street, which is in the special West Chelsea
5 district. And also with in a C 62 zoning district.
6 The development would include approximately 181
7 dwelling unit, approximately 18,000 square feet of
8 retail space, absent the special permit approximately
9 41 accessory parking spaces located at the cellar
10 level. I know that the application has been modified
11 since it was certified and began the public process
12 review. Prior to this city planning commissions
13 vote, the applicant modified its application by,
14 among other changes, reducing the total amount of
15 requested spaces from 180 to 110, adding new public
16 bicycles spaces and reducing the number of proposed
17 parking stackers. I now opened the public hearing on
18 this application and we call up Ethel Goodman. Jeff
19 Rubin. Seth Wright. And, counsel, can you please
20 square in the panel?

21 LEGAL COUNSEL: Please state your full
22 name for the-- as part of your response. Do you
23 swear or affirm that the testimony you are about to
24 give be the truth, the whole truth, and nothing but
25

2 the truth and that you will answer all questions
3 truthfully?

4 ETHAN GOODMAN: Ethan Goodman. I do.

5 SETH WRIGHT: Seth Wright. I do.

6 BETTY MCINTOSH: Betty McIntosh.

7 JEFF RUBIN: Jeff Rubin. I did.

8 LEGAL COUNSEL: Ms. McIntosh, sorry. If
9 you could fill out a speaker card and submit it to
10 the Sergeant-at-arms?

11 CHAIRPERSON MOYA: Can you fill out-- we
12 need you to fill out one of these, if you could.

13 BETTY MCINTOSH: Are you talking to me?

14 CHAIRPERSON MOYA: Yes.

15 SERGEANT-AT-ARMS: Yes.

16 BETTY MCINTOSH: Yes. I found one out.
17 I gave it to the officer.

18 CHAIRPERSON MOYA: Oh, sorry. It was
19 marked incorrectly. Oh. Got it. Oh.

20 [Backroom comments]

21 BETTY MCINTOSH: I gave it to the--

22 CHAIRPERSON MOYA: So, Ms. McIntosh, we
23 will bring you up at the next panel. These are the
24 presenters for the proposal and then we will bring
25

2 you in any other member of the public that is
3 testifying in support or in opposition right after.

4 BETTY MCINTOSH: Okay.

5 CHAIRPERSON MOYA: I also want to tell
6 folks please leave until we call your name before
7 coming up to the panel so we can avoid the confusion.
8 Thank you.

9 ETHAN GOODMAN: Okay. Good morning,
10 Chair Moya, Council members. Thank you for having us
11 today. My name is Ethan Goodman. I'm with the firm
12 of Fox Rothschild and we represent the applicant for
13 an accessory parking garage at 515 West 18th Street.
14 The site is located on the corner of 10th Avenue and
15 West 18th Street and extends to West 19th Street in
16 places, as well. Currently, there is a 181 unit
17 building under construction. Zoning permits a 41
18 space accessory parking garage here as of right and,
19 by way of background, the site was substantially
20 excavated to remediate contaminated soils pursuant to
21 a New York State Brownfields cleanup program. As a
22 result, this resulted in a substantial amount of
23 removal of soils and excavation, which left us with
24 an approximately 36,000 square foot excavated sellers
25 space that needed to be programmed. Because of the

1 floodplain here is fairly high, it makes the cellar
2 unusable for a lot of users: retail and amenity. And
3 we determine that parking was really the most viable
4 and appropriate use of the cellar. So, pursuant to
5 the special permit we are applying under, there is
6 certain quantitative findings that have been
7 established to ensure the number of spaces you are
8 requesting is appropriate. And one of those is
9 looking at the neighborhood vicinity and how many
10 parking spaces have been developed in the past 10
11 years versus the number of residential units that
12 have been developed. This is somewhat different than
13 the regulations that were in place before the special
14 permit was passed with the intention that some of
15 these special permits were intended to serve not
16 necessarily just the building, but also the larger
17 neighborhood given that some of those buildings would
18 not build their own parking. And so we looked at
19 that and then I am joined doing-- thank Jeff Rubin
20 of Philip Habib and Associates that did the parking
21 demand study and we determined in the past 10 years
22 and then approximately seven block radius, there are
23 over 2000 new residential buildings that were
24 developed, yet only a net increase of about 77

1 residential parking spaces. This translates to a
2 four percent residential parking growth ratio and a
3 special permit allows for the application of spaces
4 to fill up to a 20 percent target for the
5 neighborhood. So, currently substantially below
6 that. And what's happened in the last 10 years in
7 the neighborhood is that these units-- a lot of
8 these units are in building that built no parking
9 whatsoever. And so, we saw at least about 20
10 buildings constructed with over 500 dwelling units
11 that had no parking. And that means that new
12 residents that generally own cars at a ratio of about
13 1 to 4 brought over 500 additional cars in the
14 neighborhood in the past 10 years. So, initial
15 application requested an increase of 141 spaces over
16 the as of right 41 spaces. Sorry, the math is off.
17 139 spaces. And that would result in 100 A.D. phase
18 overall garage. That would increase the ratio to
19 eight percent, which is still well below the 20
20 percent ratio that is permitted. The community
21 board, as well as the borough president and city
22 planning commission did raise concerns on a couple of
23 friends, one of which seems to be an ongoing about
24 the findings for this special permit, which talks
25

2 about neighborhood parking and not just parking to
3 the building for which its accessory. And, if you
4 look at just the building, the way the numbers work
5 out, although this wasn't intentional, we have 181
6 space building and 180 space parking facility. So,
7 some saw that is, essentially, a one-to-one ratio of
8 spaces to people today units in the building, which
9 was not intended. So, in response to these concerns,
10 what we did is leverage is the request by more than
11 50 percent and the request is now to add C9
12 additional space is to have 110 total. We did that
13 by removing substantial number of stackers and
14 sellers space by converting some space to residential
15 storage and also by responding to another concern of
16 the borough president and city planning commission
17 which is to provide affordable bike parking. We have
18 provided 20 bike parking spaces for the public in
19 this car. We have committed to affordable pricing of
20 about five dollars a day for Steve is and these are
21 over of the accessory bike parking spaces that would
22 be in the first floor of the building for building
23 residents. And this reduction, there is a logic
24 here. And what this reduction does is it links the
25 spaces more closely to the demand from the building

1 to which it is accessory. We've got a balancing here
2 with a lot of big units, based on census data that we
3 put together, the building is estimated to generate a
4 demand for about 115 spaces, so we have reduced the
5 number two and number less than that, which is 110
6 spaces, well within the demand that will be generated
7 for the building. So, again, the building is no
8 longer intended to house cars, necessarily, from
9 outside the neighborhood or from even outside
10 buildings in the neighborhoods or transients. It's
11 really focused just on the residents of the building.
12 And so there are other findings which are qualitative
13 for the special permit and that how will this affect
14 the functioning of the street? We want to be clear.
15 Right now, there are about five curb cuts on the
16 north side of the street. This building and the
17 parking garage will reduce that to one curb cut.
18 That curb cut located meant block, very far from the
19 intersections of both the West side Highway, 11th
20 Avenue, and the high line stairs on 10th Avenue to
21 the east. The size of the garage, our traffic
22 analysis indicates, are relatively few cars will
23 enter and exit in the peak hour and there are a few
24 peak hour pedestrians or bicycles that go down this
25

2 street, too. We think it's well situated and very
3 safe as far as the neighborhood. That summarizes our
4 formal presentation. My colleagues from Philip Habib
5 and Associates are here with respect to any questions
6 you have in the environmental review or the layout of
7 the garage.

8 CHAIRPERSON MOYA: Thank you. Can we just
9 go back to the number of parking spaces? So, the
10 borough president recommended that if the reduced to
11 100. You modified it to 110, but why did you only
12 bring down the number of spaces to 110 and not 100?

13 ETHAN GOODMAN: Right. Right. We
14 wanted to make sure our modification was rooted and
15 sort of something that's not just an arbitrary
16 modification. It was rooted in methodology that
17 would tie closely to the demand from the building and
18 we really pulled senses stayed on the demand for the
19 building and got to a number that is close to about
20 110. There is a second component here also and
21 that's that another recommendation of the borough
22 presidents was that we employ-- we tried again in a
23 car shares service. She-- I think she--

24 CHAIRPERSON MOYA: [inaudible 00:25:37]

2 ETHAN GOODMAN: or car-rental. We'd
3 still like to do that. We know car shares services,
4 while the zoning permits up to 20 percent of the
5 garage to be used for car share, typically car shares
6 services such as Zipcar and other don't really want
7 as many spaces as that. They usually want closer to,
8 maybe, six or eight or 10 spaces. So, we wanted to
9 give a little bit of room even above the 100 to be
10 able to continue to pursue car share for this garage.

11 CHAIRPERSON MOYA: Uh-hm.

12 ETHAN GOODMAN: Although, we can't
13 commit to that today because we don't have a deal
14 with a car sharing service. But there is a little
15 buffer in there for that.

16 CHAIRPERSON MOYA: So, go back to your
17 methodology--

18 ETHAN GOODMAN: Right.

19 CHAIRPERSON MOYA: for coming up with this.
20 You said you did a census study?

21 ETHAN GOODMAN: That's right.

22 CHAIRPERSON MOYA: And can you tell me a
23 little bit about that?

24 ETHAN GOODMAN: Sure.

25 CHAIRPERSON MOYA: Yeah.

2 ETHAN GOODMAN: So, census data is,
3 basically, provides-- there's some cross tabs on
4 census data and they've got a subset of data from the
5 American community survey that, basically, senses
6 availability of vehicles to people who live in census
7 tracts. So, we looked at me immediately surrounding
8 census tracks and we looked at-- we basically--
9 I'll go back to the page that shows it.

10 CHAIRPERSON MOYA: Uh-hm.

11 ETHAN GOODMAN: This 181 unit building,
12 while overall census tracts in the area have
13 generally a ratio of between 26 and 35 percent car
14 ownership, our units are very heavily weighted toward
15 large units that would house families and census data
16 really shows, as the number of people in the
17 household increases, the percentage of car ownership
18 increases substantially, as well. And so we crossed
19 tab do with both sides of units and also, generally,
20 household incomes. Lately more affluent incomes tend
21 to have car ownership

22 at a higher level, too. And so,
23 processing that data together with this particular
24 building, not just applying a generic number to the
25 neighborhood, really good you to a number of that--

2 really, a conservative number of 150 and it could
3 likely be higher than that, but that's a conservative
4 number.

5 CHAIRPERSON MOYA: Okay. Thank you. And
6 are there any-- I should say what other as of right
7 uses debut consider for the space and why weren't
8 they viable?

9 ETHAN GOODMAN: So, there are not a lot
10 of as of right uses you can put in here because of
11 the flood regulations without essentially drive flood
12 proofing this entire area and having it in a bathtub.
13 You can put in certain amount of residential storage.
14 Nonactive uses. We couldn't put in a residential
15 amenities space. You could put in some retail uses,
16 but they would really have to be limited to a more
17 retail storage uses. Active retailing spaces are
18 held to a higher standard, as well. So that was
19 difficult. There is also a leasing difficulty with
20 seller retail space in the area, as well. And so,
21 you know, initially looking at all so what's happened
22 in the past-- in the neighborhood in the past 10
23 years, there really seem to be a lot of people
24 bringing cars and in the neighborhood, so it really
25 seemed to be a use that was in high demand. And so

2 we went with parking and we think it would be very
3 difficult to occupy the space with too much more use
4 as far as residential storage that would actually be
5 utilized.

6 CHAIRPERSON MOYA: Okay. Thank you.

7 ETHAN GOODMAN: Thank you.

8 CHAIRPERSON MOYA: Thank you very much for
9 your testimony.

10 [background comments]

11 CHAIRPERSON MOYA: I'd now like to call up
12 Betty McIntosh. Good morning.

13 BETTY MCINTOSH: Good morning. My name
14 is Betty McIntosh. I am co-chair--

15 CHAIRPERSON MOYA: Can you just make sure
16 that the microphone is turned on?

17 BETTY MCINTOSH: Oh. Okay.

18 CHAIRPERSON MOYA: There you go.

19 BETTY MCINTOSH: How's that? Better?

20 CHAIRPERSON MOYA: That's perfect.

21 BETTY MCINTOSH: Okay.

22 CHAIRPERSON MOYA: Thank you.

23 BETTY MCINTOSH: I'm still Betty
24 McIntosh. I am co-chair of the Manhattan community
25 board for Chelsea land use committee. As stated in

our March 14th letter, the board recommends that the application for the special permit for additional accessory parking 551 West 18th be denied. We believe that the number of proposed accessory parking spaces should be restricted to those available as of right. 36 accessory parking spaces for the 181 residential units and five for the commercial space. Certainly, the city planning commission's reduction to 110 spaces is in the right direction. That is 69 spaces more than what would be permitted as of right. The additional parking, we believe, would negatively impact the neighborhood character. The subject building is in the center of tourist destinations between Highline Park, the Hudson River Park, and Chelsea Piers. Art galleries and the Whitney Museum are nearby. The existing land streetscape is not car oriented. Thousands of visitors come to see these attractions and walk from nearby public transit or bike-- or ride bicycles. The board is concerned about the increase in traffic created by new residential developments and West Chelsea. For example, just south of the subject site, construction is to be completed in 2024 two interconnected towers with 236 apartments and 137 room hotel. There will

1 be driveways entering midblock on West 17th Street
2 and 18th Street for that project. Additional cars
3 will create pedestrian safety issues already in this
4 area. From May 2015 to May 2019, there were 38
5 injuries for bike riders, pedestrians, and motorists.
6 And we are also concerned that the special permit for
7 more additional parking spaces, the spaces would not
8 be fully utilized by the residents of that is 515 W.
9 18th Street. The Department of city planning-- now,
10 the applicants data may be better-- stated that in
11 2015, the data for vehicle ownership in Manhattan
12 core indicates that vehicle ownership rate was 23
13 percent. The rate for households earning 130,000
14 dollars or more was 34 percent. And assume that
15 percent, about 62 parking spaces would be needed for
16 the new 181 apartments. And the applicant has stated
17 that, if all the parking spaces are not used by the
18 residents, the remaining spaces would be rented to
19 nonresidents. This could result and transient
20 parking which we oppose. Thank you.

22 CHAIRPERSON MOYA: Thank you. Thank you so
23 much for your testimony today.

24 BETTY MCINTOSH: Okay.

2 CHAIRPERSON MOYA: Are there any other
3 members of the public who witness to testify on this
4 item? Seeing none, I now enclose the public hearing
5 on this application and it will be laid over. Our
6 next hearing is on LU number 464 and 465 for the
7 Kissena center rezoning for property in Council
8 member Koo's district in Queens. The applicant
9 sought approval for a zoning map amendment to rezone
10 an existing R 32 district to R 7 A and R 7 A C23
11 districts as well as a related zoning text amendment
12 to establish a mandatory inclusionary housing area
13 with MIH option two. As proposed, these actions
14 would have facilitated the development of any story
15 mixed-use building can approximately 59,000 square
16 feet of ground floor retail, approximately 15,000
17 square feet of community facility and residential
18 amenities space on the second floor, and
19 approximately 235,000 square feet of residential use
20 or approximately 244 dwelling units on floors three
21 through eight. The city planning commission voted to
22 modify the proposal to change the proposed R 7 A C 23
23 zoning district to and R 6 A C 23 district. The
24 commission also modified the application to reduce
25 the zoning boundary line from a distance originally

2 ending at Laburnum (sp?) Avenue to the distance of
3 365 feet southeasterly of Holly Avenue. I now open
4 the public hearing on this application and I would
5 like to call up Jodi Stein, Nicholas Brown, and John
6 Clifford. Oh, yes. And before we swear in the
7 panel, I would just like to turn it over to Council
8 member Koo for his remarks.

9 COUNCIL MEMBER KOO: Thank you. Thank
10 you, Chair Moya. Yeah. Hello, everyone. Yeah.
11 Welcome to City Hall and I believe many of you, this
12 is the first time you are here and also the first
13 public hearing you attend. And we also want to
14 welcome another newborn baby-- a baby here, too.
15 This is her first time in the city government
16 building. I am Council member Koo. We are here
17 today to discuss the rezoning of the 46 - 15 Kissena
18 Boulevard by Kimco Realty proposed to zone the
19 property to R 6 A with A C 2 - 3 overlay. This
20 location, Harley Avenue and Cassandra Boulevard is a
21 dividing line between high density downtown Flushing
22 and the low density neighborhood of Kissena Park. On
23 the north side of Harley, we have a seven story
24 building, so I can surely see why one might think the
25 south side of Harley could have a similar scale. My

1 issue with this project is that, while the location
2 may serve as the gateway to the downtown Flushing,
3 the other side and is low density residential homes a
4 few stories high. We rezoned Kissena Park in 2005
5 and intend to keep the areas residential charm. We
6 have to draw the line somewhere, but if we keep
7 moving the goal posts, I eventually we will run out
8 of failed. I do worry about the-- this will send a
9 precedent by extending downtown Flushing's footprint
10 passed Harley. We encourage contextual development
11 and flashing and I commend that developer for meeting
12 specifics and the residents of the community board
13 and for continuing making adjustments along the way.
14 So we would like to hear from the public on this
15 project. I think everyone for coming out today.
16 Thank you.

18 CHAIRPERSON MOYA: Thank you, Council
19 member Koo. Counsel, if you could please swear in
20 the panel.

21 LEGAL COUNSEL: Please state your full
22 name as part of your response. Do you swear or
23 affirm that the testimony you are about to give will
24 see the truth, the whole truth, and nothing but the
25

2 truth and that you will answer all questions
3 truthfully?

4 JODI STEIN: Jodi Stein. I do.

5 JOHN CLIFFORD: John Clifford. I do.

6 NICK BROWN: Nick Brown. I do.

7 LEGAL COUNSEL: Thank you.

8 CHAIRPERSON MOYA: Thank you. You may
9 begin.

10 JODI STEIN: Thank you. Good morning,
11 Council members. This project we hope to-- For
12 Kissena Boulevard, we hope to be responsive to the
13 community and the Council members concerns. My name
14 is Jodi Stein. I am land-use counsel from Harrick,
15 Fein and Steen (sp?). Sitting to my left is John
16 Clifford from S9 Architecture and to my right is the
17 applicant, Nick Brown from Kimco. I'd like to just
18 turn it over to Nick Brown for a few minutes to talk
19 about the property and Kimco in general.

20 NICK BROWN: Good morning to the chair and
21 Council members. Thank you for your time today. We
22 appreciate it. I thought it would be helpful just to
23 start off with a few quick words about who Kimco is
24 as a company. Had the opportunity to meet many of
25 you and some of you are familiar with Kimco, but for

1 those of you who aren't I thought it would be helpful
2 to give a little bit of context. Kimco has been in
3 business for over 60 years. We are owners and
4 operators of shopping center properties and mixed-use
5 properties throughout the country. We own over 400
6 properties and although we do have a national
7 footprint, we are very much a local company, as well.
8 We are headquartered about 15 minutes used of the
9 subject property that we are going to be talking
10 about today. From a general standpoint, our
11 strategy, as an owner, is always to take a look at
12 our existing properties and figure out how can we
13 make them better. How can we improve upon them from
14 what they are today? And throughout that process, we
15 are always looking, from a general standpoint, to try
16 to create an environment that is more vibrant, that's
17 clean, upscale. Something that's more modern and a
18 place that creates a cohesive sense of community. A
19 place where people can live, they can shop, and they
20 can work there, as well. What we have found is that,
21 historically, this has been a mutually beneficial
22 strategy, not just for Kimco, as far as our
23 objectives, but what this does is it also benefits
24 the surrounding community, benefits for residents,
25

and that benefits for local businesses, as well. One other important point to know is that Kimco, from a strategy, is also a long-term holder of our properties. That's especially true for properties that are located in large markets like New York City. There are many properties that we've held for 30, 40, 50 some odd years. And the reason why think that's important to mention today is, as you will hear as Jodi and John get into a little that further, is that when we look to design this property, we need to make sure that it makes sense not just for day one. That's the perspective of someone who's looking to sell out their property. They want to build it, develop it, and flip it. For us, we want to hold it long term. It needs to be a site that is appropriately designed. It's convenient for the shoppers and that satisfies the needs of the community. So, I think you will hear some of how we approach that today. As far as this specific site, this is the property that we had purchased roughly 10 years ago and we've held it since. We haven't had an opportunity until today to redevelop the site because of the existing lease terms, but now that those leases are expiring, we have this opportunity in

2 front of us to move forward with the project that you
3 will hear about. And, when we sat down and worked
4 with John and his design team, we challenged them
5 with a few different objectives. And the first thing
6 that we look to do and asked John in his architecture
7 team to tried to address were some significant design
8 flaws that existed on day one when Kimco acquired the
9 property. We looked at the site and we recognized--
10 and these are some of the things that Jodi will speak
11 to a little further, but first and foremost, they
12 access to the site does not work very well as far as
13 cars pulling into the property. It's not easy to get
14 in and out and what that does is it tends to create a
15 traffic backlog out onto Kissena Boulevard. So, we
16 came up with what we think is a pretty good solution
17 to address that access issue. We also recognize
18 that, from a pedestrian standpoint, people trying to
19 access the storefronts from the sidewalks is not
20 always easy to do if you are trying to navigate
21 between cars pulling in, cars parking, trucks moving
22 around. So we realize that there is an opportunity
23 there to make this a much more welcoming environment
24 for the pedestrians and people looking to get into
25 the site by foot. And then, finally, we also

2 recognize-- and part of this came from talking to
3 the local neighbors here, that there is a real
4 incompatibility that exists in terms of the rear of
5 the shopping center and no residents that directly
6 about it. The issue is that the back of house, the
7 loading with the trucks and sounds, the smells from
8 the garbage and everything else that goes along with
9 having a grocery store that abuts residences, it's
10 not compatible, as hard as we tried, to work with the
11 operator to clean that up. There will always be
12 issues there until we move forward with the solution
13 which we think is a pretty elegant one as far as
14 pushing all of those usage down underground and I'll
15 illuminating them from the rear of those residences.
16 So, those are some of the themes that Jodi is going
17 to speak to a little bit further, and John, as well.
18 Again, thank you for your time this morning and, with
19 that, I will turn it over to them.

20 JODI STEIN: So, good morning. As we
21 look at our first slide and way look at the project
22 site, along Kissena Boulevard you'll see to the North
23 45th Avenue. In between 45th Avenue, the project--
24 and Holly Avenue, the project starts for the boundary
25 line and it goes to almost the middle of Holly to

1 Laburnum. And you'll see that Kissena is a north-
2 southbound traffic Road. As we go on to the next,
3 you'll see when we were originally certified with our
4 plan and we were working with city planning, for
5 approximately three years on coming up with a
6 proposal for this rezoning area, we started with city
7 planning at an R 7 A. After speaking with the
8 community and many different land-use meetings at the
9 community board and the community board meeting in
10 the borough president meeting, we have reduced the
11 size of the rezoning area to remove the lot that it's
12 at the corner of Laburnum and Kissena Boulevard,
13 which was a problematic property according to the
14 community board. And we also went from an R 7 A to
15 an R 6 A. So the commercial overlay remained the
16 same, but we found zoned ourselves based on community
17 impact and made the rezoning area smaller.

18
19 This is a view looking north on Kissena.
20 You can see the shopping center. The blue and orange
21 shopping center that currently exists. You can see
22 the cars in the parking lot and the pedestrian
23 walkway that people have to cross through. And
24 through the parking lot to get to these supermarket
25 sites. You will also see, as you look north on

1 Kissena, there--- and part of the rezoning area there
2 is a five story and seven story building that will
3 come into compliance with this rezoning and that is
4 just north of Holly Avenue. And passed to the
5 rezoning area, which you can also see, there is a 12
6 story, and eight story building on the same block
7 south of 45th Avenue that also exists. And you can
8 see in that picture. If you look at the existing
9 site again, you can see what Nick was referring to in
10 his testimony where the parking lot comes up against
11 Kissena Boulevard and pedestrians have to cross
12 through that and traffic is queuing into those two
13 egress and entrances along Kissena Boulevard. And
14 then you can also see what Nick was referring to when
15 he talked about the traffic and the loading abutting
16 the rear residences both on the side and rear, which
17 is just not the best situation for the residences and
18 for our neighbors. When we started out this project
19 again, we started out being certified as an R 7 A
20 with an eight story building and you can see that
21 rendering on the left. You can also see the proposed
22 development site both to the south and to the north
23 of the project site. And then, when we down zoned to
24 an R 6 A ourselves and also shortened the rezoning
25

2 area, the lot to the south came out of the
3 development site and we ended up with a six story--
4 sorry. Seven story building and you can see that
5 that carries north, the R 6 A.

6 What we've recently proposed to the
7 Councilman, you know, we heard was still unhappy and
8 when we met with the Civics and the community board,
9 you know, we heard them loud and clear and took it
10 very seriously as being part of-- and neighbor in
11 the neighborhood and we've come down further. So, we
12 remain the same in the R 6 A district, but we will
13 restrict our building 205 story building both along
14 Kissena and in the rear, as you'll see when John
15 pointed out to you. This-- it gives a nice
16 transition, as, from the buildings across Holly North
17 down to this area.

18 JOHN CLIFFORD: Good morning. The plan
19 before you is a site and roof plan where we are
20 showing the changes that we made in the many meetings
21 that we have had with members of the community and
22 the community board. They are highlighted on the
23 plan and in this section. So, first and foremost,
24 the original application had a building height of 95
25 feet that, through the different iterations that Jodi

1 Chaz showed, we are now down to a five story building
2 of 65 feet in height, reduction of about a third in
3 height. We have decreased the density by 53 percent
4 and the number of residential units proposed from 244
5 to 114. We have increased setbacks both in the rear
6 and south side that are not required by zoning to a
7 minimum of eight feet and are showing that that will
8 be provided via restrictive declaration. We have
9 increased the residential rear yard accordingly from
10 a required 30 feet to an increase of 45 feet on the
11 north side of the property. We've also located the
12 towers particularly on the north side so that we
13 could increase the rear yards of the Holly residents
14 to increase the distance of the five story tower from
15 30 feet to 65 feet, shown over here. This slide
16 shows the different iterations of how you've worked
17 with the community and our many meanings to reduce
18 the impact that they perceived, particularly in terms
19 of density and height. So, the left hand column
20 shows the original application of R 7 A, then a
21 reduction to R 6 A, then a reduction R 6 A where we
22 reduced the stories even further and, finally, what
23 we are here for today is the five story R 6 A. So,
24 what you can see on the far right column is the
25

1 reduction in these uses. In terms of FAR from what
2 permanent and in the original application to a 4.65
3 now we are down to a 3.6, a reduction of 22 percent
4 for the total FAR we've gone from an R 7 A of 4.49
5 down to 2.71 with this five-story building. For the
6 zoning floor area, particularly in the residential,
7 we've reduced the residential zoning floor area by 50
8 percent. The number of units reduced accordingly
9 from 244 to 114 units. The parking, however, was a
10 concern for the neighborhood. We are providing about
11 230 percent more parking than would be required by
12 zoning and we took a very conservative approach for--
13 in that calculation. We also took a very
14 conservative approach for the commercial parking
15 using the most stringent use group parking
16 requirement and applying that to the overall
17 commercial footprint.

18
19 Just going through the floor plans,
20 because it alludes to some of the things-- and we
21 will show you some existing conditions that Jodi and
22 neck described earlier. So, the ground floors on the
23 upper right. Commercial with the residential lobby
24 and the community facility lobby and you can see that
25 there is a long driveway that goes down to the cellar

1 where the parking and all the servicing will be
2 contained. You can see that into levels of
3 underground parking at the bottom of the page. We
4 worked with our traffic engineers listening to the
5 community about the problem with stacking and backing
6 up onto Kissena Boulevard and we feel this will
7 eliminate all of that and, again, as Nick had said
8 earlier, it moves all of the servicing and rubbish
9 removal and things like that for the entire block
10 below grade and no wave from the homes both to the
11 north and to Union Street. On the upper left, the
12 second floor shows the community facility in the
13 lavender collar and then the residential towers with
14 their modified and enhanced setbacks in response to
15 community concerns and discussions.

17 So, as Nick mentioned before, the
18 existing site, which was developed a long time ago,
19 has some inherent problems in terms to adjacency with
20 the residential on both the north in the. In the
21 rear right up against the property line and not
22 bottom left photograph, those are the rear yards of
23 the homes on Union and you can see that the
24 ventilation, the rubbish dumpsters, trucks, and so
25 forth and security lights are all in the backyards.

1 On the right hand side, you can see where that also
2 affects the rear yards of the people on Holly. Their
3 fence is to the right right there. And you can see
4 the existing section on the top man at literally has
5 the trucks and dumpsters right behind us six or eight
6 foot high fence on the rear property line. This fall
7 be moved underground so there will be no noise,
8 light, or odor that would affect the adjoining
9 residences. And then, we've been working with
10 members of the community immediately adjacent and how
11 that treatment can be done because there yards of
12 thought. We are providing an eight foot additional
13 setback from the property line above what's required
14 that we are going to work to see how they want to
15 have it treated with landscaping, fencing, and
16 architectural treatment or green walls on the podium
17 of the building near the zoning district line.
18 Finally, for traffic, which was a significant concern
19 when we first started meeting with the community--
20 we worked with VHB, our traffic engineer, as well as
21 local information provided by residents of the
22 community. So, as you saw earlier in the existing
23 slide, there are two existing curb cut on to Kissena
24 with no throat for stacking's cars enter and exit the
25

2 parking facility. We are eliminating one of those
3 curb cuts up at Juniper and adding and on street
4 parking space, which is also concern of the
5 community. And then, having only one entry into the
6 new development at a news signal at Cal Mia with that
7 long throat that brings all of the parking service
8 down into this so both inbound and outbound have
9 about 300 feet of stacking in both directions. The
10 thing that does is calmly and currently has a
11 pedestrian crosswalk across Kissena no control for
12 pedestrian crossing. This signal well allow a safe
13 crossing of Kissena and, of course, we are adding
14 another crosswalk on the south side of Kissena. As
15 you had no on Kissena on the Laburnum side, we are
16 adding a right turn only lane between Laburnum and
17 the news signal so that there will not be any
18 stacking caused by turning vehicles going into the
19 project from the South and then, additionally, coming
20 from the north we are eliminating a few on street
21 parking spaces so that way we can create a dedicated
22 left turn lane so that southbound traffic can move
23 freely and won't be hindered by turning vehicles
24 which exists now in this corridor between Holly and
25 Laburnum. So that's what we wanted to eliminate and

2 this, again, was based on many conversations with
3 members of the community and concurrently we have
4 been working with DOT. DOT seems to be very much in
5 favor of this and both conversations are ongoing.

6 JODI STEIN: So, the changes that we've
7 made were in response to many meetings with the
8 community board, many hours that we put in and both
9 the bulk height setback, the number of off street
10 parking spaces, the actual rezoning area, the
11 reduction of the rezoning area, and traffic which we
12 really, you know, as analyzed, should be better after
13 the project is built with these changes that we
14 worked through with the community that go above and
15 beyond the typical mitigation measures that are
16 required in a typical ULRP process. And working with
17 the council members, the local council member,
18 Council member Koo, you know, it's been extremely
19 helpful to hear from him and reiterate the
20 community's concern, which we helpfully were
21 responsive enough. And the benefits for the
22 neighborhood, which we hope that they see in the
23 future are the neighborhood investment, the job
24 creation. We hope to utilize that community
25 facilities space with something useful and great for

1 the community. The affordable housing, which we know
2 is much needed. We have committed to the grocery
3 store, to putting one back because we heard that that
4 was a very important for the community. We have
5 improvements to the existing access and streetscape
6 to get rid of that dangerous condition that exists
7 now and improvements to the rear yard condition which
8 we hope will be beneficial for our neighboring
9 residences. We went around the community and we were
10 able to get 1100 signatures from the local community.
11 And these are just maps showing where those
12 signatures came from in support of all the community
13 members. And you can see, on the right hand side,
14 our project area and how close so many of these
15 petitioners who signed the petition are to the actual
16 project area. So, we so to this community. We hope
17 that we have been responsive to the community board
18 and the civic group and the Council member. And
19 thank you very much.

21 NICK BROWN: And I'd just like to add one
22 final note in closing here. This is just relating to
23 the public review process and our engagement with the
24 community about it. Although we did mean early on--
25 this has been a long road getting here, as. A few

1 years in the making, although we did meet with
2 Council member Koo's office early on, as well as
3 community board seven leadership. I think we
4 recognize today that, in hindsight, we certainly
5 could have done a better job in terms of keeping the
6 lines of communication open with the stakeholders all
7 the way up through to the certification process. To
8 the extent that we fell short in that regard. That
9 certainly on us as the owner. We take accountability
10 and responsibility for that. But, I think it's also
11 equally important to note what we've done since the
12 ULRP clock has started and the project got certified.
13 All of the efforts that we made that Jodi outlined in
14 terms of that extensive outreach, what we said at the
15 community board seven vote when that happened was
16 that we still want to keep the communication open.
17 We are true to our word, sitting down in meeting with
18 the Civics to try to bridge that gap, and then even
19 going further, responding to all the comments that we
20 have seen through the different measures, and then,
21 even further. We also recognize the public process,
22 not everyone is always engaged and there are
23 certainly a lot of members of the community that the
24 project impacts. We wanted to make sure that they
25

1 were aware of the project, personally and going door-
2 to-door on more than one occasion with renderings,
3 explanations of the projects. Everyone is educated
4 and understood what it was all about, had an
5 opportunity to ask questions and hearing-- we were
6 delighted to hear that many of them did support the
7 project. We went further beyond that sort of door-
8 to-door walk by sending canvassers out into the
9 streets of Flushing. That was a period of two weeks
10 and, as Jodi mentioned, even within that short time
11 frame, over 1000 supporters. We were very encouraged
12 to see that, as well. So, I think that sort of an
13 important part of the history and, as we move this
14 forward, I also do want to say, and sitting down with
15 the Civics and listening to them-- and we will hear
16 some of their concerns now shortly, we certainly are
17 sympathetic to all of the issues that have been
18 raised. Where we are in this point of the project,
19 what I think is really important is that, in making
20 up your mind and the decision about what to do with
21 the rezoning in front of you, Wade look at this
22 through a broader lens, if you will and we examine
23 the interests, not just for the people right in that
24 community, but they're out broader Flushing,
25

2 throughout the broader borough, and throughout the
3 city of New York and we hope that you will agree
4 that, based on the benefits that this project does
5 provide in terms of local businesses coming into new
6 retail space-- we talked about that community
7 facilities space which is a great opportunity in
8 itself. We also talked about providing much-needed
9 housing and also providing a solution to affordable
10 housing crisis. And when you examine all those
11 benefits, we hope that you will agree that this is a
12 project that really is in best interest of-- for the
13 people of Flushing, as well as the city. So, with
14 that, we thank you for your time and happy to answer
15 any questions.

16 CHAIRPERSON MOYA: Thank you. Just a few
17 questions before I turn it over to Council member
18 Koo. If we could just go back to the traffic issue,
19 can you just walk me through, again, the proposed
20 traffic mitigation in the conditional negative
21 declaration and what other proposed mitigation
22 strategies are you discussing with DOT?

23 JODI STEIN: So, the additional light is
24 part--

25 CHAIRPERSON MOYA: Uh-hm.

2 JODI STEIN: of the medication members
3 that were in the C & D and there were mostly just
4 changes to the timing on the light by like seconds of
5 how like the lights change. That was most of the
6 changes. We can have Alfred Young, who is here from
7 VHB, answer that question more fully in case I missed
8 anything, but I think that those were the changes
9 within the C & D restricted declaration.

10 CHAIRPERSON MOYA: When do you plan on
11 getting resolution on the other strategies with DOT?

12 JODI STEIN: So, we started the
13 conversation in March and just submitted something
14 recently and hope to hear back soon on not. But some
15 of the-- you know, they agreed to some of the day
16 lighting. So, removing some of those spots to allow
17 for the turning lanes. The striping of turning
18 lanes, I believe they will want to see you more when
19 the project opens, but they will allow for the room
20 for the turning lanes to happen so traffic can move
21 freely through and not block or queue up. Again, I
22 can have Alfred speak to more of his conversations
23 with DOT--

24 CHAIRPERSON MOYA: Okay.

25 JODI STEIN: specifically.

2 CHAIRPERSON MOYA: Thank you.

3 JODI STEIN: He'll testify.

4 CHAIRPERSON MOYA: Also, so how do you
5 respond to the community board's concerns that people
6 will not use the underground parking facility and
7 well instead use the public streets to park?

8 NICK BROWN: I could tackle that one. You
9 know, the access to the center, as far as the
10 queuing, that was all very carefully design. I think
11 we all have a very aligned interest in that regard.
12 If the parking doesn't work-- I mean, double parking
13 is never a good solution. There's always a risk you
14 could get ticketed, as well. We know that doesn't
15 stop some people from doing it, but, ultimately, the
16 way that the parking works has to be convenient. It
17 has to be easily accessible and we were very careful
18 in terms of creating enough room for people to
19 maneuver and enough vertical transportation for
20 people to get up from the parking garage up into the
21 retail spaces and to do that seamlessly. It
22 certainly in our best interest to make sure that that
23 is carefully designed. Based on other projects that
24 we have had which are very similar, we have found

2 that it does work and we have had success with it.
3 So, that adds to our level of confidence.

4 CHAIRPERSON MOYA: And do you plan the
5 charge for parking on the site?

6 NICK BROWN: We will not be charging for
7 the retail access. No.

8 CHAIRPERSON MOYA: Okay. Are you going to
9 say something?

10 JOHN CLIFFORD: Yeah. Just a few look
11 at this plan here, it's a valid concern making
12 underground parking as convenient as possible.

13 CHAIRPERSON MOYA: Uh-hm.

14 JOHN CLIFFORD: So, the commercial
15 parking is right here one story below the commercial
16 that is up here. It's very simple, very intuitive
17 parking layout, but we also have the vertical
18 transportation right here that comes up so it can go
19 directly into the grocery store. So, again, most of
20 the commercial traffic would be for groceries
21 shopping. And those people want to put their stuff
22 right in their car. We were clear that we wanted to
23 provide a direct inconvenient access for that.

24 NICK BROWN: And further to John's point,
25 as well, you know, we do anticipate on having some

2 level of attended parking in there, too. So, there
3 are people within the garage, so it's easier to use,
4 whether it's a valet service or security measures to
5 make sure that people are moving along and actually
6 parking where they are supposed to and that there is
7 no confusion for the shoppers.

8 CHAIRPERSON MOYA: Got it. And how well
9 the loading operate on the site for the commercial
10 use?

11 JOHN CLIFFORD: Loading on the screen
12 then set up now--

13 CHAIRPERSON MOYA: Uh-hm.

14 JOHN CLIFFORD: the tracks can come here
15 and turn and you see this rate is right here. They
16 turned here and they do one maneuver back up into the
17 loading docks right here and then they are freight
18 elevators that bring it all up to the upstairs,
19 whether it's residential or retail and then they just
20 drive straight out to the traffic signal and exit.

21 CHAIRPERSON MOYA: And just so for my
22 understanding, there is enough radius for the trucks
23 to turn in?

24 JOHN CLIFFORD: Yes. They don't have to
25 do once known as K turns--

2 CHAIRPERSON MOYA: Right.

3 JOHN CLIFFORD: or anything like that.

4 It's one maneuver so it can be easily done and, on
5 other retail centers with mixed-use parking, when we
6 have, you know, track and customer traffic--

7 CHAIRPERSON MOYA: Uh-hm.

8 JOHN CLIFFORD: we usually work with the
9 operator to do the deliveries, you know, and off
10 hours, early in the morning, and not Saturday morning
11 when there might be a peak. And that's when they
12 want to take their deliveries anyways because they
13 don't want to be doing stocking at a busy time.

14 CHAIRPERSON MOYA: I'm just making sure
15 that there is enough radius to turn in without having
16 to do the usual backing up and--

17 JOHN CLIFFORD: There is. There is both
18 enough radius for the turn and there is enough high
19 for the tracks because they have to be taller, so
20 there is 14 foot clearance that is provided.

21 CHAIRPERSON MOYA: I know that there was a
22 lot of concern with some of the residents that were
23 on the back side of the lot. What were the results
24 of the shadows study that you conducted for the
25 development site?

2 JODI STEIN: Yeah. So the shadows study
3 will have an impact and some of the seasons to the
4 house is in the rear, mostly. It's less than one
5 hour, generally. For one house and the rear it's a
6 more than one hour, but less than two in the peak
7 summer time and adds a in the afternoon, late
8 afternoon to evening hours.

9 CHAIRPERSON MOYA: And that was a reduction
10 from the original study?

11 JODI STEIN: So, it was, however, I will
12 say that that-- the study that I'm talking about did
13 have a seven-story portion on Kissena. We should be
14 getting back the five-story proposal either today or
15 tomorrow and I will be sure to send it to your
16 office, as well.

17 CHAIRPERSON MOYA: Please. Thank you.
18 There was also concern about the grocery store. What
19 are the proposed commercial uses expected to be on
20 site and do you plan to include the grocery store?

21 NICK BROWN: Yes.

22 CHAIRPERSON MOYA: [inaudible 01:08:25]

23 NICK BROWN: So, we have committed to
24 including a grocery store within this project. How
25 big the grocery store will ultimately be, I think

1 that is still an open question depending on who the
2 operators are that come forward. We have already
3 started active dialogue with multiple grocery
4 operators, but that is something that we have
5 committed to moving forward with the grocer does not
6 take up the entire ground level space, there would be
7 an opportunity to bring in additional retail and our
8 focus there would be to include local businesses
9 within this project.

11 CHAIRPERSON MOYA: Great. I have two more
12 questions and then I'm going to turn it over to the
13 Council member Koo. What is the bedroom mix the
14 proposed development?

15 NICK BROWN: Yeah. So we have-- we've
16 laid out roughly percentage wise studios would
17 comprise about five percent of the project. About 35
18 percent would be one bedrooms. We had about 45
19 percent to bedrooms and then the balance would be
20 threes.

21 CHAIRPERSON MOYA: And what is your
22 commitment to creating prevailing wage jobs on this
23 site?

24

25

2 NICK BROWN: We committed to prevailing
3 wage for the operations of the residential portion of
4 the project.

5 CHAIRPERSON MOYA: Great. Thank you very
6 much. I now want to turn it over to Council member
7 Koo for questions.

8 COUNCIL MEMBER KOO: I forgot to turn on
9 my mic? Yeah. Thank you, Chair Moya. So, Nick,
10 you're the owner-- you are the manager of the
11 company, right?

12 NICK BROWN: I'm sorry?

13 COUNCIL MEMBER KOO: I forgot your last
14 name. Yeah. You are--

15 NICK BROWN: I didn't hear--

16 COUNCIL MEMBER KOO: Your last name.

17 JODI STEIN: Are you the owner or manager.
18 He's asking your last name.

19 NICK BROWN: Oh. Yeah. My last name is
20 Brown. Yes.

21 COUNCIL MEMBER KOO: Okay.

22 NICK BROWN: And I'm with Kimco and me on
23 behalf of Kimco. I am an employee of Kimco.

24 COUNCIL MEMBER KOO: You're here on
25 behalf of Kimco.

2 NICK BROWN: And Kimco is the owner.

3 Yes.

4 COUNCIL MEMBER KOO: Yeah. So how long
5 have you been managing the property?

6 NICK BROWN: Kimco, we acquired the
7 property roughly 10 years ago.

8 COUNCIL MEMBER KOO: Kimco acquired the
9 property 10 years ago?

10 NICK BROWN: Roughly. Yes. That's--

11 COUNCIL MEMBER KOO: Huh.

12 NICK BROWN: That's around when we first
13 acquired the property. Yes.

14 COUNCIL MEMBER KOO: I thought it phone
15 than that. You said 60 years, no?

16 NICK BROWN: Kimco has been in existence
17 of the company for over 60 years. This particular
18 site we acquired roughly 10 years ago.

19 COUNCIL MEMBER KOO: So, you have been
20 actively managing the site for the last 10 years.

21 NICK BROWN: Yes. Kimco has been-- We
22 serve as property management, as well, it's been
23 about a 10 year period that we have been involved
24 with this property.

2 COUNCIL MEMBER KOO: So, on the document
3 here, you show us on the back side of this property--

4 NICK BROWN: Yes.

5 COUNCIL MEMBER KOO: it was very lousy,
6 dirty and everything, you know, so are you saying if
7 this project doesn't move forward, you will keep the
8 condition the same?

9 NICK BROWN: Yeah. So, the conditions
10 that you are referring to, in many respects, we have
11 a lease, certainly, with all of our tenants and the
12 tenants are involved in bringing their trash out and
13 coordinating the deliveries back and forth with the
14 site. So, throughout the leaves, you know, we are--
15 we manage many aspects of the property, as far as,
16 you know, the trash-- there is a trash removal
17 process, but a lot of that falls within the tenants
18 responsibility as far as taking the trash out and how
19 that is coordinated. We tried to regulate that
20 through the leaves to make sure that that is done in
21 a way that is appropriate, but that is an ongoing
22 battle with tenants at any property is how they are
23 managing their trash. And so, what we've said is,
24 with this property, all those issues as far as the
25 back and forth in challenging between the landlord

2 and the tenant and whether the tenant is complying
3 and how well, we are able to solve all that by making
4 sure that that trash happens below ground.

5 COUNCIL MEMBER KOO: Yeah. I'm saying
6 to you that no matter what, it's the result of
7 today's property hearing, I want you to improve the
8 conditions in the back here. You know? Because this
9 is deplorable. Some doors, broken doors, no doors
10 and the trash all over the place.

11 NICK BROWN: We--

12 COUNCIL MEMBER KOO: As a management
13 agent, you supposed to be responsible for all this.

14 NICK BROWN: We hear your concerns. We
15 could certainly try to do a better job with the
16 tenants to make sure that they are adhering to the
17 leaves conditions and addressing the issues in the
18 rear.

19 COUNCIL MEMBER KOO: And also on the
20 last page here talking about the project benefits,
21 right? You mentioned that there would be community
22 facility space. How can the community benefit this
23 community space? Are you working with any nonprofit
24 groups to use this space as senior centers or

2 activity centers or anything like that or what is
3 your plan on that?

4 NICK BROWN: Yeah. So, the community
5 facilities space is an interesting one. You know,
6 initially, that was presented on the plans. When we
7 sat down with the community board, what we heard from
8 them is that they were not interested in seeing any
9 community facilities space at all, based on what
10 their perceived traffic impacts would be and they
11 said would you consider making that residential and
12 not putting community facilities space and? And we
13 said, we are flexible. We're open to do whatever is
14 the well of the people, if you will. If you want us
15 to take the community space off the plan and make it
16 residential, we can do that. However, if it's your
17 preference or the preference of the Council that
18 something happened with the community facility space,
19 we are certainly here to satisfy that, as well. In
20 specific response to your question, I think aware and
21 lot of the focus has been-- and you hit the nail on
22 the head-- it's really those to uses. That's not
23 for profit space, whether that can be office as well
24 as a senior center. We started down that road.
25 That's something that we have additional work to do

2 and, certainly, within the next couple of weeks
3 that's going to be a huge focus for us. We would
4 love nothing more than to work closely with your
5 office to identify who the appropriate parties would
6 be to bring into that space and that will certainly
7 be our intention in the very short term.

8 COUNCIL MEMBER KOO: Thank you. Yeah.
9 So, you briefly mentioned by-- you briefly mentioned
10 the restrictive declaration. Can you please explain
11 the restrictive declaration in detail for the
12 community who is here today?

13 JODI STEIN: Sure. So we have agreed to
14 restrict the building to five stories in height. We
15 have agreed to restrict the rear yard and the side
16 yards to eight feet from-- not to start from eight
17 feet from the property line, so where the pointer is
18 right now. We've also moved the residential legs
19 back in the rear from the required 30 feet,
20 additional 15 feet for 45 feet and additionally we
21 moved the northernmost rear leg from what was an
22 originally 30 feet from the residential properties to
23 the north to 65 feet from the property line. And I
24 belie-- yes. And the restrictive declaration would
25 be recorded against the property and no owner,

2 whether it was us or an owner in the future would be
3 permitted to do anything but that.

4 COUNCIL MEMBER KOO: Okay. So, how are
5 you going to handle the increase traffic and
6 increased traffic? Increased pedestrian traffic on
7 Kissena Boulevard and on Holly Avenue because Holly
8 Avenue is very narrow, right? And the next one is
9 really narrow, too, and we have buses going through
10 there. So it's already really hard for two big cars
11 to drive it simultaneously with the two sides
12 parking. So, with the increase of the tenants who
13 lived there in commercial customers and residential
14 neighborhood people so you would create a much higher
15 demand of the use of the, the guy to handle that?
16 Yeah.

17 JODI STEIN: Yeah. Something that to the
18 community about at length. And we think we came up
19 with a great solution which is this traffic plan.
20 So, first of all, originally, when we came to you and
21 the community with our plan, we had two-- an egress
22 and entrance on both-- close to the Holly and one
23 closer to Laburnum. We remove the one closer to
24 Holly which is shown with the pointer right there
25 because of the traffic on Holly because, if we had

2 kept that, there could be a long queuing that could
3 back up on to Holly, so we removed that and we put in
4 turn lanes to allow for vehicles to turn in, which is
5 away from Holly, into the site and from Burnham, too,
6 if you're going North, right into the site. The
7 project itself has a 230 foot ramp to allow for many
8 cars take you into the parking and it also-- these
9 turning lanes and the removal of the existing parking
10 spaces that are there now will allow the traffic to
11 just keep passing on through and not back up because
12 they are turning onto the site. Additionally, you
13 asked about tennis strands. I think one of the best
14 things which John mentioned that came out of this--
15 our discussions is the cross that Cal Mia which will
16 now have a light. So, right now, there is a
17 crosswalk with no light, so you are kind of at your
18 own risk when you cross. This light will allow and
19 regulate pedestrians crossing onto the property.
20 Additionally, pedestrians will no longer have to walk
21 through the parking lot which is also been a big
22 problem. So they will be able to walk right from the
23 street into the building, get off the sidewalk just
24 like the vehicles are getting right off the street
25 into the building. Then we think that that will

2 resolve a huge problem. And, again, with these
3 additional measures that we talked about with the
4 community, our traffic analysis company, VHB, you
5 know, they believe that the condition, once the
6 project is built will be better once the project is
7 built than it is today.

8 COUNCIL MEMBER KOO: Okay. The last
9 thing I wanted to say is that on your polling map,
10 [inaudible 01:19:53] support map and then-- I think
11 this is-- it doesn't-- to my mind, this is not
12 accurate because you have more support on the
13 downtown side, okay? On the north of Holly. North
14 side. And then not that much support from the local,
15 but the local area is residential neighborhood, of
16 course they have less people that live there. You
17 know? And on the other side these high-rises. Of
18 course the population is more there, but I am
19 suspicious that that many people on the other side
20 support this project, but since this is done by a
21 lobbying company, you know, they can manipulate the
22 data or manipulate the people a little bit, but on
23 the residential neighborhood there's nobody out there
24 to do this-- that's why should predominantly
25 supporting side on the other side. So, I think this

2 map is not-- this polling is not accurate. No. No.
3 So, this is what I want to say. I want to thank
4 Chair Moya for hosting this public hearing and we
5 want to hear from the public to state their opinions.
6 Thank you.

7 CHAIRPERSON MOYA: Thank you. Thank you,
8 Council member Koo. Thank you for your testimony
9 today. I'd like to call up the next panel. I'd like
10 to call up Michael Madrid. Jasmin Javier La Rosa.
11 Sorry if I missed pronouncing the name. Udre
12 Gutierrez and Martha Flores Vasquez.

13 [Background comments]

14 TRANSLATOR: I will be translating for all
15 three.

16 CHAIRPERSON MOYA: Sure. So, I just want
17 to remind everyone we have a lot of folks that want
18 to testify and we have a two minute time limit on the
19 clock. So, if you can just to name and then you may
20 begin.

21 UDRE GUTIERREZ: [speaking foreign
22 language]

23 CHAIRPERSON MOYA: So, before you start--

24 UDRE GUTIERREZ: [speaking foreign
25 language]

2 CHAIRPERSON MOYA: Hold on. Can you just--
3 [speaking foreign language]

4 UDRE GUTIERREZ: [speaking foreign
5 language]

6 CHAIRPERSON MOYA: [speaking foreign
7 language]

8 UDRE GUTIERREZ: [speaking foreign
9 language]

10 CHAIRPERSON MOYA: [speaking foreign
11 language]

12 TRANSLATOR: I'm translating.

13 CHAIRPERSON MOYA: Can you say name?

14 TRANSLATOR: My name is Jasmine. I'll be
15 speaking on behalf of 32 BJ.

16 CHAIRPERSON MOYA: Okay.

17 TRANSLATOR: Good morning, Chair Lago and
18 members of the commission. My name is Udre
19 Gutierrez. I work as a maintenance worker and have
20 been a member of 32 BJ for over two years. I am here
21 today as a resident of Flushing, Queens on behalf of
22 my union to express our support for the proposed
23 project at 4615 Kissena Boulevard. As a resident of
24 Flushing, I am happy to testify today in support of
25 this project as it will bring much-needed

1 improvements to the neighborhood. Of the 182 units
2 created by this project, one third wealthy
3 affordable. We need permanently affordable housing
4 that won't be an opportunity for current residents
5 like me to stay in the community. This project also
6 includes other investments that will improve quality
7 of life like an updated grocery store and changes to
8 decrease traffic. As a union member, I am pleased to
9 support this project because of the developers'
10 commitment to create good, permanent jobs that pay
11 the prevailing wage. I am proud to support a project
12 that will give my neighbors a chance to have a good
13 job like mine. The Kissena Center rezoning is an
14 example of responsible development that comes with
15 significant community benefits. This development
16 team is listening to the community and working to
17 make sure the project improves the neighborhood in an
18 inclusive way. At 32 BJ, we see this project as an
19 example of responsible development and we
20 respectfully request that you approve this project.
21 Thank you.

22 CHAIRPERSON MOYA: Thank you.

23 MICHAEL MADRID: Okay. Me. Yes. Hi.

24 My name is Michael Madrid. I am a long time resident
25

2 of New York City. I'm here on my own recognizance.

3 I'll keep it brief. We have a housing crisis here in

4 this country and in the city. You can blog law all

5 you want about tenant protections, but the simple

6 fact is if you do not have enough housing to meet the

7 needs of the community, some people are going to be

8 having or ball commutes or they're going to be living

9 on their friend's floor or they are going to be

10 homeless. We need to build more housing. It's great

11 to see some communities like Minneapolis recently

12 approving rezoning, which allows more housing being

13 built. We really-- it would be nice if we could do

14 something like that here in New York City, but, at

15 the very least, we should be-- at the very least, we

16 should be approving reasonable projects like this.

17 The objections I've heard for projects like this are

18 density. I must confess I don't really understand

19 this one. We are here in New York City, one of the

20 densest cities in the world. Manhattan is a lot

21 denser than the area we are talking about. We are

22 adding a modest amount of units. You know, Manhattan

23 is actually less dense than it was in 1910. That was

24 a wonderful period for the city. It helped build the

25 city. If we asked density questions back when

2 Manhattan was a lot of single houses, we would
3 probably be a suburb of Jersey City right now. So
4 that one item having hard with. The other objection
5 is this will destroy the traditional characters of
6 the neighborhood that longtime residents have come to
7 love. Well, there is an, you know, the city of
8 constant change. I would ask those longtime
9 residents at some point you are not a longtime
10 residents. Came here. You brought your energy. You
11 did great things and have helped make the city a
12 wonderful place it is. Please give this chance to
13 new residents. Build the housing they need and let's
14 continue to make New York City the vibrant city and
15 has always been and one of the greatest cities in the
16 world. Thank you.

17 MARTHA FLORES VASQUEZ: Good afternoon and
18 thank you for giving me the opportunity to represent
19 my district. I am Martha Flores Vasquez, coleader
20 with Peter Koo and part B of the district where this
21 development is taking place. We are overdue with a
22 bodega, a groceries store in my district, a
23 supermarket. Everything has gone. The diversity of
24 shopping is gone and I came in here and I was asked
25 if I was on Kimco's side and I'm on the community's

1 side. I have lived in Flushing for 40 years. I'm
2 not a lobbyist. I think grassroots activists, and
3 advocate for the community. With all due respect to
4 my constituents that are saving over here-- and I
5 love them from the bottom of my heart-- and I have
6 been representing them and I will continue to
7 represent them on this issue, but I feel that this is
8 a good proposal. I have a few bullet points because
9 I had my granddaughter-- I figured I'd get ready to
10 do this in a minute. I am asking this subcommittee
11 and Councilman Koo to please support the rezoning to
12 include the Kissena shopping center. The development
13 well provide an improved supermarket and retail shops
14 and a mix of affordable and market rate apartments
15 for our quickly growing community. We need new
16 retail space for local businesses and a new improved
17 groceries store with increased offerings would be
18 very welcome. Affordable housing is greatly needed
19 and our growing community and I am pleased that 30
20 percent of this project will be permanently preserved
21 at below market rent. I also believe we need the
22 economic investment that this project will bring in a
23 previously ignored section of the neighborhood. For
24 homeowners in the neighborhood, I believe this
25

2 involves-- improvement will increase in property
3 values for surrounding homes and businesses. I am
4 also glad that this project will create about 200
5 construction jobs and support many dozens of
6 permanent jobs. Once the center is complete, Kissena
7 Boulevard is an appropriate place for this kind of
8 development. Thank you. And it's an honor to be
9 here. And to my constituents, I'm still with you--

10 CHAIRPERSON MOYA: Thank you.

11 MARTHA FLORES VASQUEZ: but I think this is
12 a good idea.

13 CHAIRPERSON MOYA: Thank you. Thank you
14 for your testimony today. Thank you all for being
15 here. I would like to call the next panel. The next
16 panel Terrence Park. Jack Zang. John Ha. And Wen
17 Tao Zhao. Sorry if I mispronounced you name.

18 [Background comments]

19 CHAIRPERSON MOYA: Okay. Let's begin with
20 you, Terrence. If you can't just state your name and
21 then you can begin. And then we will go--

22 TERRENCE PARK: My name is Terrence Park.

23 JACK ZANG: My name is Jack Zang.

24 WEN TAO ZHAO: My name is Wen Tao Zhao.

25 JOHN HA: I'm John Ha.

2 CHAIRPERSON MOYA: Okay. So why don't we
3 start there. Yeah.

4 JOHN HA: Good morning, ladies and
5 gentlemen. This is a special honor for me to speak
6 out my opinion here. I have lived in Flushing almost
7 20 years and I've been doing business in this area
8 over 13 years. My office is just one block away from
9 this project. I love Flushing and I want Flushing to
10 develop responsibly and quickly. I strongly support
11 Kissena Center project for the following reasons.

12 First, the project will beautify this
13 area. Most of the buildings in this area of 60
14 years. Some are over 100 years. If you compare 20
15 years ago with Google maps now, I don't think you can
16 see any different. But, during the same time, other
17 parts of Flushing have undergone tremendous
18 [inaudible 01:33:29] spurred by commercial and
19 residential development which makes this area sharp
20 contrast to the other parts. This area has been
21 ignored for so long.

22 Second, this project will provide 30
23 percent affordable housing. Over 200 construction
24 jobs and some permanent jobs thereafter. Like most
25 parts of New York, Flushing has affordable housing

2 crisis and more and more people are leaving New York
3 because they cannot afford the ever rising rents. We
4 need additional affordable that this project will
5 provide. In addition, many of people leaving
6 flushing, there are new immigrants. They need jobs.
7 The projects can create a win-win situation. The
8 city can get [inaudible 01:34:15] affordable homes
9 and higher property tax. Local people can get jobs
10 and increase the property value. The developer can
11 make some profit. Some opponents to this project say
12 they don't need jobs, affordable homes. The idea, I
13 think, is very selfless. [Inaudible 01:34:33] the
14 project can attract more business investment in
15 people to this area. Why is Flushing a special,
16 dynamic, and booming city? Because it's long history
17 of welcoming new residents. Even when the economy
18 was fading in another part, Flushing was always good
19 because it's a constant influx of new residents. As
20 a small business owner, I think deeply, more people,
21 more business.

22 CHAIRPERSON MOYA: Thank you.

23 JOHN HA: Thank you for your time. `

24 CHAIRPERSON MOYA: Thank you.

25 JOHN HA: Yeah.

2 WEN TAO: Good morning, count. My name
3 is Wen Tao. I'm here today to speak-- express my
4 opinion in favor of the Kissena project, as both a
5 college student and a Flushing resident. First, I
6 support this project because it can provide jobs an
7 economy investment in Flushing. As a college student
8 will be looking for a job soon, I feel very sad when
9 Amazon canceled their HQ 2 plan. I know this project
10 Kissena Boulevard will not be the same or not create
11 the same jobs as Amazon will have, but my point is
12 that Queens cannot be calm the borough says no to a
13 good project that will create job opportunities for
14 everyone in the community. Second, and very familiar
15 with this area. I've lived there most of my life and
16 the supermarket needs to be modernized. It would be
17 better for customers to enter the supermarket from
18 the sidewalk instead of just walking through the
19 parking lot-- getting [inaudible 01:35:54] or
20 getting hit by cars or trucks that's unloading and
21 loading stuffs in. I'm glad this project will move
22 the parking lot to underground which creates more
23 safety for kids and everyone in the community. And
24 finally, this area has been ignored by the city for
25 far too long and I hope this project would be a good

2 opportunity for everyone in the community to get
3 developed and spur development into the whole area.
4 Thank you, Councilman.

5 CHAIRPERSON MOYA: Thank you.

6 TERRENCE PARK: Honorable committee Chair
7 Moya and honorable city Council member Peter Koo and
8 distinguished civic leaders. Good morning to all.
9 My name is Terrence Park. I've lived in Flushing for
10 45 and then go into 40 years. I am a community
11 person. I serve as a community board and seven
12 member for 20 years and I love my community and I
13 always have been standing up for the rights of the
14 entire community, not a portion of-- segment of our
15 community. I needed currents to come forward today
16 because I voted against the project and I changed my
17 mind now and supporting the project, which I go
18 against the community board seven decision and some
19 civic associations' desire for the project. After I
20 am speaking with many people in our community, I
21 found out was the striking opinion in the community
22 that is overwhelming individuals, residents in the
23 community wants to have upgraded shopping mall. If
24 they are shopping-- shopping mall, they want the
25 upgraded shopping mall and they don't want to go all

2 the way downtown Flushing. It's too much traffic and
3 is a hassle to drive down there. And, therefore,
4 they want their community to get access to upgraded
5 shopping mall is the major desire for the most
6 residents that I spoke with. And now, Kimco is
7 willing to-- and continue to willing to listen to
8 the community and the city Council member and civic
9 association leaders to downsize and me the name for
10 the community. I believe the committees should give
11 a fair chance and the civic association leaders
12 should give a fair chance to the Kimco to me in the
13 middle ground and give them the opportunity to meet
14 the needs of the community so that we can all can me
15 the common ground for the community. Thank you.

16 CHAIRPERSON MOYA: Thank you.

17 TERRENCE PARK: So, I implore the
18 committee to--

19 CHAIRPERSON MOYA: Thank you. Thank you
20 for your testimony.

21 TERRENCE PARK: get over--

22 JOHN HA: Good morning, ladies and
23 gentlemen, and the committee chair and Peter Koo. It
24 is my profound privilege and honor to be with you
25 this morning to implore the possibility of your keen

1 consider it discretion on Kimco project and the
2 surrounding area of development, particularly in the
3 multicultural neighborhood in Flushing Main Street.

4 I understand that there are two civic groups against
5 this project and it is imperative for you to
6 understand to vital information's with facts.

7
8 First, they are not the major voices of
9 the community. Second, they do not represent the
10 entire surrounding neighbors of this beneficial
11 project. The recent survey finds that 99 percent of
12 the people and the said community lot to see
13 development because of the following reasons and
14 [inaudible 01:40:06]. First, they want the better
15 and upgraded shopping malls, Easy Access and near
16 into their homes as indicated in the evidence of more
17 than 1000 petition signatures from the people.

18 Seconds, and in addition to the aforementioned
19 statement, as Mr. Brown stated, the Kimco is adding a
20 number of beneficial elements for the community such
21 as more than 30 percent of affordable housing,
22 economic investment opportunity, increases in
23 property values, local creation of jobs during the
24 construction and afterwards, new retail space
25 availability is, new and improved groceries

2 availability use. Then these identified all facts
3 that you have to consider for this project. And
4 therefore I am recommending this to you--

5 CHAIRPERSON MOYA: Thank you.

6 JOHN HA: so that the local people will
7 benefit.

8 CHAIRPERSON MOYA: Thank you so much for--

9 JOHN HA: Thank you.

10 CHAIRPERSON MOYA: your testimony today.

11 Thank you. Thank you for being here. I'm calling up
12 the next panel. Kevin Forest Dale, Carol Marrone.
13 Denise Winters. Beverly McDermitt.

14 SERGEANT-AT-ARMS: If you had statements,
15 I'll take them, otherwise--

16 CAROL MARRONE: I'm not--

17 SERGEANT-AT-ARMS: don't worry about it.

18 CAROL MARRONE: Okay.

19 SERGEANT-AT-ARMS: That's okay. I*f you
20 have it, if not, don't worry about it.

21 CAROLE MARRONE: I didn't know that.

22 SERGEANT-AT-ARMS: That's okay.

23 CAROL MARRONE: Okay. I can't get in.

24 SERGEANT-AT-ARMS: Thank you so much.

25

2 CHAIRPERSON MOYA: Thank you. We'll
3 start-- we'll start over here. If you can just
4 state your name and you can begin.

5 BEVERLY MCDERMITT: I'm Beverly
6 McDermitt.

7 CHAIRPERSON MOYA: Just--

8 BEVERLY MCDERMITT: Sure. I'm Beverly
9 McDermitt, president of the Kissena Park Civic
10 Association and director of the friends of Kissena
11 Park. Kissena Park Civic Association has always been
12 a strong proponent of and the issue that affects the
13 quality of life and character of our residential
14 neighborhood. To that end, we launched a down zoning
15 program about 15 years ago to preserve the character
16 and stabilize the skyline to conform with the one and
17 two-story homes we inhabit. The only exception was
18 the commercial area on Kissena Boulevard between 46th
19 Avenue and Laburnum Avenue because the grocery market
20 filled the needs of local residents and did not have
21 a towering skyline. Zoning issues should not be
22 taken for granted and should not be used as
23 bargaining chips by developers or elected officials
24 as taxpayers are then burdened with the results of
25 bad decisions. It appears that the Kimco Corporation

2 views the zoning issue as a mere stumbling block to
3 the file our community with a building that does not
4 fit the present context as prescribed by the zoning
5 code with such a tall structure. The issues
6 subsequent to such a change are numerous. Quality-
7 of-life issues such as traffic control, which would
8 have an outreaching impact on the entire community
9 creating parking issues and redirected traffic into
10 the surrounding streets creating noise and pollution.
11 The impact of such a tall structure and security wall
12 to the immediate neighbors is appalling, cutting off
13 the light and the airflow. No one can guarantee how
14 much noise will emanate from air conditioning
15 equipment or the stench from numerous exhaust fans.
16 Schools, public transportation, and hospitals in this
17 area are already overwhelmed in their efforts to
18 provide for the community and, particularly Lee, the
19 schools are operating over their peak to the breaking
20 point as well as emergency rooms in the hospitals.

21 CHAIRPERSON MOYA: Thank you so much for
22 your testimony.

23 BEVERLY MCDERMITT: All right. May I
24 read-- our zoning chairman couldn't come today and--

2 CHAIRPERSON MOYA: You can submit that
3 testimony. Everyone has two minutes for their--

4 BEVERLY MCDERMITT: All right. So
5 you--

6 CHAIRPERSON MOYA: for their testimony.

7 BEVERLY MCDERMITT: I--

8 CHAIRPERSON MOYA: We need to move--

9 BEVERLY MCDERMITT: I said--

10 CHAIRPERSON MOYA: to the next one now.

11 BEVERLY MCDERMITT: All right.

12 SERGEANT-AT-ARMS: You can submit it.

13 CHAIRPERSON MOYA: But you can definitely
14 submit that to us. Sorry. We have a long list of
15 people also waiting to testify.

16 BEVERLY MCDERMITT: All right. You may
17 begin.

18 DENISE WINTERS: Okay.

19 CHAIRPERSON MOYA: Thank you.

20 DENISE WINTERS: Hi. My name is Denise
21 Winters and I'm president of the Holly Civic
22 Association. I strongly oppose the Kimco project for
23 many reasons. First, it's for the safety. It's a
24 big safety issue. The heavy traffic that exists
25 right now on Kissena Boulevard and Holly is so very

2 congested. The buses cannot get up or down the
3 avenue right now. The ambulances cannot get to the
4 hospital fast enough and they are very worried with
5 this new project being built. I said on the board
6 and they have expressed their concern on this. Those
7 schools cannot hold the amount of children that will
8 be going into this new project. This is just a very
9 bad accident waiting to happen. And what about the
10 people who own homes in that vicinity? The zoning is
11 for one and two family is. Is it fair to them who
12 bought their homes knowing that this is a residential
13 area? Dreaming, they pay taxes and they deserve the
14 privacy of their own neighborhood. Please don't take
15 the sewing from them. Thank you.

16 [Background comments]

17 CAROL MARRONE: My name is--

18 CHAIRPERSON MOYA: Can you just make sure
19 that you push the button? Yep. And it's on. The
20 red light should go on.

21 CAROL MARRONE: It's on. Okay.

22 CHAIRPERSON MOYA: Yep. Thank you.

23 CAROL MARRONE: My name is Carol Marrone
24 and I am vice president of the Holly Civic
25 Association. Kimco is here to make money now matter

2 how badly it affects the neighborhood. Councilman
3 Peter could do has rejected this project. CB said
4 then is rejected this project and borough president,
5 Melinda Katz has already rejected this proposal.
6 Some of the reasons I oppose the Kimco project are PS
7 21 is at 170 percent capacity right now and Kimco
8 building will be adding many more children at a
9 school nine is already bulging at the seams. The
10 building is not providing enough parking spaces and
11 the overflow cars will be up and down all on the
12 neighborhood street. The Kimco affordable housing
13 starts at 1600 dollars to 1800 dollars. I want to
14 know on what planet is that affordable. If this
15 building is built, it will set a precedent for all
16 future construction south of Holly Avenue. Okay.
17 One more. This project affects the quality of life
18 in the neighborhood. This building will block the
19 light, the sun, and air from reaching one into family
20 homes near it. Thank you.

21 CHAIRPERSON MOYA: Thank you.

22 KEVIN FORRESTALL: Good morning, almost
23 afternoon. Thank you for having me. My name is
24 Kevin Forrestall and I'm president of the Queens
25 Civic Congress, an organization-- umbrella

2 organization -- that represents over 100 Civics in
3 Queens. I'm going to deviate from my remarks based
4 upon what was said before. The applicants showed a
5 slide and suggested looking north. Well, I suggest
6 if you are looking for healthcare, you may want to
7 look North like at North while health, but if you
8 want to look at what the neighborhood looks like,
9 look anywhere but North. If you do that, you will
10 find low densities suburban like dwellings and this
11 area had been re-zoned for her to be contextual and
12 this would strongly threatened that and future
13 developments. Councilman Koo, you questioned where
14 the line would be. This is the line where it should
15 be. The applicant also spoke about how wonderful
16 they are in outreach to the neighbors and the
17 community board and so on. They didn't mention that
18 they were totally non-convincing to any of those
19 individuals or groups. They also spoke about how
20 they downsized their project and there is some truth
21 in it. They proposed an elephant. Days suggesting
22 replacing it with a rhinoceros and where you would
23 expect a terrier. Also, Councilman, you pointed out
24 that there was inaccuracy in the map. That's
25 consistent with their evaluations of the

2 environmental plan, a noted city planner who reviewed
3 it. The environmental plan said that is finding
4 those inconsistencies and an accuracy use leaves him
5 to characterize the EAS as remarkably sloppy or
6 intentionally misleading. Councilmembers, I think
7 that the presentation by Kimco was-- could also be
8 characterized that way or totally disingenuous. On
9 behalf of the hundred members plus of the Queens
10 Civic Congress throughout all of Queens, we ask you
11 to reject this application. Thank you for your time.

12 CHAIRPERSON MOYA: Thank you. Thank you
13 for all of you for your testimony -- did you what?
14 No. Okay. Thank you so much. Billy Azuran. Yuan
15 Wang. Hang Hari. I'm sorry if I mispronounced her
16 name. And then I just have Sunny.

17 [background comments]

18 CHAIRPERSON MOYA: Billy. Are you there?
19 Hold on. I'm just checking. Yuan? Hang Hari?
20 Okay. And Sunny?

21 SUNNY: Yes.

22 CHAIRPERSON MOYA: Okay. Thank you. All
23 right. Billy, let's start with you.

24 BILLY AZURAN: All right. Is this
25 thing on? Okay.

2 CHAIRPERSON MOYA: Yeah.

3 BILLY AZURAN: I'm Billy Azuran and I'm
4 not a president. I'm not a board member. Nothing.
5 I'm just a simple head from Queens and I'm advocating
6 for this thing because I live around that area and,
7 honestly, I'm looking for a job and it's kind of hard
8 to find a job read like the closest thing I have is
9 not even available to me. So, I hope when this thing
10 does improve, it can offer a lot more jobs to people,
11 especially my high school, since we are all looking
12 for jobs. We have two goes so far away when there is
13 an available job site near us, but we can't because
14 like there is nothing going on. And that's basically
15 my advocate. And also that job increased by 30
16 percent for all us kids because were looking, as we
17 said, like stressed. We are working for jobs than
18 also for traffic wise he could help out a lot because
19 I take 17 and, trust me, that area is nasty and I
20 can't even get to school on time because of that.
21 And also, Councilman Koo, you came to my school a
22 couple years ago. I just want to say hello.

23 CHAIRPERSON MOYA: Billy, what high school
24 do you go to?

2 BILLY AZURAN: I go to Francis Lewis,
3 but I recently just graduated. So--

4 CHAIRPERSON MOYA: Oh. Congratulations.

5 BILLY AZURAN: Thank you.

6 CHAIRPERSON MOYA: Okay. Well, thank you
7 for coming here and I will let Council member Koo-if
8 you want to say anything.

9 COUNCIL MEMBER KOO: Well, let everyone
10 speak first.

11 YUAN WANG: Good morning, subcommittee
12 and Councilman Koo. My name is Yuan Wang. Like this
13 and gentlemen here, I am not representing any board
14 or any organization. I'm just a local resident and
15 homeowner. I support this project. I have a couple
16 reasons. First, I want to say I understand the
17 people who are against this project, mainly, okay,
18 about two things. Too many people in too much
19 traffic. Regarding the first line, too many people,
20 I will say this is a kind of a testimony that people
21 use their feet to vote. This is-- people approved.
22 This is a welcoming and a desirable area to live, so
23 that's why people move in. So, apparently, we have a
24 housing shortage. This project will provide some
25 relief. Not totally solve the problem, but it leaves

2 students heading toward the right direction.
3 Secondly, the traffic. The traffic today is pretty
4 bad already. I understand that. However, I would
5 say the traffic doesn't bother me much because I shop
6 locally. I buy everything possible. I shop locally.
7 I walk. Walking is good for you. For your health.
8 If you cannot walk, take public transportation. So,
9 I in the future, once the shopping center is built,
10 okay, hopefully you can meet your shopping
11 requirement. You can do all the business locally and
12 support the local business. It's good for the
13 community. That's the message I would like to say.
14 So I support the project. Thank you.

15 CHAIRPERSON MOYA: Thank you.

16 HANG HARI: Good morning, Councilman and
17 council members. I'm coming in today to support this
18 project. I've been living there for several years
19 and I'm very familiar with this area. I think that a
20 supermarket should be modernized. When I go to
21 shopping, I am very concerned because of the trucks
22 and the cars driving in the front of the supermarket
23 may hit the children. It's very dangerous. So I
24 support this project and hope they will move the
25 parking lot underground. It is safer for small

1 children in the shoppers. Most of my neighbors also
2 support this project, but they could not come today
3 because they will go to work. Kissena Boulevard is a
4 proper place for this development. We should take
5 advantage of opportunities to improve this portion of
6 the neighborhood. Thank you very much.

8 PANG HANG: Hi. Good afternoon,
9 subcommittee and Councilman. My name is Pang Hang.
10 I am a housewife and a longtime resident who is to
11 this proposal Kissena shopping center neighborhood.
12 I have been doing grocery shopping with the Grove
13 said the supermarket and its pretty and [inaudible
14 01:56:04] for many 20 years. My family also
15 frequent mini restaurant nearby. I support the
16 [inaudible 01:56:50] because the current shopping
17 center is now very out of date and overcapacity. It
18 is out of date because storeowners found that making
19 updates and upkeep. It's overcapacity because these
20 neighborhoods has experienced so much growing. The
21 rezoning project addresses all the needs of improving
22 shopping and the housing space. In addition, the
23 project also provides jobs to these community. This
24 is a project that is beneficial to the community.

2 For all these reasons, I strongly support the zoning
3 project. Thank you.

4 CHAIRPERSON MOYA: Thank you. Thank you so
5 much for your testimony today. I'd like to call up
6 the next panel. Dorothy Woo. Carsten Glaser.
7 Catherine Kennedy and Eddie Abrams. You'll forgive
8 me and then I'll be stepping out briefly next door to
9 check into my other committee that I have. Council
10 member Koo will take over to conduct the meeting in
11 my absence, but I will come back in a few minutes. I
12 will now turn it over to Council member Koo. Thank
13 you.

14 COUNCIL MEMBER KOO: Please go ahead by
15 stating your name first. Start with Eddie. Yeah.

16 EDDIE ABRAMS: My name is Eddie Abrams.
17 I am a member of the Hollies Civic Association. I
18 am, in a way, very upset. I'm a union person for
19 years. I worked hard all my life with my family and
20 my wife that we-- to buy what I have. I have a nice
21 home. I am very happy where I live. I'm not
22 accepting this zoning and, as far as these workers
23 will see that it's not always going to be they get a
24 good paying job. These people-- the people here
25 that live around here, they are in transit. They are

2 not going to stay here. A few get your education and
3 you make a lot of money, you are going to leave this
4 place. This is not da-- this is no transit. The
5 union people should realize that they got a good job
6 if they are getting the wage that they are supposed
7 to get it. And I doubt whether they are getting paid
8 good. And that's why they've got a little thing
9 going here now about something about the money. You
10 know, I don't know. But I'm living in Flushing for
11 70 years. I bought my house when I was-- 50 years
12 ago and it was a place that I was going to live my
13 life and I want to leave something for my family when
14 I go-- I go away. So this is-- you know, I'm not
15 happy with this at all. It's really I'm very upset
16 and am sorry. I don't-- yeah.

17 KATHLEEN KENNEDY: I'm Kathleen Kennedy
18 from the Kissena Park Civic Association board. Over
19 the years, the federal government made promises and
20 treaties with local inhabitants and over the years,
21 every treaty with Native Americans has been broken
22 when that was made clear that a prophet could be
23 made. And now, our city government is considering
24 breaking the zoning promise made to Flushing
25 residents because someone discovered he could make a

2 profit. When the zoning laws were enacted, Flushing
3 residents were promised that South of Holly Avenue to
4 the Long Island Expressway would remain low density
5 residential. It's what the residents wanted then and
6 still want. Our homes have appreciated in value
7 because of our low density status and many are now
8 worth 1 million dollars or more. And what other city
9 can you imagine the government telling the owners of
10 million-dollar homes that it will be acceptable to
11 plop a high-rise apartment building in their midst
12 and that they should be happy to have an 85 foot wall
13 abutting their backyard? If the residents living in
14 the south of Holly Avenue wanted to live in a high
15 density area, we would have moved to downtown
16 Flushing or Manhattan. Kimco's claim that they can
17 solve the traffic problems by adding 3 to 400 parking
18 spaces for more traffic is laughable. The relocation
19 of traffic lights can be accomplished without
20 rezoning and the supermarket can be modernized
21 without adding a high-rise apartment. The claim that
22 it will add neighborhood jobs is specious. Local
23 people already have jobs to support their million-
24 dollar homes and their jobs are only going to be for
25 outsiders and they are only going to be only as long

2 as construction goes on. The claim that there is low
3 cost housing has some truth, but to allow that by re-
4 zoning Kissena Boulevard is to penalize the local
5 residents to provide housing for folks who don't live
6 here. It's punitive to grant this rezoning. I also
7 understand that a CB seven member has been doing a
8 petition in favor of Kimco and I respectfully suggest
9 that all signers of that petition be verified and the
10 signatures of people who don't live south of Holly
11 being discounted because they don't have any stake in
12 this rezoning proposition. Thank you very much.

13 CARSTEN GLASER: Council member Koo,
14 Carsten Glaser. Kissena Park Civic Association. I
15 submit testimony and I read testimony today on behalf
16 of our planning consultant who could not be here. To
17 be brief, one of the modest change-- even a modest
18 change by the CPC from R 7 A to R 6 A which allow
19 lower the maximum height of the proposed development
20 by a single-story or 10 feet and a decrease in the
21 allowable floor area from 4.6 to 3.6, the resulting
22 development will still be grossly out of character
23 with the surrounding community primarily to attached
24 and send my attached one to two family houses.
25 There is no question that, should it be approved by

1 the city Council, the precedent will be set by this
2 action will significantly shift the long delineated
3 boundary between high density precincts of downtown
4 Flushing and low density Holly and Kissena Park
5 neighborhoods. Holly Avenue at Kissena Boulevard has
6 never been considered part of downtown Flushing. In
7 fact, a detailed examination of the zoning actions
8 since the establishment of 1961 zoning resolution
9 reveals that there have been only two ups zoning
10 amendment sense and the immediate area that could be
11 described as moving the boundary of the high density
12 zoning south of 45th Avenue. One occurred in
13 December 7 and 1967 from R 32 to R 6 and, again, in
14 1994 also R 32-- from R 32 to R 36. Unlike the
15 current proposed rezoning, both of the previous
16 actions essentially legalize existing high density
17 buildings not creating opportunities for significant
18 out of scale development schemes as we are seeing
19 with Kimco as discussed in previous testimony, along
20 Kissena Boulevard, there is a clear division both
21 zoning and visual between existing high density
22 development north of Holly and low density
23 development south of Holly. Maps and figures have
24 been submitted. In conclusion, the applicant should
25

2 be denied on three points. The lack of merits and
3 public interest behind the proposing-- the proposed
4 rezoning. The negative effects that the proposed
5 zoning will have on the immediate neighborhood. The
6 purposefully misleading and inaccurate renderings and
7 data within the EAS proffered by the developer as
8 described in the previous testimony and the precedent
9 that it will set for expansion of high density
10 development into low density communities far below
11 Holly Avenue. And I thank you.

12 DOROTHY WOO: My name is Dorothy Woo. I'm
13 a member of the Holly Civic Association and I suppose
14 this application. My major concern about this
15 application is that traffic conditions it will cause
16 the surrounding streets. Through my window, I can
17 often see buses and the cars backed up for a few
18 blocks due to the traffic disruption either on
19 Kissena Boulevard or on Holly Avenue. These streets
20 are just too narrow to handle such a high volume of
21 traffic. My property, which is adjacent to the Kimco
22 shopping center is also located on the same block
23 with commercial establishments which is also included
24 in this proposal. Their activities directly affect
25 the quality of life. I would like-- What I imply--

2 to hear-- I have a wish list. I wish this business
3 the family friend. No nightclub. No karaoke. And
4 the garbage bins are place behind the premises
5 according to the sanitation rule and [inaudible
6 02:07:31] equipment is stored. I would like to
7 request to your-- reconsider your June 3rd decision
8 on the approval of Kimco's application. It results
9 in the amendment of the zoning map which was based on
10 one favorable environmental study. I believe, before
11 the amendment of the zoning map becomes permanent, it
12 means be visibility study as well as a-- consistence
13 of a traffic study. Spot zoning in favor of a
14 particular property owner is a bad example it is also
15 unfair to the adjacent property owners. Their
16 property values to be protected, too. I suggest to
17 Kimco seek a variance further development and data
18 request for change of zoning. Thank you.

19 COUNCIL MEMBER KOO: Thank you all.
20 Okay. The next panel will be Brandon Levy, Stephen
21 Smith, Amy Woo, and Yi Chen. Starting from my left
22 side. My left side. Please state your name and you
23 may begin.

24 STEPHEN SMITH: Stephen Smith. Oh. I
25 will saying I mean or--? Yeah. Check again.

1 Okay. My name is Stephen Smith. I'm here on behalf
2 of Open New York, a group that advocates for building
3 more housing and high opportunity neighborhoods in
4 and around New York. The city has and dire housing
5 crisis and it affects not only Manhattan and
6 gentrifying neighborhoods in Brooklyn and Queens, but
7 also more outlying neighborhoods where immigrants
8 struggle to pay their rent in overcrowded apartments.
9 I know many speakers in this room on their own homes.
10 I know I spoke early pretty disgustingly about
11 million-dollar homes and don't struggle with housing,
12 but New York's housing crisis is truly citywide. I
13 wanted to tell a personal story about my connection
14 to Eastern Queens. My Great-Aunt Sylvia recently
15 moved to a nursing home, that for 50 years before
16 that, she lived in Northeastern in the same
17 apartment. I learned a lot about life after she
18 moved to New York. She and her brother, my
19 grandfather, were born in the Bronx. My Sylvia
20 married a schoolteacher in Queens and moved from an
21 apartment-- moved from apartment to apartment before
22 settling on a three bedroom apartment to the east of
23 downtown Flushing. In that three-bedroom apartment,
24 they had room to take care of my aunt's mother who
25

1 lived there after her husband passed away just as
2 many immigrants today live in multi-generational
3 households. My aunt stopped working after she got
4 married and they could afford it on just a
5 schoolteacher's salary, something that would have
6 been unimaginable today. How is it possible when so
7 many people today in the same situation are crowded
8 into studios and one bedroom apartments with adult
9 sleeping in bunk beds and on couches? It was
10 possible because, back then, Queens made room for
11 people who wanted to move there. My aunt lived in a
12 series of six-story red brick apartment buildings of
13 the kind found throughout Eastern Queens. The
14 buildings she moved into was built in 1968 and she
15 stayed in there for 50 years until she moved to a
16 nursing home. Today, we don't allow this. The 1961
17 zoning code severely restricted these kinds of
18 buildings and today the only buildings that are
19 allowed of this scale are allowed in downtown
20 Flushing a few blocks around Roosevelt and Main
21 Street and, increasingly, in downtown Jamaica.
22 People in the rest of Eastern Queens have two crowd
23 into buildings built 100 or 150 years ago back when
24 Queens-- back before Flushing became the gateway
25

2 between the world's largest economy in the world's
3 largest country. The result is skyrocketing housing
4 prices. I know most city council members identify as
5 progressives. I hope you'll vote for progress today,
6 for more homes so that immigrants who come to this
7 country today can have the same privileges and
8 opportunities in Queens as my family had half a
9 century ago and, indeed, many project opponents had.
10 Eastern Queens needs a lot more housing than this
11 project can provide, but it's a start. I hope you'll
12 vote in favor of it. Thank you.

13 COUNCIL MEMBER KOO: Thank you. Yeah.
14 Please is to time. Yeah.

15 BRENDAN LEVY: Brendan Levy from the
16 Queens Chamber of Commerce. We're voting in support
17 of the Kissena Center. Councilman Koo and committee
18 members, I am the business development manager at the
19 Queens Chamber. I'm testifying to support the
20 rezoning of the Kissena Center which will allow for
21 the revitalization of an outdated retail complex.
22 The new proposed development will create modern
23 spaces for Queens retail businesses to operate from,
24 and substantial parking, and provide an extensive
25 number of temporary construction jobs, as well as

2 many permanent jobs in the new residential portion of
3 the building. The owner, Kimco, is demonstrated its
4 commitment to the neighborhood by not simply looking
5 to build a new mixed-use building, but by thoroughly
6 engaging traffic consultants who have given expert
7 advice on alleviating traffic pressure into and out of
8 the complex. As a borough, we need to encourage
9 investment and revitalization of retail complexes
10 such as this one on Kissena Boulevard. We support
11 sensible development that creates jobs and adds
12 opportunities to the residents of Queens. We are
13 happy to support the plans of this applicant to do
14 so. We are in favor of the project.

15 COUNCIL MEMBER KOO: Yeah. Please.

16 AMY WOO: Hello. Good afternoon. My
17 name is Amy Woo. My family own lot-- we are in Lot
18 5 on the tax map on the corner of Kissena and Holly.
19 We support the rezoning because, first of all, we've
20 owned lot size for over 10 years and our neighborhood
21 the major improvements and new retail spaces for the
22 local businesses to serve the growing needs of the
23 community. We can have, you know, banks or
24 pharmacies that come in, but we need more retail
25 space for them to come in and we could have better

1 looking and more fancy looking, perhaps, retail space
2 for them. And please keep in mind the needs of the
3 younger generation. I'm sorry that local civic
4 groups may not have considered the needs of the
5 housing problem and I really hope, you know, that
6 could be put into consideration and I believe all
7 these changes will benefit them in the long run and
8 also the people in the neighborhood and also create
9 jobs for the people in the neighborhood. And on our
10 property, on our location, we do hope to provide at
11 least 40 parking's in the future, so I hope that
12 helps, too. Thank you.

14 YI CHEN: Good afternoon, Mr. Koo and
15 everybody. My name is Yi Chen. I'm the property
16 owner across the street from property. From Kimco.
17 I come here to support this project rezoning.
18 Because we like to see them more style of the
19 shopping center in Flushing like a Chelsea market and
20 is so clean and nice. I think Flushing the same
21 change and the shopping area in [inaudible 02:15:16]
22 need to change. I hope after three zoning the area
23 is going to be more cleaner and more good for the
24 community. Thank you.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 106

2 COUNCIL MEMBER KOO: Thank you all. The
3 next panel will be Jenny Wang. Pauline La. Roland
4 Wade, Atwood Chen. Yeah. Please identify yourself
5 and then you can start. Yeah.

6 JENNY WANG: Okay. Good afternoon.

7 COUNCIL MEMBER KOO: You can ma-- You
8 can move us closer to you. You move--

9 JENNY WANG: Closely?

10 COUNCIL MEMBER KOO: No. No. Move it
11 closer to your mouth. Yeah. [Inaudible 02:16:19]

12 JENNY WANG: Hi.

13 COUNCIL MEMBER KOO: That's okay.

14 JENNY WANG: That's fine, right? Okay.
15 Good afternoon. My name is Jenny Wang. It's the
16 homeowner of the 46 - 30 Union Street. It's right
17 behind the, you know, go city supermarket. So I came
18 here it's against the Kimco project due to the
19 quality of life. Thank you.

20 PAULINE NA: My name is Pauline. Pauline
21 Na and I'm same-- the homeowner at 46 - 26 Union
22 Street. Jenny is my neighbor and it's the same
23 condition. I live right next to the Kimco project.
24 They can modify their shopping center and make them
25 better and cleaner and everything, but not make a

2 five story like a mixed use building. It will block
3 the area. Block that air. Block the sun. They say
4 they can handle-- manage them for past 10 years.
5 They managed them. It's pretty bad. I don't know
6 how they can manage them with more people, the higher
7 building. There more people coming. They will make
8 a big mess. That's what I say. That's why I'm
9 against the project.

10 ROLAND WADE: Councilman Koo and fellow
11 councilman, my name is Roland Wade. I am a
12 professional horticulturist. Of lived on geranium
13 and 45th Avenue for over 50 years and have taught and
14 then at the botanical garden during this time. My
15 concern is that the lines been drawn. As Councilman
16 Koo stated, 45th Avenue is the line. North of 45th
17 the high-rises go, south of 45th, they do not go and
18 that is true of Holly Avenue. North of Holly Avenue
19 off Kissena, the high-rises can go north. The high-
20 rises do not go. Kimco has asked to change the
21 zoning in this area north of-- I mean, south of
22 Holly Avenue and I say the lines stay. The zoning
23 must assays. The lines have been drawn. They can
24 work within their zoning 10 years and therefore I say
25 keep it as it is, but improve the area. Now, I want

1 to say something about Flushing. It is the
2 birthplace of American horticulture. It goes back to
3 1737 with the Prince nursery. It goes back to 1837
4 with the Parsons nursery. The trees along-- I mean,
5 the streets along Kissena Boulevard are named for
6 trees alphabetically: Ash, Beech, Cherry, and it goes
7 to Holly, H, and it goes to Cal Mia and Laburnum and
8 so on. It is time that we say this is the place that
9 must remain beautiful and you cannot remain beautiful
10 by tearing down homes and changing zones as we have
11 in Flushing. Thank you very much.

13 EDWARD CHIN: I can start. My name is
14 Edward Chin. I'm a homeowner on Kissena Boulevard.
15 I would like to provide testimony in opposition to
16 the proposal to rezone. At the March 28th, 2019
17 public hearing held at the Queens Borough President's
18 conference room, it was noted that Kimco had not yet
19 obtained a DOT traffic study or whether the DOT would
20 accept their proposed mitigation of the traffic
21 concerns. There is an addition-- their proposal is
22 in addition of a traffic light at Cal Mia which is
23 less than 500 feet from the traffic light mats at
24 Laburnum and Kissena. Community Board seven Queens
25 Borough President's office have documented many other

1 concerns including those voiced by the Holly Civic
2 and Kissena Park Civic Associations. Council member
3 Peter Koo's office has received many calls expressing
4 opposition to the proposed project. In the interest
5 of time, I will refer you to their findings and
6 recommendations. The proposed eight story mixed-use
7 building now changed to five stories as an R 6 A C 2-
8 3 would literally cross the line that is Holly Avenue
9 in terms of what would fit the profile of the
10 community. A total of 114 proposed apartments with
11 its accompanying occupants were drastically create a
12 bottleneck for those traveling north to downtown
13 Flushing or South to the Long Island Expressway on
14 Kissena Boulevard. In reviewing the materials for
15 the hearing, I was surprised that the city planning
16 commission voted to approve the project. Of note,
17 the city planning commission does not document any
18 opposition to the proposed project nor during a 30
19 day public comment period. The president of the
20 Holly civic Association confirms that there was no
21 node is of the CPC meetings. Public comment is
22 essential to the decision-making of the CPC. I live
23 approximately 300 feet from the proposed project. No
24 one has surveyed myself or any of my neighbors
25

2 concerning whether they like or don't like the
3 project. Thank you for the opportunity to provide
4 comments.

5 CHAIRPERSON MOYA: Thank you. Thank you,
6 Council member Koo for taking over and thank you all
7 for your testimony here today. Okay. So, we are
8 coming down to the last two panels and I would like
9 to call Jack Tuan.

10 JACK TUAN: Hi. My name is Jack Tuan. I
11 am a property manager for the property on 4601
12 Kissena Boulevard. I'm not going to repeat what
13 everybody said. I mean, it's quite obvious it does
14 more good than harm. I want to address the issue
15 about one of the major issues which is traffic. All
16 you Skyview as an example. I mean, Skyview, when you
17 look at it, it brings a lot of joy and happiness too
18 many families and, but yet it causes a lot of
19 traffic. If you tried to cross college point
20 Boulevard, it's like nearly impossible and with the
21 cars-- so many cars and so many pedestrians trying
22 to cross at the same time, I mean, there's an easy
23 fix. Then went to they do over there? They hired to
24 crossing guards and it's no problem. Traffic is
25 smooth. It's fine. You just put one on every

2 corner-- two traffic gardens, one on each corner and
3 the solu-- that's your solution. But, with this
4 project, there is doing-- more people are benefiting
5 than-- I mean, yeah. We're going to have to
6 sacrifice a few people, but we are helping a lot
7 more. So, I hope you, the committee, would agree
8 with this. Thank you.

9 CHAIRPERSON MOYA: Thank you. Thank you
10 for your testimony. And now I would like to call up
11 Doreen Bartnakowski. Sorry. I hope I said that
12 right. It's just you. You have the whole floor to
13 yourself.

14 DOREEN BARTNAKOWSKI: Okay. Hi. My name
15 is Doreen Bartnakowski. I am a property owner on
16 Laburnum Avenue and have been a property owner for 25
17 years. My mother lived on Kissena and Quince and had
18 been a property owner for 25 years, as well. I have
19 two kids that are in their 20's and they are already
20 talking about living in Flushing. We love the area.
21 We love that it is low density. It is a beautiful,
22 low density area. I myself have worked in the area.
23 I have worked in that area before when it was Mandy's
24 ears before Kimco took over. I'd like to say shame
25 on Kimco for owning the property for 10 years and not

2 dealing with the issues that they have now and their
3 only resolution is to build a bigger property, making
4 more problems. I'd like to ask that, if you can
5 guarantee that in three months from now, well we be
6 here again two-year rezoning for across the street or
7 for one block over? I ask you to please hold the
8 line. It is a beautiful low density area. I
9 purchased in the area because of the beautiful area
10 that it looks. I also want you to know that the bus
11 lines that are there, I have taken the bus lines to
12 go to Main Street. My husband has taken it to work
13 to go to school at Queens College. My kids have
14 taken the bus lines. They are already congested and
15 cannot afford more people taking those bus lines.
16 There are three bus lines right in front of Kimco.
17 There is four bus lines on Holly and they are jam-
18 packed. Kids are late for school because they cannot
19 get to where they need to go the cause of the
20 congestion already in the area. And that is it.
21 Thank you.

22 CHAIRPERSON MOYA: Thank you. Thank you
23 for your testimony today. Are there any other
24 members of the public who wish to testify? Seeing
25 none, I know close the public hearing on this

2 application and will be laid over. Let me just turn
3 it over to

4 COUNCIL MEMBER KOO: [interposing] I
5 just wanted to say thank you to all coming to this
6 public hearing, no matter if you are against it or
7 for it. This shows your concern, your love for your
8 neighborhood. This is how democracy works. You, and
9 express your opinion and then we will decide on the
10 merits of it. Thank you.

11 CHAIRPERSON MOYA: Thank you, Council
12 member Koo into your staff.

13 [Background comments]

14 CHAIRPERSON MOYA: Excuse me. If we could
15 just have some quiet, please.

16 SERGEANT-AT-ARMS: The hearing is not over.

17 CHAIRPERSON MOYA: Have some quiet, please.
18 Please note that LU number 438, which was heard today
19 will be laid over and this concludes today's meeting.
20 I would like to thank the members of the public, my
21 colleagues, Council member Koo and Council member
22 Koo's staff. But, in particular, I'd like to thank
23 the Council land use staff for their amazing work
24 that they always do and my copilot here, Arthur, for

2 keeping us on track. Thank you very much. And this
3 meeting is hereby adjourned.

4 [gavel]

5 [background comments]

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C E R T I F I C A T E

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



Date _____ July 9, 2019 _____