

SUBCOMMITTEE ON ZONING AND FRANCHISES

1

CITY COUNCIL  
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND  
FRANCHISES

----- X

April 23, 2025  
Start: 10:05 a.m.  
Recess: 11:56 a.m.

HELD AT: 250 BROADWAY - COMMITTEE ROOM, 16TH  
FLOOR

B E F O R E: Kevin C. Riley, Chairperson

COUNCIL MEMBERS:

David M. Carr  
Francisco P. Moya  
Yusef Salaam  
Lynn C. Schulman

OTHER COUNCIL MEMBERS ATTENDING:

Crystal Hudson  
Susan Zhuang

A P P E A R A N C E S

Caroline Harris, Goldman Harris, LLC

Eric Vath, Goldman Harris, LLC

John Woelfling, Dattner Architects

Janessa Rose Perez, Founder and CEO of  
Motivational Monsters

Eli Gewirtz, Davidoff Hutcher and Citron

Michael Berfield, Empire Boulevard Holdings LLC

April Russell, self

Theresa Westerdahl, self

Yaacov Behrman, self

Ben Stark, Hirschen Singer and Epstein

Joe Caputo, Capscar III LLC

Paul Scarola, Capscar III LLC

Eric Palatnik, Eric Palatnik PC

Frank Sedia (phonetic), applicant

Michelle Lee, self

Gary Chen, self

Jacqueline Sorrillo, self

SERGEANT-AT-ARMS: Good morning and welcome to the New York City Hybrid Hearing on the Subcommittee on Zoning and Franchises.

Please silent all electronic devices at this time.

Also, please do not approach the dais at any time.

If you have any questions, please raise your hand, and we will kindly assist you.

Thank you very much for your kind cooperation.

Chair, we are ready to begin.

CHAIRPERSON RILEY: [GAVEL] Good morning, everyone, and welcome to the meeting on the Subcommittee on Zoning and Franchises. I'm Council Member Kevin Riley, Chair of the Subcommittee, and I'm joined today remotely by Council Member Moya, Schulman, and in here we are joined by Council Member Carr and Hudson.

Today, we are scheduled to hold four public hearings. The four hearings concern proposed mixed-use residential developments all in Brooklyn. These proposals are 2201-2227 Neptune Avenue, 19

Maspeth Avenue Rezoning, 73-99 Empire Boulevard  
Rezoning, and 166 Kings Highway Rezoning.

Before I open up the first hearing, I  
will go over the hearing procedures. This meeting is  
being held in hybrid format. Members of the public  
who wish to testify may testify in person or through  
Zoom. Members of the public wishing to testify  
remotely may register by visiting the New York City  
Council's website at [www.council.nyc.gov/landuse](http://www.council.nyc.gov/landuse) to  
sign up. And for those of you here in person, please  
see one of the Sergeant-at-Arms to prepare and submit  
a speaker's card. Members of the public may also view  
a livestream broadcast of this meeting at the  
Council's website.

When you are called to testify before the  
Subcommittee, if you are joining us remotely, you  
will remain muted until recognized by myself to  
speak. When you are recognized, your microphone will  
be unmuted.

We will limit public testimony to two  
minutes per witness. If you have additional testimony  
that you would like the Subcommittee to consider, or  
if you have written testimony that you would like the  
Subcommittee to consider instead of appearing in

person, please email it to  
landusetestimony@council.nyc.gov. Written testimony  
may be submitted up to three days after the hearing  
is closed. Please indicate the LU number or the  
project name in the subject line in your email.

We request that the witnesses joining us  
remotely remain in the meeting until excused by  
myself as Council Members may have questions.

Lastly, for everyone attending today's  
meeting, this is a government proceeding and decorum  
must be observed at all times. Members of the public  
are asked not to speak during the meeting unless you  
are testifying.

The witness table is reserved for people  
who are called to testify, and no video recording or  
photography is allowed from the witness table.  
Further, members of the public may not present audio  
or video recording to testify, but may submit  
transcripts of such recording to the Sergeant-at-Arms  
for inclusion in the hearing record.

I will now open the first public hearing  
on pre-considered LUs relating to the 2201-2227  
Neptune Rezoning Proposal in Council Member Brannan's  
District. This is a proposal to develop a residential

mixed-use building with approximately 145 apartments in Coney Island, Brooklyn. The proposal also involves the mapping of Mandatory Inclusionary Housing, requiring 20 percent to 30 percent of the apartments to be permanent affordable housing.

For anyone wishing to testify regarding this proposal remotely, if you have not already done so, you must register online by visiting the Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse). For anyone with us in person, please see one of the Sergeant-at-Arms to submit a speaker's card. If you would prefer to submit written testimony, you can always do so by emailing it to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

I now will call on the applicant panel for this proposal, which consists of Caroline Harris, Eric Vath, and John Woelfling. I did it right, John? Thank you. Counsel, please administer the affirmation.

COMMITTEE COUNSEL VIDAL: Hello, can you please turn on your microphones and raise your right hand?

Do you swear to tell the truth and nothing but the truth in your testimony today and in response to Council Member questions.

CAROLINE HARRIS: I so affirm.

ERIC VATH: I do.

JOHN WOELFLING: I do.

COMMITTEE COUNSEL VIDAL: Thank you.

CHAIRPERSON RILEY: Thank you. For the viewing public, if you need an accessible version of this presentation, please send an email request to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

And now the applicant team may begin. I'll just ask that you please restate your name and organization for the record.

CAROLINE HARRIS: I'm Caroline Harris. Goldman Harris is my law firm. We're land use counsel to the applicant, Neptune Avenue Commercial LLC.

Good morning. It's a pleasure to see you today. Last time I was here, you had your son. Where is he?

CHAIRPERSON RILEY: He's in childcare right now.

CHAIRPERSON RILEY: Okay. I thought you were childcare.

So, we are seeking a rezoning of the Block 2201-2227 Neptune Avenue in Brooklyn. This is located on the northern side of Coney Island along the Coney Island Creek. We're proposing to change the zoning from an M1-2 to a mixed-use district, MX, with an M1-5/R7-3 district. On the next page, please.

You can see an aerial view of Coney Island. The creek is to your left and the ocean is to the top right with the beach right next to it. The applicant's project is next to the square building that's next to the creek, right sort of left of center of the photograph. That building, the square building that's white and blue, is the WIN, Women in Need, project that was also developed by the applicant, and the applicant owns the building, and they own the vacant, what looks like a vacant parcel on the same block next to the WIN building. You'll see in this aerial photo that there's also a park across the street from the site that the block that's being redeveloped. Neptune Avenue is a wide street, and you'll see in the surrounding area buildings that range certainly one- and two-family homes, but there are also taller buildings that range from 14 to 16 or 17 stories. The building to the bottom right, a long



rectangle with a green roof, is the Mark Twain School. So, the next photo, please.

The applicant's parent company is HELM, and HELM has developed numerous projects throughout the city that are either residential buildings or other shelters for WIN. The importance of them developing the WIN buildings is that it shows a commitment to community, and this project is no different. They built the WIN building first and now they're trying to build other residential development or mixed-use development next door to it. They are not preparing to build a condominium. They are in the community. They want to be members of the community, and the WIN building is an example of how they've been participating and fulfilling local needs. Next photo, please.

You can see on this land-use map the block outlined in black and white hash marks is the block being rezoned. The tan portion is the existing WIN building. There's a purple portion that's outlined in red, which is where the new development will be. Those two lots are owned by HELM or their affiliates, and they are a single zoning lot. The purple lot right adjacent to the creek is not owned

by the client. It's owned by another entity that is... the building is used as a warehouse of manufacturing use. They are not objecting to the application, but they are not involved in any way in the redevelopment of the site. The reason we went for an MX district rezoning is so that they could remain zoning compliant as opposed to grandfathered. They could expand if they wanted to, but also because a really important feature is that there's this very important bakery in the existing building on the block, and I'll go into that more in a little bit. Across the street, the light purple is where the park is, and then the blue is the school. Diagonally across the street on the tan is where the first tall building is. It's 16 stories. And you'll see south of the project site in the light yellow is where there are a lot of one- and two-family homes. The design of this building, as you'll see, was very sensitive to the fact that there are low-rise buildings. And being that it's across the street from them and the particular design with setback was purposely done in that way so that the local homes would not be overwhelmed by the new bulk. Go to the next slide, please.

This is a view of the WIN building, the blue, the one-story existing manufacturing, and again, the low-rise one- and two-family homes, and to the left, the existing tall building. Next slide, please.

On this zoning map, it's a little hard to see, at least for me from this far away, but maybe you can see it better looking at the screen behind me. The big red square is the proposed rezoning block. It's been pulled out from the zoning map that's much smaller, but we put a little blue dot on the upper portion of the site. The reason we did that is that's where Cropsey Avenue is. During our public hearings, we learned from the community about a terrible congestion problem. This building will not contribute to any of the congestion. It's a very small number of vehicular trips anticipated during peak hours. But I wanted to bring it to the Council's attention because the community did mention it. And when we investigated, we learned that Cropsey Avenue in Neptune is indeed a choke point during peak hours. And two of the ways that choking can be alleviated is if the MTA would restore an express subway stop in this area and if a ferry were created for Coney

Island. Elected officials, please keep that in mind for other agenda items for you with the City and with the MTA. We've also mentioned that to City Planning. Next slide, please.

These are photographs of Neptune Avenue and of the site. The top left shows you the existing manufacturing building. The others show you Neptune going east and west. The bottom left shows a building way in the distance. That was the last building developed on Neptune Avenue. There's been virtually no development on Neptune except for the WIN building and that in the last 50 years. Next slide, please.

So, the actions we need to facilitate the development are to rezone the block to the MX M1-5/R7-3 district, we'll do a text amendment to MIH and have a waterfront certification. The reason we're proposing the MX is so that there's this wholesale bakery in the ground floor. It is a beloved bakery. Everybody loves this bakery. Next door, there's a shop with prepared foods and the baked goods from the bakery. It's a long way for me to go for a site visit from Manhattan. But the real attraction of a site visit is being able to go to that little food shop and have some of the fresh bread that they make. The

applicant has determined that it wants to keep the bakery there. We want the wholesale bakery to stay and be able to expand, and they want to keep the food shop because everybody loves it. There are also some other manufacturing uses. There are a total of five other manufacturing uses in the building. Some of them may want to relocate in the building in the rebuilt building. We're not sure. But by having the MX district for this site, it enables us to maintain the bakery as a wholesale bakery and the possibility of other manufacturing or high industrial uses to stay there, plus the benefit to the adjacent property owner. Next.

Thank you. I'm going to turn the rest of this presentation over to John to describe the building that will be created as a result or could be created as a result of this project, how many dwelling units. There were issues raised about sustainability during the course of the hearing process. This is a very sustainable building, way more appropriate for the environment than the existing building, and John will go into that as well.

JOHN WOELFLING: Thank you, Carrie. My name is John Woelfling. I'm a principal at Dattner Architects. This illustration that you see here is a massing. We have some renderings further into the presentation, but I'll talk about the zoning from this slide. The R7-3 is a very appropriate district for this neighborhood. Carrie mentioned the different scales. There's the low scale and the high rise scale, and the R7-3 really requires that we create a maximum base height, which we've done, and then the rest of the mass of the building is really pushed back from that street line so that what you really perceive from the sidewalk is this mid-rise massing, and then the density can be achieved through that setback bulk. The area in gray just to the north on the site plan in the lower left, that's the parcel that's outside of the development area, but the WIN building to the right and the area to the left is what we're going to be developing. What we have done with this massing is really created a pairing of buildings, two buildings that aren't exactly the same, but there is a cohesiveness along that Neptune Avenue frontage where the buildings have this kind of rhythm and movement through that frontage. So, we've

taken that R7-3 massing and really made it sympathetic to the existing buildings and made the existing building and made something that I think is a nice composition. Next slide, please.

This is the unit mix. As Carrie mentioned, we're going to have, yeah, it's very small. This is based upon 2023 HUD information, but this is the AMIs for the MIH units. We're going to be complying with the Mandatory Inclusionary Housing program. We're using option one. So, this is the rents per the units. We're going to include studios, one bedrooms, and two bedrooms. It's meant to be a mixed-income building, but those MIH units will be at these rents for those income bands. Next slide, please.

So, when we were presenting this to the various organizations in the ULURP process, the Planning Commission had a couple questions. One of the Commissioners specifically had a question about how we're going to be dealing with flooding. This is a flood prone area, and I have this slide on here because this is at the Coney Island YMCA, which is just around the corner. We were the architects for that project, and that was in construction when

Hurricane Sandy occurred so we're very familiar with the damage that can occur to a project. We design our buildings in flood prone areas to be in compliance with Appendix G, which is a requirement. It's a Building Code requirement. But we're also going to be using best practices for DEP stormwater management criteria. We are going to have onsite stormwater retainage. We're going to have a series of green roofs that can slow that stormwater infiltration into the DEP infrastructure. And I can say unequivocally, this building will improve this neighborhood's resilience, not only during extreme events, but standard daily rainfall events. What the building will be able to do, which the current building does not do, is it will allow the stormwater that hits the site to be retained and slowly introduced into the DEP infrastructure. Right now, every drop of water that hits that roof on the existing building goes right into the stormwater system and contributes to the overwhelming of the DEP infrastructure in this neighborhood so our project is going to dramatically improve that by doing that onsite retainage, either through the tanks that are going to be below grade or the roof structure. So, the Commissioner brought up a



very good point. How are we going to be dealing with resiliency? This is one of the ways that we're going to be dealing with resiliency. And that's just one piece of what people call it green. This is going to be a very sustainable project. That's just the way we practice so that's an important piece of our design proposal. Next slide, please.

So, this is what it looks like today. If you can flip to the next one, this is what our design proposal will look like. And you can see, I mentioned earlier how the WIN building and our proposal really have a sympathy and a cohesiveness between the two of them. They're both residential in nature. They're going to be different materials. But the massing has very much an association between the two.

And if you go to the next slide, you can see what that sidewalk experience is really going to feel like with the mid-rise being the lighter mass that you really perceive on the sidewalk, and the darker mass is really pushed back and you're not really going to experience the density of this building. It's a 6.0 FAR. That's a lot of floor area, but we've pushed it back from the street wall, which is a requirement of the R7-3.

And if you go to the next slide, this is another view of what that will look like. So, we're very proud of this design. I think it's a perfectly appropriate thing on this wide street of Neptune Avenue.

I'll hand it back to Carrie.

CAROLINE HARRIS: I'd like to focus on this photograph for a moment and point out that the ground...

CHAIRPERSON RILEY: You could wrap it up in a little bit.

CAROLINE HARRIS: Be happy to. Thank you very much for your attention. There were some concerns in the community that are addressed by this project, including parking, where they'll be parking in the building instead of people roaming around the streets, activating the street to create a safer and more beautiful condition for the neighborhood. And we have support from the Community Board, the Borough President, and I believe there are some speakers who may be coming online. We're creating a relationship with trying to improve the park across the street. So I'm happy to answer any questions you may have.

CHAIRPERSON RILEY: Thank you, Mrs.  
Harris.

So, John, you answered my first question.  
I'm really pleased to hear how innovative and  
creative you are taking this approach to address the  
flooding issues that happen within that community so  
I'm going to skip that question.

Caroline, you spoke about parking. Does  
this site have parking?

CAROLINE HARRIS: Yes, there's a garage  
going to be on site.

CHAIRPERSON RILEY: How many spots?

CAROLINE HARRIS: How many spots, John?

JOHN WOELFLING: About 60 spaces.

CHAIRPERSON RILEY: 60, okay. You spoke  
about the bakery. What's going to happen to this  
bakery as you guys are doing...

CAROLINE HARRIS: They're working on a  
relocation plan. There are some locations that are  
possibly available, but until we have the approval  
and know the timing, they can't lease the space so  
we're working through that with the tenant.

CHAIRPERSON RILEY: Okay. And is there a confirmed tenant for the commercial space that you could share any updates if this project is approved?

CAROLINE HARRIS: The bakery and the food store are in all likelihood to be the two main tenants. There may be others, but right now those are the two prime tenants. And with the food store that's related to the bakery, we think they'll also try to get some outside tables so people can enjoy the park and the improved street.

CHAIRPERSON RILEY: Okay. Thank you, Caroline. I have no more questions. Do we have any Members?

And I just want to state for the record, we've been joined by Council Member Salaam.

There being no questions, this applicant panel is excused. Thank you so much for your testimony.

CAROLINE HARRIS: Thank you.

CHAIRPERSON RILEY: Counsel, are there any members of the public who wish to testify remotely or in person regarding this proposal?

COMMITTEE COUNSEL VIDAL: There's no one in person, but there appears to be one person online who would like to testify.

CHAIRPERSON RILEY: Okay. For the members of the public here to testify, please note that the witnesses will generally be called in panels of three. If there are members of the public signed up to testify, please stand by when you hear your name being called and prepare to speak when I indicate that you may begin.

Please also note that once all panelists in your group have completed their testimony, if remotely, you will be removed from the meeting as a group and the next group of speakers will be introduced. Once removed, participants may continue to view the live stream broadcast of this hearing on the Council's website.

Members of the public will be given two minutes to speak. Please do not begin until the Sergeant at Arms has started the clock.

The following individual who has signed up online to testify is Janessa Rose Perez. Mrs. Rose Perez, when you hear the Sergeant, you may begin.

SERGEANT-AT-ARMS: Time starts now.

JANESSA ROSE PEREZ: Good morning, Committee Council, and thank you, Chairman Riley. So, let me just pull it up here. My name is Janessa Rose Perez. I am the Founder and CEO of Motivational Monsters. We're a non-profit organization that's been proudly serving Coney Island since 2028. But not only that, I am also a 41-plus-year native and a member of Coney Island community.

So, we are deeply supportive of the Home Equity's mission on Neptune Avenue. We strongly believe that their dedication to urban development and community wellness will create a long-lasting positive change, not only on Neptune Avenue, but across the entire Coney Island community. We fully support the rezoning. Neptune Avenue has been long neglected, as Carrie mentioned. There's not been much building. We are in direct support with the, it's actually a community garden, but under the care of, excuse me, Green Thumb and the Parks Department. And so, it's been neglected for over 30 years, and we've been discussing some amazing possible changes that benefit the Coney Island community, the community garden, and their new project as well. So, we believe that this will absolutely unlock positive change.

We've been in discussions with the community about this, the garden, and this is probably a key project for the future of Coney Island, especially on Neptune Avenue being something that's been unneglected, unsafe, and full of zombie properties for such a long time. So, again, we just, we're in full support. They've been amazing working with us and partnering with us. We're also looking forward to possibly, hopefully, becoming one of the commercial tenants in the building to oversee our work at the garden. So, we're in full support, our Community Board is in full support, and we just want to make sure that we're here to support them and let you guys know it's an amazing project. It has a lot more benefits than any other.

SERGEANT-AT-ARMS: Time expired.

CHAIRPERSON RILEY: Thank you so much.

There being no questions for this panel, this panel is now excused.

There being no other members of the public who wish to testify on pre-considered LUs relating to the 2201-2227 Neptune Rezoning Proposal, the public hearing is now closed, and the items are laid over.

I will now open the public hearing on pre-considered LUs relating to the 73-99 Empire Boulevard Rezoning Proposal in Council Member Hudson's District. This is a proposal to develop a residential mixed-use building with approximately 261 apartments in Crown Heights, Brooklyn. The proposal also involves the mapping of a Mandatory Inclusionary Housing, requiring 20 percent to 30 percent of the apartments to be permanent affordable housing.

For anyone wishing to testify regarding this proposal remotely, if you have not already done so, you must register online by visiting the Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse). For anyone with us in person, please see one of the Sergeant-at-Arms to submit a speaker's card.

If you prefer to submit written testimony, you can always do so by emailing it to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

I would like to recognize Council Member Hudson for her remarks on this project.

COUNCIL MEMBER HUDSON: No remarks at this time. Thank you.

CHAIRPERSON RILEY: All right. Thank you, Council Member Hudson.



I will now call the applicant for this proposal which consists of Eli Gewirtz and Michael Berfield. Thank you.

Counsel, can you please administer the affirmation?

COMMITTEE COUNSEL VIDAL: Can you please turn on your microphones and raise your right hand?

Do you swear to tell the truth and nothing but the truth in your testimony today and in response to Council Member's questions?

ELI GEWIRTZ: I do.

MICHAEL BERFIELD: I do.

CHAIRPERSON RILEY: Thank you. For the viewing public, if you need an accessible version of this presentation, please send an email request to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

And now the applicant team may begin. I just ask that you please restate your name and organization for the record. You may begin.

ELI GEWIRTZ: Good morning, everyone, Chair Riley, and Council Members. Thank you so much. My name is Eli Gewirtz. I am with Davidoff Hutcher and Citron, and I am representing the applicant in this rezoning project, Michael Berfield, with Empire

Boulevard Holdings LLC. I was also an affiliate of Bridges Development Group.

So as mentioned, I am here representing the applicant in this rezoning at 73-99 Empire Boulevard in the Crown Heights South section of Brooklyn in Community District 9. Next slide, please.

So, with the land use actions that we are seeking in this rezoning is a zoning map amendment to rezone the site from C8-2, which is the current zoning along Empire Boulevard, which is the southern portion of the site, and R6/C1-3, which is the current zoning along the northern portion of the site, to C4-4D, which has an R8A residential equivalent, as well as the zoning text amendment to map the site as an MIH area with Options 1 and 2 over the entirety of the development site. The proposed land use actions would facilitate development of a 13-story mixed-use building containing 273,540 square feet of floor area, and included in that is 98,000 square feet of commercial floor area to be located in the cellar, first, and second floors of the building and residential uses above. Next slide, please.

So just a brief recap of how we've gotten to this point in the ULURP process. So, the Community

Board disapproved the application in January, but subsequent to that, the Borough President and the City Planning Commission approved the application, both stating that the C4-4D district is appropriate at this location. Next slide, please.

Just a brief run-through of the project benefits that will be borne out via this presentation. It will transform an underutilized property that has been vacant for many years, revitalize the streetscape with active retail uses, enhance the pedestrian experience through these new retail uses, create much-needed affordable housing, reverse the urban decay that you're seeing at this site, stimulate the local economy with new jobs, improve overall site safety and cleanliness, and we'll also be cleaning up what was a contaminated site through the New York State Brownfield Cleanup Program. Next slide, please.

So, the site is located on Empire Boulevard at the corner of McKeever Place and Bedford Avenue is to the east, Sullivan Place is to the north, and the site is in Council Member Hudson's District. I'll also note that the border is Empire Boulevard with Council Member Rita Joseph's District,

which begins at the southern side of Empire Boulevard. Next slide, please.

So, here's an aerial view of the site. As you can see, it's trapezoidal in shape at the corner of Empire and McKeever Place. Empire Boulevard is a 100-foot-wide commercial corridor. Right now, what you're seeing along Empire Boulevard within the CA2 portion are self-storage facilities. You're seeing warehouses, one-story fast-food restaurants, which is a result of the CA2 zoning, which is an auto-centric zoning, which has been rezoned that way since 1961. Also take note how the Ebbets Field apartment sits immediately north at 25 stories. Jackie Robinson Playground is located one block to the north, and Prospect Park is located two blocks to the west. Next slide, please.

Here you can see our tax lot, which is approximately 38,000 square foot tax lot. Next slide.

Just going through our zoning map, so as you can see, our site is highlighted by the yellow star. I'd like to note that the C4-4D district that we're proposing has an R8A residential equivalent. You have R8A zoning mapped already to the immediate northwest along the north side of Sullivan Place

between Franklin and Washington Avenues, which extends all the way north to Eastern Parkway. You're also seeing an R8X district, which was mapped in 2018, which allows higher density, so the proposed C4-4D district, you're seeing similar zoning densities within the immediate surrounding area. Next slide, please.

Here's our land use map, which shows the mixed-use nature of this area, so the proposed mixed-use development would further contribute to the mixed-use nature of this site. Next slide, please.

Here you can see a public transit map. Our site is highlighted in red. We are closest to the B, Q, and S Prospect Park subway station, which is approximately 0.3 miles to the west. There's also the Sterling Street subway station, 0.5 miles to the east with 2 and 5 train service, and the site is serviced by multiple bus routes, making the site highly accessible via public transit. Next slide, please.

Now, just taking you through the existing conditions of the site, so as you can see the site in the foreground here with the Ebbets Field Apartments immediately behind it. It's a one-story vacant building. There's posters on it, graffiti. This is

the view of the site along Empire Boulevard. Next slide, please.

Here's moving further east along the development site with the one with the laundry mat, which is the only active use in the development site currently. Next slide, please.

Here, taking you along the sidewalk condition along Empire Boulevard, giving you a sense of the current condition at the site. Next slide, please.

Here, taking you around the McKeever Place frontage of the site, looking at the sidewalk condition along McKeever Place, looking north. Next slide, please.

Here, you can see more of a zoomed-out view of the current building along McKeever Place. Next slide, please.

Here, you can see wrapping around the northwest corner of the site, which is overgrown vegetation here at Sullivan Place and McKeever Place. Next slide, please.

And now, the sidewalk here along Sullivan Place, which is the northern portion of the site. Next slide.

And here's the back of that one-story vacant building along Sullivan Place. Next slide, please.

So, just a brief overview of what the current zoning permits. So, as mentioned, the site is in a split district so the northern half, which is approximately 16,600 square feet, is in an R6/C1-3 district. The R6 district allows for a nine-story, 100-foot mixed-use building, which would yield approximately 40 market-rate dwelling units and ground floor retail. The C8-2 portion, as mentioned, does not allow for residential uses. It only allows for more auto-centric uses and commercial uses. So, we're looking to rezone the entirety of the site so the entire residential and mixed-use commercial program could fit across the entirety of the site. Next slide, please.

This is looking at the existing condition aerial view. Next slide.

I'm just giving you a sense of how the building would look within the surrounding context. So, again, mentioned, it's going to be a 13-story mixed-use building. Next slide, please.

This is just a few more renderings of the site. This is looking at the site from the corner of Empire Boulevard and McKeever Place, which is going to be one of the primary retail entrances for the site. Next slide, please.

This is a view of the building from looking at it across the street from Empire Boulevard. As you can see, we've strategically designed the building, working very closely with the Department of City Planning Urban Design Team to have varying street wall heights that fit within the widths of the streets in which the site fronts. We have our taller street wall along Empire Boulevard, which is 100 feet wide and then setting back, and then we have our shorter street walls along McKeever Place and Sullivan Place to the north, which are narrower streets. Next slide, please.

Here, you can see how the site fits within context of surrounding building heights. So, of course, Ebbets Field houses to the immediate north is 224 feet, 25 stories. Our site is half the height of that. There's also taller buildings to the immediate northwest at 54 Crown Street, which is currently being built to 174 feet, and then one block



north of that is Tivoli Towers, which is 341 feet.

So, demonstrating how our building that we're proposing would be within context of similar building heights within the surrounding area. Next slide, please.

So, the proposed development would, as mentioned, would consist of a 13-story, 145-foot building containing 63,000 commercial retail floor area above grade and the 31,000 in the cellar. We're looking to put in an affordable grocery store on the ground floor, as well as national clothing, affordable stores on the second floor, really making the site a retail destination, which is really needed in this community. We're proposing various street wall heights, a five-foot sidewalk widening along McKeever Place. We're strategically locating the different uses around the site using the three site frontages to make sure there are no conflicts between the uses that we're proposing. The residential entrance would be along McKeever Place, and the commercial entrances would be primarily along Empire Boulevard. And then we're providing 190 parking spaces, 98 of which are required by the commercial program that's being proposed, which requires one per

1,000 square feet of commercial floor area that would be accessible via curb cuts along the back of the site along Sullivan Place, as well as three loading berths to accommodate the commercial uses. So next slide, please.

This slide represents our original proposal with regarding the residential. We originally proposed to pursue MIH Option 2 for the site, which would have yielded 183 market rate and 78 affordable units. However, next slide, please.

So, after speaking closely with Council Member Hudson and hearing what the Community Board had to say, as well as meeting with HPD, we are now pursuing MIH Option 1, which, of course, requires deeper affordability than MIH Option 2. In addition to that, we've also applied for the Mixed Income Market Initiative program with HPD, more colloquially known as the MIMI program, which would provide an additional 45 percent more affordable units at the building for a total of 70 percent of the dwelling units to be affordable units if approved under the MIMI program. Next slide, please.

So just a little bit more facts about the MIMI program. So, we applied for the program last

year. It's currently being reviewed by HPD. As mentioned, the program requires that 70 percent of the total dwelling units are affordable to households earning up to 120 percent of AMI. At least 25 percent of those units must be affordable to those earning extremely low or very low-income households, which are defined as HPD as extremely low as those making 0 to 30 percent of AMI, and very low-income households are those earning 31 to 50 percent of AMI. So, if approved under the MIMI program, we will be providing a flip from the MIH Option 2, which is 183 affordable units and 78 market rate units. Our initial intake form that we submitted to HPD is showing the breakdown of the affordable units under the MIMI program. So, that's 39 units at what's referred to as Our Space Units reserved for incomes earning no more than 40 percent of AMI, 26 units at 47 percent of AMI, and 117 units at 110 percent AMI. And those dwelling unit sizes would consist of 63 studios, 50 one-bedrooms, 60 two-bedrooms, nine three-bedroom units, and one super's unit. Our initial feedback from HPD is that they think this is a good site that would qualify for the MIMI program. Next slide, please.

So here, just going a little further into the proposed design, we specifically, working with City Planning, designed the building to reduce shadow impacts on neighboring sunlight-sensitive resources.

CHAIRPERSON RILEY: If you could wrap it up, please?

ELI GEWIRTZ: Yeah. So I just want to briefly, next slide, please. Just to briefly explain the results of our shadow analysis. So, there has been considerable misinformation being spread about this project regarding the shadow impacts. Our CEQR shadow analysis revealed that there are no project-generated shadows that will fall on neighborhood resources, such as the Brooklyn Botanic Garden, Jackie Robinson Playground, or the McKeever Place Garden Sitting Area, which is located immediately north of PS375K. The only shadows that the analysis showed will fall on the PS375K running track and basketball court associated with that public school in the winter months only. In the morning, all shadows will leave the site by 12:15. At that time, after 12:15, the school is out of session. The site is then reopened to the public. So given that that's how the shadow impacts fell, the CEQR analysis

determined that's an insignificant shadow impact.

Next slide, please.

Again, just reviewing the land-use rationale, revitalizing a vacant site, creating much-needed affordable housing in an area that can accommodate this increased density. Next slide, please.

And lastly, we looked at Council Member Hudson's development framework for District 35. Next slide, please. Next slide.

So, we'll be trying to exceed the affordability criteria prescribed by the MIH program via the MIMI program. We're looking to provide safe, healthy, and accessible development, support local workforce, sustainability measures. Next slide, please.

As well as providing a national grocery store and space for local retailers on the ground floor. We're also working with Council Member Hudson as well as Council Member Joseph to provide a community space for seniors or youth, which we've been told is desperately needed in the area so we're open to having a space to provide that community space in the building. And right now, we're also

working with 32BJ on a project labor agreement to come to terms with them to provide union jobs after the building is built. Thank you so much.

CHAIRPERSON RILEY: Thank you for your presentation.

You answered a lot of my questions about what was the uses prior with the vacant, what type of usage of retail space you said as a grocery store. You said the community said that they want community space, senior space there as well. Why did you select a C4-4D district, and what other districts were you considering?

ELI GEWIRTZ: So we selected the C4-4D for multiple reasons. First, it promotes the robust commercial program that we're proposing here. It allows two floors of commercial use above grade, which is something that was important for this project. We also saw how it has the R8A residential equivalent, and as noted in the presentation, you have R8A zoning to the immediate northwest, like one block on the north side of Sullivan Place, so we really thought it can match the existing zoning that you're seeing at the site.

ELI GEWIRTZ: Okay. And you answered my question with MIH, now I'm doing MIH Option 1. I mean, you're applying for the MIMI program, which is very good.

Not a question, just a statement. I'm not too fond of studios, and having more studios than one bedroom I think is inadequate to any community. I think a lot of communities want that space to kind of grow and have people fellowship without living in a smaller apartment so I just felt the need to say that on the record. And with that being said, I have no more questions.

I'm going to pass this over to Council Member Hudson.

COUNCIL MEMBER HUDSON: Thank you so much, Chair Riley, and thank you all for the presentation.

I have several questions. So, the first is, can you just go into detail about the plans for the affordability of this development? I know that you said you're exploring all available options to reach deeper levels of affordability than the standard MIH. Can you talk about where you are in the process, what you've heard from HPD, if anything specific to the MIMI program?

MICHAEL BERFIELD: Yeah. I'll take that.

Do you need me to introduce myself again?

CHAIRPERSON RILEY: Yes, please.

MICHAEL BERFIELD: Okay. Michael Berfield representing the developer.

So, we have been in conversation with HPD now for over a year. The initial, I think, submission with the MIMI program went in last February. The conversations that we've had with them right now have entailed sort of the traditional MIMI breakdown, which is what we provided in our presentation. After conversations with you and with our consultant on this, we do plan on approaching HPD to see if we can negotiate some sort of additional lower income, deeper affordable units, which would require HPD to provide some additional subsidy so that's a conversation we'd like to have with them. They've been reviewing our application now for a few weeks. I should say longer than that, probably closer to a month and a half, and we have heard back from them strictly in the sense that they're reviewing it. We've gotten a project person assigned to it so we're expecting to hear more from them within the coming week.



COUNCIL MEMBER HUDSON: Are you exploring any other options for HPD subsidy aside from the MIMI?

MICHAEL BERFIELD: We had initially considered that, and then after the conversations with HPD, given the long delays they're experiencing with some of these other programs, they actually recommended that we pursue the MIMI program.

COUNCIL MEMBER HUDSON: Okay. And I know your proposed development is mixed use with a large retail component, and I know that HPD is not here, but to your knowledge, have they financed projects with such large commercial footprints in the past?

MICHAEL BERFIELD: The answer to that is they don't provide any of their subsidy towards the commercial project so their subsidy goes exclusively towards the affordable piece of the project.

COUNCIL MEMBER HUDSON: And do you know, have they done that on projects with this large amount of a commercial footprint?

MICHAEL BERFIELD: We actually built just such a project in East Harlem recently at 201 East 125th Street. In a partnership, we produced a building that has approximately 400 units, 300 of

which are affordable and about 70,000 square feet of commercial space anchored by a 45,000 square foot grocery store so they do have experience in financing projects where you have a large commercial component. Typically, those components are separated out through a condominium regime and in terms of how they're financed and so that the HPD subsidy goes exclusively towards the affordable units.

COUNCIL MEMBER HUDSON: And was that project that you just mentioned in Harlem, is that 75 percent affordable?

MICHAEL BERFIELD: It is approximately 75 percent affordable. It's a very different program. It was a RFP issued by the City several years ago, so it had a much different history in this program.

COUNCIL MEMBER HUDSON: Okay.

MICHAEL BERFIELD: But it is...

COUNCIL MEMBER HUDSON: It's safe to say that you have experience in building affordable housing.

MICHAEL BERFIELD: Correct.

COUNCIL MEMBER HUDSON: Okay. And specifically building affordable housing with HPD.

MICHAEL BERFIELD: Correct.

COUNCIL MEMBER HUDSON: Okay. Have you considered partnering with an experienced non-profit affordable housing developer?

MICHAEL BERFIELD: We have had conversations with several developers who are more focused on non-profit and affordable housing. We haven't reached any final agreements with any of them because it felt premature, given where we were with the approval process, but I do think it's something we'll consider as we move forward, you know, especially with these discussions with HPD to see where we end up so I wouldn't rule it out, but we haven't finalized anything.

COUNCIL MEMBER HUDSON: Okay. I recognize you're probably not going to be able to give me an answer with much certainty to the next question that I'm going to ask you, but it's just pure curiosity. What is your level of confidence in securing the MIMI program with HPD on a scale from one to 10, 10 being extremely confident?

MICHAEL BERFIELD: This is a trick question here.

COUNCIL MEMBER HUDSON: It's not.

MICHAEL BERFIELD: No, no. And I appreciate the question. And it was brought up by your Staff and Land Use Staff because I think everyone knows the City is backlogged with affordable housing projects so we understand that. I think this project has a couple unique things going for it that makes my confidence maybe a little higher than it would otherwise be. One is this is a neighborhood that doesn't have a lot of affordable housing through HPD programs so I think they're anxious in seeing something be developed here. And I think the other thing it has going for it is it's a substantial project. You don't see a ton of affordable housing projects that have the potential for this many units. A lot of times they're smaller buildings, and that's good and bad. It means more subsidy, but it also means you're getting more done quicker if you can get it approved. I really hesitate to handicap it. I guess it's 50-50...

COUNCIL MEMBER HUDSON: Okay.

MICHAEL BERFIELD: Only because I don't know enough about where HPD stands, other projects that are in the queue, and the level of subsidy that the City has allocated for this program so it's a

little tricky to handicap it. But I do you think we have some advantages that are unique to this site that HPD liked when we've been in our conversations with them?

COUNCIL MEMBER HUDSON: Okay. I appreciate the answer. I'm just asking because, as you've mentioned, it is difficult, and there is a very long pipeline of projects to get through HPD, and so it's a concern of mine that I don't want to get too bogged down onto one particular proposal or application if it doesn't seem like it might be that feasible so I appreciate 50-50 is fair.

MICHAEL BERFIELD: I'll just add one thing. It's a fair point. One of the reasons, as Eli mentioned in the presentation, we made the decision after reviewing numbers and going back over budgets to switch to the deeper affordability, MIH Option 1. I know that's not an equivalent to the MIMI program, but it is, for us, a significant change in our economics on the project. But we understand that it's important to you and to the community, and so that's why we made that decision a few weeks ago.

COUNCIL MEMBER HUDSON: Great. Thank you. If HPD does not partner with you on this project, how

can you assure the Subcommittee that you'll provide the levels of affordability that reflects residents' needs, and I think you just sort of spoke to that with Option 1.

MICHAEL BERFIELD: Yeah, I think that's... exactly. That was the reason, you know, we had heard that. We hadn't gotten, as you know, as far along in our sort of discussions with elected officials such as yourself, the Borough President, and so once we really were able to have those conversations with your Staff, that's when we realized we need to look at the project another way and see if we can achieve those deeper levels that come with MIH 1.

COUNCIL MEMBER HUDSON: Okay. Can you speak to what environmental sustainability features you plan to include in the building design?

MICHAEL BERFIELD: Yeah. It's funny. I was listening when the previous project was discussing some of the stuff they went through in the Coney Island site. And, you know, it's a tricky issue because there are things that we'll do with our building that are standard now in terms of, as he mentioned, retaining stormwater, looking at, you know, ways to sort of enhance the building's energy

consumption through the use of special building materials, how you construct the building, and so all of those things are sort of almost standard now so we'll be pursuing those. There may be other things that come along as we get deeper into the design of the project. The challenge is sort of marrying that with the City's infrastructure, you know, even if you're able to do things on your site. A lot of times the issues derive from the City's infrastructure. And luckily, our understanding is, is that as part of the City of Yes, there was 5 billion dollars allocated to improve the City's infrastructure so I think that's exactly the type of thing that, when combined with these newer construction methods for the building, will make a big difference in sustainability.

COUNCIL MEMBER HUDSON: Providing good jobs for good workers on any new project is important to me and to my constituents. Do you plan on providing good jobs for the building service workers in this development, and have you committed to union labor at all for this project?

MICHAEL BERFIELD: Yeah. As Eli mentioned, we're in discussions with 32BJ for the service portion of the project. You know, at this point,

1 obviously, we're a few years away from the project  
2 being on the ground so there's sort of a preliminary  
3 agreement that we're looking at that would commit us  
4 to allowing the union to come into the building once  
5 it's operational. We haven't finalized it yet, but  
6 I'm optimistic that we'll get there. We're waiting  
7 for them to sort of get back to us on the comments we  
8 had.  
9

10 COUNCIL MEMBER HUDSON: Okay. And then I  
11 know you mentioned some of the uses for the  
12 commercial space that you're considering. I didn't  
13 hear mention about the laundromat so just wanted to  
14 make sure we can get that on the record. I know it's  
15 important to the community to maintain laundry  
16 service in the area, even if it isn't that specific  
17 laundromat provider.

18 MICHAEL BERFIELD: Yeah. As a person who's  
19 developed a lot of commercial, I'd say no to no  
20 tenant. I would be happy to have a laundromat there.  
21 We do have, as Eli mentioned, one of the advantages  
22 of the site is the large footprint allows for larger  
23 commercial uses, which is great, because that's not  
24 typical. But we've always made a priority of  
25 reserving smaller spaces along the street for local



potential businesses for more sort of type of uses that enliven a streetscape a little more, have a little more activity, and a laundromat is a is a great use to bring people to a site so that would certainly be something we're interested in, and we've had conversations with our tenant who had been occupying the space about coming back at the appropriate time.

COUNCIL MEMBER HUDSON: Great. And local businesses are also obviously...

MICHAEL BERFIELD: Absolutely.

COUNCIL MEMBER HUDSON: Important, as are as are the ones the uses that you did mention the community space and things like that.

MICHAEL BERFIELD: Absolutely.

COUNCIL MEMBER HUDSON: If this rezoning were not approved, how would you move forward with a redevelopment of the site?

MICHAEL BERFIELD: Yeah. The site as I think Eli had to speed walk through his presentation, but there is a slide that talks about what a proposed development would look like under an as-of-right scenario... (CROSS-TALK)

COUNCIL MEMBER HUDSON: Nine stories

(INAUDIBLE)

MICHAEL BERFIELD: Nine-story building. We would probably have to reconfigure the commercial, we'd still be able to get commercial, but it would be a little less, and it would have some restrictions on the type of uses we were able to put on the site so it would be a similar mix of uses, but less scale, and obviously no affordability.

COUNCIL MEMBER HUDSON: But you would still develop on the site?

MICHAEL BERFIELD: Yeah. In its current state, the building is nonfunctional, so yeah, it requires a redevelopment one way or the other.

COUNCIL MEMBER HUDSON: Okay. And just to be even more specific in terms of self-storage, auto related uses, things like that, you wouldn't be looking to bring any of those types of uses to that site if this were not approved?

MICHAEL BERFIELD: No.

COUNCIL MEMBER HUDSON: Okay. Those are all the questions for me. Thank you so much.

MICHAEL BERFIELD: Thank you.

ELI GEWIRTZ: Thank you.

CHAIRPERSON RILEY: Thank you, Council Member Hudson.

There being no more questions for this panel, this panel is now excused. Thank you.

We will start with in-person testimony, and the first two I will call up consists of April Russell and Theresa Westerdahl. Excuse me if I mispronounce your name.

For the members of the public here to testify, please note that the witnesses will be called in panels of three and you will be given two minutes to testify. You may begin when the Sergeant-at-Arms says you may begin, and we'll begin first with Mrs. Russell.

APRIL RUSSELL: Hello. My name is April Russell. I am a local community member. I did not expect to be here today because we got a notification that this hearing had been postponed. We received that notification on Monday, and then Tuesday that it was going to be on, and that made me very nervous and that is why I'm here today. I have lived in the community for 15 years near Medgar Evers, and I know that the Community Board and the community itself does not want this project as developed. And the

reason why is because this developer has not engaged with the community. You could tell from this presentation that this is a developer who has demonstrated an ignorance and frankly, a disdain for this community, calling it urban decay, which is frankly an insult to all of us who live there. The building is too tall for the site. The building as envisioned on the bottom floor with the commercial space, what the community has asked for is mixed space that can be used by smaller tenants from the community, not a big box store. We also know that studio apartments are completely inadequate for meeting the needs of families, and this is a family community. And also the building is too tall. The shadows do cause our community to lose light, and we know this because the developer themselves, they admit to it, but dismiss it as saying that, oh, it's just four hours during the winter when we already don't have light. We're opposed to this project.

Thank you.

CHAIRPERSON RILEY: Thank you, Mrs.

Russell.

Next, we'll hear from Theresa.

1                   THERESA WESTERDAHL: Hello. Can you hear  
2  
3 me? I'm Theresa Westerdahl. I live on Sullivan Place  
4 right down the street from the development, and I do  
5 serve on Community Board 9 in the ULURP Committee,  
6 but I'm here representing myself. I do walk by this  
7 project several times every day on the way to  
8 Prospect Park. The only reason this building is in  
9 any sort of decay is because of lack of care from the  
10 owners of the building. I am extremely concerned, as  
11 are my neighbors, about the effects of the shadowing  
12 that will be on the... there's seven sites that will be  
13 shadowed by this building as they're saying it will  
14 be developed. And if you walk by during the whole of  
15 the year, you could see how the sun rises and how the  
16 shadows will, in fact, impact this area throughout  
17 the day, especially in the early hours. And in the  
18 winter, the sun doesn't rise up to the full height.  
19 It's always on the horizon, which will be the entire  
20 winter. If you look, I've done my own study, I've  
21 taken a lot of photos, and it will have an unfair  
22 impact. And I believe if they're going to build the  
23 building, it should be done in a way that allows the  
24 sun to shine through. The as-of-right is pretty good.  
25 The photos that were shown do not show the current

developments that are happening on the site at all, including on the same block, the old Firestone site on Sullivan, Empire, and McKeever. That needs to be shown. I see nothing in this site. I'm really wanting bike racks in developments that happen. Nobody's putting up bike racks. And there is a need, a heavy need, for any development to have foresight with bike racks all around the sites so thank you for listening. I have a lot more to say, and I do agree with her. I am only here because I couldn't register online to speak in the drop-down menu. We are not able to register for this hearing. I also got the same notification. It was canceled. And I couldn't register online so I came in person today. I ran down here. Thank you.

CHAIRPERSON RILEY: We appreciate you coming in person. I have a question then I'm going to turn it over to Council Member Hudson.

Theresa, you stated that you are okay if this was just as-of-right building, which would be nine stories but would be no affordable housing for the community.

THERESA WESTERDAHL: I would prefer... well, I think as-of-right, they should put in the

affordable anyway, right? I mean, there's enough building...

CHAIRPERSON RILEY: Just to make it clear, with as-of-right, they have the right to build whatever they want there, and the City won't be able to negotiate with them or work with them to build any affordability so I just want to be clear that you understand that and that you're okay with that.

THERESA WESTERDAHL: Do you really think they're going to have, even with the negotiation, the affordable housing because I've seen that happen in other developments where that is promised and it doesn't happen.

CHAIRPERSON RILEY: Yes. I haven't seen that with any project that I have approved here, and I've been the Chair for some years now. And also, MIH is also a part of this project and it's mandatory that - it's Mandatory Inclusionary Housing.

THERESA WESTERDAHL: Do you think that they could build it in such a way that the sun can come to the school and the building?

CHAIRPERSON RILEY: No, I'm just asking you a question, Theresa, because usually we don't do questions back to the Chair.

THERESA WESTERDAHL: Oh, I'm sorry.

CHAIRPERSON RILEY: I'm just asking you this question. I do appreciate you coming here, but I just wanted to be clear because I did hear you mention that you would be okay with as-of-right, and I just wanted to explain what as-of-right was.

Council Member Hudson.

COUNCIL MEMBER HUDSON: Thank you, Chair. I also wanted to just correct the record that there was a separate meeting scheduled for April 22nd that was deferred. This meeting that was scheduled for today, the 23rd, was never adjusted so it is likely that you were clicking the wrong link and registering for the incorrect hearing. This hearing has never been changed. And I did also want to note that this site was formerly a gas station so I didn't personally hear a reference to urban decay here, and maybe I missed it, but I do want to mention that if there is any decay on this site, it is literally because of the materials that are in the ground, and I know that this site specifically is part of the brownfield, is that the right, brownfield... (CROSS-TALK)



THERESA WESTERDAHL: It is, but it was never a gas station. It was a laundromat, a big laundromat, and then the laundromat moved. It was always a laundromat.

COUNCIL MEMBER HUDSON: Previous to the laundromat.

THERESA WESTERDAHL: It was never a gas station.

COUNCIL MEMBER HUDSON: It was a gas station many years ago. But again, we're not here to go back and forth. I'm making the statement for the record. Thank you.

THERESA WESTERDAHL: Okay.

CHAIRPERSON RILEY: Thank you. This panel is excused.

I will now transition to online testimony for this proposal. We have one person signed up online. This person is Yaakov Behrman.

Yaakov, if you can hear me, please unmute and you may begin.

Yaakov, if you can hear me, please unmute.

YAACOV BEHRMAN: I hear you. Do you hear me?

CHAIRPERSON RILEY: Yes, I hear you. Go ahead.

YAACOV BEHRMAN: Thank you so much. First of all, I'm sorry for not being there in person. We were expecting a Mazel Tov, so I'm staying close to home.

I served nearly 10 years in Committee Board 9. I recently resigned, including five years on the Land Use Committee. We met twice regarding this application. The first meeting ran until about 11 p.m. In all my years on the Committee on the Board, I've never seen such strong Committee support for any application. Half the Committee backed a full zoning change and development, as long as it included a substantial percentage of affordable housing. The other half opposed all residential development, arguing the City's affordability options aren't affordable enough, and we have to oppose all development, including this one. But interestingly, everybody supported the commercial part of the project. Since we couldn't agree, I mean, half the Committee was against all development, the other half wanted affordable, we came to consensus that we're going to write a resolution, and we made it clear in

the resolution the opposition against the project was because the Committee didn't believe there's enough affordability citywide, not just with this project, and that we would support the commercial part. At a later full Board meeting, which was a special meeting, the Land Use Committee Chair introduced an entirely new resolution drastically changing the language and raising objections about shadows on parking lots. There was no notice. I had never seen this resolution before. It was a special meeting. The other resolutions were shared. This one wasn't. I made it clear that it was improper, especially since it's a special meeting. Many members of the Bboard were new and didn't know what was going on. At the next Land Use meeting, the Committee unanimously voted to bar any future unapproved resolutions and criticized the Chair for this conduct. Nobody knows where this resolution came from. So firstly, I urge the City Council to disregard Community Board 9's resolution because it does not reflect what actually transpired or happened. Instead, to look at the minutes of the Committee meetings, something like six hours of meeting. I also resigned from the Board...

SERGEANT-AT-ARMS: Time expired.

YAACOV BEHRMAN: After 10 years because I'm not going to leave my family for six hours to have one person undo the Committee's work. Thank you.

CHAIRPERSON RILEY: Thank you so much.

There being no questions for this panel, this panel is excused.

There being no one else here to testify on LUs relating to 73-99 Empire Boulevard rezoning proposal, the public hearing is now closed, and the items are laid over.

I will now open the public hearing on pre-considered LU's relating to the 19 Maspeth Avenue Rezoning Proposal in Council Member Guti  rrez's District. This is a proposal to develop a residential mixed-use building with approximately 261 apartments in East Williamsburg, Brooklyn. The proposal also involves the mapping of Mandatory Inclusionary Housing requiring 20 percent to 30 percent of the apartments to be permanent affordable housing.

For anyone wishing to testify regarding this proposal remotely, if you have not already done so, you must register online by visiting the Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse).

For anyone with us in person, please see one of the Sergeant-at-Arms to submit a speaker's card. If you prefer to submit written testimony, you can always do so by emailing it to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

I will now call the applicant panel for this proposal which consists of Benjamin Stark, Joe Caputo, and Paul Scarola.

Counsel, please administer the affirmation.

COMMITTEE COUNSEL VIDAL: Can you please turn on your microphone and raise your right hand?

Can you please state your name for the record?

JOSEPH CAPUTO: Joseph Caputo.

PAUL SCAROLA: Paul Scarola.

BENJAMIN STARK: Ben Stark.

COMMITTEE COUNSEL VIDAL: Do you swear to tell the truth and nothing but the truth in your testimony today in response to Council Member's questions?

JOSEPH CAPUTO: I do.

PAUL SCAROLA: I do.

BENJAMIN STARK: I do.

COMMITTEE COUNSEL VIDAL: Thank you.

CHAIRPERSON RILEY: Thank you.

For the viewing public, if you need an accessible version of this presentation, please send an email request to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

Now the applicant team may begin. Please just restate your name and organization for the record.

BENJAMIN STARK: Thank you, Council Member Riley. My name is Ben Stark. I'm a land use attorney with Hirschen Singer and Epstein here on behalf of the applicant, Capskar III LLC, the owners of which, Joe and Paul, are here with me today.

The application before this Subcommittee is the 19 Maspeth Avenue Rezoning which, if approved, would facilitate development of an approximately 17,000 square foot building in East Williamsburg, Brooklyn, District 1, which would have 15 apartments including either four or five affordable apartments built pursuant to MIH above a commercial ground floor. Next slide, please.

19 Maspeth Avenue is a unique, triangular-shaped lot, as I mentioned, in East Williamsburg at a fairly busy intersection of

Woodpoint Road, just north of Metropolitan Avenue, before Woodpoint moves south to Bushwick Avenue. This is an area of the city that has seen a tremendous amount of development and redevelopment over the last decade and a half. Next slide, please.

If the actions before you are to rezone the site from a semi-industrial legacy C8-2 district permitting residential development, an R7-2 district, a mid-density district, that is, as you'll see in a bit, in conformance with the building morphologies that surround the site. The project is one that has been in the entitlement process for quite a while. Previously, this unique, triangular-shaped property was seeking approval pursuant to a BSA variance based on its unique physical conditions. After appearing before the local Community Board 1 during that approval process and hearing opposition related to the lack of affordable housing component, the application was withdrawn and was thereafter refiled as a rezoning application with the sort of soft, I wouldn't say approval, but agreement of the appropriateness of the action from the Department of City Planning, who encouraged us to pursue the application. And in re-presenting the rezoning

application to Brooklyn Community Board 1, we were happy to see that the inclusion of affordable housing earned the support of the local Community Board, something that we can speak about more in a little bit. Next slide, please.

As I mentioned, 19 Maspeth Avenue is a fairly unique site. It's small, under 3,000 square feet, just about 2,900 square feet. It's an entire block bounded by Conselyea Street to the north, Maspeth Avenue to the south, and Woodpoint Road to the west, and has been vacant since, from what we can tell, sometime in the 1980s, and it's currently used as commercial vehicle parking for the applicant's business, a local heating contracting business, New York Heating. They've used the property for this use for about a decade or so.

The site, next slide, is one that, for lack of a better way of putting it, we sort of think DOT is sort of lost on how to approach it. There was a time when, adjacent to the site, there was on-street parking, later this intersection of the streets was closed to parking. We've heard, through the public engagement process, a lot of commentary from local residents and the Community Board as to



the sort of dangerous condition, crossing from this triangular-shaped site to over Woodpoint Road, and the desire for DOT to install more or improve more crosswalks. And this is something that we think is of sort of importance with this project, with more and more residents coming to the area, including a real shot in the arm with the development of the Cooper Park Commons development, which is one block to the east, something that we'll see on a later slide. Next slide.

And as you can see, the site, in its use as commercial vehicle storage, is underdeveloped for its surrounding context. The C8-2 zoning that covers the site differs from the residential zoning that is on either side of the street there, south side of Maspeth Avenue to the right, the north side of Conselyea you see to the left there. Next slide.

This is where the triangular, the flat iron-shaped site comes together, and it's possibly because of this sort of lack of programming here, this condition that really, even to a lay viewer, appears underutilized, that we feel has probably motivated local community groups to propose the closing of this part of Maspeth Avenue, something

that caught us off guard in the public review process, but one that we're not opposed to. In fact, we're quite supportive of. So, next slide. Next slide, please.

We're now looking down Woodpoint Road, sort of at the apex of what is seen as a dangerous street condition. Pedestrians walking from points east to west find themselves on the corner of the triangle there to the left without adequate means of crossing Woodpoint. Next slide.

The C8-2 zoning that's in place is legacy. The C8-2 district currently covers the intersection of these major streets, but had at one time extended down Bushwick Avenue to the south, further east on Metropolitan, and further west on Metropolitan. City-sponsored or City-led neighborhood rezonings in the mid-2000s, 2009, saw the adoption of the contextual residential districts R7A to the west and east and south on Bushwick, lower density contextual districts R6B to cattycornered to the southeast and southwest. Private applicant rezonings have also chipped into the C8-2 district at the southeast corner of Metropolitan and Bushwick. At 824 Metropolitan, a private applicant rezoned to an R7A

district to facilitate a new mixed-income building, similar in height to what is proposed today. Next slide.

The context in the surrounding area following these neighborhood rezonings has changed this immediate community to a residential character. Even though there had originally been more semi-industrial uses, at this point they're by and large gone. This is one of maybe only three sites in the entirety of the remaining C8-2 that is used for conforming semi-industrial use. With this redevelopment, should it be approved and built, we would be down to two conforming semi-industrial uses in the C8-2 district, one of the other two being New York Heating's headquarters, which is just outside the image on the top of the screen on the corner of Humboldt and Devoe Street, sort of on the bottom southern end of the remaining C8-2. The development of this building, I think the picture speaks for itself. The context of this mid-rise six-story building matching existing six-story buildings on the south side of Maspeth, actually lower in height than other new residential buildings you can see there on Metropolitan and Bushwick and on Metropolitan and

Humboldt. It really speaks to the conformance of this development with the context that has come about in recent years. Next slide.

Not only is the building conforming with the immediate surrounding context, but it's also one that we think will just greatly enhance the context. As more and more people have come into this immediate area, there has been a real explosion of need for ground floor retail uses, an explosion in need for passive seating areas, what we sometimes call the third place in our communities between home and work and places to just sit and interact. This is also likely why or what we imagine has motivated the local community to propose and really spearhead a redesign of the Maspeth Avenue, this section of Maspeth Avenue between Woodpoint and the tip of the triangle, something that we can show on a later slide in a little bit. Next slide. Next slide.

The site is challenging to work with. As I mentioned earlier, this is a very small property. Once a core is placed for this building, its elevator, its emergency egress stairs, there's not a lot of program space to work with. You can see that at the commercial ground floor, we're left with about

2,300, 2,400 square feet of program space. Is this one tenant? Is this two tenants? We're too early in the process to pursue the tenanting, but the applicants are open to either a split, two small retailers or one retailer. Next slide.

You can really see the impact of the odd shape. Once we get up to the residential levels, each of the five residential levels are proposed to be common, the same design on each floor. We're able to squeeze out one two-bedroom apartment on each floor and two one-bedrooms on each floor, a total of five two-bedrooms, ten ones. And because of the odd shape of the site, some of the units actually end up larger than other buildings that can maybe build more hyper-efficient floor plans. So, one of these one-bedrooms ends up at over 700 square feet, the two-bedroom ends up just south of 900. So, we're excited for the future tenants of this building, including the tenants of the affordable housing units, who we think are going to be getting really lifetime homes here. These are going to be wonderful places to live, great views, and we're happy to be a part of that. Next slide, please.

It's probably because of the unique full block character of this site that the building ends up somewhat shorter than other new buildings that have gone in recently. Because the property occupies a full block, no yards need to be developed, the property can be built to 100 percent lot coverage. That all has the effect of sort of pushing the building down a bit. It doesn't stretch vertically because of the need to provide those rear yards, it ends up just sitting more squat. So at only 65 feet tall, it ends up notably shorter than some of the new developments that are going in or have gone in, including most notably the Cooper Park Commons development, which is a block to the east, a redevelopment of the former Greenpoint Hospital, next slide. Which is going to have a real tremendous impact on this immediate area. This is an application for 19 Maspeth, but why am I talking about Cooper Park Commons? Because it's going to have a major impact on the foot traffic in this area. The natural means to which, next slide, Cooper Park Commons residents are going to be traversing this immediate area is likely right across this site on a typical commute to the Graham Avenue L station, the major

subway station in the immediate area so this is also something that we heard from local communities. Oh wow, we got another 500, 1,000 residents that are going to be moving in about a half block to the east. How are these people going to be moving around this neighborhood? This is further highlighting the need for DOT to make improvements to the streetscape, add new crosswalks, be mindful of the movement of young children and families to schools and other community-based uses. Also why we believe that the redevelopment of this site with a residential use in conformance with surrounding residential buildings sort of furthers that evolution of this neighborhood to a real bedroom community. Next slide.

We're here and available for questions.

CHAIRPERSON RILEY: Thank you, Benjamin.

BENJAMIN STARK: Yep.

CHAIRPERSON RILEY: So just have a few questions. What unit mix and affordability levels are you proposing for the apartment and what other sizes of affordable apartments?

BENJAMIN STARK: So, the applicants are open to either Option 1 or Option 2 under MIH. In working through that question with the Community

Board, it became apparent that the Community Board favored Option 2 interestingly. Although I don't want to speak for the Community Board, but there was extended debate on that and sort of at the end of the debate it was a moment of like, oh, you know we are talking about the difference of one apartment which is sort of a rare conversation in these things, but the Community Board landed on Option 2. The Council Member, I don't want to speak for her, she might feel differently. I'll leave it to her and her office to make their position felt, but we are open to either option. If this building is built per Option 1, then in all likelihood there will be three one-bedroom affordable apartments and one two-bedroom. If this is built under Option 2, it would likely be four one-bedroom apartments and one two-bedroom. I hope that answers your question.

CHAIRPERSON RILEY: Yeah. The R7D district you're proposing allows a building up to 110 feet. Your building rises to approximately 65 while utilizing all available FARs but that leaves a lot of space to build higher. How can the community be sure that you will only build six-story building?



BENJAMIN STARK: This is a great question and one that if we had a much bigger site I'd be sort of nervous to respond to. There's simply no way that we will get, if this building does end up taller than 65, it basically can't end up too much taller than 65 because we're going to hit the max base height eventually. And the site is so narrow that if you try to comply with the setbacks that are above the base height, the floor plate is basically eliminated at that point. The setback from each of these narrow streets has to be 15 feet. The widest point of the site is I think only, I have to look it up, but it's a very narrow site such that as you set back 15 feet from all the streets you're left with this tiny little basically unprogrammable little pimple that could theoretically rise to the 120 feet so it's basically an impossibility.

CHAIRPERSON RILEY: It's not a pretty site to think about.

BENJAMIN STARK: Yeah, exactly.

CHAIRPERSON RILEY: The Community Board has identified the need for sustainability and resilience interventions such as introduction of

bioswales and tree beds. How do you plan to respond to these requests?

BENJAMIN STARK: It's a great question.

So, you know, although it's a very small site, it has a really uniquely high proportion of street frontage so it's only a 2,900 square foot site but I think on my last count it's like just shy of 300 feet of linear frontage which is sort of incredible how much sidewalk it is for what amounts to like a large townhouse lot. The reason I mentioned that is in accordance with the zoning resolutions requirements to develop street trees every 25 feet, this building will be obligated to develop in the bed of the public sidewalks adjacent to development approximately I think 12 or 13 street trees. Those street tree pits offer opportunity for bioswales. This is also where our conversation with the Community Board got into their initiative or initiative of the Friends of Cooper Park to close that part of Maspeth Avenue. That initiative may involve more street trees. Some of these street tree pits might end up being sort of combined large street tree pits with multiple trees. So, we think that between the large amount of sidewalk space, the large amount of street trees that

were required under zoning to provide that this, in combination, it's going to be a real impact on what is otherwise a triangular site with very little tree canopy and impervious services.

CHAIRPERSON RILEY: Okay. My last question, well really a statement, I'm really concerned about the pedestrian and transportation there. It's really a awkward kind of situation so just really would love for you to work with the Community Board, Council Member, and the DOT to make sure that you're instilling different ways that you can make this more pedestrian friendly and car friendly, friendly for everybody because it's important for everybody to be safe in that area.

BENJAMIN STARK: All right. We appreciate that.

CHAIRPERSON RILEY: Thank you.

There being no other questions for this panel, this panel is excused.

Are there any members of the public here to testify on LUs relating to 19 Maspeth Avenue remotely or in person? If you're in-person, please see the Sergeant-at-Arms. If you're remotely, please raise your hand.

Stand at ease for 10 seconds.

The panel's excused. Thank you.

There being no other members of the public here to testify for pre-considered LUs relating to the 19 Maspeth Avenue Rezoning Proposal, the public hearing is now closed, and the item is laid over.

Okay. Now, I will open the last hearing. I now open the public hearing on pre-considered LUs relating to the 166 Kings Highway rezoning proposal in Council Member Zhuang's District. This proposal is to develop a residential mixed-use building with approximately 97 apartments in Bensonhurst, Brooklyn. The proposal also involves the mapping of Mandatory Inclusionary Housing requiring 20 to 30 percent of apartments to be permanent affordable housing.

For anyone with us testifying regarding this proposal remotely, if you have not already done so you must register online by visiting the Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse). For anyone with us in person, please see one of the Sergeant-at-Arms to submit a speaker's card.

If you prefer to submit written testimony you can always do so by emailing it to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

I will now recognize Council Member Zhuang for any opening remarks on this project.

COUNCIL MEMBER ZHUANG: Thank you, Chair, and also I want to say I understand the difficulty our City faces with affordable housing. I acknowledge that there has been significant interest and tension on this proposal. I'm looking forward to hearing to be able to hear from all sides and set the record straight on what is being proposed this time.

CHAIRPERSON RILEY: Thank you, Council Member Zhuang.

I will now open up the applicant panel which consists of Eric Palatnik and Frank Sedia.

Counsel, can you please administer the affirmation?

COMMITTEE COUNSEL VIDAL: Can you please turn on your microphones and raise your right hand?

Do you swear to tell the truth and nothing but the truth in your testimony today and in response to Council Member questions?

ERIC PALATNIK: I do.

FRANK SEDIA: I do.

CHAIRPERSON RILEY: All right. Thank you.

For the viewing public, if you need an accessible version of this presentation, please send an email request to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

Now the applicant team may begin. I'll just ask that you please restate your name and organization for the record. Eric, you're my last person. I have to be out here by 12 so you could speed this up and do this really quick so we can get right into the questions. Thank you.

ERIC PALATNIK: Well, hopefully, we'll get you out here by 12:45.

Eric Palatnik representing the applicant. I'd like to thank everybody for their time today, particularly Council Member Susan Zhuang, for the leadership she has shown through a ULURP process which to everybody on the Zoning and Housing Committee and Land Use knows is a very difficult process to begin with. I think she did a stellar job guiding the community and leading us to the point we are today which is a very productive resolution I think, of course subject to that she's still thinking

positive thoughts after our meetings. If you can go to the next slide, please.

This was an application for an R7X/C2-4 rezoning, which we are now requesting be amended. We are asking that the application be amended as you can see in the second paragraph there to the now proposed R7A/C2-4 zoning district. That R2A/C2-4 zoning district will allow for a smaller building than the R7X proposal was originally proposing. And more importantly, we have agreed to a deed restriction to be put in place to further restrict the size of that development so not just as it is it proposed or requested to drop from an R7X to an R7A, but we are proposing to put a deed restriction stating that we agree to no more than eight stories in height. And if you can go to the next page, please.

This next page gives you the entire deed restriction. Wait for the slide to change. Okay, so as you can see here from this, the deed restriction if I just go to my page here that mimics that, I apologize, the deed restriction agrees to include 2,503 square feet of floor area, the ground floor, on the Kings Highway frontage of the building to be dedicated to a to--e determined organization at the

community and Council Member's choosing to utilize that space at a below market rate rent that will be tied to the consumer price index, limiting the height of the building to eight story is shown in the revised plans and, as we have spoken to at length at the community level, 60 parking spaces to accommodate the building which we agreed to last night, will have no more than 90 dwelling units. All that will be memorialized in a restrictive declaration which will attach to the property. So, between that and reducing the development from an R7X to an R7A, we are hoping that we have met the concerns of both the Council Member and the community, and that is the essence of our presentation and now I will cruise through the remainder of it so that we can leave some time constraints and let other people speak. Next slide please.

This is a project overview which basically tells you what was certified, and we're not going to talk about that.

If you can click forward a few slides, you should be able to get to one that describes this was the old rezoning, this is certified, keep going, keep going, you'll get to one that says R7A, keep



going, this is the old, old. Here we go. Alternative proposal. This is what we've been talking about at the Community Board. The slides you just click through was a certified proposal, and I just wanted you to see it because that was what was certified and that was coming into this hearing, what you have been seeing, Chair. This slide and the series of slides I'm showing you going forward, as you can see at the bottom here, reflect a rezoning to an R7A/C2-4 rezoning which is what we are requesting that the Council Member amend the application to. Go to the next slide, please.

          This slide starts to show you now what the alternative is. It's what I just, everything I just said, it's listed on the righthand side, eight stories, 84 feet, ground floor commercial space plus the space I mentioned to be dedicated to a not-for-profit or a user of the Council Member and community's choosing, and Abe Betesh (phonetic) would like to be involved in that process as well. I'm sure we can work together. 85,000 square feet of total floor area, 4.88 FAR, it's about 70,887 square feet of residential space and 14,000 square feet of commercial space at the ground floor which part of

that includes the community facility or not-for-profit space we spoke about, and 60 parking spaces at the cellar level. If we can go to the next slide.

Next slide shows you the proposed rezoning boundaries. What's interesting from a land use perspective here, you'll see on the lefthand side is the existing zoning. Our site is in the middle. It's the second flatiron-shaped piece of property. It's outlined on the right with the dots, but you'll see there's an R7A zoning district surrounding the property on two of its sides right now. From a land use rationale, we're requesting that R7A be slid over our property and the smaller property next door to it. We've had extensive conversations with the community and the Council Member. The smaller property is not a part of our application, and we have agreed and requested and if the Council Member would agree, to cut off that portion of the rezoning that is not under the applicant's control, and that's what was discussed with the community yesterday and at numerous meetings before this. Next slide, please.

This just gives you a summary of what we were proposing. Go to the next slide.

It's a nicer slide, more exciting. This slide both tells you what we're proposing on the righthand side and shows you it being reduced from its original iteration. The left side of the page is what was certified. It's what's on the calendar today. It is not what we are requesting. We are requesting that it be amended to the right side. I know I'm redundant, but I know this is the subject of much confusion at the community level and we made it clear now and I want to make it abundantly clear to the Committee that we are requesting that it go to an R7A. You can see on the right side, the building is shorter, it's squatter, it's eight stories, 84 feet, and dwelling unit counts right now is shown as 76 but we spoke last night that it will not exceed 90.

The righthand, next page please, and then I think I'll call it a day on the next one and then let you ask any questions you may have. Just to let you know that the Council Member and the work that everybody has been doing together is consistent with both the Borough President and the community and the Community Board also who have heard the application and been through many contentious debates and discussions surrounding it, and the proposal that we

have come to an agreement with the Council Member on I believe is consistent with what the Borough President and the Community Board also were supporting and we include information in the presentation here to demonstrate that.

I'll stop here in the interest of time and then be happy to ask any more questions. Again, I do want to make it, just one more final thing, i'll say this. The Council Member, unbelievable, I've been through probably 75 rezonings in my career, and she's been a phenomenal leader in everything that she's been doing and brought it to a peaceful resolution. Thank you.

CHAIRPERSON RILEY: Thank you, Eric.

Just one question before I pass it to Council Member Zhuang. What impact will this application have on the non-applicant-controlled site to the east of the proposed development site?

ERIC PALATNIK: Right. That's the shoemaker, as we call him, because it's owned by a gentleman who's a shoemaker. That property is not a part of the rezoning application. It's not a part of the development site, although it's part of the rezoning application. We would have no objection if

anybody wanted to make an action to amend the application to eliminate that site and cut it from the rezoning. There's no proposed development to occur on that site.

CHAIRPERSON RILEY: Now, I saw on the previous proposal, there was I think like 46 parking spots. Now, you've increased it to 60.

ERIC PALATNIK: 60 parking spots.

CHAIRPERSON RILEY: And that's because the community asked...

ERIC PALATNIK: Correct.

CHAIRPERSON RILEY: For this?

ERIC PALATNIK: Asked for a lot of parking. Sorry. City of Yes... (CROSS-TALK)

CHAIRPERSON RILEY: No. I just want to be clear and just have it on the record that, you know, some communities require having more... (CROSS-TALK)

ERIC PALATNIK: They wanted more... (CROSS-TALK)

CHAIRPERSON RILEY: And that's fine. Okay. No problem.

I just want to yield the floor to Council Member Zhuang for her questions.

COUNCIL MEMBER ZHUANG: Thank you, Chair, and I just want to have everything on record. The first question, please state for the record you commit to a maximum building height of eight stories and the max (INAUDIBLE) units, it's 90, and provide at least 60 parking spaces.

ERIC PALATNIK: We agree to all three of those comments and statements that you just made.

COUNCIL MEMBER ZHUANG: And also after the meeting yesterday, some neighbors called me saying they have concerns about 90 units. Can we still discuss after this?

ERIC PALATNIK: Of course. Mr. Betesh is here and we'd be happy to have a conversation with you.

COUNCIL MEMBER ZHUANG: Okay. And then the second question, are you committed to provide 2,500 square feet of community facility for community using the ground floor.

ERIC PALATNIK: We do, tied into a rent that is commensurate that we all determined to be a below-market fair rent that would be tied into the consumer price index for any future rent increases as the years go on.

COUNCIL MEMBER ZHUANG: And the third question, the community is very concerned about situation in nearby district in which a rezoning was approved by Community Board and the local Council Member only for the property to be sold and developed as a shelter. What can you say to community and allay their concerns about this.

ERIC PALATNIK: We would be happy to include within the restrictive declaration a statement, another clause that would state that the property would not be utilized as a shelter in any way shape or form to make it no opportunity for that to occur.

COUNCIL MEMBER ZHUANG: And also the fourth question, what safety measurement you guys going to have when you build the building?

ERIC PALATNIK: There's numerous safety measurements. We discussed it last evening. They'll be on-site measuring devices for vibrations. There'll be a safety inspector that's required to be on site as a part of the construction team at all times. The site will be subject to inspections by the New York City Department of Buildings so there's numerous safety inspections that will be going on. During the

construction process, there'll be a site foreman, and that site foreman will be in charge of overall safety on the site and he will have designated site supervisors that will also be responsible for safety. So, safety on a construction site is a number one concern as well as for the pedestrians. There'll be sidewalk sheds and, unfortunately, at certain moments there'll be probably some street closures to allow trucks when they're pouring the foundation. But, other than that, there'll be minimal disruption to the street.

COUNCIL MEMBER ZHUANG: And any third party overseeing that safety construction?

ERIC PALATNIK: Yes. There'll be the contracting crew and then there's a third party independent party that comes in and tests for vibration monitors and monitors the site for those kinds of things.

COUNCIL MEMBER ZHUANG: Can we also put that in deed?

ERIC PALATNIK: Yeah. Of course.

COUNCIL MEMBER ZHUANG: Okay. Thank you.

ERIC PALATNIK: Thank you.



CHAIRPERSON RILEY: Thank you, Council Member Zhuang.

There being no more questions, this panel is excused.

ERIC PALATNIK: Thank you.

CHAIRPERSON RILEY: I will begin with online testimony first.

The first panel I will call up consists of Michelle Lee and Gary Chen.

Michelle, if you can hear me, please unmute and you may begin.

Michelle, if you can hear me, please unmute and you may begin.

Okay. We'll come back to Michelle.

Gary, if you can hear me, please unmute and you may begin.

MICHELLE LEE: Hello.

CHAIRPERSON RILEY: Michelle?

MICHELLE LEE: Can you hear me?

CHAIRPERSON RILEY: Yes, we can hear you.

MICHELLE LEE: Okay. Good morning, Committee Members. Thank you for giving me the opportunity to speak today. Councilwoman Susan Zhuang  
(INAUDIBLE)

CHAIRPERSON RILEY: You can go ahead.

MICHELLE LEE: Hello.

CHAIRPERSON RILEY: Yeah. We can hear you.

Continue.

MICHELLE LEE: Hello.

CHAIRPERSON RILEY: We can hear you. You  
can continue.

Michelle.

MICHELLE LEE: Hello. Hello.

CHAIRPERSON RILEY: Yes. We can hear you.

MICHELLE LEE: Oh, okay. Sorry about that.

(INAUDIBLE) Good morning, Committee Members. Thank

you for giving me the opportunity to speak today.

Councilwoman Susan Zhuang initiated in good faith to

build 100 percent senior affordable rental

apartments, also known as ELLA, on a vacant lot at

166 Kings Highway near where she lives to help the

senior people. The developer applied to increase the

zoning from current R6B to R7X. When the developer

presented his proposal of 189 units, including 30

(INAUDIBLE) units with 27 parking spaces, dozens of

fellow citizens from the community strongly opposed

the plan because the proposed R7X zoning would

exacerbate existing strain on our community including

parking shortages, which are already a daily struggle for residents. We have a lesson to learn from this. On West Fourth Street and Avenue P in Brooklyn, because the building is close to the subway and the building does not provide parking spaces, every night there are a total of around 14 cars that were parked on each side of Avenue P causing traffic problems at night. In addition, R7X zoning would also cause overburdened sewer system, leading to frequent flooding and infrastructure failures. R7X zoning would also cause overcrowded school where resources are stressed thin and will cause children education to suffer from this. When Councilwoman (TIMER CHIME) Susan Zhuang heard of the potential harm it would cause to the community, she gave up on the (INAUDIBLE) the developer must compromise..

CHAIRPERSON RILEY: (INAUDIBLE)

MICHELLE LEE: And abandon the R7X plan. Community Board 11 therefore rejected..

CHAIRPERSON RILEY: Thank you, Michelle.

MICHELLE LEE: R7X plan and proposed R7A instead.

CHAIRPERSON RILEY: Thank you, Michelle.

MICHELLE LEE: I'd just like to reiterate that our community strongly opposes R7X and proceeds with R7A. Thank you.

CHAIRPERSON RILEY: Thank you. Next, we'll move to Gary Chen.

Gary, if you can hear me, please unmute and you may begin. Gary, if you can hear me, please unmute and you may begin.

GARY CHEN: Can you hear me?

CHAIRPERSON RILEY: Yes, we can hear you, Gary. Go ahead.

GARY CHEN: Yeah. I can't hear you. Can you see me?

CHAIRPERSON RILEY: No, we can't see you. We can hear you though. You could just speak if you need to.

GARY CHEN: Okay. Okay. Proposed R7X zoning would exacerbate existing strain on our community (INAUDIBLE) the parking shortage (INAUDIBLE) Yeah, yeah, let me see. Okay. (INAUDIBLE) will cause the exacerbation of our community so parking shortage and overburdened the sewer system and overcrowd the school. Considering the potential crisis R7X may force to the community, the developer

kindly abandoned the R7X application. Instead, submitted the modified plan with 76 unit and (INAUDIBLE) apartment space which already presented on City Planning hearing on February 19, 2025. However, Borough President and the New York City City Planning only care about as many as apartment as possible on a small land but completely forgot, ignored, and abandoned the middle-class taxpayer in our community, basically approved R7X. Our community of hard-working family deserves stability, respect, and (INAUDIBLE) Urban Planning push forward with R7 without addressing this crisis is a betrayal of the people who helped build this city. We demand that our voice be heard. Prioritizing affordable housing should also align with the need of current residents. Our community unanimously opposed zoning change to R7X. We accept our Community Board 11 proposed the R7A with no more than 80 unit. Adding 80 new (TIMER CHIME) apartment from...

SERGEANT-AT-ARMS: Time expired.

GARY CHEN: Zero apartment before will help the City to ease a housing shortage but not cause too much trouble for the community. We have collected over 800 signatures...

CHAIRPERSON RILEY: Thank you, Gary.

GARY CHEN: To oppose R7X. We have already submitted to the City Planning. We will mail it to the City Council. Thank you very much for your attention. I yield back.

CHAIRPERSON RILEY: Thank you, Gary.

There being no questions for this panel, this panel is excused.

We will transition to in-person testimony. Jacqueline Sorrillo.

JACQUELINE SORRILLO: Thank you. I just want to thank you all for letting us come and speak. And we have participated, I, myself, and a lot of my neighbors have participated in several meetings about the R7X zone change for 166 Kings Highway. And at the meeting last night, which was very productive, thank you to Susan, there was an overwhelming support for changing this to an R7A with deed restrictions requested by the community. And we really support this agreement that Susan and the owner of the building have come up with, and we really appreciate all the listening that both sides did and I felt like we really compromised and came to a decision and I

just want to thank Susan and I would like to thank  
Abe as well. Thank you.

CHAIRPERSON RILEY: Thank you, Jacqueline.

There being no questions, this panel is  
excused.

There being no other members of the  
public who wish to testify on LUs relating to 166  
Kings Highway Rezoning Proposal, the public hearing  
is now closed, and the item is laid over.

That concludes today's business. I would  
like to thank the members of the public, my  
Colleagues, Subcommittee Counsel, Land Use and other  
Council Staff, and the Sergeant-at-Arms for  
participating in today's meeting. This meeting is  
hereby adjourned. Thank you. [GAVEL]

C E R T I F I C A T E

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



Date May 29, 2025