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SUBCOMMITTEE ON ZONING AND FRANCHISES

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

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September 22, 2022
Start: 11:09 A.M.
Recess: 1:40 P.M.

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

B E F O R E: HONORABLE KEVIN C. RILEY,
CHAIRPERSON

COUNCIL MEMBERS:
Shaun Abreu
Erik D. Bottcher
David M. Carr
Kamillah Hanks
Farah N. Louis
Francisco P. Moya
Lynn C. Schulman

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

3 Richard Lobel
4 Sheldon Lobel, PC

5 Amanda Ianadi
6 Sheldon Lobel, PC

7 Kevin Williams
8 Equity Environmental

9 Spyro Bazigos
10 Project Architect

11 Dr. Mikhail Kantius

12 Dan Eggers
13 Land Use Attorney
14 Greenberg Traurig

15 Henry Rosenwach
16 Owner Representative

17 Dierdre Carson
18 Shareholder
19 Greenberg Traurig

20 Gene Kaufman
21 Architect
22 Gene Kaufman Architect

23 Paul Proulx
24 Attorney
25 Carter, Ledyard, and Milburn

26 Tony Daniels
27 Principal
28 Cycle Architecture and Planning

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

3 Brian McAllister
4 Resident
5 Gowanus

6 Brad Vogel
7 Resident
8 Gowanus

9 Maureen Koetz
10 Consultant
11 Planet A* Strategies

12 Paul Basile
13 President
14 The Gowanus Alliance

15 Beth Morrow
16 Owner
17 122 8th Street, Brooklyn

18 Martin Bisi
19 Owner
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21 Elizabeth Denys
22 Resident
23 Flatbush, Brooklyn

24 Jason Zakai
25 Attorney
Hiller, PC

Kathryn Krase
Resident
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6 John Buckholz
7 Resident
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9 Douglas Hanau
10 Resident
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12 Jason Zakai
13 Attorney
14 Hiller, PC

15 Ben Meskin
16 Resident
17 Brooklyn

18 Andre Magnani
19 Resident
20 Brooklyn

21 Benjamin Haymen
22 Resident
23 Brooklyn

24 Susan Yung
25 Resident
Brooklyn

2 SERGEANT SADOWSKY: This is a microphone check.

3 Today's date is September 22, 2022, on the
4 Subcommittee on Zoning and Franchises located on the
5 16th floor hearing room. Recorded by Steven Sadowsky.

6 SERGEANT AT ARMS: Good morning, and welcome to
7 today's New York Council hearing on Zoning and
8 Franchises. If you wish to submit a testimony, you
9 may at testimony@council.nyc.gov. At this time,
10 please silence all electronic devices and thank you
11 for your cooperation. Chair, we are ready to begin.

12 [GAVEL]

13 CHAIRPERSON RILEY: Thank you, Sergeant. Good
14 morning and welcome to a meeting of the Subcommittee
15 of Zoning and Franchises. I am Council Member Kevin
16 Riley, Chair of the Subcommittee. This morning I am
17 joined by my colleagues, Chair Louis, Council Member
18 Schulman, and we are joined virtually by Council
19 Member Hanks. Today we will, excuse me, today we will
20 hold public hearing for four rezoning proposals,
21 three in Queens for 78-46 Metropolitan Avenue, 79-18,
22 164th Street, and 40-25 Crescent Street, and one in
23 Brooklyn for 9th Street. I would also like to note
24 that the 2080 McDonald Avenue proposal originally
25

2 planned for a vote for today, will be voted at a
3 future date.

4 Before we begin, I recognize the Subcommittee
5 Counsel to review the hearing procedures.

6 SUBCOMMITTEE COUNSEL MARTINEZ: Thank you, Chair
7 Riley. I am Angelina Martinez, (INAUDIBLE) Counsel to
8 the Subcommittee. This meeting is being held in
9 hybrid format. Members of the Subcommittee are
10 required to meet in person. Members of the public who
11 wish to testify may testify in person or via Zoom.
12 Members of the public wishing to testify remotely
13 were asked to register for today's hearing. If you
14 wish to testify and have not already registered,
15 please do so now by visiting the New York City
16 Council website at www.council.nyc.gov/landuse to
17 sign up, or for those of you here in the chambers,
18 please see one of the Sergeants at Arms to prepare
19 and submit a speaker card.

20 Members of the public may also view a livestream
21 broadcast of this meeting at the Council's website.
22 If you need an accessible version of any of the
23 presentations shown today, please send an email
24 request, request to landusetestimony@council.nyc.gov.

2 When called to testify, individuals appearing
3 before the Subcommittee will remain muted until
4 recognized by the Chair to speak. Applicant teams
5 will be recognized as a group and called first,
6 followed by members of the public. When the Chair or
7 I recognize you, if you are joining us remotely, your
8 microphone will be unmuted. Please take a moment to
9 check your device and confirm that your mic is on
10 before you begin speaking.

11 Public testimony for this hearing will be limited
12 to two minutes per witness. If you have additional
13 testimony you would like the Subcommittee to consider
14 or if you have written testimony you would like to
15 submit instead of appearing here before the
16 Subcommittee, you may email it to
17 landusetestimony@council.nyc.gov. Please indicate the
18 LU number and/or project name in the subject line of
19 your email. Witnesses joining us remotely are
20 requested to remain in the meeting until excused by
21 the Chair as Council Members may have questions.

22 Finally, there will be pauses over the course of
23 this hybrid meeting for various technical reasons and
24 we ask that you please be patient as we work through
25

2 any issues. Chair Riley will now continue with
3 today's agenda items.

4 CHAIRPERSON RILEY: Thank you, Counsel. To begin
5 today's meeting, I will now open the public hearing
6 on the pre-considereds LU related to ULURP number C
7 220133 ZMQ, relating to the 78-46 Metropolitan Avenue
8 rezoning proposal in Council Member Holden's District
9 in Queens. This application seeks a zoning map
10 amendment to rezone an existing R5 zoning district to
11 an R5D/C2-3 district. For anyone wishing to testify
12 on this item, if you have not already done so, you
13 must register online. You may do that now by visiting
14 the Council's website at council.nyc.gov/landuse.
15 Counsel, please call the first panel for this item.

16 SUBCOMMITTEE COUNSEL MARTINEZ: The first panel
17 for this item, and Richard, let me know if I'm
18 missing anyone, Richard Lobel, Amanda Ianadi (SP?),
19 Kevin Williams, Spyro don (SP?) Bazigos, and Robert
20 Talmus.

21 CHAIRPERSON RILEY: Counsel, please administer the
22 affirmation.

23 SUBCOMMITTEE COUNSEL MARTINEZ: Uh, panelists, can
24 you please raise your right hand? Do you affirm to
25 tell the truth, the whole truth, and nothing but the

2 truth in your testimony before the Subcommittee and
3 in your answer to all Council Member questions?

4 MISTER LOBEL: I do.

5 MS. IANADI: I do.

6 CHAIRPERSON RILEY: Thank you. For the viewing
7 public, if you need an accessible version of this
8 presentation, please send an email request to
9 landusetestimony@council.nyc.gov. And now the
10 applicant team may begin. Panelists, as you begin,
11 I'll just ask that you please reinstate your name and
12 organization for the record. You may begin.

13 MISTER LOBEL: Thank you, Chair Riley, Members of
14 the Subcommittee. Good, good morning. Richard Lobel
15 of Sheldon Lobel, PC for the applicant for the 78-46
16 Metropolitan Avenue rezoning. Uh, this is a very
17 straightforward rezoning of two lofts along
18 Metropolitan Avenue. I will go through the
19 presentation materials, and then the entire applicant
20 team is available to answer any questions. Next
21 slide.

22 So, a summary of the proposed rezoning. Uh, this
23 is a zoning map amendment to rezone 78-46 and 44
24 Metropolitan Avenue from an existing R5 zoning
25 district to an R5D/C23 zoning district. What would

1 this affect? This would allow for the enlargement of
2 this existing one-story building at 78-46
3 Metropolitan Avenue. Uh, this is currently a, an
4 existing use group six veterinary office. Uh, what
5 the rezoning would allow would be for the extension
6 of the building, uh, to accommodate two residential
7 floors. Uh, and this would allow for members of staff
8 of the veterinary practice to remain on site. Uh,
9 this has been long standing goal of the owner.

11 Uh, this would result in a total floor area of
12 roughly 5,000 square feet, uh, including
13 approximately 2,500 square feet of residential use
14 and 2,400 square feet of commercial use. This
15 rezoning would also bring an adjacent property that
16 has an existing non-conforming ground floor
17 commercial use into conformance. Uh, so, uh, I could,
18 if we could have the next slide, please.

19 As you can see from the zoning map, a little bit
20 hard to see but it will be clearer later on, the
21 zoning map demonstrates that there are existing
22 commercial overlays existing over roughly six blocks
23 to the east, northeast, north, northwest, and west of
24 the subject block. So, uh, this area along
25 Metropolitan Avenue is, is well versed with regards

1 to commercial overlays. And this commercial overlay,
2 in, in addition to the R5D district would permit
3 these, uh, two buildings to come into conformance
4 which is a goal of many rezoning applications. Next
5 slide.

6
7 Next slide is a tax map which demonstrates the
8 minimal nature of this rezoning. Again, the
9 development site is highlighted in red. The entirety
10 of the rezoning area is highlighted in the dotted
11 lines. Uh, this involves these two lots, roughly
12 5,000 square feet in total. Next slide.

13 The next slide is a land use map which, uh,
14 demonstrates well why this rezoning is merited. Uh,
15 you can see here, Metropolitan Avenue is a 100-foot-
16 wide street. This is considered to be a major
17 thoroughfare and a wide street per zoning in this
18 area. Uh, you can see from the orange and red
19 colorations on the map, that this is an area where
20 there are many commercial ground floor uses, uh,
21 including general retail, banks, uh, eating and
22 drinking establishments, and other uses accessory to
23 the surrounding residences.

24 The veterinary practice itself has been there for
25 over 30 years. Uh, it is a heavily utilized practice

2 in the area. Uh, and so, um, this was, it was
3 recognized by the community board as being a
4 meritorious rezoning given the fact that the request
5 here is modest, uh, and the, uh, the use here is
6 important to the area.

7 To further note the existing R5 districts here,
8 with community facility floor area would allow for a
9 building at a 2FAR or an RK at 5,000 square feet. So,
10 this is really less about the overall bulk of the
11 building, uh, which would not be affected pursuant to
12 that zoning change, but would allow for the proposed,
13 um, you know, proposed residential use on top of the
14 existing veterinary practice and would make this, uh,
15 practice a conforming commercial use.

16 The next several slides show pictures and photos
17 of the building and the surrounding area. I would
18 invite, uh, the, uh, Council Land Use staff to page
19 through those pictures quickly, uh, so as not to take
20 up too much of the Council's time. Uh, I think the
21 last slide with pictures. You want to scroll through
22 the pictures.

23 Uh, the last slide with pictures is a picture of
24 the one-story commercial building. You can see that
25 on the left. And the adjacent three-story existing

2 building on the right, uh, which would also be
3 included in the rezoning, that building, uh, our
4 building would be much the same as that building at
5 that three-story level. Uh, we're actually setting
6 back the residential so as not to affect those
7 windows at the front of the, uh, property to the side
8 of us.

9 Um, after the pictures, if you want to scroll
10 through, there are, uh, plans which we've included.
11 Again, very straightforward. You've got the existing
12 one-story veterinary practice on the ground floor,
13 and then you can see as you page through the two set
14 back residential stories on top. Um, zoning
15 calculations and such, feel free to page through the,
16 uh, the, the plans. This is a site plan. There is
17 the, uh, existing first floor, and here is the
18 proposed second story and followed by the proposed
19 third floor plan, um, with a roof plan, uh, and
20 sections that follow.

21 Um, so, that really is the sum total of the
22 rezoning. We received the unanimous approval from
23 Queens Community Board Five as well as the approval
24 of the Queens Borough President, uh, and we hope that
25 the Council will support what we view to be

2 meritorious application which will allow for a local,
3 longstanding, uh, commercial, um, practitioner to
4 remain at this location. And with that, we are happy
5 to answer any questions.

6 CHAIRPERSON RILEY: Thank you, Richard. Uh, I just
7 want to state for the record that we have been joined
8 by Council Member Bottcher. I just have a couple,
9 couple of questions and I will pass it over to my
10 colleagues to see if they have any questions. Uh,
11 number one, the Queens Community Board, uh, number
12 Five unanimously approved this project with one
13 condition, that the two-story residential addition
14 should not alter the central character of the
15 neighborhood. Can you discuss how your proposed
16 projects meet the Community Board's recommendation?

17 MR. LOBEL: Sure, so, um, Queens Community Board
18 Five, and we've been in front of them numerous times,
19 um, was very generous to us with regards to this
20 application. They recognized, uh, that Dr. Thomas is
21 a longstanding, uh, uh, stakeholder in the community.
22 And they essentially asked that, um, the building
23 that we build somewhat reflect the context of the
24 area, uh, and we're happy to agree with that.

1 Uh, you know, we, we asserted so at the, uh,
2 Community Board, uh. Dr. Thomas, who will remain in
3 the building, and, and will keep his practice in the
4 building, has every, um, intention of maintaining a,
5 um, you know, a, a, well designed building at the
6 site. What we proposed to the area was what you see,
7 a largely brick building. Uh, in addition to which,
8 on a voluntary basis, we set back the residential
9 stories so as not to, uh, take up that, uh,
10 Metropolitan Avenue frontage. They are set back and,
11 and are somewhat contextual. So, um, there was no
12 issue with regards to, um, maintaining the character
13 of the neighborhood. And in fact, the rezoning in
14 recognizing the existence of this longstanding
15 commercial use, uh, actually does reflect the
16 character of Metropolitan Avenue here which is
17 largely commercial on the ground floor.

18 CHAIRPERSON RILEY: Thank you, Richard. Uh, the
19 Borough President requested that the applicant
20 consider using sustainable building materials and
21 energy systems. Could you confirm what resilient and
22 sustainable building features is your team committed
23 to incorporate in this building?
24

2 MR. LOBEL: Um, sure, uh, you know, this is a
3 rather small project, so, um, so, I think we're going
4 to use such, uh, materials and measures to the extent
5 practical. I don't is, if Spyro, the project
6 architect is on, if you just want to, would just
7 address that very briefly. Are you available?

8 MR. BAZIGOS: Yes, I am. Can you all hear me?

9 MISTER LOBEL: Yes.

10 MR. BAZIGOS: Okay. Um, one of the, one of the
11 requirements are that we have this, uh, uh, local law
12 now into effect with green roofs and, um, we will
13 certainly comply with any of, uh, those laws when we
14 get into the, uh, the weeds of the construction
15 documents that will be presented to the building
16 department. So, that's in effect, you know, uh, a
17 good measure of the sustainability that we'll be
18 using.

19 Um, you know, uh, on the interiors, we plan on
20 using, you know, perhaps recycled, um, flooring or
21 bamboo flooring, um, we'd like to use, uh, low VOC
22 paints, um, things of that nature to, to be as
23 sustainable as possible for this type of project.

24 CHAIRPERSON RILEY: Thank you. Do any of my
25 colleagues have any questions for this applicant

2 panel? There being no future questions, this
3 applicant panel is excused. Counsel, are there any
4 members of the public who wish to testify on 78-46
5 Metropolitan Avenue proposal?

6 SUBCOMMITTEE COUNSEL MARTINEZ: Chair, let me
7 double check. Again, if there's anyone here in person
8 wishing to testify on this item, please see one of
9 the Sergeants to fill out a slip. Sorry.

10 Chair, there are no members of the public here to
11 testify remotely on this item.

12 CHAIRPERSON RILEY: There being no members of the,
13 excuse me, there being no members of the public who
14 wish to testify on pre-considereds LUs relating to
15 ULURP number C 220133 ZMQ that relate into the,
16 excuse me, relating to the 78-46 Metropolitan Avenue
17 rezoning proposal, the public hearing is now closed,
18 and the item is laid over.

19 Thank you, Counsel. To continue with today's
20 meeting, I will now open the public hearing on the
21 pre-considereds LU relating to ULURP Number C 220414
22 ZMK relating to 79-18 164th Avenue rezoning proposal
23 in Council Member Gennaro's District in Queens. This
24 application seeks a zoning map amendment to map a C2-
25 3 overlay within existing R4/C1-3 and an R5D/C1-3

2 zoning districts. For anyone wishing to testify on
3 the, this item remotely, if you have not already done
4 so, you must register online and you may do that now
5 by visiting the Council's website at
6 council.nyc.gov/landuse. For anyone here in person
7 wishing to testify, please see one of the Sergeant at
8 Arms to prepare and submit a speaker's card.

9 Counsel, please call the first panel for this
10 item.

11 SUBCOMMITTEE COUNSEL MARTINEZ: Uh, the panel for
12 this item, and again, Richard, if I'm missing anyone,
13 let me know, is Richard Lobel, Amanda Ianadi, Kevin
14 Williams, Mikhail Kantius, and Victor Filletti.

15 MR. LOBEL: Um, Counsel, I, I, I believe that
16 Victor Filletti may not be in attendance, so, uh, it,
17 the, the remainder of the list is correct.

18 SUBCOMMITTEE COUNSEL MARTINEZ: Okay. Thanks,
19 Richard.

20 CHAIRPERSON RILEY: Counsel, please administer the
21 affirmation.

22 SUBCOMMITTEE COUNSEL MARTINEZ: So, for Richard,
23 Amanda, and Kevin, just a reminder that you are still
24 under oath. And for Mikhail Kantius, sorry if I'm
25 mispronouncing your name, can you please raise your

2 right hand and answer my question? Do you affirm to
3 tell the truth, the whole truth, and nothing but the
4 truth in your testimony before the Subcommittee and
5 in your answer to all Council Member questions? Can
6 we unmute him so he can reply?

7 DR. KANTIUS: Yes.

8 CHAIRPERSON RILEY: Thank you. For the viewing
9 public, if you need an accessible version of this
10 presentation, please send an email request to
11 landusetestimony@council.nyc.gov. And now the
12 applicant team may begin. Panelists, as you begin,
13 I'll just ask that you please reinstate your name and
14 organization for the record. You may begin.

15 MR. LOBEL: Thank you, Chair Riley, Council
16 Members. Good morning again. Richard Lobel of Sheldon
17 Lobel, PC for Dr. Mikhail Kantius, the applicant. Uh,
18 we are pleased to bring the 79-18 164th Street
19 rezoning to you today, uh, which would, uh, be a
20 commercial overlay rezoning with no change in the
21 under, underlying residential district. So, this is a
22 very straightforward rezoning which would merely
23 change the underlying districts from C1 to C2
24 districts. Next slide.

2 So, with specificity, the project summary is that
3 there are roughly 12 lots, or portions of lots
4 included in the rezoning at, and a handful of these
5 would change from an existing R4/C1-3 to an R4/C2-3.
6 The remaining lots would change from an R5D/C1-3 to
7 an R5D/C2-3. Uh, what we will demonstrate through the
8 materials that follow is the appropriateness of this
9 rezoning, uh, both in terms of use and in terms of
10 land use generally. And then the entire applicant
11 team of course is happy to answer any questions. Next
12 slide.

13 So, Dr. Kantius, uh, acquired this building in
14 1990. Uh, so, so it's had his medical laboratory here
15 for over 30 years. Currently there is a two-story
16 commercial building here with roughly 4,000 square
17 feet of floor area. The cellar and ground floor is a
18 use group 6B ambulatory healthcare office, a standard
19 medical office, which is used by Queens Hospital, uh,
20 for their WIC program. The second story is where Dr.
21 Kantius has his medical laboratory. This is a
22 diagnostic laboratory, uh, which samples tissues
23 under microscopes to determine the presence of
24 cancerous cells. Uh, importantly there are no blood
25 or infectious diseases present. Uh, Dr. Kantius has

1 operated his medical laboratory here without incident
2 for over 30 years. Uh, this rezoning would facilitate
3 the legalization of his existing use group 9A medical
4 research laboratory on the second story.
5

6 As we page through to the next slide, which is
7 the, uh, zoning map, you can see that this is an area
8 where there are commercial overlay districts, C1-3
9 districts immediately around the project area and C2
10 districts. You can see there's a C2-2 district to the
11 north of the project area that is five blocks, uh,
12 roughly three blocks to the north of us. So, C2
13 zoning is something which is common in the City,
14 which is known in this area, but here specifically is
15 appropriate, uh, for several reasons.

16 Uh, if we want to go to the next slide, we'll see
17 that the, uh, area in question along Union Turnpike
18 and 164th Street involves the lots that are within
19 the dotted area. The red highlighted area is the
20 project site.

21 The next slide, which is the, uh, land use area
22 map clearly demonstrates why the C2 is appropriate
23 here. Uh, you've got 164th Street and Union Turnpike
24 which, uh, at this intersection is the intersection
25 of two major thoroughfares, Union Turnpike at 100

1 feet, and, uh, 164th Street at 120 feet. Uh, so,
2 commercial uses abound on these two avenues. And just
3 with regards to the C1 and C2 overlays generally,
4 both of these overlay districts are considered to be
5 appropriate, uh, for, um, for large thoroughfares and
6 really for commercial use in general. So, most, most
7 of the City sponsored area-wide rezonings, the East
8 Harlem rezoning, uh, the Gowanus-Free rezoning, the
9 NOHOSO rezoning, commercial overlay districts now, as
10 a matter of habit by City Planning, are usually C2
11 districts. The reason for that is that there's a
12 marginal additional number of uses which are
13 permitted in the C2 which are not permitted in the
14 C1.

16 So, first of all, some of these uses, much like
17 the medical laboratory here, allow for uses that are
18 complementary to other C1 uses like a doctor's office
19 which, uh, you would utilize the services of Dr.
20 Kantius. Uh, and also generally, um, we want to be
21 able to encourage our commercial users. Obviously,
22 there's a large challenge with regards to retail in
23 the City generally right now, and so, C2 overlay
24 districts are seen as giving just a little bit more,
25 um, opportunity for a wider range of users. And so,

2 that is the case with the C2 overlay district here.

3 Next slide.

4 So, the next slide and the slides that follow it,
5 uh, provide for photos of the property itself. You
6 can see, uh, Queens Hospital occupying the ground
7 floor of the property. You can see the adjacent
8 three-story commercial structure. Uh, importantly to
9 note, there is no work that would be part of this
10 application. It would merely be for a legalization of
11 that use group nine use. Use group nine is not
12 permitted as of right. A C1 is permitted as a right
13 in C2. So, the bulk of the buildings here does not
14 change. The, uh, total floor area which may be used
15 for commercial, does not change. That's still a 1FAR
16 for commercial. Uh, merely, what changes here is the
17 opportunity for a slight expansion in some of these
18 uses.

19 Uh, the slides that follow are the plans. Uh, you
20 can just scroll through the plans which demonstrate
21 the, uh, various uses within the building. It is a
22 one-story commercial, uh, sorry, two story commercial
23 building with a rather large, uh, uh, rear yard. Uh,
24 the ground floor, the cellar of the building, the

1 next slide has office and accessory for the Queens,
2 uh, Hospital WIC program.

3
4 The, uh, plan after that is the first-floor plan
5 which includes other accessory space and their
6 examination rooms. And the second story includes, uh,
7 Dr. Kantius's, uh, Dr. Kantius's labs, uh, and
8 accessory space. Uh, the remaining plans are merely
9 the roof plans, uh, other, uh, sections and
10 elevations.

11 Uh, the, the photo again is the last page on
12 this, on this, um, presentation. The, um, building
13 again would stay and remain as it is, um, but would
14 merely allow Dr. Kantius to proceed with using that
15 without incident and allow for him to update his C of
16 O.

17 Um, and just to note, because there was
18 discussion, uh, at the Community Board and in front
19 of other agencies, um, Dr. Kantius, uh, had proceeded
20 to use this for 30 years, uh, without incident, uh,
21 with the understanding that, uh, his understanding
22 was that it was able to be used as medical space.
23 Medical office space on the ground floor here, use
24 group six. Medical laboratory space above is use
25 group nine.

2 So, um, he's been receiving, uh, appropriate
3 permits from, for example, the Fire Department for
4 storage of materials at the site, uh, and the proper
5 utilization of the site. When it became clear to the
6 Fire Department that this was, however, a non-
7 conforming use, uh, after discussion, they determined
8 that he should indeed go through a rezoning process
9 to allow for this minor change.

10 So, with that, um, we think that from a land use
11 perspective as well as for this site, uh, that the
12 rezoning is appropriate, and the entire applicant
13 team is happy to answer any questions.

14 CHAIRPERSON RILEY: Thank you, Richard. Uh, just
15 one question. Uh, you kind of briefly spoke about,
16 uh, the Community Board. Uh, Queens Community Board
17 Eight had concerns about hazardous waste created by
18 this existing business. Could you clarify on the
19 record, what kind of waste is generated by this
20 business and how you responded to the Community
21 Board's concerns?

22 MR. LOBEL: Sure, uh, I would start by just really
23 talking briefly about our response to the Community
24 Board concerns, uh, and then perhaps we'll have, uh,
25 Kevin Williams briefly just discuss, um, some of the

2 concerns about hazardous materials which were not
3 well founded.

4 Um, the first thing to note is that what we're
5 seeking here is a use group nine medical laboratory
6 which is important to note because use group nine
7 medical laboratories are specifically enumerated in
8 the zoning resolution as not permitting any hazardous
9 material, materials or waste. Uh, the actual
10 terminology in the zoning resolution is medical
11 laboratories for research or testing. Um, and I'm
12 skipping over some of the words that don't apply, not
13 involving any danger of fire or explosion, nor
14 offensive noise, vibrations, smoke, or other
15 particulate matter, odorous matter, heat, humidity,
16 glare, or other objectionable effects. So, the lack
17 of any objectionable effects at this site and the
18 lack of any hazardous materials is what makes it
19 appropriate for use group nine.

20 Um, so, part of the discussion around the
21 Community Board was that, and part of it was, I think
22 that there were some, uh, misplaced concerns over the
23 nature of, uh, the permitting and what was required
24 here. Uh, I would actually defer to Kevin briefly to
25 address that as he's better versed in that than I.

2 MR. WILLIAMS: Uh, thank you. Kevin Williams from
3 Equity Environmental. We've prepared the
4 environmental assessment statement, um, and
5 subsequent, uh, to the Community Board, uh, meeting,
6 uh, we, uh, provided materials to the Brooklyn, uh,
7 sorry, the Queens Borough President's Office and, uh,
8 City Planning Commission, uh, related to the
9 Envirofacts, uh, database report that was prepared or
10 presented by a member of the community at the
11 Community Board and they misinterpreted that as being
12 an EPA permit. Uh, Envirofacts simply is a repository
13 that's collected by EPA that, um, identifies all, all
14 sort of permitting activity that's been present on a
15 site, and there are innumerable sites in this area,
16 things like dry cleaners, things like, um, uh, uh,
17 material production shops, the hospital that's half a
18 block, two blocks away from the site, um, and any
19 type of facility, um, that disposes of medical waste
20 in general.

21 And that's what we're talking about are the
22 bonding agents and the tissue samples that are
23 provided by hospitals for detection of, uh, or
24 evaluation, um, by the Doctor. So, it's a pathology
25 lab. So, none of this material poses a danger. It

2 simply indicates that this waste is being carted by
3 professionally licensed, uh, uh, carting facility
4 that's licensed through the State Department of
5 Health which is why this record came into the
6 Envirofacts database. It shows that his, the, the
7 Dr.'s license is current and has been so, uh, during
8 its entire term, over two decades, um, since this
9 license came into effect. Um, and they are subject to
10 inspections.

11 So, this is merely about, um, the, uh, tissue
12 samples that, that, where the Dr. goes and evaluates
13 and determines whether cancer, um, is present. So,
14 that is the, you know, the long and short. Happy to
15 answer, um, any, any further questions. And that,
16 that license, and, uh, the Department of Health
17 license is completely in compliance, uh, to date.

18 CHAIRPERSON RILEY: Thank you, Kevin. And is the
19 applicant on the call? I would like to hear from him
20 as well.

21 MR. LOBEL: Sure, the applicant's on the call.

22 CHAIRPERSON RILEY: Uh, Doctor, can I just hear
23 about your relationship with the Community Board?

24 MR. LOBEL: Dr. Kantius, can you talk about your
25 relationship with the?

2 DR. KANTIUS: Yes, yes, yes, I can. Uh, please ask
3 me a question.

4 CHAIRPERSON RILEY: So, I, I, I know that they
5 have some concerns about your business. Do you have
6 any, uh, prior relationships with the Community
7 Board, working with them, um, or trying to have a
8 conversation with them addressing these concerns?

9 DR. KANTIUS: Uh, the, uh, my saying is we, for
10 the 30, 33 years we trying to complying with every
11 law laid on us as far as the Fire Department, as far
12 as the Health Department, and as far as DEA. Anybody
13 who checked us never had a problems with us. The,
14 there was some, uh, presentation and there was some
15 summons or whatever, there was a gas station right
16 next to us which was, uh, probably that the
17 underground tanks were leaking so what (INAUDIBLE)
18 DEA noticed it and that's what they were referring
19 to.

20 But when the issue was resolved and the statement
21 was done that our laboratory has nothing to do with
22 that, but they referring that, uh, to the statement
23 which was done before the determination was made. We
24 had no problems whatsoever. The neighborhood just
25 liked it because they had a local laboratory. And we

2 issue reports on 250 patients every single day and we
3 just, we do good for the society and good for people
4 who work inside for years, and years, and years. And,
5 uh, we just, uh, you know, proud of what we do, and
6 we do it within the legal-ments and human relation-
7 ments.

8 CHAIRPERSON RILEY: Thank you, Dr. I appreciate
9 your work in the community and appreciate your
10 willingness to work with the community as well. Uh,
11 does any of my colleagues have any questions? And
12 just want to state for the record, we've been joined
13 by Council Member Carr and Council Member Won.
14 Council Member Schulman?

15 COUNCIL MEMBER SCHULMAN: Yeah, yeah. I have a, I
16 have a question. I'm still trying to figure out,
17 cause usually the Borough President, um, actually
18 follows the Community Board, but in this case, it, it
19 says that the Borough President is for it but the
20 Community Board voted unanimously against it. So, can
21 that be explained?

22 MR. LOBEL: Um, sure. Thank you, Council Member
23 Schulman. So, um, the, the vote of the Community
24 Board was a split vote, uh, so, it was, uh, I believe
25 12 in favor and 19 against. And I think much of the

2 discussion, uh, at the Community Board was around
3 the, uh, issues that Kevin touched upon with the EPA
4 and whether or not there were actually any
5 environmental violations at the site.

6 Um, once that was described in more detail to the
7 Queens Borough President, uh, much in the same manner
8 as Kevin described today, I think the Borough
9 President's understanding was twofold. The first was
10 that there were no environmental concerns,
11 particularly given that the use group that's sought
12 at the site is one that's permitted, uh, in a C2
13 zoning district, which again is a district which is,
14 uh, appears across the City.

15 And the second was from a land use perspective
16 generally. Uh, I think that there was a recognition
17 that these, this particular intersection, the 120
18 foot by 100 foot, uh, street system here was more
19 than, uh, was, you know, more than able to
20 accommodate, uh, the minor change in, uh, in zoning
21 that was proposed.

22 So, we were happy to get the Queens Borough
23 President voting in favor. Um, we, there were many
24 members of the Community Board who, uh, have a lot of
25 experience in land use who voted in favor of this.

2 Uh, and I think that that was determining as, uh, one
3 of the determining factors as well, so.

4 Uh, again, we were sorry that the Community
5 Board, uh, you know, that it was a split vote like
6 that, but we were happy the Queens Borough President
7 saw that the, um, the environmental concerns were
8 not, uh, sufficient to derail what would otherwise be
9 meritorious application from an applicant who has
10 been in the community for over three decades. And
11 importantly, as is recognized by many of the
12 Community Board members, uh, has employed numerous,
13 uh, individuals from the surrounding Community Board
14 and Queens generally.

15 Uh, Dr. Kantius, uh, is an amazing, uh, teacher
16 as well as a skilled diagnostician. And, um, there's
17 many people who came up as interns, uh, in his, uh,
18 facility who later went on to become lab technicians,
19 uh, and other medical technicians at surrounding
20 doctors' offices and hospitals. So, um, this is
21 someone who does good and, and so, we are glad that
22 the Queens Borough President recognized that and we
23 hope to do well by him, as well.

24 COUNCIL MEMBER SCHULMAN: Mr. Lobel, thank you.

25 Um, I just want to ask the Committee Counsel, it says

2 here that it was unanimous against. Is that not
3 correct?

4 SUBCOMMITTEE COUNSEL MARTINEZ: Um, there could be
5 potentially an error in the briefing.

6 COUNCIL MEMBER SCHULMAN: Okay.

7 SUBCOMMITTEE COUNSEL MARTINEZ: Let me just double
8 check with staff.

9 MR. LOBEL: Just, to, to, uh, to assist. Um, I'm
10 looking at Community Board Borough recommendation,
11 um, dated June 8, 2022, uh, in favor 12, against 19,
12 abstaining 0.

13 COUNCIL MEMBER SCHULMAN: Thank you.

14 SUBCOMMITTEE COUNSEL MARTINEZ: Council Member,
15 we'll, we'll double check for that.

16 COUNCIL MEMBER SCHULMAN: Alright, thank you.

17 CHAIRPERSON RILEY: Thank you. And we just want to
18 state for the record we've been joined by Council
19 Member Hanif. Are there any, any more Council Members
20 with questions for this panel? There being no
21 questions for the applicant panel is now excused.
22 Counsel, are there any members of the public who wish
23 to testify on 79-18 164th Street proposal remotely or
24 in person.

2 SUBCOMMITTEE COUNSEL MARTINEZ: Chair, there are
3 no members of the public remotely and if there are
4 any members in person, please come forward so we can
5 have you fill out a slip. It doesn't look like there
6 are any so we can go ahead and close the hearing.

7 CHAIRPERSON RILEY: There being no members of the
8 public who wish to testify on the pre-considereds LU
9 relating to ULURPs number C 220414 ZMQ relating to
10 the 79-18 164th Street rezoning proposal, the public
11 hearing is now closed, and the item is laid over.

12 To continue with today's meeting, I will now open
13 the public hearing on pre-considereds LUs relating to
14 ULURPS number C 220169 ZMQ and N 220170 ZRQ relating
15 to the 40th - 25th Crescent Street rezoning proposal
16 in Council Member Won's district in Queens. This
17 applicant, this application seeks a zoning map
18 amendment to rezone existing M1-2/R5B and an M1-2/R5D
19 zoning district to an M1-2/R6A zoning district and a
20 relating zoning text amendment to map an MIH program
21 area.

22 For anyone wishing to testify on this item
23 remotely, if you have not already done so, you must
24 register online, um, and you may do that by visiting
25 the Council's website at council.nyc.gov/landuse. And

2 once again, for anyone in person who wants to
3 testify, please see one of the Sergeants to prepare
4 and submit a speaker's card. Uh, Council Member Won,
5 uh, do you have any, uh, remarks for this project?
6 Okay. No problem. Counsel, please call the first
7 panel for this item

8 SUBCOMMITTEE COUNSEL MARTINEZ: So, I'm going to
9 call the applicant panel if you want to start joining
10 the, the Chair and the podium over here, uh, the
11 desks rather. Um, so, if I'm missing any of you, um,
12 just let me know. I have Dan Eggers, apologies if I
13 mispronounce names, Dierdre Carson, Henry Rosenwach,
14 um, Noah Bernstein, Gene Kaufman, and that's it. Did
15 I get all of you? Okay, good.

16 So, if all of you can please, oh, sorry Chair.
17 Your call.

18 CHAIRPERSON RILEY: That's okay. Counsel, please
19 administer the affirmation.

20 SUBCOMMITTEE COUNSEL MARTINEZ: So now, can you
21 guys please raise your right hand and answer the
22 following question? Do you affirm to tell the truth,
23 the whole truth, and nothing but the truth in your
24 testimony before the Subcommittee and in your answers
25 to all Council Member questions?

2 MR. EGGERS: I do.

3 MR. ROSENWACH: I do.

4 CHAIRPERSON RILEY: Thank you. For the viewing
5 public, if you need an accessible version of this
6 presentation, please send an email request to
7 landusetestimony@council.nyc.gov. And now the
8 applicant team may begin. Panelists, as you begin,
9 I'll just ask that you please reinstate your name for
10 the record and your organization for the record.

11 MR. EGGERS: Sure. Good morning. Uh, Dan Eggers, a
12 Land Use Attorney at Greenberg Traurig. Good to be
13 here live and in person. Uh, good morning, uh, Chair
14 Riley, Committee Members, and Council Member Won.

15 I am representing Crescent Street Associates,
16 LLC, the owner of 40-25 Crescent Street. I'm joined
17 here by Henry Rosenwach representing ownership and my
18 colleague, Dierdre Carson. Also, here to answer any
19 questions you may have is Gene Kaufman from Gene
20 Kaufman Architect and Noah Bernstein from AKRF.

21 We are very excited to discuss with you what is
22 truly a mixed-use project in every sense of the word.
23 The owners and affiliate of the Rosenwach Group which
24 is a major supplier and servicer of water storage
25 tanks and towers, cooling products and services to

2 the tri-state area and they've been doing that for
3 decades.

4 The property was previously a fabrication site
5 for the Rosenwachs before changing traffic patterns
6 around Queens Plaza adversely affected the ability of
7 tractor trailers to access the site. Their water
8 tower and tank business has been operating in New
9 York City in fact since the late 1800s. The rezoning
10 would in part allow their business to retain a
11 presence here in Long Island City and retain jobs
12 while allowing its operations at this property to
13 occupy a more modern facility. Uh, next please.

14 So, this is an application, as was stated, for a
15 rezoning from an M1-2/R5B and M1-2/R5D districts to
16 an MR1-2/R6A district within the existing Dutch Kills
17 subdistrict of the special Long Island City mixed use
18 district. A mandatory inclusionary housing area would
19 also be mapped over the proposed rezoned area.

20 These actions would facilitate a new seven-story
21 mixed-use building with about 175,000 square feet of
22 floor area at 40-25 Crescent Street. The application
23 received favorable recommendations from both
24 Community Board One and the Borough President.

2 The project is vested under the prior Affordable
3 New York Program, and per the program's requirements,
4 the applicant intends to enter into an agreement with
5 32BJ to utilize, uh, union building service personnel
6 for the project. Uh, next please.

7 40-25 Crescent is on the block bounded by 40th and
8 41st Avenues and Crescent Street and 27th Street. Next
9 please.

10 Specifically, the proposed rezoned area would be
11 the portion of this block 100 feet north of 41st
12 Avenue and 80 feet south of 40th Avenue which is now
13 an M1-2/R5B and M1-2/R5D districts. The rezoning
14 would rezone this area to and M1-2/R6A district,
15 extending the existing M1-2/R6A district that's
16 immediately south of this area to north within 80
17 feet of 40th Avenue. This district would continue to
18 serve as a transition with regard to density and
19 height from the higher densities blocks, higher
20 density blocks to the south to adjacent M1-2/R5B and
21 M1-2/R5D districts.

22 In addition to 40-25 Crescent Street, six smaller
23 lots are also part of the proposed rezoned area. Four
24 of these are used for vehicle storage. One is a
25 three-story residential building, and one has a nine-

2 story hotel, as are small portions of six other lots.

3 Uh, next please.

4 Here's an aerial image of the site in the
5 proposed rezoned area. Next please.

6 The site is an approximately 45,000 square foot
7 lot with about 255 feet of frontage on Crescent and
8 200 feet of frontage on 27th. The site now is four,
9 one-story buildings used as office space for Orkin,
10 the exterminating company, a facility where the owner
11 stores and tests its water storage and cooling tower
12 products, and a parking lot. As you'll hear, this,
13 the existing light industrial use will be remaining
14 on the property as part of a mixed-use development.

15 For a land use rationale, we believe the project
16 is consistent with the specific purposes of the
17 special Long Island City mixed-use district to permit
18 development of residential, commercial, and light
19 manufacturing uses, and encourage the development of
20 affordable housing. Next please.

21 The existing conditions are shown in these street
22 level photos of the site which I'll ask staff to move
23 through. Uh, next please. This is from 27th Street.

24 Uh, next please. More along 27th Street. Next please.

25 Thank you.

1 Uh, here is the original site plan of the
2 proposed development. As you can see, there will be
3 commercial, manufacturing, and residential uses with
4 a courtyard. Next please.

5 In response to the community's concerns regarding
6 loading and deliveries on Crescent Street which has a
7 bike lane, we've revised the illustrative site plan
8 to include a requested loading zone on 27th Street
9 and a breezeway from the 27th Street portion of the
10 building to the Crescent Street portion of the
11 building. Uh, signs would instruct deliveries to the
12 building be made on 27th Street and deliveries for
13 residents in the Crescent Street portion would be
14 brought through the breezeway which is shown in
15 orange on the plan.

16 Through Department of City Planning staff, uh,
17 the applicant team has been in touch with DOT to work
18 on ways to ensure that vehicular and bike traffic
19 maintained during construction. And we understand
20 through City Planning staff that DOT does not
21 currently have any major concerns about the building
22 in relation to that bike lane after opening. Next
23 please.
24
25

1 There will be a total of approximately 175,000
2 square feet of floor area, that's 3.9 FAR, which
3 5,000 square feet would be in commercial use, 12,000
4 square feet would be in manufacturing, and 158,000
5 square feet, and that's 3.5 FAR would be residential.
6 Here, with MIH, uh, 3.6 FAR is permitted with an
7 additional 0.4 FAR allowed for designated industrial,
8 uh, uses which would amount to a total of four FAR.
9 The commercial use would be either office or local
10 retail space depending on market conditions. And the
11 manufacturing use would be light industrial use by
12 the owner's pipe fitting operation. So, this action
13 would among other things, preserve industrial jobs.

14 Of the residential, approximately 39,500 square
15 feet would be permanently affordable under Mandatory
16 Inclusionary Housing Option One which, as you know,
17 requires at least 25% of the residential floor area
18 be affordable to households not exceeding 60% AMI, of
19 which 10% cannot exceed 40% AMI. So, this translates
20 to 233 units, approximately, of which 60 would be
21 permanently affordable.
22

23 The original intended unit mix was about 19% two
24 and three bedrooms. But, in response to the Community
25 Board's request for a greater number of larger units,

1 currently the intended unit mix has increased to 40%
2 two and three bedrooms. So, the building would have a
3 65'6" story base height, then set back 15 feet from
4 each street, and have a total height of 75 feet and 7
5 stories, which is less than 85 feet and the eight
6 stories permitted.
7

8 A portion fronting on Crescent would be 55 feet
9 within 25 feet of the adjacent M1, M1-2/R5D district.
10 118 required parking spaces would be in the cellar.
11 Of these, 88 would be for the residents and 30 would
12 be for the commercial and manufacturing use, 18 for
13 the commercial, 12 for the manufacturing. And access
14 to the building's parking would be from 27th Street
15 and loading for the manufacturing use would be on
16 Crescent. Next please.

17 Here is a land use diagram showing the proposed
18 building in context. Next please.

19 And here we see images of the proposed building
20 from the street. As you can see, the new building
21 would create a nearly continuous street wall along
22 each of the site's two frontages. Next please. And,
23 uh, next please.

24 And here are illustrative renderings of the
25 building showing our design concept of the project.

2 And again, we thank you for your time. Good to be
3 here. And, uh, we welcome your questions.

4 CHAIRPERSON RILEY: Thank you so much. I just have
5 a few questions, then I'm going to pass it to Council
6 Member Won. The Borough President and the Queens
7 Community Board One recommended more affordability
8 for this project. And I think you spoke upon that,
9 uh, including setting aside 10% of the affordable to
10 person's making 30% of the AMI. Could you confirm
11 whether that recommendation was adopted? If not, why
12 not?

13 MR. EGGERS: We are currently studying that, that
14 request and we're looking to see whether or not that
15 would work with the project's economics. We've
16 certainly, um, heard that request and we understand
17 the Council Member's desire for more and deeper
18 affordability. And it's something that we're taking
19 very seriously and we're taking a very hard look at.

20 CHAIRPERSON RILEY: Okay. Are there any plans to
21 allocate some of the space within the development to
22 community facility spaces?

23 MR. EGGERS: That, oh. I'll, I'll, I'll let, um,
24 Henry Rosenwach representing ownership speak to that.

25 CHAIRPERSON RILEY: No problem.

2 MR. ROSENWACH: Good to meet everyone.

3 CHAIRPERSON RILEY: How you doing, Henry?

4 MR. ROSENWACH: Um, so, so far, we're proposing
5 the rezoning. We haven't, uh, solidified any
6 allocation, uh, on the first floor as to retail,
7 community space, um, uh, manufacturing, [COUGH],
8 excuse me, manufacturing for ourselves. So, uh, as we
9 get forward into the project, uh, we're going to, uh,
10 definitely review with your, uh, insight on how to
11 allocate that properly for the community.

12 CHAIRPERSON RILEY: Alright. I mean, with the
13 community's insight, uh, hopefully.

14 MR. ROSENWACH: Yes.

15 CHAIRPERSON RILEY: Um, community facility space
16 is always important, especially with new development.
17 Uh, so, just to keep that in mind. Thank you, Henry.
18 I appreciate that answer. Uh, just two more
19 questions. Uh, the Borough President also recommended
20 that the applicant redesign the courtyard to allow
21 for public access. Are there any plans to redesign
22 the building to allow access to the courtyard?

23 MS. CARSON: Is this working? Hi, I'm Dierdre
24 Carson, also, um, shareholder at Greenberg Traurig.
25 Um, the, we are in a district in which we are

2 required to main, maintain a street wall. So,
3 customarily public space is provided in the front of
4 a building. And that's done mostly for security
5 reasons so that it can be policed. Um, it can be
6 accessed. It doesn't have to be controlled. Um,
7 whereas if you were to put it inside a courtyard in
8 the rear where there's security issues, it would be
9 very difficult to control. You, you wouldn't want to
10 have a security guard at the street trying to decide
11 who gets to come in and who doesn't. It would just
12 not be tenable situation.

13 Um, and it's a private area. It is, you know,
14 this is a backyard, and we don't require people who
15 have backyards in private homes to open them up to
16 the public. This functions the same way. That's its
17 function under the zoning resolution. So, um, we are
18 thinking about ways, to, we've, we've talked
19 internally about ways to try and provide something at
20 the front. That does present a zoning challenge
21 because of the street wall requirements. And we have
22 also talked about the prospect of making a donation
23 to an appropriate entity, uh, or fund that can do
24 some capital work on a, um, a public open space or a
25 recreational space.

2 There are not, I, I confess after looking at the
3 map, there are not a lot in close proximity to this
4 facility. We've looked at a playground that's about
5 four, four blocks to the north and there's a park
6 that's over on the other side of the, I believe it's
7 the Queensbridge Houses. Um, there's a waterfront
8 park. But those are the options we're looking at.
9 The, the use of the courtyard is, is very, very
10 difficult for management, managing security and
11 privacy. I mean, people's bedrooms are right, right
12 there. And, you know, um, you'd have to have a long,
13 narrow court, uh, long, narrow alleyway through the
14 building 50 feet deep, very difficult to police and
15 secure so it doesn't make a lot of design and
16 planning sense.

17 CHAIRPERSON RILEY: Okay. What resilient and
18 sustainable building features is your team committed
19 to incorporating into this building?

20 MR. EGGERS: So, on that question, Chair, I would
21 turn it over to, uh, Gene Kaufman, the project
22 architect who can speak to that better than, than I
23 can.

24 CHAIRPERSON RILEY: Yes, he's just going to have
25 to be sworn in.

2 SUBCOMMITTEE COUNSEL MARTINEZ: He was sworn in,
3 Chair.

4 CHAIRPERSON RILEY: He was sworn in.

5 SUBCOMMITTEE COUNSEL MARTINEZ: But I, I think he
6 needs to approach the desk so that he can be using
7 the mic as he speaks.

8 MS. CARSON: Take my seat.

9 MR. KAUFMAN: No, no. Hi, Gene Kaufman, architect.

10 Um, so, we've been looking at primarily the roof
11 scape of this project. There's a lot of, um, roof
12 area, uh, for both a green roof. We've also
13 considered and looked at solar. But we, we're working
14 on to see if there's a way to integrate either or
15 both of those into the space. That's the, the largest
16 expanse where I think sustainability can be addressed
17 in a, in a significant way.

18 And of course, we always consider what materials
19 we use in the project. So, when it goes to the, the
20 façade or any of the other materials, uh, that are
21 being incorporated in the project.

22 CHAIRPERSON RILEY: Thank you, Gene. I believe
23 that's all the questions I have. I will now turn it
24 over to Council Member Won to ask her questions.
25 Council Member Won?

2 COUNCIL MEMBER WON: Thank you. Good morning. It's
3 good to see you all. Thank you for being here. I'm
4 not sure if you know the neighborhood very well, if
5 you live there, cause I used to live literally a
6 block away from this proposed site. I think it is a
7 good idea to make sure that we are utilizing the
8 empty lot and the organ space that has remained empty
9 for many years.

10 But I am disheartened to hear the lack of
11 commitment for affordability and the way that you're
12 speaking about security for the courtyard makes me
13 feel that, or it is precepted, perceived by me that
14 you, you have apprehension about the community
15 itself. Is it because you are in the surrounding area
16 of six emergency shelters for folks who are unhoused
17 currently? Or is it because you're within a two-block
18 radius of Queensbridge Houses or a four block radius
19 of Ravenswood Houses, both NYCHAs?

20 So, I'm not sure what the implication that, that
21 was for in terms of security. The point of the
22 Borough President asking for public space is because
23 they want to make sure that it's public to the
24 immediate project area's community to use.

2 MS. CARSON: I understand the, um, the desire to
3 provide public space, but it is not customary in the
4 City to put public space on the interior of an
5 enclosed space that functions as a rear yard. And
6 that is because peoples' bedrooms and living rooms
7 are immediately proximate to that space. And it is
8 intended to be, and designed to be private space,
9 historically, from a planning perspective.

10 And that is why, in the City of New York, we have
11 requirements very often to provide public space, open
12 space, but we put it on the street where, first of
13 all, access is easier, um, and there's a, a policing
14 capability because even in the best of circumstances,
15 in the best parts of this town, there are
16 circumstances that can exist or occur where, you
17 know, I mean, young kids going out for a night on the
18 town, have too much to drink at a bar, and they end
19 up being raucous. Um, that's not a commentary on them
20 being undesirable people. It's just a fact of life
21 that these things happen with, um, a crowded, urban
22 environment.

23 So, we, from a planning perspective, we try to
24 put the public uses on the street, close to the
25 street, um, not in the interior of a building. Um, we

2 do, and then, that's to be distinguished from the
3 prospect of providing community facility space which
4 would be available for users in the community. Um, it
5 is, it is just a fact that we have a street wall
6 requirement here or else we might be able to consider
7 putting some public space in the front of the, of the
8 building. But that is a planning requirement.

9 COUNCIL MEMBER WON: Okay. And I have a few
10 questions for you. For the community center, could
11 you consider, you had mentioned that you would be
12 willing to make a private investment into existing
13 community centers. Ravenswood Community Center at the
14 NYCHA and a mile radius from there has been in
15 shambles. They have plumbing issues. They have mold.
16 And they need, they need investment. Would you be
17 willing to work with them to make an investment into
18 the NYCHA's Community Center?

19 MS. CARSON: I'm not going to say yes or no. I'm
20 only going to say we can look into it. The problem
21 with these, with that kind of donation is that you,
22 it's very hard to make a targeted donation that
23 actually ends up getting spent exactly on the thing
24 you want it to be spent on when it goes to a large
25 governmental organization. If it's possible to do

2 something like that, I think that's something that
3 the applicant would certainly consider.

4 COUNCIL MEMBER WON: Right across the street from
5 your proposed site, we currently have a emergency
6 shelter for migrant and refugees as well as two other
7 shelters within two block radius from there, and five
8 other shelters within four blocks from there. Would
9 you be willing to host a community space for the
10 Mayor's Office of Immigrant Affairs to have some sort
11 of navigation center or migrant welcome center in
12 your building?

13 MR. ROSENWACH: I think it's a great idea. Um,
14 Henry Rosenwach, part of the applicant team partner
15 of Crescent Street Associates. Um, we'll take it
16 under advisement as we start developing the building.
17 Uh, right now, we're in the very early stages of
18 creating this project. Uh, right now, we're just
19 trying to get the rezoning accomplished and then we
20 can develop and, and mold the clay more as, uh, time
21 proceeds.

22 COUNCIL MEMBER WON: Okay. Thank you. And are you,
23 could you provide the proposed income bands for the
24 affordable units and the bedroom mix again for the
25 project overall? Um, cause we were hoping that by now

2 you would have taken into consideration what Donovan
3 Richards, the Borough President, had requested.

4 MR. EGGERS: Sure, so the, the, the preliminary
5 unit, unit mix now is 4%, I'm sorry. 40% two, two and
6 three bedrooms, with the remainder, uh, split
7 between, uh, studios and one bedrooms. And again, the
8 original, um, preliminary unit mix was 19% two and
9 three bedrooms which was increased as a result of the
10 Community Board's request.

11 In terms of the AMI bands, they, they've not yet
12 been selected. But pursuant to MIH Option One,
13 there's a requirement that there's a band
14 constituting 10% of the total residential floor area
15 that cannot exceed 40% AMI. So, we're, we're locked
16 into that as a, as a, as a basis of, of MIH Option
17 One.

18 COUNCIL MEMBER WON: I understand that you are
19 still molding the project, but can I hear a
20 commitment from you for affordable units above the
21 minimum requirement required by the requested zoning
22 for MIH Option One for this project?

23 MS. CARSON: This is always a difficult question
24 because it, it turns on economics, and it's, you
25 know, the, when these MIH Options were designed, they

2 were designed after economists were engaged to do an
3 economic analysis. One of the factors that plays very
4 strongly in deciding how much affordability can be
5 provided and still make the project viable, is
6 whether there will be a 421A tax program or an
7 equivalent. And right now, there is none.

8 Um, and that may result in fact, in many projects
9 that are planned never getting built at all, uh,
10 because rental projects in the City of New York have
11 not fared well since I've lived here in the early
12 '70s without, um, without tax subsidy. So, um, you
13 know, we're looking at it and I think Mr. Eggers
14 mentioned the consideration of the Borough
15 President's request for units at 30%, uh, but we
16 haven't completed an analysis to determine whether
17 that will be economically possible. To both reduce
18 the income levels and increase the floor area devoted
19 to economic use particularly without tax subsidy, is
20 a difficult proposition, but we'll continue to study
21 it.

22 COUNCIL MEMBER WON: This is the most transit rich
23 part of Queens. Did you consider any additional
24 action to reduce the amount of, uh, required
25 residential parking for the development?

2 MR. EGGERS: So, we, we, that did not come up in
3 the discussions with the Community Board or the
4 hearing, um, with the Borough President. We, it did
5 come up in a discussion with, with your office, and
6 it's something that, that we are open to considering.
7 Um, you know, there's, as I'm sure you know, Council
8 Member, there's some people in, in, in that area that
9 want more parking. Some people want, want less
10 parking. But it's something that we're, we're
11 certainly open to, to looking into.

12 And that action, as, as I'm sure you know, it
13 would be a, it would have to a separate ULURP action,
14 a special permit that would waive or reduce the
15 residential parking. There's no, um, action available
16 that would eliminate or reduce the requirement for
17 the non-residential parking and, based on the floor
18 area that's proposed, there would be 30 spaces
19 required for the non-residential, so there would have
20 to be at least some parking in, in the project
21 regardless.

22 But, again, this has, um, come up relatively
23 recently and it's something that we're certainly open
24 to, to looking into and, and, and discussing further.

2 COUNCIL MEMBER WON: Do you intend to target the
3 Borough's President's recommended goals for the MWBE
4 hiring?

5 MR. EGGERS: So, in fact, the, the applicant's
6 general contractor Sciame, has extensive experience
7 regarding the participation of MWBEs and, and LBEs
8 and, in fact, Sciame has committed to ownership to
9 use commercially reasonable efforts to pursue the
10 hiring and prioritize retaining MWBEs as
11 subcontractors and vendors with a goal to target 30%
12 participation in the project. So, in short, uh, yes.

13 COUNCIL MEMBER WON: Thank you. I just, and my
14 last question is about Crescent Street. So, on the
15 Community Board, Crescent Street is one of the
16 busiest bike lanes that we have funneling into
17 Queensbridge. On page 12, you're saying that the
18 parking garage would be accessed from the 27th Street
19 and loading would be accessed from Crescent Street. I
20 thought the Community Board had asked to not have
21 loading on Crescent Street because you would directly
22 be on the bike lane.

23 MR. EGGERS: The, the main, the, one, one of the
24 primary concerns of the Community Board was, in fact,
25 residential, you know, um, drop offs, and, and

1 deliveries, um, and how that would impact or interact
2 with the bike, the, the bike lane on, on Crescent.
3 So, what we've, we've done as, or what we've proposed
4 to do in, um, consultation with DOT is to have a
5 dedicated loading zone for drop offs and deliveries
6 to the building on 27th.

8 As for the applicant's, uh, loading for their
9 operations, the way that the building has been
10 designed currently, it's, it's, it wouldn't really
11 work to put that on 27th. The, the loading would,
12 would need to be on Crescent, but I think it's
13 important to mention that the, the operations, the
14 pipe fitting, and, and storage, they're not expecting
15 a high volume of trucks and deliveries through that
16 loading on, on Crescent. And as, as mentioned, um,
17 through Department of City Planning staff, uh, there
18 have been, there's been consultation with DOT and DOT
19 has not expressed concern regarding operation of the
20 building and operation of the bike lane should the
21 project be constructed as, as proposed.

22 COUNCIL MEMBER WON: We cannot have any
23 obstruction of the bike lane at any point of the
24 project.

2 MR. ROSENWACH: We have sat down with, uh, Gene's
3 office to review moving the loading zone on Crescent
4 to 27th Street. And so, um, we're, we're developing
5 the plans to see if it all fits logistically in the,
6 uh, in the plot of land that we have.

7 COUNCIL MEMBER WON: Okay. And looking on page 16
8 in the rendering, it looks like there's a garage door
9 on both 27th and Crescent.

10 MR. ROSENWACH: That, that rendering was from, uh,
11 how many PowerPoints.

12 COUNCIL MEMBER WON: Okay. So, it's an outdated
13 rendering.

14 MR. ROSENWACH: Yeah, it's an outdated rendering.

15 COUNCIL MEMBER WON: I just wanted to make sure.
16 Because even if you look now, you would be
17 obstructing the Jersey barriers from the bike lane in
18 order to enter that garage.

19 MS. CARSON: There are entrances and exits on
20 Crescent Street for businesses, um, on both sides in
21 the areas where those businesses continue to exist,
22 and it is important to remember that this is a
23 business district. It's an M1 district. So, um, and
24 DOT does not regard an occasional entryway as, uh, an
25 unbearable impediment to the maintenance of the bike

2 lane. People may have to slow down and wait for a
3 truck to go in and out, but this is not a business
4 that's going to have a massive amount of trucking.
5 It's not a business that's going to be having loads
6 go in and out all day. They'll be concentrated in the
7 early hours of the day and then at the, um, end of
8 the day there will be a few returning trips. So, but,
9 you may be talking about three to five trips a day.

10 COUNCIL MEMBER WON: Early morning and late of the
11 day is when there's.

12 MS. CARSON: Later, but not peak, not peak, not
13 peak business hours.

14 COUNCIL MEMBER WON: Okay. Cause that's where
15 it's, that's when rush hour is for both cars and for
16 cyclists.

17 MS. CARSON: Rush hour is different for people who
18 are doing white collar jobs than it is for people who
19 are doing blue collar jobs. So, um, people who are
20 leaving early, very early in the morning between 6:30
21 and 7:30 don't represent necessarily the peak
22 business time for people who are taking a bicycle
23 ride to catch, um, to, to go to an office.

24

25

2 COUNCIL MEMBER WON: Cyclists are not all white-
3 collar job workers who are going to an office.
4 They're delivery workers.

5 MS. CARSON: That's true. But I'm saying there's a
6 distribution of the uses throughout those, this
7 period of time. It is not all one group of people
8 travelling at one period of time.

9 MR. KAUFMAN: Um, this general request about the,
10 um, the loading, um, on Crescent possibly moving to
11 27th was very recent, but we are looking at that very
12 seriously and, and I believe we're going to be able
13 to, to move that, um, to 27th Street.

14 COUNCIL MEMBER WON: Okay. Thank you. I don't have
15 any further question.

16 CHAIRPERSON RILEY: Thank you, Council Member Won.
17 Do any of my colleagues have any question for this
18 applicant panel? Council Member Schulman?

19 COUNCIL MEMBER SCHULMAN: Um, it's a little bit of
20 a comment as opposed to a question. I just, I want to
21 support my, um, colleague council Member Won in terms
22 of asking for an increase in affordable units because
23 I represent Central Queens, uh, District 29 which is
24 Forest Hills, Rego Park, and Kew Gardens which is
25 basically a middle-class area.

2 I've had a, a couple of developments there now,
3 big ones, big ones, um, where initially they said
4 economically, they couldn't do it, and then at the
5 end they did. So, I'd really like to implore you to
6 please take a hard look and try to do that because
7 there's a dearth of affordable housing in Queens and
8 throughout the City. Thank you.

9 CHAIRPERSON RILEY: Thank you, Council Member
10 Schulman. Council Member Bottcher?

11 COUNCIL MEMBER BOTTCHER: I just have a, um,
12 design question for Mr. Kaufman. The brown material
13 at the top, is that like sheet, like a, just a sheet
14 of metal or is it like brick?

15 MR. KAUFMAN: Um, we're looking at making the
16 façade brick, the, the full height of, of the street
17 wall. Um, the idea on the top, uh, in that rendering
18 was to somehow accommodate what's the varying scale
19 in the neighborhood where there's some lower
20 buildings and some, some taller ones. Um, currently
21 we're looking at something, um, that's a little bit
22 more, um, what can I say, um, upscale in its, in its
23 look and, and would certainly like to achieve that.

24 COUNCIL MEMBER BOTTCHER: What, what is that
25 material, though? Cause I see it used a lot and, in

2 my opinion, it's just not very nice looking. It's
3 like a brown metal.

4 MS. CARSON: Talking about steel, rusted steel. I
5 think that's what he's talking about.

6 MR. KAUFMAN: Yeah. Yeah, it, it looks like metal
7 in the rendering. That's what you're referring to.

8 COUNCIL MEMBER BOTTCHER: Yeah. Is that what it
9 is?

10 MR. KAUFMAN: Yeah, but currently, I think we're
11 looking to, to change that and to have a, a more of a
12 pattern in the brick itself rather than
13 differentiating the, the top floor in such a dark
14 color.

15 COUNCIL MEMBER BOTTCHER: So, it's, you know, not
16 necessarily even specifically to this project, I'm
17 just kind of asking as a New Yorker, uh, why, cause
18 you do so many buildings, it's just not as nice as it
19 could be, in my opinion. I think something.

20 MS. CARSON: You're talking about the rusted steel
21 look?

22 COUNCIL MEMBER BOTTCHER: Rusted steel.

23 MS. CARSON: Yeah. That's Winka Dubbleddam, I
24 think, was the one who sort of promoted that early on

2 and it became very chichi to do. So, but I don't
3 think that's going to happen in this project.

4 MR. KAUFMAN: We, we will take it out.

5 COUNCIL MEMBER BOTTCHER: Don't take it out cause
6 I asked. It's not my project. I just, you know, thank
7 you for indulging me, colleagues. I just, you know,
8 there's so many buildings going up that I think could
9 be nicer in New York.

10 MR. EGGERS: We haven't the finalized design.

11 COUNCIL MEMBER BOTTCHER: Oh, we got an applause
12 there, yeah. I mean, this, these are buildings that
13 are going to be here for 100 years or more, so I
14 think we need to elevate the materials we use across
15 the board. Thank you.

16 CHAIRPERSON RILEY: Thank you, Council Member
17 Bottcher. Counsel, are there any members of the
18 public who wish to testify on this item?

19 SUBCOMMITTEE COUNSEL MARTINEZ: No members of the
20 public to testify on this item online. If, and if
21 anyone is here in person, please come forward.
22 Doesn't look like anyone's here, Chair, so we can
23 close the hearing.

24 CHAIRPERSON RILEY: Okay. Uh, this panel is
25 excused.

2 MR. EGGERS: Thank you, all.

3 CHAIRPERSON RILEY: There being no members of the
4 public who wish to testify on these pre-considereds
5 LUs relating to ULURPs number C220169 ZMQ and N
6 220170 ZRQ relating to the 40-25 Crescent Street
7 rezoning proposal, the public hearing is now closed,
8 and the items are laid over.

9 To continue with today's meeting, I will now open
10 the public hearing on LUs 110, 111, and 112 relating
11 to 9th Street rezoning proposal in Council Member
12 Hanif's district in Brooklyn. This application seeks
13 a zoning map amendment to rezone an existing M2-1
14 zoning district to an M1-4/4, uh, excuse me, /R7A
15 zoning district, a relating zoning text amendment to
16 map an MIH program area and a special permit to
17 reduce off street parking.

18 For anyone wishing to testify on this item
19 remotely, if you have not already done so, you must
20 register online, and you may do that now by visiting
21 the Council's website at council.nyc.gov/landuse.
22 And, once again, for anyone, anyone with us in
23 person, please see one of the Sergeants at Arms to
24 prepare and submit a speaker's card. Council Member
25 Hanif?

2 COUNCIL MEMBER HANIF: Thank you, Chair Riley, and
3 I just want to start off by thanking, um, the
4 community in my District, uh, that has continued to
5 engage very thoughtfully, um, with my office on this
6 application, and of course, I want to also thank the
7 applicant, good to see you, Richie, um, who agreed to
8 meet with our community members, um, and take our
9 concerns, my office's, the residents' concerns into
10 account. So, thank you for that.

11 And I continue to have deep concerns around this
12 application. As you know, I've been, uh, vocal about
13 these both with the applicant and our community at
14 large. I've heard from dozens of community members
15 about the need for deeper affordability, um, which
16 meets the needs of the current housing crisis as well
17 as continuing to authorize new development in light
18 of unaddressed environmental concerns related to
19 flooding and storm water management in our community.

20 I've also heard from the industrial business, uh,
21 community about their needs and concerns being
22 proximate to residential rezonings while the IBZ
23 itself remains unprotected. I take their concerns
24 very seriously and with every land use decision, I'm
25 going to continue to voice my concerns around

2 solutions that bring deeper affordability to Gowanus
3 and take into account the needs of our industrial
4 businesses without adding additional strain to our
5 infrastructure.

6 So, I know this has been a couple of, uh, hard
7 weeks in, and months. Uh, this was at my table at the
8 start of my term and we've come a long way in many,
9 many tough conversations and I'm looking forward to a
10 continued conversation which I know will, uh, be, uh,
11 just as difficult to get to a project that really
12 meets the needs of Gowanus, the future of Gowanus,
13 um, and our neighbors as we continue to welcome, um,
14 asylum seekers and recognize just what a deep hole
15 we're in in addressing the affordability crisis and
16 housing crisis in our City. Thank you so much.

17 CHAIRPERSON RILEY: Thank you. Thank you, Council
18 Member Hanif. Counsel, can you please call the first
19 panel for this item?

20 SUBCOMMITTEE COUNSEL MARTINEZ: The panel for this
21 item, and you guys can take your seats here at the
22 table, is Paul Proulx and Tony Daniels.

23 CHAIRPERSON RILEY: Counsel, can you please
24 administer the affirmation?

2 SUBCOMMITTEE COUNSEL MARTINEZ: Panelists, can you
3 please raise your right hand and answer the following
4 question? Do you affirm to tell the truth, the whole
5 truth, and nothing but the truth in your testimony
6 before the Subcommittee and in your answers to all
7 Council Member question?

8 CHAIRPERSON RILEY: Thank you. For the viewing
9 public, if you need an accessible version of this
10 presentation, please send an email request to
11 landusetestimony@council.nyc.gov. And now the
12 applicant team may begin. Panelists, as you begin,
13 I'll just ask that you please reinstate your name and
14 organization for the record. You may begin.

15 MR. PROULX: My name is Paul Proulx. I'm with the
16 law firm Carter, Ledyard, and Milburn. I'm here on
17 behalf of the applicant, The Angelina Gatto Trust.
18 Uh, we're joined by Richie (SP?) Gatto, who, uh, to
19 observe the proceedings who's the trustee of the
20 trust and Tony Daniels from Cycle Architecture.

21 So, uh, to start with, uh, thank you, uh, Council
22 Member, for your leadership on this and for, um,
23 facilitating the conversations that we've had. And we
24 look forward to the continued, uh, discussion. Uh,
25 this morning we had a great call with your staff and

2 the Fifth Avenue Committee, and we also look forward
3 to continuing that discussion with them as well as
4 with HPD and, and others.

5 Uh, so, to brief the, uh, Committee here, uh, I'd
6 like to go through our presentation. Uh, this is for,
7 uh, a block front on 9th Street in Gowanus in
8 Brooklyn. It's just below the 82-block rezoning that
9 occurred and was in front of you, uh, months ago. Uh,
10 we've been patiently waiting while that, uh, project
11 was resolved and, um, approved. Uh, and so, now we
12 are proposing something just like it for a small, uh,
13 portion of 9th Street.

14 Uh, the rezoning area is a 425 by 100-foot area
15 between 2nd and 3rd Avenues on 9th Street.

16 COUNCIL MEMBER: Can you ask them to advance the,
17 uh, slides?

18 MR. PROULX: Oh, sorry. Uh, I'm advancing my own
19 slides, uh, but I need to, uh, advance two slides,
20 please. Sorry.

21 Thank you. Uh, next slide, please. Uh, this is
22 the, the rezoning area. And, um, the area that we're
23 proposing to develop, uh, you see here in this slide,
24 it's an 82-foot by 100-foot area that's, uh,
25 unimproved at the moment. It's, uh, mostly asphalt

2 and is used to park cars. It last had a building, uh,
3 or an improvement on it in the 1970s, uh, which was
4 demolished, um, because of the age of the building.
5 So, um, it's been operated essentially as a parking
6 lot since then. Next slide, please.

7 So, the rezoning area, it's, um, it's unique in
8 many ways, but, uh, the obvious way that's shown by
9 this slide and one of the things that informs our
10 land use rationale is the fact that it's primarily
11 residential. Uh, there's one lot that exists that is
12 improved with a commercial building, but otherwise,
13 aside from our lot, everything is residential. So,
14 we're proposing to map a M1-4/R7A which would allow
15 residential uses in this area that's already
16 residential.

17 And to give you an idea of what the neighborhood
18 looks like, next slide, please. I'll run through a
19 couple of photos, uh, showing the rezoning area. Uh,
20 next slide, please. Uh, the structure, uh, to the
21 south of us there that you see is the trestle which
22 informs, uh, sort of a context of the neighborhood
23 and the height. Next slide, please. And again, our
24 site. The small house you see on the upper left-hand
25 corner is, uh, part of our zoning lot, and it is the

2 home that Angelina Gatto lived in until her death,
3 uh, a few years ago. And that's on 8th Street to the
4 rear of our property. Next slide, please.

5 Again, you see the trestle. And, um, the Council
6 Member had mentioned our proximity to the IBZ which
7 you see here on this map. If you look closely at the
8 very northern edge of it, you'll see the red area
9 which is our proposed rezoning area. We are not in
10 the IBZ, to be very clear, but we are adjacent to it.
11 And so, the needs of the IBZ and the, uh, concerns
12 of, for the manufacturing district, um, have been
13 front and present during the ULRUP, uh, review.

14 You'll notice though, that our site like others
15 nearby, represents some jagged teeth that, um, that
16 are not mapped within the IBZ. Next slide, please.

17 Um, the IBZ has gone through, uh, several, um,
18 public meetings, uh, in connection with the rezoning
19 that the City progressed last year. And, um, part of
20 that resulted in a vision plan with several
21 recommendations for land use in the City, in, in the
22 IBZ. Next slide, please.

23 Uh, one of those represents the jagged teeth that
24 I had mentioned which you see here on this slide. And
25 this, uh, recommendation that, uh, resulted from the

1 community outreach and study that the City published,
2 shows that in the final paragraph there if you can
3 read the text, that the recommendation for the
4 clusters of residential around 3rd and 9th Street to
5 be, uh, legalized and, uh, also suggested that modest
6 increases would be appropriate.
7

8 So, following that vision plan guidance, we have
9 filed this application. And the application is for
10 the following items which you heard a moment ago, for
11 a zoning map amendment to map the M1-4/R7A for, uh, a
12 mandatory inclusionary housing. Sorry, next slide,
13 please.

14 Uh, mapped along, alongside of it for the 425- by
15 100-foot area and for a waiver for all the accessory
16 parking that would result from the building. Next
17 slide, please.

18 So, uh, again, with the land use rationale for
19 the site, we are following the City's guidance in the
20 vision plan and also, um, recent approvals that
21 occurred on 12th Street and 3rd Avenue that mapped the
22 same density and uses that we're promoting aside from
23 the fact that we're also proposing certain
24 manufacturing uses that are not included in that
25

1 application. So, there's precedent for this exactly
2 the same as what we're proposing.
3

4 Um, another precedent is in the City's 82-block
5 rezoning, uh, next slide, on Union Street. Um, Union
6 Street is another cross-canal corridor. Uh, the
7 Gowanus canal is one of the largest physical, uh, uh,
8 presences in the neighborhood and Union and 3rd and
9 9th are the cross-canal corridors. So, like 9th, Union
10 Street is mapped with an R7A, approved recently. Next
11 slide, please.

12 Uh, part of the thing that informed our request
13 for a special permit for the parking, uh, is because
14 this is a transit rich corridor that we're proposing
15 to build on. 9th Street is, uh, a bus route, a bike
16 route, a truck route. It's between two subway
17 stations, one at 4th Avenue for the F and G and the
18 R, and then one at Smith, the F and G. And we're
19 equidistant between those two. Uh, the proposed
20 parking waiver would also eliminate the need for a
21 curb cut here and, um, eliminate the conflict that
22 would result from, um, vehicles pulling in across the
23 bike path.

2 So, this is the building that we are proposing to
3 build, and, uh, we are joined, joined by Tony Daniels
4 who will go through the building with you.

5 COUNCIL MEMBER: Alright, and next.

6 MR. PROULX: Next.

7 COUNCIL MEMBER: Next slide.

8 MR. DANIELS: I think I need to turn this on. Uh,
9 so, uh, good, good, uh, after, afternoon, Everyone.
10 Um, I'm Tony Daniels, the principal at Cycle
11 Architecture and Planning. Uh, thank you, uh, for the
12 opportunity, uh, to make this presentation. Um, our
13 office is at the forefront of, uh, designing for the
14 environment in, in New York City. Uh, we have, uh,
15 received, uh, uh, numerous grants and awards from
16 NYSERDA, the New York State Energy Research and
17 Development Authority. We are working on, uh, a
18 pilot, uh, uh, retrofit and electrification projects
19 at Ravenswood Houses for the, for, for NYCHA. Uh, we
20 are, uh, committed in our practice to, uh, to, to
21 designing, uh, environmentally responsible buildings.

22 Uh, and we know that any project that is built
23 today, um, has to be essentially ready for net zero
24 or actually be net zero in order for the state to
25 meet it's, uh, CLCPA goals, for the City to meet its,

1 uh, its own environmental goals. Uh, you know, the,
2 the, the business-as-usual building that, uh, is not
3 net zero ready, um, is, is, uh, it is no longer a
4 viable option, uh, option for, for us in our
5 practice. And, uh, you'll notice that the building
6 that we're proposing, uh, it's not a, it's not a big
7 glass building. Uh, we have proposed a building that
8 has, you know, punched windows, uh, because it's
9 going to be a very well insulated building, uh, so
10 that it can be fully electrified, uh, with no fossil
11 fuels on site.

12 Uh, the, uh, the, the building, um, also, um,
13 you'll, you'll see has, um, a lot of, uh, green, um,
14 you know, plants shown on the roof and that is a
15 response to some, um, specific concerns, uh, about,
16 uh, about storm water management on the site. I, I,
17 my office was in Gowanus for nine years. Uh, there at
18 the corner of 3rd Avenue and 3rd Street. We lived
19 through Sandy. Uh, we, we understand, uh, the, uh,
20 you know, the condition of the, of the sewers in this
21 neighborhood, uh, as they run down the hill from Park
22 Slope into the, into the canal.

23 We, we understand. We, we, when we, when we ride,
24 when we ride our bicycles by, uh, you know, a site on
25

1 6th Avenue that has the street torn up, we
2 understand. We understand what is going on because
3 the infrastructure there is, is, is, is weak. Uh, so
4 we've designed a building, uh, that, uh, has the
5 potential to actually retain some storm water on
6 site, uh, through, uh, you know, these, uh, these
7 roof gardens at both the upper roof and in, in the
8 back there's a, a lower roof for over the one story,
9 uh, proposed commercial portion.
10

11 Uh, so, uh, the, the building, uh, of course,
12 would be designed, uh, in accordance with the, uh,
13 city's unified storm water regulations that went into
14 effect last February. Uh, and we would, uh, uh, we,
15 we can actually, um, increase the buffer size to, uh,
16 uh, to, to lessen the, uh, uh, the, the load on storm
17 sewers during, uh, uh, peak, uh, peak flow events
18 like heavy rainstorms. Uh, and I just want to note
19 that this would be an upgrade, um, in, in terms of,
20 the, uh, the flood performance at the site today. Uh,
21 it is vacant, but it is mostly paved, uh, so now, uh,
22 storm, it just, storm water lands and it just goes
23 into the street basically.

24 Uh, so, uh, we, uh, uh, very much look forward to
25 coordinating this design. Uh, we're excited, uh, uh,

2 about a potential partnership with the Fifth Avenue
3 Committee, uh, you know, who's been a stalwart for,
4 um, affordability in the neighborhood, um, and, uh,
5 I, I think that's, uh, that, that's it, Paul.

6 MR. PROULX: Okay. Thank you, Tony. If you could
7 advance the next slide. I'd just like to, um, point
8 out that we've requested, uh, MIH Option One here,
9 uh, but we are certainly open to the Council Members'
10 feedback on that, uh, in this area that, uh, this
11 425-foot by 100-foot area that, uh, would be mapped
12 with MIH.

13 Um, I would also point out that, uh, you may hear
14 from the public, uh, regarding the displacement of
15 existing stabilized apartments. Uh, I'd like to point
16 out that, um, stabilized rents are only applicable to
17 buildings, uh, in excess of six units, and so there's
18 only one building, uh, within this 425-foot area
19 that, uh, has more than six units. Uh, and we've been
20 in touch with that owner who has represented, uh,
21 it's hearsay, but, uh, that they have only one
22 stabilized unit in that, uh, building.

23 So, um, while there's potentially going to be new
24 development to replace the buildings that are there
25 now over time, naturally, uh, there would not be the

1 displacement of any stabilized units, and, except for
2 maybe one, uh, and, uh, this would, of course, map
3 the MIH which would replace, uh, those units with a
4 percentage of affordability for not just our site,
5 but for the others within the 425-foot area.

6
7 Um, furthermore, um, I wanted to point out that
8 this neighborhood, um, these jagged teeth that I had
9 mentioned before, um, exist as manufacturing
10 districts with residential uses because of a historic
11 anomaly. Uh, in 1961, the City mapped the zoning map
12 with restrictions, MRC. Prior to that, there were a
13 lot of unrestricted districts, including this one.
14 And by mapping, uh, M here, they prohibited the
15 residential uses that exist there now from being
16 replaced or enlarged or anything. They are considered
17 grandfathered.

18 Um, in 1973, the City, noticing that there were a
19 lot of these residential uses in this manufacturing
20 district, and acknowledging the restrictions that
21 that posed on improvements and enlargements, they
22 went and moved the zoning line from Park Slope and
23 4th, 4th Avenue all the way to 3rd Avenue, and
24 encompassed like another 10,000 homes. We were not
25 included in that. We were excluded from that. This

2 area was excluded from that and remains M2 to this
3 day.

4 Um, but I would like to point out that the
5 existing residents are, uh, primarily, uh, a group of
6 people who have been excluded from ownership in
7 Brooklyn by accidents of history like this including
8 redlining and, and other things. So, this is not
9 going to, um, many of these units are owner-occupied
10 and have been in families, uh, for generations,
11 including Richie's. And, um, we have letters that we
12 have submitted for the record that, uh, from many of
13 these units, owners, many of these, uh, homeowners
14 within our rezoning area expressing their support.
15 So, I just wanted to point that out.

16 And then, also, uh, for the record, um, for your
17 information, uh, the Community Board, uh, gave us a
18 very positive endorsement with 31 votes in favor and
19 six against. So, we were very pleased to have their
20 endorsement and their support for the, uh, affordable
21 housing that this represents which was a major reason
22 for their votes, and, um, look forward to, uh, you
23 know, accomplishing those goals. Next slide, please.

24 The concerns that you may hear from the
25 manufacturing industrial, uh, retention community,

1 uh, relate to the fact that our rezoning area is on
2 the border of, uh, of the IBZ. But currently, this is
3 all residential. These people that live there exist,
4 uh, hand in hand with the manufacturing uses nearby,
5 um, and we're proposing simply, uh, to enlarge that
6 and by, um, building a new building there we're also
7 going to be adding a 8,000 square foot commercial
8 space which will allow a transition to the
9 manufacturing district and will activate, uh, this
10 portion of the street, which is currently limited to,
11 um, essentially stoops and residential, uh, uses. So,
12 we think that is supportive of the MIH as opposed to,
13 um, a problem. Uh, next slide, please.

15 Um, the reason for the special permit parking
16 waiver is of course the curb cut. But also, if you
17 see here, um, this would be for, uh, a parking garage
18 on the site or for accessory parking in the building.
19 Um, this is using a very efficient mechanical
20 parking, uh, system. But, as you can see, it would
21 limit our 8,000 square foot retail space to less than
22 half of that, 3,649 it shows here, once you've, uh,
23 allocated the amount of space for either a system
24 like this or ramps.

2 Uh, and here, next slide please. And then here is
3 just a, a final rendering to show, uh, what an
4 activated ground floor and the building may look
5 like. So, with that, I'd like to, um, um, be open for
6 your questions and, um, and that's it. Thank you.

7 CHAIRPERSON RILEY: Thank you, Paul. Uh, just a
8 few questions and then I'm going to turn it over to
9 Council Member Hanif. Uh, the first question is, what
10 do you plan to do with the site if the application is
11 not approved?

12 MR. PROULX: I think that the as of right uses are
13 fairly limited here. Um, but the, um, sort of parking
14 garage scenario is, is certainly one of the things
15 that we would consider. Um, the, uh, problem with
16 the, um, I think, with the options available under
17 the existing M2-1, is that you can build a single
18 story, uh, but, uh there's not, uh, a whole lot of
19 rent associated with that. The rents are very low for
20 conforming uses and, um, to go up, uh, would require
21 quite a bit of investment in terms of, uh, elevators
22 and, uh, you know, uh, that kind of thing. In order
23 to, uh, to get another floor, uh, for very little
24 rent.

2 So, uh, I think we've, the best use that we've
3 identified as of right, would be probably a parking
4 system for, uh, 150 cars, uh, permitted by zoning.

5 CHAIRPERSON RILEY: Okay. Do you have plans for
6 the commercial space? And have you had any
7 conversations about what type of use would be the
8 most beneficial or identified potential tenants?

9 MR. PROULX: Uh, we have not identified any
10 potential tenants. Uh, we think it's too early to
11 really be serious about that. We started this
12 process, um, exploring a fresh supermarket program
13 with City Planning, but, um, this area is a very
14 wealthy neighborhood that, um, doesn't qualify under
15 the restrictions for fresh.

16 So, um, we hit a dead end there, but, um, our
17 client, Mr. Gatto, has a history, uh, in meat. Uh, he
18 was a butcher for many years at a, a local
19 supermarket and has, uh, plied that trade throughout
20 the City. So, um, some of the feedback we heard from
21 the Southwest Brooklyn Development Corporation was
22 they'd like to see maker retail. Uh, so I think that
23 if we were to generalize, uh, it would be some sort
24 of food related maker retail.

2 And if we were to be more specific, uh, at this
3 time, we'd say that, you know, some sort of butcher
4 shop. Uh, but we're certainly open to feedback from
5 the community as we proceed. Uh, and look forward to
6 identifying something that works and that provides a
7 reasonable return.

8 CHAIRPERSON RILEY: Thank you, Paul. In addition
9 to onsite storm water management, have you considered
10 installing rain gardens in the public right of way to
11 help mitigate local flood issues?

12 MR. DANIELS: Yes.

13 CHAIRPERSON RILEY: You have. Okay. Sounds good.
14 I'm going to, uh, yield my time to Council Member
15 Hanif to ask her questions. Council Member Hanif?

16 COUNCIL MEMBER HANIF: Thank you, Chair. Okay. So,
17 uh, building off of the question Chair Riley asked,
18 I'll begin with your considerations for, um, the site
19 absent this rezoning. So, to just build on, on, uh,
20 uh, Chair Riley's question, um, how many years, uh,
21 has the site been in, um, Richie Gatto's possession?
22 And would love to know what's prevented Richie from
23 building a parking lot in those years.

24 MR. PROULX: Well, I, I that the, um, the exact
25 date of the purchase of the property, uh, was, I

2 don't, I don't have, but, um, the buildings that were
3 there were demolished by his family in the '70s and,
4 um, a portion of the site was paved, uh, for parking.

5 Um, the thing that has changed is that, um, the
6 senior, uh, the prior generation has passed, passed
7 on, and so, now Richie has, as the trustee, has
8 control of the property and is prepared to build
9 something in order to, uh, maximize its use. Uh, as a
10 fiduciary, his obligations to the Trust, and I think
11 it's those obligations that he's following, uh, in
12 deciding to do something here.

13 COUNCIL MEMBER HANIF: And, I mean, it would be
14 good to get a commitment to not make the site absent
15 of this rezoning, a parking lot?

16 MR. PROULX: Well, that, that would be hard to do.
17 Uh, there's not a whole lot of other uses, as I've
18 explained, that we would feel comfortable, um,
19 building on. Uh, I think that's, you know, in a way,
20 um, you know, a worst-case scenario, uh, but, and
21 certainly not a promise. But it would also be
22 difficult to say that we would not explore the
23 limited rights that we have as of right.

24 COUNCIL MEMBER HANIF: And then, I spoke about the
25 housing crisis. Um, we're in a dire situation in our

2 City and then with the recent Gowanus neighborhood
3 rezoning, um, we anticipate up to 5,000 new market
4 rate housing units in the neighborhood in the coming
5 years. Could you share how this development will
6 address our community's need for affordable housing?
7 And how will you ensure that the types of units can
8 accommodate the high needs of, uh, affordable units
9 for families?

10 MR. PROULX: Well, um, again, we're open to, uh,
11 mapping whatever inclusionary housing option you
12 think is best, uh, as, you know, as it is in your
13 discretion. Um, we think that, um, whichever option
14 it will be, will be a great addition to the
15 neighborhood's supply of affordable housing. So, it's
16 not just our site. It's the 425 foot by 100 foot area
17 that will be developed only with, uh, residential
18 uses that are affordable if its developed with
19 residential uses, um, to the extent that the MIH
20 requires it.

21 So, um, you know, we think that this proposal is
22 doing a service to the neighborhood by providing
23 that, by mapping that. And then our site specifically
24 will not only meet the MIH, uh, requirements, but as
25 we've discussed, uh, there may be something else that

2 we can do there and we're looking forward to
3 exploring those options with you.

4 Um, we are not in a position to commit to
5 anything yet. Uh, and there are, as you know, um, and
6 we appreciate your openness to the conversations
7 we've had about, you know, what is feasible and what
8 is sustainable from an economics perspective. And,
9 um, you know, we're not affordable housing
10 developers, but I think the idea that perhaps with
11 some City subsidy, there might be a way to build
12 something that's larger than just an MIH building,
13 um, you know, we're open to. And, um, Mr. Gatto has
14 expressed a, a commitment to. So, um, we look forward
15 to exploring that at greater detail.

16 COUNCIL MEMBER HANIF: Yeah, I'm grateful that
17 we've, we've, um, had a good faith relationship in
18 the process of this application and, um, uh, it would
19 really appreciate a, a commitment to deeper
20 affordability, um, than required under MIH because
21 MIH is flawed. It's simply not getting us to where we
22 need to be to address, um, the affordability crisis
23 in the City.

24 MR. PROULX: I just might add that you heard from
25 the prior applicant, you know, the 421A is a real

2 loss and, uh, you know, we appreciate your looking
3 to, uh, figure out solutions that kind of account for
4 that loss. Um, but again, 421A was sort of the, MIH
5 when it was passed, was the maximum that the city
6 thought was possible with 421A. So now we don't have
7 421A and, um, we're still in a position where we're,
8 you know, we're required to do MIH. We're glad to do
9 MIH. Uh, but, um, to go beyond is, gets complicated
10 quickly, so.

11 COUNCIL MEMBER HANIF: Right. And I think that's
12 what we're coming up against, this complicated nature
13 of, um, building housing. I mean, I was very upfront
14 at the start of our conversations that like the
15 biggest priority for me is building new housing, um,
16 but ensuring deep affordability for a district like
17 mine where we need more. We could use more affordable
18 housing in, in my district. And so, the conversations
19 have been, uh, tough because the City by default is
20 not honoring, um, this process of building, um,
21 deeper affordable housing in, in, in our City.

22 MR. PROULX: If I could just, uh, respond to that.
23 Um, I think that the idea of mapping R7A here, you
24 know, with the manufacturing, uh, complement, um, it
25 increases the density right. And so, it addresses the

2 fact that there's a supply issue. So, whether it's,
3 uh, stabilized, uh, whether it's stabilized, whether
4 it's, uh, MIH, whether it's voluntary inclusionary,
5 or whether it's just market rate apartments in a
6 portion of the neighborhood where the rents aren't
7 that high to begin with, um, you know, you're, you're
8 addressing the problem by, by doing this, so.

9 COUNCIL MEMBER HANIF: So, uh, some folks have
10 raised concerns that continuing to add residential
11 uses in, uh, close proximity to the IBZ, uh, could
12 adversely impact the ability of industrial businesses
13 to operate. Um, how do you respond to these concerns
14 around there being more residents, more noise
15 complaints, and difficulty for trucks? You mentioned
16 the truck route earlier.

17 MR. PROULX: Yeah, well, you know, the traffic
18 issues, um, I, I don't want to get into, uh, but
19 we're doing what we can with this proposal by
20 proposing the waiver of accessory parking. The, um,
21 fact is though that in this area, residential and
22 manufacturing uses exist side by side and have for
23 many years. And there are several areas where that
24 Gowanus mix of uses, um, you know, exist and, um, you
25 know, in harmony. So, um, we don't think that by

2 adding to the density of this residential area that
3 we are going to cause any sort of specific problem.

4 I think that there are exceptions and there will
5 be growing pains. Um, and, you know, and if you're
6 operating something that's sound sensitive, uh,
7 certainly you're going to have, uh, an issue with any
8 construction at the site. But we're not, uh, you
9 know, whether it's an as of right or the proposal,
10 there, you know, there's going to be construction at
11 the site.

12 So, um, I think that what we've proposed is
13 something that, um, you know, complements the, uh,
14 IBZ with, uh, you know, an active ground floor, um,
15 that, you know, that hopefully will be something that
16 helps make the transition from the residential uses,
17 uh, to the east and, uh, to the manufacturing uses to
18 the west. So, um, we think it's a great sort of
19 puzzle piece to fit in at this location and, and
20 speaks to all those things.

21 COUNCIL MEMBER HANIF: Uh, I'm grateful that, uh,
22 the Chair, um, asked about green infrastructure. I
23 want to add, uh, to that. Um, could you speak more
24 about what kinds of green infrastructure, uh, would
25 increase resiliency through the new construction on

2 your site, um, blue roof, suspended pavement? I know
3 you talked about fully electrified building. No
4 fossil fuel on site. Um, would love to learn a little
5 bit more, given that the 9th Street site is under the
6 size threshold, um, for Chapter 19 requirements under
7 the Unified Storm Water rule, which mean, which would
8 mean that the site, uh, won't be required to include
9 green infrastructure by the City.

10 MR. DANIELS: Uh, sure. Um, well, I, I guess, uh,
11 I can focus on, um, on water infrastructure, um,
12 here, and, and that is, um, you know, there is a,
13 there is a high-water table, uh, in this area and,
14 um, it is, it is prone to flooding. So, uh, you know,
15 doing a sort of, uh, varied retention type, uh,
16 system is probably not, uh, probably not in the cards
17 for this site. So, we have, we have to, we have to
18 find uses for water that are, um, uh, you know,
19 above, above. We have, we have to, uh, anything we
20 retain, we have to use onsite. So, for instance, uh,
21 we, we can use it as part of an irrigation system for
22 a green roof, uh, you know, or we can, um, or, or we
23 can detain it in a, in a tank.

24 And, uh, what, what we would propose on this
25 property is to, to, to build a, uh, a, you now, a

2 substantially sized, uh, detention tank, uh, to, to
3 buffer the, uh, uh, you know, the storm water at
4 times of peak flows. Um, and, you know, that's a, a,
5 a detailed engineering calculation that you'd, you
6 know, that you'd do, uh, you know. There are, uh, uh,
7 you know, standards for the length and intensity of
8 storms and, you know, you, you input that and it will
9 tell you how much, in terms of gallons, you have to
10 detain on site. We can, we can exceed that, um, you
11 know, because of the perceived problem, and, and, uh,
12 detain more, uh, and buffer more.

13 Um, and, uh, and then, uh, you know, mention was
14 made, um, about, uh, you know, providing, um, you
15 know, at, at the, uh, at the street, uh, to, you
16 know, to provide, uh, uh, you know, rain gardens, um,
17 and, uh, to, you know, to, to, to use, um, uh, you
18 know, green infrastructure along the street, uh, as,
19 as, as well. Uh, that's, uh, that's contributory.
20 That's not on our site, but certainly within the
21 neighborhood, it would, it would help. So, you know,
22 that, those are, those are, uh, uh, water
23 infrastructure.

24 So, to, to summarize, um, uh, retention on site
25 for, for, uh, for green roofs and irrigation,

2 detention, uh, uh, you know, with a, with an
3 increased buffer size. And then, uh, uh, uh, you
4 know, street side, uh, uh, storm water, uh,
5 infrastructure, uh, you know, rain gardens.

6 COUNCIL MEMBER HANIF: And then you had mentioned
7 plants on the roof. Is the roof a, a green roof?

8 MR. DANIELS: Yes, the roof, the roof, the roof
9 will be largely a green roof. Uh, and, and just
10 looking at the rendering, uh, we were not showing
11 like a, you know, like a, you know, a, the, the, the
12 lichen-y stuff. We were showing intensive green roof
13 that has, you know, that would be structurally. We
14 are building from scratch, so we can, um, uh, you
15 know, uh, size the roof to carry the loads for a, a
16 more intensive green roof.

17 COUNCIL MEMBER HANIF: Got it. Thank you. Uh, will
18 you provide an analysis of the total volume of
19 combined sewage overflow expected to be generated
20 from your site after the building is constructed?

21 MR. PROULX: You mean like a, a report on.

22 COUNCIL MEMBER HANIF: Yeah.

23 MR. PROULX: How the building will function?

24 COUNCIL MEMBER HANIF: Is that possible?

25 MR. PROULX: Uh.

2 COUNCIL MEMBER HANIF: Or an estimation of, uh,
3 the volume of CSO the site will contribute to, to the
4 canal?

5 MR. PROULX: I think we would, we would have to do
6 a storm water calculation anyways to document
7 compliance with the requirements, right, so, to, uh,
8 do some sort of post construction, uh, analysis
9 seems.

10 MR. DANIELS: Uh, uh, yeah. I mean, we, I guess if
11 we're, if, if we can make a, a number of assumptions
12 about the building, um, and, and about the site like
13 if we assume that there's going to be no, uh, you
14 know, no, no subs, no sub, no sub grade.

15 MR. PROULX: Post construction.

16 MR. DANIELS: Right, right. So, we, so we can, uh,
17 just assume. If, if we make a number of assumptions,
18 I think we can come up with an estimate.

19 MR. PROULX: You're asking for it to be delivered
20 now or delivered post construction?

21 COUNCIL MEMBER HANIF: I mean, an estimation would
22 be helpful. Is that something that you all could work
23 on with maybe our support?

24 MR. PROULX: Can you do that?

2 COUNCIL MEMBER HANIF: I mean, this is a very
3 vulnerable area. We just had a couple of, uh, days of
4 torrential.

5 MR. PROULX: Yeah.

6 COUNCIL MEMBER HANIF: Well, what didn't, what
7 shouldn't have affected, uh, Gowanus in the way that
8 it did, um, so this is just something that would be
9 good to have on hand.

10 MR. PROULX: Um, I think we, we should probably.
11 We'll, we'll take a look, uh, is the answer. Um, I, I
12 would also like to just point out from, um, you know,
13 a, an existing condition to a proposed condition
14 analysis, that, uh, the site is currently about 70%
15 asphalt, right, so that's mostly going to run off.
16 And what we're proposing to do would obviously, uh,
17 be better than that with the retention that Tony just
18 described. So, um, in terms of like a, a net change,
19 um, you know, it would be, uh, definitely a, an
20 improvement.

21 Um, I also would like to point out that, um, you
22 know, there's a little of, uh, confusion it seems
23 like, uh, between hydrostatic pressure and, um, storm
24 water runoff. Uh, you know, we're, we're talking
25 about flooding that comes up through pipes, uh, into

2 peoples' basements, uh, when there's a storm event,
3 right. Um, but in addition to that, uh, there are
4 issues with basements leaking and that sort of thing,
5 I believe, and that relates more to the hydrostatic
6 pressure in the ground after a rainstorm, uh, which
7 builds up, um, because it's, uh, a high-water table.
8 We're not in a flood zone, but we're very close to a
9 flood zone. So, it's a high-water table.

10 And, um, so that sort of event, um, you know,
11 here, would, with the runoff, it, it goes into the
12 combined sewer, but it also goes into the ground and
13 creates problems there, too. So, again, from a net
14 perspective, existing condition is bad, the proposal
15 would be good. And we'll continue the discussion, uh,
16 about how we might document that in advance of the
17 conclusion of ULURP.

18 COUNCIL MEMBER HANIF: Thank you. And then, um,
19 outside of the analysis or estimation of, uh, total
20 volume of CSO, how do you plan to ensure that your
21 site will not add, uh, additional CSO to the, the
22 sewer shed, or that it will help to reduce net CSOs
23 in the canal?

24 MR. DANIELS: Um, sure. Uh, well, I, there, there
25 is a combined sewer. We, we don't have separate storm

2 and sanitary sewers that we can, uh, connect, connect
3 to, so, uh, you know, we, we will have to connect to
4 the combined sewer. Uh, and, uh, the, uh, the
5 measures that I referenced, uh, before, uh, the
6 intensive green roof and, um, uh, a, uh, a, you know,
7 a buffered, a, a detention tank, uh, will reduce
8 storm flows, uh, during peak events. Um, and, uh, uh,
9 you know, we can, we can size that, uh, you know,
10 that, that tank so that, um, uh, you know, it can
11 accommodate, you know, the flows from, uh, you know,
12 uh, longer duration storms, uh, that are more
13 intense.

14 So, so, uh, uh, you know, that would, um, uh, uh,
15 you know, that would reduce the burden on the, you
16 know, on the, on the sewer at, at a time when there
17 are, uh, you know, CSOs, CSO events because we're not
18 contributing as much.

19 COUNCIL MEMBER HANIF: Okay. That is all that I
20 have for now. Thank you.

21 MR. DANIELS: Thank you.

22 CHAIRPERSON RILEY: Thank you, Council Member
23 Hanif. Uh, there being no questions, no more
24 questions for this applicant panel, you are now
25 excused.

2 MR. PROULX: Thank you.

3 CHAIRPERSON RILEY: Counsel, are there any members
4 of the public who wish to testify on 9th Street
5 proposal in person or remotely?

6 SUBCOMMITTEE COUNSEL MARTINEZ: Chair, we do have
7 a few members of the public that are, have been
8 patiently waiting remotely and we have a couple here
9 and, on, to testify in person. I think we'll do those
10 first, but I want to run my announcements for all of
11 them.

12 So, for members of the public here to testify,
13 please note that witnesses will generally be called
14 in panels of four. If you are a member of the public
15 signed up to testify on the proposal, please standby.
16 When you hear your name being called and prepare to
17 speak when the Chair or I say that you may begin.
18 Please also know that once all panelists in your
19 group have completed their testimony if remotely, you
20 will be removed from the meeting as a group and the
21 next group of speakers will be introduced.

22 Once removed, participants may continue to view
23 the live stream broadcast of this hearing on the
24 Council website and as I said, stated earlier, if for
25 some reason you can't stay for the duration of the

2 hearing, you can submit your testimony to
3 landusetestimony, testimony@council.nyc.gov. thank
4 you.

5 CHAIRPERSON RILEY: Members of the public will be
6 given two minutes to speak. Please do not begin until
7 the Sergeant at Arms has started the clock. We will
8 now hear from, uh, Brian McAllister and Brad Vogel.

9 SUBCOMMITTEE COUNSEL MARTINEZ: And again, if
10 anyone else is here to testify in person, just see
11 one of the Sergeants to fill out a slip.

12 CHAIRPERSON RILEY: I'm sorry. You're Brian?

13 MR. MCALLISTER: I'm Brian McAllister.

14 CHAIRPERSON RILEY: Thank you, Brian.

15 SUBCOMMITTEE COUNSEL MARTINEZ: Do we have Brad
16 here? Oh, you could, yeah, you could, you just both
17 come up at the same time.

18 CHAIRPERSON RILEY: Yeah, yeah, Brad. Brian, you
19 can begin as soon as the Sergeant starts the clock.

20 SERGEANT AT ARMS: Time has begun.

21 MR. MCALLISTER: Thank you. My name is Brian
22 McAllister and, uh, my family and I are owners and
23 residents at 120 and 122 A Street, immediately
24 adjacent to the rezoned area, or the area proposed to
25

2 be rezoned. I'm also a tenant at 69 2nd Avenue
3 Brooklyn which is a creative studio space.

4 We oppose the rezoning of these properties
5 because the rezoning will cause, in our belief, a net
6 reduction in affordable housing in the neighborhood
7 and will cause significant adverse impacts to the
8 community.

9 To begin, any modification of the current zoning
10 should be part of a community driven ULURP that
11 conforms with the spirit of the May 2021 Gowanus
12 Industrial Business Zone vision plan which was
13 created by the Department of City Planning. The
14 neighborhood is asking for a pre-application meeting
15 on a new ULURP for the entire neighborhood with the
16 Department of City Planning. This community driven
17 ULURP will provide for sustainable zoning that
18 supports industrial creative space and real,
19 sustainable affordable housing in the neighborhood.

20 At its heart, this proposal calls for a spot
21 rezoning for a nine-story complex that is out of
22 character and would undermine the future of
23 manufacturing, creative, and industrial opportunities
24 in the surrounding Gowanus neighborhood.

2 The rezoning is not the product of community
3 input. As was noted by Ginia Bellafante in the
4 September 2nd New York Times, hundreds of community
5 members have petitioned against this development. And
6 the developers have not adopted the recommendations
7 made in the approval process to date. The rezoning
8 will. Thank you.

9 CHAIRPERSON RILEY: You can continue.

10 MR. MCALLISTER: The rezoning will result in a net
11 reduction in affordable housing. According to the
12 2020 Rent Guidelines Board's registration file, 169
13 9th Street and 147 9th Street are rent stabilized.
14 Rezoning these properties for luxury housing and the
15 properties around them will ultimately cause them to
16 be replaced with more luxury housing and no adequate
17 replacement.

18 The property will have a negative environmental
19 impact on the neighborhood. This has been
20 exhaustively detailed in the Planet A* Strategy's
21 review of the environmental assessment statement
22 which was filed with the City Planning Commission on
23 August 31, 2022. I refer you to that document. And
24 the property will have significant environmental
25

2 impact. Or the, this, this proposed redevelopment
3 will have significant, uh, environmental, um, impact.

4 Ultimately, it's unfair to rezone part of our
5 block to the benefit of one developer over the
6 objection and to the detriment of other stakeholders
7 in the neighborhood. Thank you for your
8 consideration.

9 CHAIRPERSON RILEY: Thank you, Brian. Brad, you
10 may begin.

11 MR. VOGEL: Thank you. My name is Brad Vogel and I
12 live in Gowanus. I live on 9th Street. I live on the
13 block in question, and I live in the area that is
14 slated to be rezoned. And I'm really grateful for a
15 chance to speak directly to you here. I know there's
16 only two Council Members at the table at the moment,
17 but I really do want to make the case, because not
18 all of my neighbors who live in this area, to be
19 rezoned if this passes, are able to be here today.
20 And it is a very diverse little block with lots of
21 different people living there.

22 And one thing that kept coming up, uh, with
23 counsel to, uh, to the developer is that this
24 proposal is just like the main Gowanus rezoning that
25 was recently passed and foisted upon the Gowanus

2 neighborhood. I just want to say, I find that to be
3 bizarre logic. That has already happened. That is a
4 huge, huge area that is causing mass demolition,
5 displacement. I have friends and community members
6 who have been, literally they're just leaving the
7 neighborhood and it's a really sad thing.

8 And that's what I want to bring up because I
9 certainly stand to be displaced if this goes through.
10 And a lot of other people do, too. And it's not just
11 the rent stabilized tenants. There are a whole bunch
12 of other people living on this block. It's a real,
13 living block that has actual people on it. Um, and I
14 think that's really important.

15 When you're pursuing affordable housing, which I
16 certainly understand as, as an overarching goal for
17 the City, you have to remember that there are actual
18 people, not just statistical people that are out
19 there that we're working for, but like actual people
20 who will be displaced for sure if this goes through.

21 Um, I do think it's also concerning as to what
22 this will do to the manufacturing rezoning. There's a
23 reason this area was not included in the main
24 rezoning, because it serves as a buffer zone to make
25 sure that some manufacturing capacity is actually

2 retained in the IBZ. Uh, this block is zoned
3 manufacturing and these non-conforming fingers of
4 residential use exist, uh, but I don't think it makes
5 sense to significantly expand the scope of that. I do
6 think that there should be some parts of the City
7 that are actually prioritized for manufacturing, we
8 certainly have seen during the pandemic, that having
9 a manufacturing base is crucial here in the City.

10 So, again, I hope that the Committee will oppose
11 this rezoning. I thank Council Member Hanif for
12 coming out to listen to, uh, community members
13 literally in the street about this. Um, and I really
14 hope that this is not passed. This needs to be part
15 of a more comprehensive view. The IBZ Visioning plan
16 that was mentioned earlier is a significantly more
17 comprehensive view of this area where sort of
18 residential and manufacturing are cheek by jowl. And
19 if you're going to do a rezoning, it should not be
20 basically gussied up spot zonings like this one. It
21 should be a more comprehensive plan. Thank you.

22 CHAIRPERSON RILEY: Thank you, Brad. Uh, this, uh,
23 Council Member Hanif, do you have any questions for
24 this panel?

25 COUNCIL MEMBER HANIF: No, I don't. Thank you.

2 CHAIRPERSON RILEY: Thank you. This panel is
3 excused. Counsel, can we call any members online who
4 wish to testify?

5 SUBCOMMITTEE COUNSEL MARTINEZ: Yes, we have quite
6 a few of you so I'm going to be calling you in panels
7 of four. Um, so, the first panel is going to be
8 Maureen Koetz, and I'm sorry I'm mispronouncing
9 names, Paul Basile, Beth Morrow, and Martine, Martin
10 Bisi. Maureen Koetz is the first one to testify.

11 SERGEANT AT ARMS: Time has begun.

12 CHAIRPERSON RILEY: Maureen, you may begin. Can we
13 please unmute Maureen?

14 MS. KOETZ: Yes.

15 CHAIRPERSON RILEY: Oh, you may begin Maureen.

16 MS. KOETZ: Thank you. Thank you very much, Mr.
17 Chairman. Uh, my name is Maureen Koetz. I am a
18 licensed attorney in the state of New York, a former
19 federal executive, and currently work as a
20 sustainability consultant. I am here today as an
21 environmental expert on behalf of residents of 122
22 8th Street located behind the proposed rezoning. I
23 urge the Council to reject the application for the
24 reasons I'll describe and set forth in the fuller
25 report you heard referenced. And that will be

2 submitted to the Committee, along with testimony from
3 Hiller, PC.

4 This application must be rejected because no
5 environmental impact statement was prepared. A
6 rezoning requires an EIS if it has the potential for
7 even one significant adverse environmental impact
8 considering all reasonably related and cumulative
9 impacts including simultaneous or subsequent actions
10 in long range plans of which the action under
11 consideration is a part. This rezoning proposal
12 requires an EIS for long term and cumulative effects
13 as part of two long range plans, the IBZ you have
14 referenced, and the Housing New York 2.0 plan for MIH
15 is also, uh, related to the Gowanus Neighborhood plan
16 that has been discussed.

17 The applicant has admitted and acknowledged in
18 the EAS and testimony that this rezoning is part of
19 these long-range plans. For example, the project
20 includes MIH affordable units and applicant's counsel
21 told the City Planning Commission, quote, "the IBZ
22 report recommends as City policy, to up-zone and make
23 conforming the residential uses that exist in the
24 manufacturing districts adjoining the IBZ." If
25 approved, the project would generate adverse impacts

2 that are long term and cumulative with other IBZ and
3 MIH actions in multiple impact categories such as
4 transportation, but particularly water and sewage
5 infrastructure.

6 The applicant's architect testified that 9th
7 Street, quote, "has one sewer and capacity is a known
8 issue with storm sewers." In fact, the 87 dwellings
9 proposed would add significant.

10 SERGEANT AT ARMS: Time has expired.

11 MS. KOETZ: Two more sentences. To what is
12 actually a combined sewer, not a storm sewer. And the
13 area residents are victims of continued City
14 violations of a 2016 sewer backup compliance order
15 issued by EPA. New York City knowingly continues to
16 use area basements as sewer retention tanks creating
17 significant adverse impacts applicant acknowledges,
18 and that requires an EIS. Applicant does, has
19 asserted the possibility of mitigation to adverse CSO
20 impacts using water detention features like the rain
21 gardens you heard about. But these are verbal and are
22 not binding.

23 Therefore, in the absence of an EIS and a finding
24 statement that mandates this mitigation, the claims
25 are arbitrary and unenforceable. The environmental

2 harms are too important to be ignored and the
3 application should be rejected unless an EIS.

4 CHAIRPERSON RILEY: Thank you, Maureen.

5 MS. KOETZ: Thank you.

6 CHAIRPERSON RILEY: I just want to state for the
7 record, we've been joined by Council Member Moya.

8 SUBCOMMITTEE COUNSEL MARTINEZ: Thank you, Chair.

9 The next speaker on this panel is Paul Basile, but I,
10 I understand from our intake team there are some
11 issues promoting you. If you are there, Paul, can you
12 unmute? If not, I'm going to call on right now Beth
13 Morrow and we'll come back to Paul. Beth, Beth?

14 MS. MORROW: Hello. Um, I am a, uh, an owner at
15 122 8th Street and I, I, I'm not sure how many people
16 in the room have, have not already been to the site,
17 but I thought I'd speak to some of the issues that
18 are very specific, logistical and practical reasons
19 that wouldn't be apparent unless you, um, lived or,
20 or are very familiar with the neighborhood, why it is
21 not the right place for high, high density
22 residential development.

23 First, the surrounding area has higher density
24 tall buildings on the Avenues, 3rd and 4th Avenues in
25 particular which are very wide blocks. Streets like

1 9th Street are narrow and they are zoned for modest,
2 low-density buildings. So, specifically, 9th Street
3 where the Gatto location is located, is 34, 34 feet
4 wide. 5th Avenue, 3rd Avenue is 55 feet wide, and 4th
5 Avenue is 85 feet wide. That's part of the reason
6 that the, the tall buildings are going on the
7 Avenues, not on the Streets.
8

9 In comparison, um, 9th Street, as you go up above
10 3rd Avenue, gets wider and yet, even in that context,
11 the buildings that are being built there right now
12 and that street there is 66 feet wide, are being held
13 to height restrictions. A new housing, uh,
14 residential building going in there is six stories
15 and there's a school building going in that is being
16 held to four stories even despite the significant
17 public use.

18 It's also a pinch point because the, because the
19 street's narrow, there's a lot of backup and it's the
20 truck and ambulance route.

21 It's important to note that while, uh, the Gatto
22 team is proposing for themselves to change.

23 SERGEANT AT ARMS: Time expired.

24 MS. MORROW: The zoning rules including on 8th
25 Street relative to his own house there, the other

2 residents of 8th Street are burdened by a very
3 intense zoning restriction that doesn't even allow
4 modification to, to put a deck or a garden shed. And
5 it is, it seems incredibly unfair to allow an
6 exemption for Mr. Gatto and not somehow address the
7 neighborhood as a whole and.

8 CHAIRPERSON RILEY: I'm, I'm sorry, Beth. We have
9 a, a lot more speakers and I'm going to have to cut
10 you short. But you could, uh, submit the rest of your
11 testimony, uh, to us online.

12 MS. MORROW: I did submit.

13 CHAIRPERSON RILEY: Thank you.

14 SUBCOMMITTEE COUNSEL MARTINEZ: So, we're going to
15 try Paul Basile again to see if he's around. Paul,
16 are you there? Um, in the meantime, let's hear from
17 Martin Bisi.

18 MR. BISI: Hi, um, yeah, Martin Bisi, um.

19 PRESIDENT BASILE: I'm here.

20 MR. BISI: You can hear me? Yeah, I'm Martin Bisi,
21 uh, from BC Studio in the Old American Can Factory
22 which is six blocks from this rezoning, and I've been
23 doing music recording there since 1979. So, I'd like
24 to start with the flooding, and I've seen quite a bit
25 but really, it's mostly in the, in the last 11 years.

1 Irene, Sandy, Henri, and Ida, two of those
2 superstorms were catastrophic. Ida actually found
3 someone, unfortunately, dead in the canal. Um, there
4 was a 100-year storm and Ida was supposedly a 200-
5 year storm. And, um, it's shocking really that
6 there's no EIS here considering, um, the EPA has
7 already stated that the City is not in compliance and
8 will not be compliance until the big, uh, sewage
9 retention tanks will be built, which I think is in
10 like, uh, 2030 or 2032.

12 Um, and there's already, and it's already
13 controversial. There's, uh, thousands of units slated
14 to be built in the next few coming years. Um, and
15 there's also New York's superfund site. There's still
16 carcinogenic coal tar, rainbow sheen stuff floating
17 visibly from the 9th Street Bridge on the water like
18 all the time. And air monitor alerts just across the
19 canal on the other side.

20 Uh, so, moving to displacement of businesses. The
21 potential displacement of, uh, the entire Old
22 American Can Factory is well documented in the EIS
23 for the main rezoning of Gowanus. So that's, uh, like
24 200 culture workers and also the community that those
25 workers support. I support a vast community of, of

2 musicians. It is in my, my interests and our, that
3 community's interests, if we're displaced, to be
4 displaced into a robust, and hopefully reasonably
5 affordable, um, industrial and commercial zone. And
6 that's really crucial to the City so we need to look
7 at the affordability of these commercial zones hand
8 and foot.

9 SERGEANT AT ARMS: Time is expired.

10 MR. BISI: With the affordability of housing. Um,
11 so, right now, the commercial rents have already
12 skyrocketed just with the main rezoning of the 80, 82
13 square blocks. So, I'm quite concerned I wouldn't be
14 able to stay in the neighborhood and that I lose the
15 clientele and I can't, uh, support that community if
16 I'm displaced which is slated for may, potentially
17 2.5 years from now. So, um, I really hope this, this,
18 uh, uh, proposal goes down. Thank you very much.

19 CHAIRPERSON RILEY: Thank you, Martin. Alright,
20 we're going to try Paul. Paul, you may begin if you
21 can hear us.

22 PRESIDENT BASILE: Yes, can you hear me?

23 CHAIRPERSON RILEY: Yes, we can hear you. You may
24 begin. Go ahead.

2 PRESIDENT BASILE: Thank you so much. Uh, esteemed
3 City Council Members, my name is Paul Basile,
4 President and Founder of the Gowanus Alliance. I am
5 also a property owner, business owner, and a
6 Community Board member. As leader and policy makers,
7 your actions here today will have consequences to a
8 vulnerable group in the community. Our manufacturing
9 members are struggling to grow and remain vital job
10 and service providers. The remaining manufacturing
11 area in this project, where this project exists was
12 promised many things during the previous massive
13 rezoning, which resulted in a loss of a huge
14 manufacturing area with the de Blasio Gowanus
15 rezoning.

16 We appreciated the outreach and communication
17 with then Council Person Brad Lander who held a
18 strong promise to help find a plan for the rezoning
19 and the remaining area. From that discussion with
20 many stakeholders, The Gowanus Alliance helped
21 develop the IBZ Vision Plan which, despite its name,
22 included the area surrounding the IBZ and the area in
23 this application.

24 We are grateful to our current Council Person
25 Shahana Hanif for her continued outreach and her

1 promise to help us find balance and sustainable
2 growth.
3

4 Unfortunately, this application does not support
5 the Vision Plan nor the needs of our community. We
6 believe the disparity in the recommendations from the
7 Community Board after its land use committee
8 disapproved this application and with the Borough
9 President's conditional approval, it speaks volumes
10 to the problem this application currently presents
11 and unless revisions are made to make a future plan
12 viable, the future will be full of conflict and there
13 will be inevitably be displacement.

14 Its out of scale density does not solve the
15 affordable housing crisis, but rather further
16 increases the conflict of uses that our manufacturing
17 and industrial community endure. This is a, this is a
18 pivotal development in the future of manufacturing in
19 our City. Its proximity to the IBZ and its direct
20 negative impacts on the last active truck route on
21 our northern border demands future discussion and the
22 need to look at the entire area for a viable in the
23 area job created.

24 SERGEANT AT ARMS: Time expired.
25

2 CHAIRPERSON RILEY: Thank you, Paul. You can
3 submit the rest of your testimony to us online. Thank
4 you. The next panel we're going to call up is, uh,
5 excuse me if I botch your name, Douglas Hanau (SP?),
6 Jesse Lange, Elizabeth Denys (SP?), and John Buckholz
7 (SP?). And we'll begin with Douglas Hanau.

8 SERGEANT AT ARMS: Time has begun.

9 CHAIRPERSON RILEY: Okay. If we don't have
10 Douglas, can we start with Elizabeth Denys?

11 MS. DENYS: Hi, my name is Elizabeth Denys and I
12 live not too far from Brooklyn CB Six in Flatbush,
13 Brooklyn where often people are being displaced when
14 they are no longer able to live in this, uh, in the
15 neighborhoods that are served by Brooklyn Community
16 District Six.

17 Um, I'm speaking today to urge you to vote in
18 favor of the 9th Street rezoning. Uh, my neighbors
19 both nearby and my friends in CB Six and throughout
20 Brooklyn and the City are all feeling the financial
21 pressure from skyrocketing rents as the City recovers
22 from the pandemic and building more housing is badly
23 needed throughout the City and the 9th Street
24 rezoning would provide 48 new homes with a portion
25

2 affordable. The alternative of 150 parking spots
3 won't help solve the housing crisis.

4 Whiter and wealthier districts like Brooklyn CB
5 Six which is 62% white and has a median income of
6 \$118,000 need to do their part to reduce displacement
7 in residential racial segregation. And if additional
8 housing units aren't built there, like I mentioned
9 earlier, displacement will continue to push out into,
10 the poorer residents into the, um, from the area into
11 further other, other neighborhoods like Crown Heights
12 and Flatbush, continuing displacement going on and on
13 and on, um, until people are no longer able to live
14 in the City.

15 Um, it also sits at a number of under capacity
16 subway lines making it an ideal location for folks to
17 live in Gowanus without a car and still access jobs
18 throughout the City. Um, and it's really important in
19 the face of climate change to create housing that
20 isn't car dependent like the applicant is trying to
21 do. Um, the alternative of 150 cars is the opposite
22 of that good climate parking, uh, good climate
23 policy.

24 And, you know, I really appreciated that the
25 applicant is trying to be really thoughtful about the

2 really key bike route that I ride almost daily
3 through, um, on the 9th Street, um, bike lane. Um,
4 it's very thoughtful to reduce the conflicts by not
5 having cars being pulling in and out in the bike
6 lane. All the dangerous spots on that bike lane are
7 where cars pull in and out and they block like the
8 CVS, um, a few blocks away.

9 Um, this rezoning also has the hyper local
10 support of, um, the Brooklyn Community Board Six and
11 support from Brooklyn Borough President Antonio
12 Reynoso making it a clear choice to vote yes on.
13 Thank you so much for the opportunity to speak and I
14 hope you consider the benefits of these 48 additional
15 homes instead of 150 parking spots.

16 SERGEANT AT ARMS: Time is expired.

17 MS. DENYS: Thank you.

18 CHAIRPERSON RILEY: Thank you so much, Elizabeth.

19 The next person we'll be asking to call is Jesse
20 Lange.

21 MS. LANGE: Hi, thank you so much for this
22 opportunity to speak today. Uh, my name is Jesse
23 Lange, and I am speaking in support of this rezoning
24 today. Um, I actually, uh, I don't, I no longer live
25 in Brooklyn. I used to live in Brooklyn, but, um,

1 unfortunately, was priced out of the Borough. Uh, I
2 would have liked to live in Gowanus actually, but
3 unfortunately, I was not able to find any housing
4 that was affordable to me there, so, uh, I was forced
5 to leave, unfortunately. Um, but I did bike past the
6 site recently, and, um, as I looked at the parking, I
7 thought that it would be a pretty nice site for, uh,
8 for housing instead of an empty lot or a parking
9 garage or one of the other uses that, um, might be
10 allowed.
11

12 Uh, I am happy to see that both the Community
13 Board and Borough President are in support. Um, in
14 fact, I was at the Borough President hearing in
15 support of this and at the time, he mentioned that we
16 are in a housing crisis, not a parking crisis, which
17 is something that I wholeheartedly agree with.

18 Uh, and, you know, I also think that this site,
19 um, and this rezoning application is a really
20 wonderful complement to the Gowanus neighborhood
21 rezoning that will help to, um, continue to change
22 out of date zoning and allow the neighborhood to, um,
23 build according to the current needs which is
24 housing. Um, it will also update a lot of
25 infrastructure that it, that I understand is badly

2 needed, so I think that it's really something that
3 could go very nicely hand in hand with the rezoning
4 that was already passed for the entire neighborhood.

5 Um, I would be happy to see deeper affordability
6 which I know that the Council Member is calling for,
7 but I really would like to urge Council Member Hanif
8 to not kill this application over a, uh, demand that
9 is, perhaps, not economic for the developer, uh,
10 because the as of right use as we've heard which,
11 would mean that there would be zero housing, zero
12 affordability, and continued outdated and polluting
13 uses.

14 So, you know, I really think that, um, I, I know
15 that Council Member Hanif was calling for a
16 commitment to not build parking here, uh.

17 SERGEANT AT ARMS: Time expired.

18 MS. LANGE: But I, I urge you to recommend, um, to
19 commit to not allowing it to be parking. Thank you.

20 CHAIRPERSON RILEY: Thank, thank you, Jesse. The
21 next person I am going to call on is John. John, you
22 may begin.

23 MR. BUCKHOLZ: Thank you very much. My name is
24 John Buckholz. I am a, uh, single family property
25 owner in Brooklyn where I have lived for most of my

2 life since 1984. I have decades long memories of this
3 lot as an empty lot. Uh, uh, it's, it's never been
4 anything else in my lifetime and I want to commend
5 the developers for, uh, responding to the crises that
6 are confronting our City, both the gross housing
7 crisis that is, uh, pushing displacement and pushing
8 people like me and Jesse further out. And I also want
9 to commend them for seeking to reduce, uh, auto use
10 in the neighborhood at a site that's less than 1,000
11 feet from two subway lines.

12 We've heard a lot of commentary about
13 displacement and I'm sensitive to it and, and my only
14 personal comment as someone who is, was displaced
15 first in the neighborhood where I grew up and then
16 Boerum Hill because my family got larger and there
17 were zero units on StreetEasy (SP?) in 2018 when I
18 wanted to re-rent.

19 Um, what displacement looks like in practice is
20 with inadequate inventory, we don't have enough
21 housing choice. And I know people are sensitive to
22 buildings being built around them, but the reality of
23 displacement in New York is much different. It's,
24 it's people like me who can no longer live in the
25

2 neighborhoods they want to, then moving further out,
3 and, and posing pressures on those people.

4 So, I would urge the Council to consider how it's
5 applying its thoughts about affordability to this
6 project. The simple fact of adding inventory where
7 there is none will serve as a moderator on price
8 pressures. Adding inventory, adding neighbors is what
9 New York City should be about. It's what I hope is
10 available to my kids when they're old enough to
11 choose where they want to live. Thank you very much
12 for the opportunity to testify.

13 CHAIRPERSON RILEY: Thank you, John. The next, uh,
14 person on this panel is Douglas Hanau. Douglas, if
15 you can hear me, you may begin.

16 MR. HANAU: My name is Douglas Hanau. I've lived
17 in Community Board Six for 25 years. I'm a single-
18 family homeowner, raised my kids in Community Board
19 Six. I wholeheartedly support this program. I am
20 thankful that it's being considered. I have lived in
21 this district and seen every project up until the
22 Gowanus rezoning rejected out of hand. This community
23 needs more housing.

24 My kids will inherit my house that I bought 25
25 years ago. I didn't, it wasn't cause of sweat equity.

2 It was luck. At that time, 25 years ago, you could
3 buy a single-family home if, you know, I grew up in a
4 rent stabilized apartment, didn't have a lot of
5 money, I lucked out. People don't have that option
6 now. We need to build more housing in Community Board
7 Six.

8 We are talking about zoning. From 1960 when
9 climate change was not even a thing, nobody talked
10 about it, the, the idea that we're going to hold to
11 1960 zoning in 2022 with the climate crisis is
12 outrageous.

13 The fact that the Gowanus rezoning took 10 years
14 of dithering, of dithering and conversations and
15 going nowhere, just to get it approved. There won't
16 be housing there for 15 years. Do you know how many
17 seniors who could have lived there have passed in
18 that time? Do you know how many people have left the
19 community and left New York City cause they can't
20 find a place to look, to live? We cannot sit here and
21 dither and wait for another project and for every
22 single person in the community to weigh in.

23 Let's pass it now. We'll pass, we'll build
24 housing in Gowanus. We'll build more housing. We'll
25 build housing in SoHo. We need to build housing

2 everywhere. It's a climate crisis. We need more
3 housing. We need more solar. We need the kind of.

4 SERGEANT AT ARMS: Time has expired.

5 CHAIRPERSON RILEY: Thank you.

6 MR. HANAU: Amenities that.

7 CHAIRPERSON RILEY: Thank you, Douglas.

8 MR. HANAU: The developer talked about. Thank you.

9 CHAIRPERSON RILEY: Thank you. We appreciate your
10 testimony. The next app, um, excuse me, the next
11 panel I'm going to call is Jason Zakai, Kathryn
12 Krase, Ben Meskin (SP?), and Amanda Rouse. The first
13 person I'm going to call to speak is Jason Zakai.
14 Jason, you may begin if you can hear me. I'm sorry if
15 I mispronounced your name.

16 MR. ZAKAI: Good afternoon, Council Members. My
17 name is Jason Zakai. I am an attorney from Hiller,
18 PC, a land use zoning and preservation law firm in
19 the City. We represent residents at 120, 122 8th
20 Street in Brooklyn which abuts and is directly behind
21 the proposed rezoning area and these residents will
22 be adversely affected by this application if it's
23 approved. I speak today in strong opposition to the
24 application. I know that the land use committee, uh,
25 of the CB Six rejected this application and the

2 Borough President had many conditions for the
3 project.

4 Approving the application would represent bad
5 public policy. It's, it's merely a piecemeal proposal
6 to rezone one portion of one side of one block for,
7 uh, out of an entire neighborhood to benefit one
8 developer. Um, and the neighborhood needs a broader
9 rezoning covering multiple blocks, not these one-off
10 spot zonings that keep popping up. That's not urban
11 planning.

12 Luckily, the City has a Vision Plan, the 2021
13 Plan, uh, but this application is grossly
14 inconsistent with it contrary to what the applicant
15 says. The vision plan focuses on business growth and
16 industrial and commercial uses. As for residential
17 uses, they must meet specific criteria including be
18 appropriate, match existing conditions, and only have
19 modest, modest increases in density. That's not the
20 case here. The developer's trying to up-zone to a
21 high density from a low density. The existing
22 buildings were one through three stories. They are
23 trying to make it a nine-story building.

24 The proposed plan should also be rejected because
25 it would destroy the neighborhood character and

2 displace current residents and businesses who want to
3 be there, who currently afford to be there, but won't
4 be able to in the future if this application is
5 approved.

6 Although some affordable housing units are being
7 proposed, there's only 12, 12 units of affordable
8 housing that are being promised here out of a total
9 of 36 at least market rate units. Meanwhile, the
10 developer will generate millions in profits if this
11 application is, is granted.

12 There are also serious environmental concerns, an
13 EIS (CROSSTALK).

14 SERGEANT AT ARMS: Time has expired.

15 CHAIRPERSON RILEY: Thank you.

16 MR. ZAKAI: Who referred to, uh, Ms. Koetz's
17 environmental report and I also supplement my, uh,
18 presentation with her in testimony. Thank you for
19 your time.

20 CHAIRPERSON RILEY: Thank you, Jason. Just for the
21 record, I'm sorry if I'm cutting everyone off, um, at
22 the time, but, um, there's another hearing that's
23 supposed to take place, uh, right after. So, I'm
24 going to be cutting everyone at two minutes. Um, and
25 you can submit the rest of your testimony to us

1 online. Thank you so much. Uh, the next person I'm
2 going to be calling on is Kathryn Krase. Kathryn, if
3 you can hear me, you may begin.

4 MS. KRASE: Thank you. Good afternoon, Council
5 Members. I'd like to start by thanking Council Member
6 Hanif for her leadership and commitment to community
7 engagement. My name is Kathryn Krase, lifelong
8 Brooklynite, CB Six resident for over 40 years.

9 For nearly 20 years, I've lived behind the Gatto
10 family's empty lot. I welcome responsible development
11 of that lot along with rezoning 9th Street to bring
12 existing residential buildings into legal conformity.
13 However, I, along with 300 community who have signed
14 our petition, urge the City Council to deny the
15 current application unless there are significant
16 changes. We want the applicant to address threats of
17 a net loss of affordable housing, negative
18 environmental impacts, and threats to the IBZ.

19 While the proposal's focus is on developing an
20 empty lot, the plan impacts a dozen other lots
21 currently housing over 100 residents. Rezoning those
22 lots to 7A would economically incentivize destruction
23 of those structures and result in displacements of
24 residents like my friend Patrick who walks his
25

2 adorable Chihuahua around the block every day. Many
3 9th Street residents like Patrick come from
4 multigenerational Puerto Rican and Dominican
5 families, many of whom are only able to stay because
6 they're either in rent stabilized or other units with
7 reasonable rents, especially compared to the luxury
8 units popping up everywhere.

9 Contrary to the applicant's assertion, there's
10 more than one rent stabilized building on the block
11 and more than one rent stabilized unit.

12 The proposal area also includes a flood zone with
13 major sewer issues. Though the Gatto lot's only
14 adjacent to the current flood zone, the lot, the,
15 that lot is included in future flood zone
16 calculations. I, myself, have lost many things due to
17 flooding, sewer backups, as well as ground water
18 issues in my house behind the lot. The plan needs to
19 address these issues, and while the Gatto plan to try
20 to address some of these issues are commendable,
21 those plans aren't binding on the rest of the
22 proposal area. So, a, a proposal of this scale should
23 require more environmental study.

24 Lastly, the proposal threatens the IBZ. And while
25 the proposal.

2 SERGEANT AT ARMS: Time has expired.

3 CHAIRPERSON RILEY: Thank you, Kathryn.

4 MS. KRASE: (INAUDIBLE) Thank you.

5 CHAIRPERSON RILEY: Sorry to cut you off, Kathryn.
6 Thank you so much. The next person that we're going
7 to have is going to be Amanda Rouse. Amanda, if you
8 can hear me, you may begin.

9 MS. ROUSE: Hello. Thank you for your time. Thank
10 for everyone, um, who's attending. Uh, I am a long-
11 time resident of, um, 8th Street up the hill from,
12 uh, this Gowanus, and, um, I'm now a business owner
13 in Gowanus. Uh, I rent an office.

14 And, um, so this year I have been trying to catch
15 up on how people have been thinking about developing
16 this area, and I had no idea the scope of the 80 plus
17 block, um, development rezoning plan. Um, I think
18 within this time of, we have multiple crises in the
19 City, uh. We have a housing crisis. We have a health
20 crisis. We have an education crisis. Um, we certainly
21 have a climate crisis.

22 And, um, there's nothing in any of these, um,
23 ways of thinking about Gowanus, which is a superfund
24 site, which is a, a, a living waterway that's been
25 abused for centuries. Um, I just don't think we've

2 thought about the conversations we need to have, um,
3 the way that we can use, um, our collective, um,
4 thinking to work together to think what actually
5 makes sense for Gowanus. Because once you start
6 developing here, it's going to become something else.
7 It's no longer going to be what it is.

8 Um, and that's pretty clear. It's pretty clear
9 that the City's not thinking about our health in
10 terms of monitoring the air quality, in terms of
11 monitoring the water quality, um, in terms of
12 remediating the sewage issue that has continued to
13 happen.

14 Um, and so, I'd really, um, urge the Council to
15 turn down this application, and, um, consider that we
16 need to be taking action in different ways, uh,
17 extremely different ways when we think about land
18 use, water use, um, and I would like to have a, start
19 a conversation with indigenous people about land use
20 in the City. And that's my time. Thank you so much.

21 CHAIRPERSON RILEY: Thank you, Amanda. Uh, the
22 next, uh, person to testify is going to be Ben
23 Meskin. Ben, if you can hear, uh, you can unmute
24 yourself and you may begin. Uh, it is star six to
25 unmute yourself.

2 MR. MESKIN: Can you hear me?

3 CHAIRPERSON RILEY: Yes, we can hear you.

4 MR. MESKIN: Can you hear me?

5 CHAIRPERSON RILEY: Yes, we can hear you.

6 MR. MESKIN: My name is Ben Meskin. I live two
7 blocks away between 2nd and 3rd Avenue on 11th Street.
8 I've lived there on 3rd Avenue since 1988, almost 34
9 years. I knew Angelina Gatto, who was the mother of
10 the applicant. I knew her husband, Ralph Gatto.

11 Um, being here for so long, gives you a bit of a
12 perspective. 9th Street is the most crowded, dense
13 block in this neighborhood and for miles around. A
14 very bad place to put much more on. These are nine
15 story buildings. Greatly concerned, we live here,
16 those of us who live here, we, we live in, as best we
17 can, in harmony with the industrial businesses. It's
18 very hard. We try to get by. This could make this,
19 their, their work and their business here very
20 precarious. The people who work in the IBZ and this
21 area around here are overwhelmingly immigrants,
22 predominantly Hispanic. Those jobs will disappear.

23 More housing will disappear, also, because you
24 build more market rate housing, it begets more market
25 rate housing. The applicant testified that, um, "oh,

2 there's only one rent stabilized unit. There's no
3 buildings of six or more." This is totally untrue.
4 Um, the one on this, in this area to be rezoned, 143
5 9th Street is six family, 145 9th Street is six
6 family, 147 9th is eight family, 169, 169 9th Street
7 is eight family. Checking other, and all this
8 information I got is publicly available from City
9 websites.

10 Um, HPD says that three of these buildings, 145
11 9th Street, 147 9th Street, and 169 9th Street have
12 filed records with New York City DHCR at least once
13 between 1993 and today and folks may each have one or
14 more rent stabilized units. A separate database with
15 DHCR is that two of these buildings are currently
16 rent stabilized units, 147 9th Street and 169 9th
17 Street.

18 SERGEANT AT ARMS: Time has expired.

19 CHAIRPERSON RILEY: Thank you, Ben. You could
20 submit the rest of your testimony to us online.

21 MR. MESKIN: This will not help affordable housing
22 in New York city. Thank you.

23 CHAIRPERSON RILEY: Thank you, Ben. The next panel
24 I will be calling is Andre Magnani and Benjamin

2 Haymen (SP?). Andre, if you can hear me, please
3 begin.

4 MR. MAGNANI: Yes, hi. Can you hear me?

5 CHAIRPERSON RILEY: Yes, we can hear you.

6 MR. MAGNANI: Thank you for your time, Council. My
7 name is Andre Magnani and I come to you as one of the
8 millions of Brooklyn renters and perspective owners
9 who have been feeling the pressures of rising costs,
10 possibly being displaced by the unaffordability of
11 housing in New York.

12 Uh, today for the concerns of trucks, of sewage
13 pipes, of, uh, 150 parked cars, I believe your
14 primary duty should be the residents of Brooklyn and
15 whether they can afford to have a roof over their
16 heads.

17 Um, residents of Brooklyn at various income
18 levels need a place to live first and foremost.
19 Adding housing to CB Six Brooklyn, NYC is imperative
20 to stop the cycle of displacement as New York
21 attracts people of every background and profession,
22 while also blocking every development project that
23 would house these new people. I'm raising a one-year-
24 old daughter in Brooklyn, and I hope that she's able
25 to grow up here to welcome many new neighbors and

2 that she can afford to stay here as long as she
3 wishes.

4 My ask of this Council is to stop waiting for the
5 perfect project, to approve this quickly, and to go
6 out and approve 50 more like this as soon as you can.
7 The future of Brooklyn and, and whether people can
8 afford to live here depend on it. And I am out of
9 time. Thanks.

10 CHAIRPERSON RILEY: Thank you. The next person
11 I'll be calling is Benjamin Haymen.

12 MR. HAYMEN: Hi, can you hear me?

13 CHAIRPERSON RILEY: Yes, we can hear you,
14 Benjamin.

15 MR. HAYMEN: Hi, my name's Benjamin. I was a
16 resident of this neighborhood for two years up until
17 a month ago, and I am taking the time off this
18 morning at 1:36 PM from work to come and speak here,
19 so I'll have to be brief.

20 Um, I support this rezoning. Adding additional
21 parking to this area is absurd. Expecting developers
22 to not build exactly what we told them to build is
23 absurd. This is zoned for this purposed. It should be
24 zoned for housing. We should add housing to this

2 area, and we have the ability and the opportunity to
3 do so.

4 So, to not do so seems absurd to me. And I think
5 it would be very difficult at 1:37 PM on a Thursday
6 when most people are at work to get a representative
7 survey. It's going to be skewed negative, and that's
8 exactly, uh, what we're seeing. So, thank you.

9 CHAIRPERSON RILEY: Thank you, Benjamin. The last
10 panel that we will be calling is Susan Yung, Jose
11 Medina, Frida Lem (SP?), Paula Hibble (SP?). The
12 first person I'll be calling is Susan Yung. Susan, if
13 you can hear me, please unmute yourself and you may
14 begin.

15 MS. YUNG: I'm sorry, but, um, all of a sudden, I
16 can't read my, uh, text that I've written and
17 prepared, I guess. Uh, I had moved into the Gowanus
18 neighborhood after Hurricane Sandy and behind me, you
19 see the Murianos who are my neighbor who passed away
20 during COVID from cancer. Um, they had rebuilt their
21 house from scratch and, um, my mother had told them
22 to buy the building.

23 And so, there's and the, uh, Linda was a very
24 activist that I was in to participate in the CAD
25 meetings and recently I've been hearing this, um, two

2 incidents around Huntington space and, uh, it's
3 appalling that, um, people have to go to the City
4 government and EPA to complain about the smells from
5 the, uh, pilings that are being done by developers.
6 140, there are 144 brown sites only to be two feet
7 dug up, whereas there is 100 feet coal tar that's
8 moved away from the Gowanus into residential areas.

9 And, um, which, um, are poisonous, toxics, and
10 nothing's going to be done about this move, migration
11 of the coal tar. And, um, and then plus, I'm
12 surprised that like City Councilman, uh, Brad Lander
13 wants to move people of color in the highest toxic
14 land on 9th Avenue, plus a schoolyard and everything
15 that's like so polluted in the area. And that, that
16 won't be rectified because of the demand for.

17 SERGEANT AT ARMS: Time has expired.

18 CHAIRPERSON RILEY: Thank you, Susan. Uh, you can
19 submit the rest of your testimony. If you wanted to
20 rewrite that as well, you could submit it to us
21 online, okay? Uh, the next one I'll be calling is
22 Paul Hibble. Paul, if you can hear me, uh, excuse me,
23 Paula Hibble, excuse me. If you can hear me, please
24 unmute yourself. Uh, we can't hear you, Paula. Uh, we
25 still cannot hear you. Uh, Paula, we still cannot

1 hear you. Can you try to unmute yourself one more
2 time? Okay. We cannot hear you, Paula. Um, if you're
3 not able to testify, is it possible you could submit
4 your testimony to us online, please? Thank you,
5 Paula.

6
7 Uh, we're just going to do one last call to make
8 sure that we got everybody. Uh, we lost Jose Medina
9 and Frida Lem. Um, if you are there, uh, please
10 unmute yourself.

11 Alright. There being no other members of the
12 public who wish to testify on LUs 110, 111, and 112
13 relating to the 9th Street rezoning proposal, the
14 public hearing is now closed, and the items are laid
15 over.

16 That concludes today's business. I would like to
17 thank the members of the public, my colleagues,
18 Subcommittee Council on Land Use, and other Council
19 Staff, and the Sergeant at Arms for participating in
20 today's meeting. The meeting is hereby adjourned.

21 [GAVEL]

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C E R T I F I C A T E

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



Date September 28, 2022