

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

----- X

October 8, 2024
Start: 12:12 p.m.
Recess: 1:03 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

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

COUNCIL MEMBERS:

Shaun Abreu
David M. Carr
Kamillah M. Hanks
Yusef Salaam
Lynn C. Schulman

OTHER COUNCIL MEMBERS ATTENDING:

Susan Zhuang

A P P E A R A N C E S

Ken Fisher, Cozen O'Connor, Land Use Counsel

Rachel Scall, Cozen O'Connor, Land Use Counsel

Jay Valgora, partner with Studio V Design and
Planning

Solomon Lebovitz, local real estate developer

2 SERGEANT-AT-ARMS: Mic check, mic check.

3 This is a mic check on Zoning and Franchise. Today's
4 date is October 8, 2024, recorded by Walter Lewis in
5 the Committee Room.

6 SERGEANT-AT-ARMS: Good afternoon, and
7 welcome to today's New York City Council hearing for
8 the Subcommittee on Zoning and Franchises.

9 At this time, we ask that you silence all
10 electronic devices and at no time is anyone to
11 approach the dais.

12 If you would like to sign up for in-
13 person testimony or have any other questions during
14 the hearing, please see the Sergeant-at-Arms.

15 Chair, we're ready to begin.

16 CHAIRPERSON RILEY: [GAVEL] Good
17 afternoon, everyone, and welcome to the meeting of
18 the Subcommittee on Zoning and Franchises. I am
19 Council Member Kevin Riley, Chair of this
20 Subcommittee. I am joined today by Council Member
21 Abreu, Chair Hanks, Schulman, Carr, and Council
22 Member Zhuang.

23 Today we are scheduled to hold two votes
24 and one hearing. Starting with the two votes, the
25 first vote concerns a mixed-use residential

2 development known as 135th Street in Harlem. The
3 second vote concerns an application for a demolition
4 special permit in the Clinton section of Manhattan.

5 Today's hearing concerns a residential
6 development project over a rail cut in Borough Park,
7 Brooklyn.

8 I will now go over the hearing
9 procedures. This meeting is being held in hybrid
10 format. Members of the public who wish to testify may
11 testify in person or through Zoom. Members of the
12 public wishing to testify remotely may register by
13 visiting the New York City Council's website at
14 www.council.nyc.gov to sign up or, for those of you
15 here in person, please see one of the Sergeant-at-
16 Arms to prepare and submit a speaker's card.

17 Members of the public may also view a
18 live stream broadcast of this meeting at the
19 Council's website.

20 When you are called to testify before the
21 Subcommittee, if you are joining us remotely, you
22 will remain muted until I recognize you to speak.
23 When you are recognized, your microphone will be
24 unmuted. Please take a moment to check your device
25

2 and confirm that your mic is on before you begin
3 speaking.

4 We will limit public testimony to two
5 minutes per witness. If you have additional testimony
6 you would like the Subcommittee to consider or, if
7 you have written testimony you would like the
8 Subcommittee to consider instead of appearing in
9 person, please email it to
10 landusetestimony@council.nyc.gov. Written testimony
11 may be submitted up to three days after the hearing
12 is closed. Please indicate the LU number and/or the
13 project name in the subject line of your email.

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

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

22 The witness table is reserved for people
23 who are called to testify and no video recording or
24 photography is allowed from the witness table.

25 Further, members of the public may not present audio

or video recording as testimony, but may submit transcripts of such recordings to the Sergeant-at-Arms for inclusion in the hearing recorded.

Beginning with the votes, the first proposal we are voting on today is to approve LUs 149 through 152, relating to the 135th Street Rezoning Proposal in Council Member Abreu's District. The proposal seeks to develop a residential mixed-unit building just south of Riverbank State Park. The proposed development will have approximately 60 apartments, of which 15 to 18 will be permanently affordable. The proposal consists of four actions. The first is a zoning map amendment to change an existing manufacturing M1-1 district to an R7-2 residential district with a C2-4 commercial overlay. The second action is a zoning text amendment to map a Mandatory Inclusionary Housing area. The text amendment would also extend the special Manhattanville mixed-use district to include the development site. The third action is a special permit within and over the railroad right of way immediately to the west of the site. The fourth action is a separate special permit to modify the applicable bulk and yard regulation given the unique

2 design constraints of the development site. Council
3 Member Abreu supports this proposal. Council Member
4 Abreu, you have any remarks?

5 COUNCIL MEMBER ABREU: Yes. Thank you,
6 Chair.

7 Today, I am voting in support of the
8 135th Street Rezoning Proposal which represents a
9 crucial opportunity to address the housing challenges
10 that our city, especially my District, faces.
11 District 7 ranked 34th citywide in affordable housing
12 production from 2014 to 2023. Every day I hear from
13 constituents about their struggles to find housing
14 and remain in their neighborhoods. I hear about
15 impossibly high rents and threats of eviction. We
16 cannot solve our housing crisis without increasing
17 housing production. The 135th Street Project would be
18 a positive step towards reversing the downtrend in
19 housing construction. It will bring 60 new
20 residential units to the District with 15 to 18 of
21 those units designated as affordable under the City's
22 Mandatory Inclusionary Housing program. For years 701
23 West 135th street has been woefully underused. In a
24 city where land is our most precious and limited
25 resource, we have allowed a stretch of Upper

1 Manhattan along the Hudson River to be abandoned. No
2 businesses, no homes, just trash, crumbling
3 infrastructure and the blight that comes along with
4 it. The property owner has attempted for years to
5 make better use of the space and no New Yorker should
6 tolerate a City Council that insists on maintaining
7 the status quo in this location. By transforming this
8 underused site, we will not only provide much needed
9 housing but also revitalize the area with a mixed-use
10 development and community space that the developer
11 has committed to offering at reduced cost to a local
12 non-profit. In addition, the developer has committed
13 to building a public bathroom maintained by building
14 staff in a high traffic area used by cyclists and
15 pedestrians along the river. The project will not
16 obstruct park views and is no longer opposed by the
17 Riverside Park Conservancy. I have heard and I
18 acknowledge the community members who asked questions
19 and raised concerns about this proposal in good
20 faith. It is due to this input that we were able to
21 negotiate additional amenities, flood mitigation, and
22 specific structural choices. My office will engage in
23 ongoing monitoring as the project moves forward to
24 ensure it develops as expected. While no project is
25

2 perfect, we must recognize the reality we face. My
3 office is visited by dozens of residents every week
4 who are desperately searching for housing. Many are
5 living in aging apartments with persistent Housing
6 Code violations, are severely rent burdened, or have
7 outgrown their current space but can't find
8 affordable alternatives. This project is a vital step
9 toward addressing the demand for safe affordable
10 housing. I thank the many local organizations
11 supporting this rezoning including Harlem Pride, the
12 West Harlem Group Assistance, Westside Federation for
13 Senior Supportive Housing, Broadway Housing
14 Communities, Community Life, Open Plans, and Open New
15 York. I also thank Borough President Levine for his
16 invaluable support and recommendations for this
17 project. Their support reflects the broad recognition
18 of the importance of this project for our community's
19 future. I urge my Colleagues to join me in supporting
20 this project. Thank you very much.

21 CHAIRPERSON RILEY: Thank you, Council
22 Member Abreu.

23 The second vote is to approve LU-153
24 relating to the request for a demolition special
25 permit regarding 343 West 47th Street in Council

2 Member Bottcher's District. The application seeks to
3 proceed with demolition of a building where work was
4 stopped for failure to have required demolitions
5 approval. Council Member Bottcher supports this
6 proposal.

7 I'm just going to get a brief hold real
8 quick.

9 Thank you. All right we're going to
10 postpone the votes until after the hearing so I'm
11 going to begin with the first hearing right now.

12 I will now open the first public hearing
13 on LUs 164 through 172 related to the Brooklyn Yards
14 proposal located in both Council Member Yeger's and
15 Council Member Zhuang's Districts. The proposal seeks
16 to build approximately 270 residential units and
17 commercial space in a series of buildings, most of
18 which will be located over the railroad cut in
19 Borough Park that is used as a freight line.

20 For anyone wishing to testify on these
21 items remotely, if you have not already done so, you
22 must register online and you may do that now by
23 visiting the Council's website at
24 [council.nyc.gov/land use](http://council.nyc.gov/land-use) and, once again, for anyone

2 with us in person, please see one of the Sergeants to
3 prepare and submit a speaker's card.

4 If you prefer to submit written testimony
5 you can always do so by emailing it to
6 landusetestimony@council.nyc.gov.

7 I will now call the applicant panel for
8 this proposal which consists of Ken Fisher, Rachel
9 Scall, and Jay Valgora.

10 Counsel, please administer the
11 affirmation.

12 COMMITTEE COUNSEL VIDAL: Good afternoon.
13 Could you please raise your right hand and state your
14 name for the record?

15 KEN FISHER: Ken Fisher.

16 RACHEL SCALL: Rachel Scall.

17 JAY VALGORA: Jay Valgora.

18 COMMITTEE COUNSEL VIDAL: Do you swear to
19 tell the truth and nothing but the truth in your
20 testimony today and in response to Council Member
21 questions?

22 RACHEL SCALL: Yes.

23 KEN FISHER: I do.

24 JAY VALGORA: Yes.

2 CHAIRPERSON RILEY: Thank you. For the
3 viewing public, if you need an accessible version of
4 this presentation, please send an email request to
5 landusetestimony@council.nyc.gov.

6 Now, the applicant team may begin. I'll
7 just ask that you please restate your name and
8 organization for the record. You may begin.

9 KEN FISHER: Good afternoon, Chair Riley
10 and Members of the committee. My name is Ken Fisher.
11 I'm a member of the law firm of Cozen O'Connor. We're
12 Land Use Counsel for this project. The graphic in
13 front of you shows what we intend to build.
14 Approximately 270 units of housing in the Borough
15 Park section of Brooklyn, but there's a particularly
16 unusual feature to this project which is the reason
17 that we have as many applications pending before you,
18 actions and special permits and the like. Next.

19 And that is that the line that bisects
20 the site, we'll zoom in in a moment, is actually a
21 rail cut. It's a right of way. It's below grade. It's
22 owned by the Long Island Railroad. It's used
23 currently for limited freight service but is also the
24 place where the Governor has proposed passenger
25 service known as the IBX because the rail line runs

2 from Bay Ridge all the way up to Queens. There's
3 three, I think, key facts about the history of this
4 project. One is that about 40 years ago, the property
5 was owned by Conrail, not the Long Island Railroad,
6 and they sold to my client's predecessor in title the
7 right to build over the rail tracks at a height and
8 the right to put columns down to hold up the platform
9 that would support the housing. It's subject to their
10 design approvals and many other aspects, as you can
11 imagine. My client bought a portion of the
12 development area. It's not development rights. It's
13 actually a (INAUDIBLE) My client bought three blocks
14 in this area. Next.

15 So the three things that I want to
16 mention are that, one, the population of Borough Park
17 has grown at a tremendous rate in the last 40 years.
18 Two, the amount of new housing built has not kept up
19 with the demand. It's a very overcrowded
20 neighborhood, one of the most overcrowded outside of
21 Manhattan because there simply wasn't a lot of
22 development sites and only a handful of apartment
23 buildings have been built. And three was that for
24 that entire 40-year period, people have been looking
25 at this rail cut and trying to figure out if there

1 was a way that it could be put to use to meet the
2 housing needs of the city. No one was able to come up
3 with a way to do that that was viable and, quite
4 frankly, approvable until our client set their mind
5 to figuring out a solution in the best interest of
6 the community, and they are from the community and
7 know it very well and they put together a really
8 terrific team to design it. You'll hear in a minute
9 from Jay Valgora, who's the Principal of Studio V,
10 who's been the project architect. I want to mention
11 Arup, who are our engineers. They're leading railroad
12 platform engineers in the country, Hudson Yards,
13 among other things. We have a full team, Ken Smith,
14 landscape architect, an ADA consultant, Philip Habib
15 for our environmental, and AECOM Tishman providing
16 cost estimating and other services. So my colleague,
17 Rachel Scall, is going to walk you through the
18 application itself briefly. Jay will then walk you
19 through the project, and we'd be happy to answer any
20 questions. We were very pleased to have the
21 recommendation of both Community Boards that are
22 overlapping as well as the Borough President.
23 Obviously, they had their recommendations. I want to
24 express appreciation at the outset to Council Member
25

2 Zhuang, Council Member Yeger, their Staffs, the Land
3 Use Staffs. We've had some very constructive
4 conversations, and we look forward to continuing them
5 after this hearing. With that, I'll turn it over to
6 Rachel.

7 RACHEL SCALL: Good afternoon. My name is
8 Rachel Scall. I'm also with Cozen O'Connor, Land Use
9 Counsel for the applicant. Next slide, please.

10 So the three blocks that we're talking
11 about today are currently zoned M1-1 and R5. Next
12 slide, please.

13 We are proposing about 14 actions, one of
14 which is the rezoning you see here. Page left, we're
15 rezoning to a C4-5, and page right, an R6 and a C2-4
16 commercial overlay at 16th Avenue to bookend the
17 block. Next slide, please.

18 Looks like we've got a little out of
19 order here, but this is just to show you the division
20 between the two Council Districts. Page left, that is
21 Council Member Zhuang District. Page right, those two
22 blocks are in Council Member Yeger's District. Next
23 slide, please.

24 It looks like the slides got a little bit
25 out of order, but I just wanted to briefly touch on,

1 we have a whole list of actions, hopefully in the
2 hard copy that you have. In addition to the rezoning
3 that we just saw, there are a number of special
4 permits required in order to make this development
5 happen. We have three different zoning lots, so that
6 means one special permit for each zoning lot just to
7 build the platform over the rail itself. We are also
8 developing these as a large-scale general development
9 and, with that, seeking certain bulk waivers, and
10 that allows us to create a contextual and efficient
11 development on these very odd-shaped zoning lots. We
12 are also seeking authorizations to waive enclosed
13 parking requirements because we cannot build a cellar
14 above a railroad right of way, and so instead of
15 enclosed bicycle parking, we have unenclosed bicycle
16 parking. We are looking at a special permit to reduce
17 the number of parking spaces within the development
18 overall. We originally included 40 spaces in our
19 proposal, but at the request of both Community
20 Boards, we have upped that to 80 spaces. And finally,
21 we are looking at text amendments to expand the
22 transit zone to cover these sites, which are directly
23 adjacent to the subway, and also a text amendment to
24

2 map the sites for MIH Options 1 and 2. Now I'm going
3 to hand it over to Jay.

4 JAY VALGORA: Thank you, Rachel. Good
5 afternoon. My name is Jay Valgora. I'm a partner with
6 Studio V Design and Planning, which is a women
7 minority-owned business here in the City of New York.
8 I am a licensed architect and a certified planner.
9 I'm happy to take you into this. This is a really
10 unusual project. You can see here from the first
11 slide that it's a very transit-oriented site, and
12 that's key, and yet in some ways, as Ken alluded,
13 this rail cut creates kind of a slice through the
14 neighborhood. It divides the neighborhood, and the
15 opportunity to build on top of it allows us to really
16 knit the community back together again, which you can
17 see a bit in this view here from the south. It's very
18 important to us that the design be commensurate with
19 the scale of the community, and so we did a great
20 deal of work in order to ensure that the buildings
21 would fit in with the scale. I think the order is a
22 little different. Let's see which one is next.

23 Let's see what comes up here. But this
24 gives you an overall view of it, and the renderings
25 were supposed to be a bit more at the end. So here

2 you can see the southern view, and of course, the
3 site is bounded by 59th Street and 62nd Street, and
4 goes from Utrecht Avenue over to 16th Avenue, and as
5 Rachel alluded, it's these very unusual lots that cut
6 through the middle of the block because they're
7 really the vestigial elements of this former rail
8 cut. Here on the south side, you can see we're
9 immediately adjacent to the train station on New
10 Utrecht. There is a proposal for a small commercial
11 building there of about 10 stories, and then the
12 remainder of the buildings are all six-story and
13 four-story buildings. We really worked with the
14 fabric of this community. In other words, we really
15 looked to create small, classic Brooklyn walk-up type
16 units that are really only four stories with a small
17 mezzanine, as well as six-story apartment buildings.

18 COMMITTEE COUNSEL VIDAL: I'm sorry, about
19 the slides. Are we on the right slide right now?

20 JAY VALGORA: I'm just kind of going with
21 it and presenting it as I see it, so I can, you know,
22 keep going.

23 RACHEL SCALL: We don't know what
24 happened.

2 COMMITTEE COUNSEL VIDAL: I'm just trying
3 to coordinate with a person who's controlling the
4 slides.

5 JAY VALGORA: I mean these look great, and
6 they tell the story, so I'll just keep going. This is
7 a view from the opposite side, where you can see,
8 again, the office building to the right at New
9 Utrecht, and you can see the smaller walk-up
10 buildings to the left as well as the apartment
11 building to the right between the walk-up buildings,
12 and you can see how they really fit into the scale of
13 the streetscape. Next slide.

14 Here is a view from the center of the
15 block, and you can see the unusual configurations of
16 the block as we zoom in on it, where you can see each
17 of the different components and how they fit in and
18 how we really worked to create something that would
19 tie into the scale of the neighborhood. There's a
20 total of 14 buildings, and so instead of creating a
21 mega development, we really worked to create a series
22 of smaller individual buildings that would fit into
23 the unusual site and fit into the scale and character
24 of the community. Next slide.

2 Here's a detail all the way to the right-
3 hand side of the site, I guess the easternmost
4 portion of the site, and you can see, again, the
5 smaller buildings on the right-hand portion, one of
6 the apartment buildings within the center. You can
7 see the landscaped area that has that kind of those
8 slightly warmer colored trees, kind of brown trees
9 for the fall, and that's actually a parking area, and
10 then there's a small retail building along 16th
11 Avenue so we really worked to create something that
12 would, again, fit into the individual character of
13 the neighborhood and work with its scale.

14 We also created, which is hopefully
15 coming up, next slide, a series of public spaces or
16 green areas so this includes, in this view here from
17 61st Street, you can really see the character and
18 scale of the walk-ups. It's really inspired by
19 Brooklyn housing types with stoop gardens, trees,
20 individual buildings, and we're using different
21 characters and different materials to break down the
22 scale and really make it fit into the community like
23 classic Brooklyn housing. Next slide.

24 Here you can see a view, and the fence is
25 a little unusual. We were asked to add this into some

2 of the views. I find it, you know, a little bit
3 striking, but basically you can see how it's built
4 over the rail cut, and if you go to the next slide,
5 hopefully we'll show, yes, this is really a
6 landscaped green area that's just a pedestrian
7 connection that leads through it for the use of the
8 residents, and it provides a place for, you know,
9 people to take children, to take your bikes, but it
10 really provides a kind of a green area that connects
11 through the development and makes a kind of a link
12 between all the different components. Next slide.

13 This is a view from that green area, and
14 I think the next one shows that, again, we added the
15 fence because there were questions, I see, just to
16 make sure that, you know, that it would be safe, but
17 really we're using landscape plantings and green
18 plantings in order to create a buffer and a screen,
19 but we think it's very important, and this really
20 would be the equivalent of a rear yard condition, so
21 it was also important for us in order to create a
22 series of garden elements here for the housing. Next
23 slide.

24 And then finally, the access to that is
25 provided through these series of archways. This is a

2 view from New Utrecht, where you can see we created
3 these beautiful series of archways that would kind of
4 create the link into this as well as on the left, we
5 created additional public access area. That's a
6 plaza, actually, that we've created, working with our
7 landscape architect, to create public and open areas,
8 to also create greater amenities for the neighborhood
9 that would be open to the entire public. Next.

10 And then this is a view on the other end,
11 again, showing that passage leading through. We also
12 included an additional public area for a children's
13 playground, which we thought was very important for
14 this community also, and again, green spaces that
15 would actually link the different buildings together
16 and fit them into the community. Next.

17 And then we have the proposed actions,
18 which maybe Rachel can take us into.

19 RACHEL SCALL: Next slide, please. So this
20 is what I went through earlier. This is our list of
21 proposed actions, our 14 total. I'm not going to walk
22 you through all of them again, but here you can just
23 see them. And then this is a diagram just showing
24 where these waivers, these bulk waivers, would be
25 taken. It's really a result of the odd shape of these

2 zoning lots. If we were to comply with yard and light
3 and air requirements as they are written, the site
4 would be unbuildable. Next slide, please.

5 And this is showing that same thing. Next
6 slide, please.

7 And that is just an overview of the
8 development once more.

9 With that, thank you for bearing with us
10 on these slides, and we're ready to answer questions.

11 CHAIRPERSON RILEY: Thank you. Sergeants,
12 can one of you find Council Member Schulman for me?
13 Thank you.

14 Before we go into questions, I'm just
15 going to now call for a vote to approve with
16 modifications LUs 149, 150, 151, and 152 relating to
17 the 135th Street Rezoning Proposal. The modification
18 is to strike Option 2 from the MIH area to be mapped.
19 The second vote is to approve LU 153 relating to the
20 demolition special permit request regarding 343 West
21 47th Street. We've also been joined remotely by
22 Council Member Salaam.

23 Counsel, can you please call the roll?

24 COMMITTEE COUNSEL VIDAL: Chair Riley.

25 CHAIRPERSON RILEY: Aye.

2 COMMITTEE COUNSEL VIDAL: Council Member
3 Abreu.

4 COUNCIL MEMBER ABREU: Aye.

5 COMMITTEE COUNSEL VIDAL: Council Member
6 Hanks.

7 COUNCIL MEMBER HANKS: Aye.

8 COMMITTEE COUNSEL VIDAL: Council Member
9 Salaam.

10 COUNCIL MEMBER SALAAM: I vote aye.

11 COMMITTEE COUNSEL VIDAL: Council Member
12 Carr.

13 COUNCIL MEMBER CARR: Aye.

14 COMMITTEE COUNSEL VIDAL: And I think we
15 will hold the vote open until Council Member Schulman
16 comes back.

17 Okay, we can resume the hearing.

18 CHAIRPERSON RILEY: Thank you for your
19 presentation. We're going to hold the vote open.

20 This is quite an unusual proposal in
21 terms of its projected location on top of a railroad
22 cut. I would imagine it is very costly to build the
23 needed platform for these new buildings. Could you
24 please explain further why and how this project is
25 financially feasible?

2 KEN FISHER: So, Ken Fisher. Thank you for
3 the question, Mr. Chairman. I want to start with what
4 the project isn't because for many years people
5 thought that the only way you could build over these
6 railroad tracks was by putting up towers, right? They
7 assumed that the platform was going to be super
8 expensive and that you had to go high density.
9 Obviously, that would have been difficult to get the
10 community to accept. It turns out that the bigger the
11 building, the more expensive the platform, and it
12 didn't pencil out. What the design team was able to
13 figure out was that by removing the heights of the
14 buildings down to four and six stories, they were
15 able to use a more efficient construction technique
16 called light metal framing. They also eliminated
17 certain requirements that would have been applicable
18 under the Building Code or the Zoning for taller
19 buildings, and so the project pencils out.

20 Now, having said that, let's make a
21 couple of points. One is anyone who is a developer in
22 New York is simultaneously an optimist and a
23 pessimist because you can't foresee every
24 possibility. A few years ago, we were actively
25 pursuing this project when there was no 421-A program

2 and it would have been unfinanceable. We now have the
3 485-X. We anticipate applying for that and
4 qualifying. Secondly, as you all know, the special
5 permits that we're requesting have a long duration.
6 Projects like this may not get built overnight. It's
7 going to take a considerable period of time before we
8 can do the construction drawings and the engineering
9 and satisfy the MTA and the Buildings Department and
10 be ready to go into the ground. Hopefully, by that
11 point, interest rates will have moderated again.
12 Construction costs will have at least flattened.
13 That's how we're assuming it's going to go forward,
14 so the best answer to your question is that the
15 developers believe in this project. They have spent
16 millions of dollars over the course of a decade to
17 move this project forward because they believe that
18 it is critically important for their community.
19 Whatever obstacles we've had in the past, we've
20 managed to overcome. Whatever obstacles we'll face in
21 the future, they are committed to overcoming,
22 including the requirement for financing. It is why
23 we've asked for a certain amount of flexibility with
24 respect to the MIH solution. We look forward to
25 moving this project forward as quickly as we can.

2 CHAIRPERSON RILEY: Thank you. I'm going
3 to reopen the vote.

4 COMMITTEE COUNSEL VIDAL: Council Member
5 Schulman.

6 COUNCIL MEMBER SCHULMAN: Aye.

7 COMMITTEE COUNSEL VIDAL: By a vote of six
8 in the affirmative, zero opposing, and zero
9 abstention, the items are approved or approved with
10 modification as described by the Chair, and all items
11 are referred to the Full Land Use Committee.

12 CHAIRPERSON RILEY: Thank you, Counsel.

13 I have two more questions that I'm going
14 to pass to Council Member Zhuang. Can you provide a
15 breakdown of the unit sizes and what is the average
16 square footage for each unit type?

17 RACHEL SCALL: In our application, we were
18 looking at a mix of units, 270 units that were about
19 40 percent one-bedrooms and then a 60 percent mix of
20 twos and threes. Since then, we have had
21 conversations about reducing the number of one-
22 bedrooms and adding four-bedroom apartments. That, of
23 course, does bring down the overall number of units
24 to, I think it's approximately 242 units, but it
25 would include 81 two-bedrooms, 85 three-bedrooms, 21

2 four-bedrooms, and only 23 percent of the units or 55
3 would be one-bedrooms. That really reflects the large
4 family sizes in this neighborhood and the type of
5 housing that's needed, but we have not made any
6 definitive decision yet because, obviously, with 270
7 units, that does produce more housing and more
8 affordable housing versus the 242 with the larger
9 unit sizes. If there's anything you want to add?

10 CHAIRPERSON RILEY: Did you conduct market
11 research to determine local demand for commercial
12 space and, if so, how was the research conducted and
13 what were the findings?

14 KEN FISHER: Ken Fisher. I don't think
15 there's been any kind of formal study, but the
16 developers live in the community, they work in the
17 community, they're speaking on an almost daily basis
18 with brokers, but they also know what the needs of
19 their own selves, their families, their friends are.
20 There's very little commercial office space in the
21 area. We think, particularly after the pandemic,
22 there's going to be an interest in people who want to
23 be able to walk to work. They don't want to
24 necessarily commute into the city as we see in other
25 places. This is also an area that has unusually high

2 demand for institutional space, schools, catering
3 facilities, places of study, and the like so we think
4 there may be some demand there, but that's not who
5 it's being designed and marketed for. It's intended
6 for small users, professionals, business people who
7 want to work someplace out of their houses, but don't
8 necessarily want to commute to the central business
9 districts. They're pretty confident about it.
10 Originally, we had plans to do additional housing on
11 that block, and they decided to move towards an
12 office solution, one, because of the demand. Also, it
13 doesn't burden the neighborhood in quite the same
14 ways, but the principal thing was that they think
15 that this is a commercially viable solution.

16 CHAIRPERSON RILEY: Thank you. I'm going
17 to yield and give the floor to Council Member Zhuang.

18 COUNCIL MEMBER ZHUANG: Thank you, Chair.
19 After the Chair asked the question, I think I have an
20 additional question about the 10-story commercial
21 building. There's commercial buildings nearby there,
22 as I know, still empty for two years already, at
23 least as I know. How do you see this development is
24 very different from the other ones so you're able to
25 find tenants?

2 KEN FISHER: Thank you, Council Member. I
3 can't speak specifically to other buildings in the
4 area, and quite frankly, what's happened with the
5 office market in New York has been unusual since the
6 pandemic so whatever their relationship is with their
7 lenders, whatever rents that they projected may
8 account for their difficulties in renting up. Our
9 clients will price this for the market. They will
10 need a bank to finance it that believes in their
11 underwriting. If that is viable now, as they believe
12 it is, based on their own experience and the rents
13 that they pay, in some cases for their own offices,
14 they'll be able to move forward. The market will
15 ultimately dictate what that is. Again, with the
16 other buildings, I don't know what size floor plates
17 they're offering, what amenities they're offering.
18 There's been a flight to quality in office buildings
19 around the city. There's also a dichotomy between
20 some landlords that only want what are called credit
21 tenants, companies that can guarantee the leases.
22 Others focus more on smaller service offices so we
23 think that the demand is there. The fact that it's
24 next to a subway station and potentially an IBX
25 station at some time in the future, we think it will

2 be considerably more attractive than any other
3 product in the neighborhood.

4 COUNCIL MEMBER ZHUANG: Okay, thank you.
5 And also, second question, there is a serious need
6 about senior housing in my District. Have you guys
7 ever explored a senior option for this development?

8 KEN FISHER: The answer to that is yes. I,
9 myself, had direct conversations with Commissioner
10 Carrion at HPD about it. The reason we're not able to
11 pursue that, there's a couple of them. First of all,
12 the project was not conceived with that in mind. The
13 apartment buildings are too small for HPD proposals,
14 and what would be the land acquisition cost, the cost
15 of the development rights and the portion of the
16 platform would create a land cost well in excess of
17 what HPD would be prepared to subsidize. There's also
18 the additional unique condition of the fact that the
19 platform has to be built all at once, and funding for
20 senior housing is uncertain at best, so potentially
21 you'd have a situation where the other buildings
22 would have to pay for that portion of the platform,
23 which would make that block probably unfinanceable,
24 or they would have to hold up that entire block in
25 the hopes that HPD subsidies might come through at

2 some point. There were some additional reasons having
3 to do with the size of the buildings. We looked at
4 how many smaller units we could potentially put in
5 place there and some additional factors, and
6 ultimately came to the conclusion that senior housing
7 was not available. I can tell you, however, that
8 because our clients are in the real estate business
9 in the area, they understand the need and would be
10 happy to work with your office to see if they could
11 identify an alternative location that might be viable
12 without all of the complications that this site has.

13 COUNCIL MEMBER ZHUANG: Thank you, and
14 also please explain what measurements are
15 incorporated into the proposal to assure ADA
16 accessibility, especially for the contact of 12 walk-
17 up buildings.

18 JAY VALGORA: Jay Valgora, the architect.
19 Accessibility is critical in all of our projects. As
20 a licensed architect who stamps and seals the
21 drawings, I'm personally accountable to ensure that
22 we fully comply with all of the New York City laws.
23 In this particular case, there's a good solution.
24 We're working with Accessibility Services, which is,
25 in my opinion, the top accessibility consultant in

2 the city, and they've worked closely with us on every
3 aspect of it to ensure that we have full
4 accessibility. The apartment buildings are easy.
5 They're elevator buildings, and so they offer full
6 accessibility to all units. The walk-up buildings,
7 there is provision within the ADA law and within the
8 accessibility laws of New York that we can make the
9 ground floor units accessible, and that percentage of
10 accessibility is suitable. That's how we actually do
11 it with all walk-up buildings and new walk-up
12 buildings in New York City, so that's fully
13 compliant, and so it's very important for us that we
14 ensure that we meet all of the accessibility
15 requirements and meet the needs of all New Yorkers.

16 KEN FISHER: If I can just add to that,
17 and we can point it out in the renderings later if
18 you're interested. All of the units front on a
19 street, and the row houses, which Jay showed you,
20 have stoops, but the ADA apartments will be at grade,
21 so you won't have to go up a flight of steps to get
22 to the first apartment. The ADA apartments will be
23 right at street level.

24 COUNCIL MEMBER ZHUANG: Next question
25 related to parking. I heard you have the increased

2 number of parking. How many for commercial? How many
3 for residential?

4 RACHEL SCALL: Right now, all the parking
5 is for residential. The reason is that that
6 commercial building is really designed and thought to
7 be for local businesses, people who want to walk to
8 work, as Ken was talking about earlier. In addition,
9 it is directly at the D and N subway lines, so we
10 really see that as transit-oriented offices, local
11 offices, and reserving the ADA parking spaces for the
12 residents.

13 COUNCIL MEMBER ZHUANG: So there's no
14 parking for commercial at all?

15 KEN FISHER: There's no dedicated parking
16 for the commercial at all. I also want to mention
17 that some years back, we did a survey of parking
18 garages in the area, and if my recollection is
19 correct, most, if not all, of the parking garages
20 within walking distance of the site had vacancies at
21 least at that point in time.

22 COUNCIL MEMBER ZHUANG: And also, when we
23 talk of parking, that's a high traffic area. Is there
24 any special plan you guys have for that issue?

2 KEN FISHER: The parking entrances are
3 designed to code, and there's, you know, the
4 Department of Transportation, Department of Buildings
5 has rules for that. We haven't developed any special
6 parking plan because there was no significant impact
7 identified in our environmental review, but we do
8 have Philip Habib as our environmental consultant,
9 and they're one of the leading traffic engineers in
10 the city, and if they have any recommendations about
11 queuing or signaling or whatever, you know, they'll
12 make them available to us, but the environmental
13 assessment did not identify a need for signal changes
14 or other things as a significant impact.

15 JAY VALGORA: We could just add that the
16 project is transit-oriented, and so it has immediate
17 access to a number of train stations as well as other
18 transit assets, and so we work hard in order to make
19 sure that, you know, we do developments in transit-
20 rich areas as this site is, and then finally, it's
21 really important because this is a neighborhood that
22 is crowded, and there's a lot of people on the
23 sidewalks, and so that's part of the reason we
24 created significant new public spaces and pedestrian
25 connections through the site that actually weren't

2 required, but we created pedestrian links to allow
3 people to sort of, you know, get off the busy
4 sidewalks or not conflict with cars for, you know,
5 parents with children and so forth, and that was an
6 essential part of the design strategy.

7 COUNCIL MEMBER ZHUANG: And what will
8 sanitation plan be for this site? Like, how do you
9 store the trash there?

10 JAY VALGORA: That's a great question.
11 Thank you, Council Member. So, there are 14
12 individual buildings, and so, you know, we take a lot
13 of care to figure out how we're going to handle
14 services for each building, and it won't be a burden
15 on the community. So, because there are 14 buildings
16 as opposed to sort of one mega development, if you
17 will, or towers where they sort of pile up the trash
18 on the sidewalks, we can actually keep the trash
19 within each individual building and then, you know,
20 bring it to the curb just for collection as necessary
21 so it really divides it up. Every single building, as
22 Ken mentioned, has a door directly to the street as
23 required by general city law in New York City, and so
24 it really allows us to kind of divide up the
25 services, deal with it on a smaller scale, and

2 address it within each of the individual buildings so
3 it's not a burden on the neighborhood.

4 COUNCIL MEMBER ZHUANG: And what's your
5 strategy for marketing the MIH units to the diversity
6 communities in District 43?

7 KEN FISHER: I'm glad you asked that
8 question, Council Member. So, as I think all of the
9 Members are aware, in order to be able to pull our
10 building permit, the developers will enter into a
11 regulatory agreement with HPD with respect to the MIH
12 units. Pursuant to that regulatory agreement, there
13 will be a not-for-profit organization that is
14 designated to handle the marketing and the tenant
15 screening. We have not yet determined who that is.
16 There's a good chance that the developers will do a
17 request for proposals for qualified organizations,
18 some local, some citywide, but they have determined
19 that part of the criteria for their selection of a
20 not-for-profit will be an organization that commits
21 to having staff that are able to interact with local
22 communities in their own languages. Predominantly in
23 that neighborhood, it's Yiddish. That is not going to
24 be a concern because the developers themselves are
25 fluent. But the other language groups that are

2 significant in that area, Chinese, probably top of
3 the list, some Spanish-speaking people. There are
4 still clusters of Italian-speaking people in the
5 area, although fewer where it's not their native
6 language, so I can commit to you on behalf of the
7 developers that they will have a robust outreach
8 program administered by a not-for-profit, and the
9 not-for-profit will commit to having Chinese-speaking
10 staff, will have materials in Chinese, and to the
11 extent that we're able to support interest in it in
12 other languages as well and, quite frankly, we'd look
13 forward to working with your office to identify
14 people that might be able to support that need.

15 COUNCIL MEMBER ZHUANG: Thank you. There's
16 a demand in the area for accessible space for
17 community events. Are you able to commit to provide
18 community facility space? If so, how much?

19 KEN FISHER: So, based on conversations
20 that we've had outside of this hearing room, we've
21 been giving a lot of thought to it, and there are two
22 things I think that we can offer to meet the
23 community's needs. One would be to create an event
24 space that would be made available for a certain
25 number of days each month. There would be no charge

2 for the space itself. There would have to be
3 arrangements for security and cleaning, and that
4 space would otherwise be available for tenants of the
5 building or other permitted uses. We think that that
6 space would work well on the first floor of the
7 office building. I can't give you the exact
8 dimensions of it yet because we have to work with the
9 architect a little bit to figure out what that is.
10 Each floor, I think, is only 5,000 square feet, and
11 we would have to accommodate elevators and staircases
12 and things, but the developers are committed to
13 creating an event space that can be used by the
14 community, and I would point to the discussions that
15 we had with respect to the Parkchester rezoning that
16 the Land Use Staff is familiar with. In addition to
17 that, and also using one of the development sites in
18 Parkchester as a model, the developers are prepared
19 to, in effect, reserve a floor for a community
20 facility use. Now, community event space is different
21 from community facility, which is a zoning
22 designation. If there's a community facility user
23 that would be interested in space in the office
24 building, they're prepared to make a floor available
25 where effectively they're providing the core and

1 shell. The fit-out would be up to the user. As with
2 the Parkchester project, it would be made available
3 on commercially reasonable terms. They're not
4 necessarily looking to make a huge profit off it, but
5 they're not also prepared to lose money on it, and
6 the user would have to be identified and be prepared
7 to close, and I'll explain that in a second, by the
8 time we're ready to start construction because, in
9 order for us to be able to get our construction loan,
10 we're going to have to know what we're building and
11 for who. The reason I mentioned the closing is
12 because if it is a not-for-profit organization but is
13 a tenant, the building would be subject to full
14 property taxes so what we would be prepared to do
15 would be to condominiumize that floor so that that
16 floor could be sold to a not-for-profit organization.
17 Council Finance Staff here is very familiar with the
18 use of capital funds if the Council is interested in
19 supporting a project like that, but it could be any
20 user. It could be a school, daycare, medical offices,
21 anything that's permitted under the zoning
22 resolution. We're prepared to hold the floor, and if
23 they want more than a floor, we can discuss that
24 also, but on commercially reasonable terms.
25

2 COUNCIL MEMBER ZHUANG: Thank you.

3 CHAIRPERSON RILEY: Thank you, Council
4 Member Zhuang.

5 Are there any other Council Members with
6 questions for this panel?

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

9 Counsel, are there any members of the
10 public who wish to testify on the special permit
11 application relating to Brooklyn Yard's Proposal?

12 COMMITTEE COUNSEL VIDAL: Yes, Chair. We
13 have one person signed up online who would like to
14 testify.

15 CHAIRPERSON RILEY: For the members of the
16 public here to testify, please note that the
17 witnesses will generally be called in panels of
18 three. If you are a member of the public signed up to
19 testify on the proposal, please stand by when you
20 hear your name being called and prepare to speak when
21 I say you may begin.

22 I'm going to call on Solomon Lebovitz. We
23 only have one person signed up to testify online.

24 Solomon, if you can hear me, please
25 unmute, and you may begin.

2 SOLOMON LEBOVITZ: Hi, can you hear me?

3 CHAIRPERSON RILEY: Yes, we can hear you.

4 SOLOMON LEBOVITZ: Hello? Okay. My name is
5 Solomon Lebovitz, and I'm a local real estate broker
6 in the Brower Park neighborhood so I would like to
7 call in and recommend that I know that there's a big
8 housing crisis in Brower Park, and we do need
9 developments like this to be built and many, many
10 more so I would like to urge everyone to consider
11 this development and build a further bright
12 development in Brower Park.

13 CHAIRPERSON RILEY: Okay. Solomon, are you
14 done?

15 SOLOMON LEBOVITZ: Yes.

16 CHAIRPERSON RILEY: Okay. Thank you so
17 much for your testimony.

18 COMMITTEE COUNSEL VIDAL: Chair, we do not
19 have anybody else signed up online or in person to
20 testify.

21 CHAIRPERSON RILEY: There being no other
22 members of the public who wish to testify on LUs 164
23 to 172 regarding the Brooklyn Yards proposal, the
24 public hearing is now closed and the item is laid
25 over.

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

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 October 13, 2024