

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ZONING & FRANCHISES

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June 2, 2011
Start: 10:22 am
Recess: 12:13 pm

HELD AT: Committee Room - 14th Floor
250 Broadway

B E F O R E:

MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:

Leroy G. Comrie, Jr.
Daniel J. Halloran III
Vincent Ignizio
Robert Jackson
Jessica S. Lappin
Diana Reyna
Joel Rivera
James Vacca

A P P E A R A N C E S

Edwin Marshall
Associate City Planner
Department of City Planning

John P. Kaiteris
Executive Director and CEO
HANAC Inc.

Jessica Loeser
Attorney & Lobbyist
Allerman Senterfitt LLP

Chris Papa
Project Architect
10-24 Associates

Ed Fleming
Representative
State Senator Tony Avella

Brian Garry
Resident and Homeowner
154th Street

Paul Graziano
Urban Planning Consultant & 1st Vice President
Historic Districts Council

Erika Sellke
Planner Community District 4
Department of City Planning

Edith Hsu Chen
Director of Manhattan Office
Department of City Planning

Rachel Stein
Representative
Assembly Member Linda Rosenthal

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

Robert Befatto
District Manager
Manhattan Community Board #4

Jean-Daniel Noland
Former Chairman
Manhattan Community Board #4

Sarah Desmond
Co-Chair Housing, Health & Human Services Committee
Manhattan Community Board #4

J.W. Strouss
Resident
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Dahlia DuPerroir
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Andrea McCullough
Resident
West Clinton District

Nico Boccio
Resident
400 W. 43rd Street

Robert Gereke
Resident
723 11th Avenue

Dr. Murray Kiok
Resident
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Robert Kalin
Tenant Organizer
Housing Conservation Coordinators

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

Diane Cowles
Resident
360 West 55th Street

Joe Restuccia
Co-Chair Clinton Hell's Kitchen Land Use Committee
Manhattan Community Board #4

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2 CHAIRPERSON WEPRIN: Good morning
3 everyone, my name is Mark Weprin, and I see we're
4 joined by Council Member Jimmy Vacca, who is
5 currently chairing a hearing on Transportation
6 that's caused some logistical problems here, and
7 we're joined by Diana Reyna from the subcommittee,
8 Joel Rivera, Leroy Comrie and Vincent Ignizio. We
9 are also joined by Council Member Dan Halloran,
10 who has an item on this agenda, and we are now
11 going to start right in. Just for the record,
12 Land Use #405, which was OPM Restaurant and Club,
13 has been laid over and is not on this agenda
14 today. We are now going to start with Land Use
15 #395, which is in the special 125th Street District
16 text amendment, and I'd like to call on Edwin
17 Marshall from City Planning's Manhattan office to
18 please come up. Mr. Marshall, you should know the
19 drill. Please state your name for the record and
20 describe the 125th amendment. I know we heard from
21 Council Member Dickens' office whom you've been
22 speaking to, and they're in support of this as
23 well. Okay, whenever you're ready, Mr. Marshall.
24 Please state your name again.

25 MR. MARSHALL: Can you hear me now?

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2 Excellent. Good morning, Chair Weprin, and good
3 morning, members of the Committee and City Council
4 staff. My name is Edwin Marshall and I work for
5 the Department of City Planning, and on behalf of
6 the Department I want to thank the Committee for
7 giving us the opportunity to present the 125th
8 Street Sidewalk Café text amendment. This text
9 amendment is a follow-up action that responds to
10 concerns that we've heard during the 125th Street
11 rezoning in 2008, regarding the placement of
12 sidewalk cafes within the special 125th Street
13 district, especially within areas that have high
14 pedestrian traffic. Now summarily the 125th Street
15 district is located ... is bounded by 124th and 126th
16 Streets, between Broadway and Second Avenue. It
17 comprises 24 blocks and includes community
18 districts 9,10,11, which is East Harlem, Central
19 Harlem and West Harlem, and includes the districts
20 represented by Council Member Dickens, Council
21 Member Jackson and Council Member Melissa Mark-
22 Viverito. The district intended to do two things,
23 one was to basically support 125th Street's role as
24 an arts and entertainment corridor as well as a
25 regional business district. It proposed, and was

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2 approved, to have increases in density along areas
3 that could take it, New York transit nodes. And
4 in the map that you see behind me, it shows the
5 125th Street district, again bounded by 124th and
6 126th Streets, Second Avenue and Broadway, and the
7 areas shown in the purple and the blue basically
8 indicate areas where we've increased the density
9 to incentivize mixed-use development. The plan
10 also had provisions to provide better protection
11 for those neighborhoods, those blocks, that had a
12 very strong row house and brownstone character,
13 and those are indicated in the salmon and in the
14 yellow colors as well. We've downzoned those
15 blocks, again, to provide a better match between
16 the existing land use and underlying zoning. Now
17 as I said in my opening remarks, what really drove
18 the 125th Street sidewalk café text amendment was
19 congestion on the sidewalks within the 125th Street
20 corridor. This graphic shows the existing
21 conditions along two parts of 125th Street, the top
22 graphic shows the south side of 125th Street,
23 roughly between Madison and Fifth Avenues; the
24 graphic on the bottom shows 125th Street roughly
25 between Lennox ... actually between Frederick

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2 Douglass Blvd. and Adam Powell Blvd., and you can
3 see that the sidewalk is congested, and this is
4 true during many parts of the day, and during most
5 of the year. What you also see are sidewalk
6 vendors, which also occupy large sections of the
7 sidewalk. So the Council members representing the
8 district had concerns about the district's ability
9 to handle large pedestrian traffic volumes, also
10 with the sidewalk vendors, they are also providing
11 some impeding pedestrian movement as well. So,
12 under the existing regulations, the special 125th
13 Street district allows all three types of sidewalk
14 cafes: enclosed, unenclosed large, and unenclosed
15 small cafes. Unenclosed cafes are basically an
16 extension of the building. They can be made of
17 metal or glass, and are basically a permanent
18 fixture on the sidewalk. An unenclosed large café
19 basically consists of two rows of moveable tables
20 and chairs, and can have a retractable awning or
21 umbrella covering it. An unenclosed small café
22 basically consists of one row of tables and
23 chairs, and also can have a retractable awning or
24 umbrella covering that as well. The graphic that
25 you see offered to my left shows the two different

1 types of unenclosed cafes, the graphic at the top
2 shows the unenclosed large cafes, and again you
3 can see the two rows of tables and chairs
4 occupying the sidewalk, and the graphic on the
5 bottom shows an unenclosed small café, again it
6 cannot comprise more than four and a half feet on
7 the sidewalk, and again, it can also have a
8 retractable umbrella or awning. Now, this graphic
9 shows, under the current zoning regulations, that
10 sidewalk cafes are permitted throughout the
11 special 125th Street district, and basically
12 sidewalk cafes are allowed in the areas that are
13 commercially zoned, and that's shown in the sort
14 of salmon pinkish color, and as you can see, under
15 the current regulations, sidewalk cafes are
16 currently allowed. And residentially-zoned areas,
17 and those are indicated in the yellow, sidewalk
18 cafes are not allowed. So, the proposed text
19 amendment endeavors to do three basic things: one,
20 to ban sidewalk cafes along areas within the
21 corridor that have high pedestrian traffic
22 volumes, and that's basically within the core sub-
23 district, and I'll walk the Committee through the
24 map as I finish this. The second is to ban
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1 sidewalk cafes along 124th and 126th Streets, which
2 are predominantly residential in character, and
3 basically you don't want to have sidewalk cafes on
4 those streets. And third, the text would allow
5 for sidewalk cafes to be placed along portions of
6 the corridor that could accommodate sidewalk cafes
7 and where the pedestrian traffic volumes are not
8 that high. So, looking at the graphic, the colors
9 mean different things. The areas indicated in the
10 black are places where sidewalk cafes are proposed
11 not to be allowed, and again, that's along 124th
12 Street, 126th Street, as well as within the core
13 sub-district, which is bounded by St. Nicholas
14 Avenue and a point 545 feet east of Malcolm X
15 Blvd., also known as Lennox Avenue. We're also
16 banning sidewalk cafes along Park Avenue, which is
17 defined by the Metro North elevated railroad
18 viaduct, and you really don't want to have
19 sidewalk cafes there, as well as along the
20 portions of Broadway. We do allow sidewalk cafes
21 along portions of 125th Street, that's indicated in
22 the orange, east of Fifth Avenue, as well as in
23 Council Member Jackson's district, which is west
24 of St. Nicholas Avenue. Now the City Planning
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2 Commission approved this text in April of this
3 year, and since that time we have met with Council
4 Member Viverito as well as Council Member Dickens,
5 and in discussions with their offices, we have
6 modified the proposal, and this map includes those
7 modifications, and I'll walk you through those
8 modifications right now. originally we did not
9 include unenclosed sidewalk cafes, those are the
10 large sidewalk cafes that have two rows of tables
11 and chairs, and speaking with Council Member
12 Dickens we have modified the proposal to allow for
13 large unenclosed cafes, and those will be placed
14 along Malcolm X Blvd., those are indicated in the
15 red, roughly from 124th to 125th Street on the west
16 side, from 125th to 126th Street on the east side.
17 These are sidewalks that are very, very wide,
18 they're 35 feet wide, and they can accommodate
19 large unenclosed cafes. Also we're allowing large
20 unenclosed cafes on the east side of Fifth Avenue,
21 between 126th and 125th Street as well, that also
22 has a wide sidewalk.

23 CHAIRPERSON WEPRIN: Mr. Marshall,
24 just speak up, make sure we get you on the mic,
25 that's all.

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MR. MARSHALL: Okay.

CHAIRPERSON WEPRIN: All right.

MR. MARSHALL: We've also, in consultation with Council Member Viverito, modified the proposal to allow for small unenclosed cafes along 125th Street between Third Avenue and Park Avenue, as well as along Lexington, the east side of Lexington between 125th and 126th Street. Those are the major changes, again, those were done in concert with Council Member Viverito and Council Member Dickens.

CHAIRPERSON WEPRIN: Okay, thank you very much. We've heard from all these members who are in support of this text change. Does anyone have any questions on the panel? Seeing none, Mr. Marshall, I thank you very much, we're going to close this hearing.

MR. MARSHALL: Thank you.

CHAIRPERSON WEPRIN: And you'll be excused. We're going to move on, I just want to explain what we're doing, we're taking the least controversial first, we're going to move our way. I want to apologize in advance to the West Clinton people, I know you're here in large number, we're

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2 going to put you on the back end of this thing,
3 we're going to move as quickly as we possibly can.
4 I know you've all been very patient today, but
5 we're going to move on to the next item, which is
6 Land Use #398, in Council Member Vallone's
7 district, the HANAC parking garage. I'd like to
8 call on John Kaiteris, HANAC Inc., to testify.
9 Mr. Kaiteris, please state your name for the
10 record, and speak clearly into the microphone.
11 The reason I'm such a stickler on that is that
12 we're trying to establish a record, and if you
13 don't say who you are, we don't know who's
14 speaking when you read it on ... in the record, so
15 that's why it all has to be there. So whenever
16 you're ready.

17 MR. KAITERIS: Good morning, I'm
18 John Kaiteris, the Executive Director of HANAC,
19 and I'm here to testify on items 398 and 399,
20 concerning the HANAC parking garage. With this
21 ULURP application, HANAC seeks approval for
22 special permit and site-specific rezoning to allow
23 for a public parking garage located at 2503 29th
24 Street in Queens. The application calls for the
25 garage to be built on the same zoning lot, a

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2 former municipal parking lot, as a fifteen-story,
3 184-unit residence that we constructed for low-
4 income seniors, completed in July, 2009, and
5 occupied since January, 2010. The design of the
6 garage accommodates the maximum number of public
7 parking spaces at the site and applicable zoning
8 allows. Our proposal calls for the development of
9 a 29,044 square foot, two-level garage that
10 accommodates 59 public parking spaces, 41 spaces
11 at the first floor at grade level, and 18 at the
12 cellar floor level. The first floor level
13 consists of 33 short-term parking spaces and eight
14 permit spaces. The cellar level consists of 18
15 permit spaces. The garage will also provide
16 fifteen of the required 41 accessory parking
17 spaces for the senior residents. We note that the
18 rezoning and special permit applications have
19 received approvals from Queens Community Board #1,
20 Borough President Marshall and the City Planning
21 Commission. The proposal is responsive to the
22 concerns of Community Board #1 raised in the
23 approval with recommendations specifically, and
24 I'll just summarize here, that there will be no
25 car-share businesses on the location, no Zip cars;

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2 secondly, no more than the required 41 senior
3 housing parking spaces will be provided as
4 proposed, that's required under zoning. On the
5 apportioning between short-term and long-term
6 parking spaces, HANAC seeks to responsibly balance
7 legitimate needs of local business owners and
8 their employees, who require permit spaces, with
9 the equally valid needs of shoppers and
10 neighborhood residents who prefer short-term
11 spaces. HANAC believes that the 33 short-term
12 parking spaces and eight permit spaces at grade,
13 with 18 permit spaces on the lower level, will
14 adequately manage short-term parking traffic and
15 help to insure the economic viability of the
16 operation. There is no subsidy for maintenance
17 and operations of the garage. HANAC agrees to be
18 flexible and responsive to actual community needs,
19 and agrees to revisit the apportionment as needed
20 in consultation with the community planning board.
21 With respect to the esthetics, the City Planning
22 Commission has already approved the elevations
23 submitted by the architect, which unfortunately I
24 don't have available with me today. But it will
25 meet their requirements that there be a finished

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2 brick veneer wall with a railing or fence that
3 will be wrought iron. Thank you for the
4 opportunity to present.

5 CHAIRPERSON WEPRIN: Thank you very
6 much, we've been in contact with Council Member
7 Vallone's office, who says that you have been
8 cooperative in working all these agreements out,
9 and he is fine with this project as well. Any
10 questions or comments? Mr. Comrie. Oh Mr.
11 Comrie, let me interrupt one second, I just want
12 to acknowledge that we were joined at one point by
13 Council Member Lappin, who I didn't mention, and
14 I'm Mark Weprin, I don't think I said that, from
15 Queens County.

16 COUNCIL MEMBER COMRIE, JR.: I'm
17 curious as to why there was a decision not to
18 include car-sharing, car-sharing opportunities for
19 the parking garage.

20 MR. KAITERIS: I'm sorry- -

21 CHAIRPERSON WEPRIN: (Interposing)
22 He's asking why you didn't- -

23 COUNCIL MEMBER COMRIE, JR.:
24 (Interposing) Why ... what was the reasoning behind
25 not including the opportunity to house car-

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sharing, the Zip cars?

MR. KAITERIS: I'm still not ... I'm sorry, I just don't understand.

CHAIRPERSON WEPRIN: I believe it was the community board, he just wants to know why they decided ... why are we not using car-sharing in the proposal.

MR. KAITERIS: Oh, oh.

CHAIRPERSON WEPRIN: I think it was the community board who wanted not to.

MR. KAITERIS: We have no idea ... you know what, I have no idea.

CHAIRPERSON WEPRIN: But it was the community board who suggested not do it.

MR. KAITERIS: Yes, yes. Yes, we hadn't considered it. We do think it's a good idea.

COUNCIL MEMBER COMRIE, JR.: Okay.

MR. KAITERIS: But the chair of the zoning committee of Community Planning Board #1 apparently has a bias against car-sharing.

COUNCIL MEMBER COMRIE, JR.: I see, okay.

MR. KAITERIS: Yes.

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2 COUNCIL MEMBER COMRIE, JR.: All
3 right, we'll have to work on that, thank you.

4 CHAIRPERSON WEPRIN: Thank you, Mr.
5 Comrie. Anybody else have a question or comment?
6 Seeing none, I want to thank you very much, sir.
7 We're going to close this hearing, and move on to
8 ... we're going to move on to the Whitestone item,
9 are we good with that? Okay, we're going to move
10 on to Land Use #400, which is the C 100457 ZMQ in
11 Whitestone. I'd like to call on, on behalf of the
12 applicants, Jessica Loeser and Chris Papa. And
13 then I know we have a number of people who want to
14 testify in opposition to this, we're going to try
15 to bring them all up in one panel, and we'll have
16 a time limit on each person, so if you could try
17 to consolidate your remarks as much as possible.
18 Whenever you're ready, Ms. Loeser, if you could
19 just state, both of you, whenever you speak, state
20 your name for the record beforehand, so we know
21 who's speaking. Whenever you're ready.

22 MS. LOESER: Thank you, Mr. Chair.
23 My name is Jessica Loeser and I'm here on behalf
24 of the applicant to speak in favor of this
25 rezoning application, and as was mentioned, with

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2 me is Chris Papa, who is the architect on the
3 project. We are here to speak about the rezoning
4 for the western block front on 154th Street between
5 10th Avenue and 11th Avenue in the Whitestone
6 neighborhood. The applicant is proposing to
7 rezone this block front from an R2A and R3-1, to
8 an R3-1 with a C2-2 overlay over a portion of the
9 block front. This would allow for the
10 reconfiguration, modernization and expansion of
11 the existing Whitehouse restaurant and catering
12 hall building. The restaurant and catering
13 facility has been in location since 1956. The
14 proposed changes would allow the applicant to
15 relocate the existing catering use from the cellar
16 to an expanded second floor. It would also permit
17 the applicant to update and modernize all the
18 building's systems, and provide much-needed
19 handicap accessibility. The ground floor will be
20 expanded by approximately 650 square feet, and the
21 partial second floor will be expanded by 4,800
22 square feet. The current facility only has eight
23 off-street parking spaces, leaving many patrons to
24 park on the street, which has been a burden to the
25 surrounding community. Under the proposal, the

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2 applicant would provide 110 attended off-street
3 parking spaces through the acquisition of an
4 adjoining property. Twenty spaces will be at-
5 grade and 90 underground. The area proposed for
6 rezoning is predominantly commercial in use. Of
7 the five tax lots on 154th Street frontage, three
8 of the lots are in commercial use. These three
9 lots occupy 62% of the frontage, with the
10 remaining 38% occupied by two single-family
11 houses. Immediately north of this block front is
12 a super-block occupied by a shopping center with
13 retail stores, a large supermarket with a surface
14 parking lot fronting on 154th Street, and two large
15 industrial buildings. The block front immediately
16 to the south of the rezoning area, there are a
17 vacant lot and one- and two-story buildings in
18 either retail or retail-residential use. Thus the
19 existing use and proposed expansion are consistent
20 with the land use pattern along 154th Street.

21 We've received support from Community Board #7, of
22 various property owners in the immediate area, the
23 Welcome to Whitestone civic organization, the
24 Queens Chamber of Commerce, the Queens borough
25 president and the City Planning Commission. In

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2 conclusion, the proposal is consistent with the
3 mixed nature of the area, which while having
4 residential uses also has a large and very
5 prominent retail commercial component. Approval
6 of the rezoning will result in a block front that
7 is both complying in use and in bulk, and finally
8 it will allow for the continued use of a property
9 for its historical use, it will also create new
10 jobs for local residents at a time when our
11 economy is struggling to rebound. We hope that
12 you come to the same conclusion as many others
13 have had in supporting this rezoning. And I just
14 wanted to add that we received very late
15 notification of this hearing, and the residents,
16 business owners, and organizations who would have
17 come to speak in support of this application were
18 unable to come this morning. We've submitted for
19 your review and for the record their letters of
20 support. Thank you.

21 CHAIRPERSON WEPRIN: Okay, and we
22 have these letters here just handed to us. Mr.
23 Papa, are you speaking as well, or are you just
24 here in case we need you?

25 MR. PAPA: Yeah, I'll answer any

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2 questions you might have. My name is Chris Papa,
3 I'm the architect, and I just wanted to also just
4 add a little bit to that, we're providing the
5 parking ingress and egress from a side driveway.
6 Again, I apologize for the crudeness of some of
7 these drawings, but this is a site plan, and we
8 are proposing to come in and out with enough cubic
9 space so that some of the vehicles don't back up
10 onto 154th Street, and just a little bit, another
11 technical item, the existing C of O (certificate
12 of occupancy) for this building has an occupancy
13 of 564 people, which, you know, our proposed
14 establishment is not going to come near that ...
15 those occupancy numbers, so we're looking to kind
16 of reduce that. There is an existing catering use
17 in the cellar, which we're looking to remove from
18 the cellar and basically re-locate it to the
19 proposed second floor of this building, and you
20 know, the building is in disrepair, and I think it
21 needs a good renovation.

22 CHAIRPERSON WEPRIN: What is the
23 occupancy that will be of the new establishment,
24 if you got your change?

25 MR. PAPA: The proposed restaurant,

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2 you know, we haven't come to our final designs,
3 but the proposed, there will be a restaurant,
4 continued the same use as what's there now.
5 that's approximately going to be about a 100, I
6 would say, and then the catering hall may be
7 about, you know, 250 or something like that.

8 MS. LOESER: There were questions,
9 just to address that point, there were questions
10 at the Commission about if we would exceed our
11 current C of O and the occupancy on the existing C
12 of O, which were not going to come anywhere close
13 to it with the expansion.

14 MR. PAPA: Right.

15 CHAIRPERSON WEPRIN: Thank you, Ms.
16 Loeser.

17 MS. LOESER: Oh, sorry.

18 CHAIRPERSON WEPRIN: Mr. Halloran,
19 speak. All right, I'm going to first call on
20 Council Member Halloran, who represents this
21 neighborhood. He has a statement and some
22 comments he wants to make.

23 COUNCIL MEMBER HALLORAN III: Thank
24 you, Mr. Chair. First, I will say, and I want to
25 say for the record, that this application has

1 divided my Whitestone community roughly 50-50. My
2 office received 29 letters in support, in addition
3 to a set of petitions that contained 60 some odd
4 signatures from people within a three-block
5 radius, including the other commercial businesses
6 there. We received about 40 or so letters in
7 opposition. The Whitestone Taxpayers, which
8 represents a large portion of the area, initially
9 came out in favor of this proposal, and then their
10 board rescinded that endorsement. The community
11 board was rather dispositive, it was 29 to 6 in
12 favor of this proposal, and has been mentioned,
13 the borough president and the Chamber of Commerce
14 has all given their approval to this going
15 forward. This particular location is an
16 interesting mix of properties, however, what is
17 important to note is that the block immediately
18 north of it is an M1-1, the entire block it's on
19 except for this portion is an R3-1, and the entire
20 corridor south of this is a C1 C2 overlaid R3-1
21 zone. This catering hall and restaurant has been
22 there, as has been indicated, since the 1950's.
23 When zoning came in, this property was originally
24 designated an R2 and there was no commercial
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2 overlay put on this particular property, despite
3 C1 C2's throughout the rest of the corridor. For
4 reasons that I cannot explain, and I want to
5 reference my statement to the Planning Commission,
6 in 2006 this area was downzoned, and made an R2A.
7 This took the property further out of compliance
8 than it was in the original designation, and
9 according to the rules that have been established
10 and promulgated with regards to zoning, it is an
11 impermissible zoning to downzone and take further
12 out of compliance a pre-existing structure. I do
13 not know how that happened, I was not the Council
14 member at the time, but it clearly took a long-
15 existing business further out of compliance. It
16 certainly didn't achieve the mission of the
17 rezoning, which was to take existing properties
18 and make them compliant, it did just the opposite.
19 In this particular case, there is a ... there are
20 two commercial buildings of two stories, next door
21 to the south, and then there are two residential
22 properties to the north, followed by a bank,
23 another commercial property, to the further north,
24 to 10th Avenue, which then joins the M1 district,
25 which is the Whitestone Shopping Center, followed

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2 by the Tropicana production facility. So while
3 there are R2A properties on the east side of 154th
4 Street, behind the commercial corridor, there
5 aren't on the block that this property exists on.
6 In fact, this was in a sense fractured zoning,
7 because the entire block was redesignated R3-1 in
8 that zoning, except for the portion on 154th
9 Street, which again also violates the principles
10 of the zoning plan, which says that we are to make
11 consistent and non-fractured zoning designations.
12 So at that point I had asked the architect to come
13 back with some proposals, to modify, to give some
14 degree of assistance to the property owners who
15 are adjacent. They've agreed to scale back in
16 terms of the second-story reach, it will not go
17 over the carport area. And there will be no deck
18 or patio that would overlook the properties that
19 are adjacent to it. The owners are also willing
20 to do a significant amount of greenscaping around
21 it. Up until this point, this restaurant had been
22 in disrepair. The owner has spent the last 15
23 years trying to find a buyer, and was unable to
24 find a buyer. He bought the property and actually
25 20 years ago did not do a single piece of

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2 renovation over the 20 years he owned it. He let
3 it run down into the ground, and it's unfortunate
4 that that's the case. In addition, on this block,
5 the 154th Street corridor, there are a total of 18
6 different commercial businesses, six of which are
7 closed, and have been closed for at least six
8 months. This is a possible opportunity for us to
9 renovate this commercial corridor, which I think
10 is important. And the other ... the argument that
11 has been made by some of my constituents, that
12 this property is going to be far larger in
13 population density than it had previously been, is
14 just not true. There was a catering facility in
15 the basement level, it is a disaster, I have been
16 in it. That occupancy is 150, the restaurant's
17 occupancy is, I believe, 125, and they're looking
18 for a total occupancy of 300, which is 25 more
19 people than the current existing C of O has.
20 Actually the C of O might have a larger, but it's
21 broken up slightly differently. So I'm in support
22 of this, with the modifications that have been
23 discussed. The borough president and I have
24 spoken about this extensively, she made some
25 recommendations, which the builder is willing to

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2 consider, and it is my opinion that this ... that
3 this overall plan is good. The architect had
4 originally wanted a C2 overlay over the entire
5 block, because there is two existing businesses to
6 the north, to the south, and one to the north, but
7 I had promised the homeowners that if they did not
8 want their property upzoned to a commercial
9 overlay, that I would not permit that to happen.
10 That is their opinion, that's their prerogative, I
11 gave them that promise, and so it was my
12 recommendation that the C1-2 overlay only exist on
13 the southernmost portion of the block from the
14 Whitehouse to the corner, encompassing those two
15 other commercial establishments, and not including
16 the two one-family homes which are adjacent to it.
17 So those are going to be my recommendations, I'm
18 just going to ask Mr. Chair, in looking at the
19 recommendation of the City Planning Board, scale
20 the C1-C2 overlay back to an area that is
21 coordinate with the larger property behind, that
22 extends behind it, and run that in an even square
23 to the 154th Street, and I can give him a specific
24 drawing on that, just to make sure that it is
25 coordinate. That's it, thank you, Mr. Chair.

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2 CHAIRPERSON WEPRIN: Thank you,
3 Council Member Halloran. Council Member Comrie I
4 know had some questions.

5 COUNCIL MEMBER COMRIE, JR.: Okay,
6 what kind of ... explain that you're asking for ...
7 you're, so once this is granted, you're asking for
8 less occupancy than you presently have now, as far
9 as capability for ... are you still going to have a
10 catering facility in the basement? Are you still
11 going to do catering in the basement, or what's
12 the layout of the facility going to be?

13 MR. PAPA: No, with the cellar- -

14 MS. LOESER: (Interposing) Do you
15 want to see the site plan?

16 MR. PAPA: Okay. I think I should
17 answer that question.

18 MS. LOESER: Okay.

19 MR. PAPA: In the cellar we're just
20 looking to do accessory uses in terms of food
21 prep, some offices. The first floor would remain
22 a restaurant, and the catering facility would be
23 relocated out of the cellar out to the second
24 floor.

25 COUNCIL MEMBER COMRIE, JR.: Up to

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the second floor.

MR. PAPA: Right.

COUNCIL MEMBER COMRIE, JR.: And you're going to build a new second floor.

MR. PAPA: We're going to build a new second floor, yeah. There's an existing small ... actually residential use there that we plan on removing, it's about 3,000 square feet, a total floor area on the second would be about 9,000 with the catering.

COUNCIL MEMBER COMRIE, JR.: And how many people you expect to have there? On the second floor?

MR. PAPA: In the catering hall?

COUNCIL MEMBER COMRIE, JR.: Yes.

MR. PAPA: Between ... like 200, 250.

COUNCIL MEMBER COMRIE, JR.: Two hundred fifty people, okay. And how many car spaces are you creating?

MR. PAPA: We're creating 110. And it would be all valeted, attended parking.

COUNCIL MEMBER COMRIE, JR.: And where is this space that you're acquiring? Is it behind the facility or?

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2 MR. PAPA: Yeah, I'll show you on
3 the site plan.

4 COUNCIL MEMBER COMRIE, JR.: So how
5 would cars access that?

6 MR. PAPA: This driveway on this
7 side here. And they would pull up, and a valet
8 would take your car, and then these two, this
9 property wraps around the existing White House
10 structure. Thank you. Sorry.

11 COUNCIL MEMBER COMRIE, JR.: So
12 just above that ... just above the valet parking
13 area is where the two private homes are?

14 MR. PAPA: Yes, on this side,
15 that's correct.

16 COUNCIL MEMBER COMRIE, JR.: Okay.

17 MR. PAPA: This is the corner
18 property with the two buildings that is going to
19 remain unchanged, and they have a large open area
20 in the back that would ... that was acquired to
21 provide that off-street parking.

22 COUNCIL MEMBER COMRIE, JR.: And
23 what kind of buffer is going to be done to,
24 between the private homes and the valet parking?

25 MR. PAPA: Well, we originally

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2 proposed a four-foot planting buffer between our
3 property and the neighboring properties, but then
4 based on some of the opposition and in
5 coordination with Councilman Halloran's office, we
6 decided that we would, you know, additionally, in
7 addition to putting the planting, that they would
8 also respect the building, not to be all the way
9 to the property line, just to provide a colonnade
10 and some kind of planting and buffering between
11 the neighbors, the adjacent residential building.

12 COUNCIL MEMBER COMRIE, JR.: And
13 how high would that be?

14 MR. PAPA: How high would the
15 shrubbery be? It's- -

16 COUNCIL MEMBER COMRIE, JR.:
17 (Interposing) It's just going to be planting
18 involved in it?

19 MR. PAPA: Yes.

20 COUNCIL MEMBER COMRIE, JR.: Or is
21 it- -

22 MR. PAPA: (Interposing) Not ... no,
23 we didn't want to propose a wall to kind of create
24 a very, you know, cumbersome structure. We were
25 going to put, you know, six-foot-high planting all

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the way around along that property line.

COUNCIL MEMBER COMRIE, JR.: All right. But people are going to be queuing up their cars and standing outside waiting for cars while they go back and forth, correct?

MR. PAPA: Yes, underneath, underneath this overhang there's a drop-off area, and we propose that we probably would have about eight cars that could wait there while the valets take the cars and park them.

COUNCIL MEMBER COMRIE, JR.: But there won't be any parking allowed right there in that area, there will just be standing, or?

MR. PAPA: Right, you would pull in and someone would take your car immediately and park it, yeah.

COUNCIL MEMBER COMRIE, JR.: But they would be idling there.

MR. PAPA: Yeah, they would be idling, yes.

COUNCIL MEMBER COMRIE, JR.: And people would be congregating there during and throughout the event, or throughout the hours of operation that the hall is open, correct?

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2 MR. PAPA: Yeah, I would say the
3 most amount of congregation would be upon leaving,
4 you know, and waiting for their vehicle to arrive.
5 But you know, upon arriving they would just pull
6 up and go right in.

7 COUNCIL MEMBER COMRIE, JR.: Okay.
8 And so this ... this would give you the autonomy to
9 be open from when to when? Is there a time limit
10 on operation of the catering hall that has been
11 proposed?

12 MR. PAPA: I'm not exactly sure of
13 the hours of operation, but I would assume from ...
14 the restaurant would be open from 5:00, you know,
15 until about the midnight, the catering
16 establishment, you know, somewhere around that
17 time.

18 COUNCIL MEMBER HALLORAN III: Mr.
19 Chair, just a point of information. The current
20 White House, the way it was opened, I mean, it was
21 a bar and restaurant, and a catering hall. They
22 have a cabaret license, they're also willing to
23 surrender that in this plan if they need to. And
24 the cabaret, as you know, is certainly a whole
25 different can of worms for issues in a community,

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2 so you know, the owners are being very cognizant
3 of that. In fact, DOT is redoing the one-way
4 street on the block of the public school that is
5 further to the east of this location ... west of
6 this location, and their parking system was
7 redesigned to accommodate those changes made by
8 DOT. So on that front they've actually gone over
9 and beyond in that regard.

10 COUNCIL MEMBER COMRIE, JR.: Okay.

11 And ... okay, so, and the parking lot itself would
12 be given buffers and planting as well, along the
13 lot?

14 MR. PAPA: Yes, around the entire
15 lot. Most of the parking is proposed to be
16 underground, and like Councilman Halloran said,
17 there isn't going to be any egress from the
18 parking lot onto 11th Avenue, which is smaller, and
19 is proposed to be, I think, one-way ... I don't know
20 which way it's proposed, but we're basically
21 providing our in and out from the main 154th
22 Street.

23 COUNCIL MEMBER COMRIE, JR.: Okay.

24 All right, I don't have any further questions,
25 thank you.

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2 CHAIRPERSON WEPRIN: Council Member
3 Reyna from Brooklyn-Queens, that's Brooklyn and
4 Queens.

5 COUNCIL MEMBER REYNA: Thank you
6 very much, Mr. Chair. I just wanted to get some
7 understanding as to the property for the zoning
8 application, it's just one property, this one
9 property. For the rezoning.

10 MR. PAPA: The actual ... the current
11 building is this one lot. The owner purchased the
12 corner lot, which has two buildings on it, they're
13 going to remain as they are. It was primarily
14 acquired because it has a large open space in the
15 back to provide the parking for the existing
16 establishment.

17 COUNCIL MEMBER REYNA: And the
18 property once assembled with the new purchase of
19 two lots, two adjacent lots, is not requiring this
20 rezoning to accommodate what would be a future
21 build-out and upgrade of the establishment,
22 correct?

23 MS. LOESER: Correct.

24 COUNCIL MEMBER REYNA: And is this
25 a ... was this the only option, or did, had the

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2 property owner, was there an attempt to go through
3 the BSA for a variance? Or was the variance ... was
4 not a likely option, based on the fact that you
5 couldn't substantiate the five findings of
6 hardship?

7 MR. PAPA: That's correct.

8 COUNCIL MEMBER REYNA: I don't want
9 to put words in your mouth, I just want to make
10 sure I'm understanding.

11 MS. LOESER: Correct.

12 MR. PAPA: Well, yes, and again, if
13 you want to, you know, expand on that point, I'm
14 not 100% sure of the technicalities with the
15 variance case, but I know there are a number of
16 findings that you need to find, one of them being
17 having the uniqueness of the site, and you have to
18 present some kind of economic hardship, you know,
19 but I'm sure Jessica can- -

20 MS. LOESER: (Interposing) Right.

21 MR. PAPA: ... elaborate on that a
22 little bit.

23 MS. LOESER: Thank you. Jessica
24 Loeser, attorney for the project. We do not meet
25 the findings for a BSA variance, and as the

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2 Councilman mentioned earlier, different changes to
3 the zoning in the last couple of years made a
4 rezoning of this application, the scope of this
5 application, the most logical place to go forward.
6 Just to address your point of changes in zoning,
7 we are asking for an R3-1 overlay over the entire
8 block, and the commercial overlay on ... just on our
9 property lots.

10 COUNCIL MEMBER REYNA: So that you
11 can conform to the uses of having the
12 establishments exist, and not lose value of what
13 the use is, with the options of- -

14 MS. LOESER: (Interposing) Well, to
15 bring our property lot into compliance and into
16 conformity with the zoning resolution, and also to
17 insure that ... and in truth to speak to the R3 the
18 rest of the block, that this is not spot zoning.
19 That the entire area will get some benefit from
20 this application.

21 COUNCIL MEMBER REYNA: Right. So I
22 just wanted to get clarity on why the rezoning, as
23 opposed to a BSA variance, and just making sure
24 that we understand there's been a lot of
25 accommodations on behalf of the property owner to

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2 work with the adjacent homeowners who have
3 expressed concerns of their own. And so having
4 said that, I just wanted to lend my support, and
5 as Chair of the Small Business Committee, I wanted
6 to just, you know, advise that the property owner
7 seeks services from the Department of Small
8 Business Services, on making sure that there's
9 programs out there that would be beneficial for
10 the upgrade and build-out and workforce potential
11 that he can have on this site. Thank you.

12 MS. LOESER: Thank you for your
13 comments and your support.

14 CHAIRPERSON WEPRIN: Okay, we are
15 going to finish with you right now. please stick
16 around just in case we have to call you back for
17 something, but we are going to move on to a panel
18 of people who have some concerns with this matter.

19 MS. LOESER: Thank you, Mr. Chair.

20 CHAIRPERSON WEPRIN: So if you want
21 to leave the chart there for now, that may be
22 beneficial as well.

23 MS. LOESER: Sure.

24 CHAIRPERSON WEPRIN: Okay. What
25 I'm going to do now is call up three people who

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2 are here in opposition to this. We're going to
3 put a three-minute clock on this, if you can do
4 that within three minutes, you know, otherwise I
5 could ask you a question or two. But I'd like to
6 call on Ed Fleming from Senator Tony Avella's
7 office, Brian Garry, a homeowner, and Paul
8 Graziano, who is here, and gentlemen, if you all
9 would please come up to the mics, we have two, so
10 you will take your turns. Thank you, sir, yes, I
11 just got this, thank you. Why don't you have a
12 seat, Mr. Fleming, do you want to go first? Are
13 you going to read the letter?

14 MR. FLEMING: Sure.

15 CHAIRPERSON WEPRIN: Is that your
16 plan?

17 MR. FLEMING: I'm not sure.

18 CHAIRPERSON WEPRIN: I know we have
19 a letter here from former Council member, now
20 State Senator, Tony Avella. Mr. Fleming, is it
21 your intention just to read this letter?

22 MR. FLEMING: Just to read the
23 letter.

24 CHAIRPERSON WEPRIN: Okay. I want
25 you to make sure you give Tony a good report, so

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2 I'll have you read it out, you can do that into
3 the record. So please say your name, and who you
4 represent, and read whatever you would prefer to
5 read.

6 MR. FLEMING: My name is Ed
7 Fleming, I'm representing State Senator Tony
8 Avella, and I'm reading into the record his letter
9 of opposition. "I'm writing to you to express my
10 strong opposition to Land Use application C 100457
11 ZMQ, which would amend the zoning map to upzone an
12 R2A district to R3-1/C2-2, 154th Street between 10th
13 and 11th Avenues in Whitestone Queens. The primary
14 focus of the proposal is the former Whitestone
15 Restaurant, located at 10-24 154th Street. While I
16 understand that this application was approved by
17 the City Planning Commission on May 11th, the
18 approval was in direct contradiction to the wishes
19 of the community residents and the members of the
20 local civic association. The application not only
21 involves upzoning the residential component, but
22 would also create a commercial overlay where none
23 has existed before. Once the zoning change is
24 enacted, the neighborhood will never be the same
25 again. It will have an immediate impact on the

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2 lives of the two neighboring homeowners who do not
3 want their homes to be upzoned. This quiet
4 residential area will be plagued by a significant
5 increase in traffic, noise, pollution and other
6 nuisances that are being prevented through the R2A
7 zoning. With a public school only a block away,
8 this change may result in dangerous cross streets
9 for children, and additional difficulty for
10 parents picking up and dropping off their
11 children. In addition, and equally as important,
12 the applicant was defaulted on a city park
13 concession as the former owner of Café on the
14 Green. I understand that he failed to properly ...
15 to keep proper records, and as a result owed the
16 city over \$120,000. To date he has not paid the
17 city. I find it unconscionable that the city
18 would approve an upzoning application which will
19 financially reward an applicant who owes the city
20 such a large amount of money. For the reasons I
21 mention above, I strongly urge you to disapprove
22 this application. For your information, I have
23 enclosed several newspaper articles about the
24 application and/or the applicant. I cannot over-
25 emphasize the need to disapprove this

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2 application." Signed Senator Tony Avella, 11th
3 Senatorial district.

4 COUNCIL MEMBER HALLORAN III: Mr.
5 Chairman, point of information. The Senator can
6 use newspapers all he likes, I spoke with
7 Commissioner Lewandowski this morning, and my
8 office had sent her a letter as soon as those
9 allegations were made. The Department of Parks
10 states unequivocally that the predecessor-in-
11 interest at the Café on the Green does not owe any
12 money to the City of New York, that there was a
13 \$120,000 under-tally from one quarter that didn't
14 carry into the next quarter, and so according to
15 the city records of the Parks Department, he
16 doesn't owe anything. So I would appreciate the
17 Senator not relying on newspapers, when he's
18 making spurious allegations, but actually go to
19 the horse's mouth and ask the agency for which he
20 claims money is owed, because when I spoke to the
21 Commissioner this morning, she assured me that's
22 not the case.

23 CHAIRPERSON WEPRIN: Thank you, Mr.
24 Halloran. For the record, Dorothy Lewandowski is
25 the Queens Borough Commissioner, and I don't

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2 believe she thinks that the Council member was
3 saying that she is indeed a horse, so that's okay.
4 But anyway.

5 COUNCIL MEMBER HALLORAN III:

6 Thanks, Mr. Chair.

7 CHAIRPERSON WEPRIN: You're

8 welcome. But thank you. No need to respond to
9 that, Mr. Fleming. Next, do you want to go, Mr.
10 Garry? Okay.

11 MR. GARRY: Good morning, my name
12 is Brian Garry. I am the homeowner directly to
13 the north of the White House Restaurant. I oppose
14 the upzoning of my block, including my residential
15 property, I feel that the applicant is the only
16 person that stands to gain from this, and it can
17 only be detrimental to the residents of the block
18 and the surrounding neighborhood, who are
19 currently protected from this type of
20 overdevelopment. We have been opposing this
21 upzoning through every stage of the applicant's
22 process, and felt that the odds have been stacked
23 against us. I have had several meetings with my
24 Councilperson, who seems to be acting as a
25 lobbyist for this overdeveloper, rather than an

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2 advocate for the people, who have nothing to gain,
3 but only to hold on to their current rights.

4 Please deny this application, so that an
5 application that is fair to the community and the
6 developer can be put forth through a variance
7 rather than a rezoning. Thank you. And if you
8 have any questions, I'm willing to answer them.

9 CHAIRPERSON WEPRIN: Okay. Mr.
10 Graziano, please, I'm sorry.

11 MR. GRAZIANO: I'm here as an urban
12 planning consultant. I have something, actually
13 Brian was supposed to submit this, but- -

14 CHAIRPERSON WEPRIN: (Interposing)
15 Just state your name again, for the record.

16 MR. GRAZIANO: I'm sorry. Paul
17 Graziano, I'm an urban planning consultant.
18 There's actually a written testimony from Greater
19 Whitestone Taxpayers Civic Association, which
20 spells out a lot of the things that came up prior.
21 I just want to touch base on some of the stuff
22 that's come up. Greater Whitestone Taxpayers
23 initially was in favor of the proposal when it was
24 first promoted in early 2010, when the statement
25 was that it was based on a restaurant and an

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2 outdoor eatery, not a catering hall and large
3 restaurant application for the site. No one -
4 let's make it clear, no one is against a
5 restaurant at this site, but they're ... it's a
6 question of the scale of the project. Also the
7 issue of catering, which I think Mr. Papa brought
8 up, the C of O for the basement room is actually
9 for a party room, it's not for a catering
10 facility, so that's the current C of O, which is
11 different from a catering hall. I want to respond
12 to some of the statements that Councilman Halloran
13 made. I was the consultant who actually designed
14 the rezoning with City Planning and the former
15 Councilman Avella and the community and the
16 Greater Whitestone Taxpayers, and Community Board
17 #7, and the borough president's office, and the
18 City Planning Commission. Legal non-conforming
19 uses are scattered throughout the city, there's
20 never been a problem with it. The idea of
21 creating the zoning that was there was to protect
22 the community as it stands, but to allow the
23 businesses that are there to continue operating
24 under their C of O's, legal non-conforming use.
25 The idea that this violates principles of zoning,

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2 and that this whole area was rezoned in violation
3 of these principles, that would mean the 100,000
4 properties that I was involved in rezoning in the
5 City of New York over the last seven years, all of
6 them violated the principles of zoning, because
7 all of them had these situations where areas were
8 downzoned or upzoned. It's based on a general
9 scale, when you're talking about rezoning six or
10 ten or fifteen thousand properties at a time,
11 you're going to be obviously including properties
12 that are going in one direction or another when
13 you're talking about downzoning or upzoning. So
14 that I am, you know, this is something that I saw
15 in his previous testimony, which puzzled me. One
16 of the things I think everyone is concerned is
17 that, having sat at a number of meetings with
18 Councilman Halloran, the first thing that was
19 stated was that the north half of the block was
20 off the table. Removing the commercial overlay
21 off the north part of the block is great, but
22 removing the R2A to R3-1 is also supposed to be
23 off the table, and we have a letter to your
24 office, actually, that states this, which is then
25 contradicting in the letter that was sent a month

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2 later to the City Planning Commission. So there's
3 a problem with that. If I could just tie up- -

4 CHAIRPERSON WEPRIN: (Interposing)

5 If you could just finish up, Mr. Graziano?

6 MR. GRAZIANO: Yes, I will, thank
7 you. There was also something about ... something
8 that was brought up, which I think is great, if
9 it's the truth, about the deck or patio or second-
10 floor expansion to the property line, that that's
11 been removed. Now, if that's the case, this is a
12 major plus in the right direction. It is of
13 course not shown in these plans, which, every time
14 the plans have been shown, the architect has
15 apologized for the shoddy condition of the plans,
16 which, unless you're showing a true version of
17 what's actually being seen, they can be described
18 as misleading. So I just want clarification, if
19 this piece is actually being removed, which is a
20 great concern. And just finally, the one thing
21 that I want to say, is that this long-lived
22 another rezoning that's being proposed, the TD
23 Bank rezoning, which is also coming to your
24 Committee, as well as one in CBA, there are now
25 three precedent-setting rezonings that are

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2 essentially overturning the previous rezonings
3 that we've just done in the last five years, and
4 people are very concerned about it, a lot of civic
5 associations and residents are concerned about it.

6 CHAIRPERSON WEPRIN: Thank you, Mr.
7 Graziano. I'm going to ask Mr. Halloran if he
8 wanted to make a statement.

9 COUNCIL MEMBER HALLORAN III: Mr.
10 Chairman, I appreciate Paul's work, he has done ...
11 and I'll be the first to give him credit, he's
12 done a tremendous job protecting the character of
13 my communities. He has worked, and my senator and
14 former Council member, worked very hard rezoning.
15 However, in looking at the guidelines for zoning,
16 there are two ... there are many, many directives.
17 Two of the directives are not to take a building
18 further out of compliance, and to try ... to try to
19 make buildings compliant in the rezoning. The
20 entire block that we're talking about was rezoned
21 R3-1, except for the portion on 154th Street.
22 Paul, you're certainly not going to disagree with
23 me when I say that there are commercial
24 establishments on the block south of this
25 location. You're not going to disagree with me

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2 when I tell you there's a manufacturing district
3 that sits north of this, including the Tropicana
4 plant and the Whitestone Shopping Center. And I
5 know you're not going to disagree with me when I
6 say that there are six storefronts, including the
7 large farmer's market, which have been fallow and
8 vacant and become an eyesore, because they've
9 become overrun with graffiti in that community
10 over the last six or eight months, right? Do you
11 agree with me there?

12 MR. GRAZIANO: Sure.

13 COUNCIL MEMBER HALLORAN III: Okay,
14 so I have fought with ... and I know you guys don't
15 believe this, but I've fought with Mr. Franco to
16 scale back what he is doing. He has agreed with
17 me, that he will remove the portion adjacent to
18 the homeowner. There will be no second floor
19 there, there will be no patio deck there. There
20 will be the carport and that's it. He is willing
21 to do this in a phased operation, to make it
22 easier on the community. And while a party room
23 is certainly different under zoning ... under
24 building rules, we know what the effect of that
25 occupancy was. They had catering downstairs, and

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2 we know that's what happened, and the numbers are
3 not going to go up. Now, I gave you my word I
4 would not allow upzoning to the two properties
5 adjacent. I understand you feel that not the C2,
6 the R3-1 is an upzoning, I understand that. And
7 for that I apologize. I would hope Mr. Garry
8 would agree.

9 MR. GARRY: Yes.

10 COUNCIL MEMBER HALLORAN III: Mr.
11 Garry, that I had six meetings with you guys,
12 including Friday night late meetings to do, to
13 have discussions about this. And I resent the
14 fact that you said that I'm acting as a lobbyist.

15 MR. GARRY: Well, I'm asking you so
16 passionate ... well, you've just been describing ...
17 defending Mr. Franco on whether or not he owes the
18 city so much money, I mean, we can go back to the
19 videotape, because there was some real passion
20 there that was not presented to the homeowners or
21 any of the members of the community that were
22 against it.

23 COUNCIL MEMBER HALLORAN III: Mr.
24 Garry, I appreciate that, but I don't like people
25 coming to a hearing making statements on the

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2 record that are actually not only not true, but
3 not even researched. And I would hope you would
4 appreciate the fact that quoting a newspaper is
5 one thing, talking to the city agency you're
6 alleging something that is nefarious took place
7 with is another thing. And I would hope that a
8 state senator would not rely on a newspaper
9 article saying somebody owed money, but rather
10 talk to the city agency to do that. And I know
11 there was some confusion, and I appreciate that.
12 That's all I have to say.

13 CHAIRPERSON WEPRIN: I'd like to
14 wrap this up as soon as possible. I will say, Mr.
15 Garry, that passion from Mr. Halloran is not
16 unusual.

17 MR. GARRY: If I can just- -

18 CHAIRPERSON WEPRIN: (Interposing)
19 Yes, go ahead, I just want to wrap it, but go
20 ahead, Mr. Garry.

21 MR. GARRY: Absolutely. Again, I
22 do want to say something on the record, which was
23 said at these meetings, which you said, which was,
24 the north half of the block is off the table.
25 It's not even in discussion, it's not part of the

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2 negotiations. That to me, and I think everybody
3 else in the room that was there that night,
4 actually the multiple nights that we had, that the
5 north part of the block was not to be rezoned,
6 from R2A to R3-1. So we looked to you, as the
7 Councilperson who was to negotiate this, at the
8 end of the day, to remove the north part of the
9 block, not just the commercial overlay, but the
10 two houses and the bank, from the R3-1 zoning.

11 CHAIRPERSON WEPRIN: Okay.

12 MR. GARRY: We would appreciate it,
13 Mr. Halloran.

14 CHAIRPERSON WEPRIN: Mr. Comrie,
15 did you have a question or a comment? No. Okay,
16 gentlemen, thank you very much.

17 MR. GARRY: Thank you.

18 MR. GRAZIANO: Thank you.

19 CHAIRPERSON WEPRIN: Okay, what
20 we're going to do on this item is we're going to
21 close this hearing, we are going to hold off on
22 this vote.

23 MR. GRAZIANO: I'm sorry, I have
24 one thing to submit to you.

25 CHAIRPERSON WEPRIN: Okay, please,

1
2 just you can hand it to me, I'm going to have the
3 sergeant-at-arms come and ... thank you. We're
4 going to hold off on this vote until Tuesday
5 before the Land Use meeting, there's a couple of
6 discussions that have to take place before we
7 decide on the vote. So this one item is going to
8 be held off until Tuesday as of now. All right,
9 now I'm going to move on to my very patient
10 friends over in the West Clinton rezoning. This
11 is the Land Use #396 and the related item, 397,
12 this is in Speaker Quinn's office ... district,
13 excuse me. Do we have ... is someone speaking on
14 behalf of the applicant? City Planning? Okay.
15 On behalf of City Planning, we have ... boy, my eyes
16 are going, Erika and Edith.

17 MS. CHEN: Yes.

18 CHAIRPERSON WEPRIN: Pardon for the
19 informality, but my eyes can't read your last
20 names, so I'll ... Edith Hsu Chen and then Erika,
21 your last name?

22 MS. SELLKE: Sellke.

23 CHAIRPERSON WEPRIN: Sellke, okay.

24 MS. CHEN: That should be last
25 names, yes.

1
2 CHAIRPERSON WEPRIN: Okay, I'm so
3 tricky, it just made my eyes ... so when you get a
4 chance, you know, please state your name for the
5 record.

6 MS. CHEN: Sure.

7 CHAIRPERSON WEPRIN: Describe the
8 application, and then we will go to the group of
9 people I know who are testifying. Afterwards
10 we're going to try to do you in panel order, like
11 three or four at a time, and three minutes, so if
12 in your mind you can try to get your remarks down
13 to the three minutes, I would appreciate it.
14 Ladies, I'm sorry, go ahead.

15 MS. CHEN: Thank you. Good
16 morning, Council members, my name is Edith Hsu
17 Chen, I am the Director of the Manhattan Office at
18 the Department of City Planning, and I am truly
19 delighted to be here with you today, as we are
20 nearing the end of a very long road, a road that
21 began several years ago, at the conclusion of the
22 Hudson Yards rezoning. At that time we at City
23 Planning were betrothed to Community Board #4 as
24 co-applicants on a rezoning study of West Clinton,
25 basically the area west of 10th Avenue between 43rd

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2 Street and 55th Street. I want to thank Community
3 Board #4 today, I haven't thanked them for a long
4 time now, but especially today, for their
5 incredible partnership that has led to this
6 consensus plan that we are all happy and proud of.
7 The goals of the rezoning are very simply three of
8 them, it expands areas for residential
9 development, it includes an incentive for the
10 delivery of affordable housing through the
11 expansion of inclusionary housing program, to
12 allow for the continued thriving growth of
13 manufacturing-compatible uses west of 11th Avenue,
14 and third, the rezoning introduces important bulk
15 and use controls, to make sure that new
16 development is respectful of the existing
17 character. In particular, I want to take a moment
18 to thank certain people from Community Board #4
19 who spent many, many nights and days with us,
20 shaping this proposal, in particular Elisa
21 Gerontianos, Sarah Desmond, Joe Restuccia, J.D.
22 Noland, Bob Infato, and former CB4 member Anita
23 Anna Levin. My colleague, Erika Sellke, will walk
24 you through the rezoning, and we are here for any
25 questions as well. Thank you.

1
2 MS. SELLKE: Thank you. My name is
3 Erika Sellke, I work at the Department of City
4 Planning as a planner for Community District 4.
5 Looking at the handout we can walk through, first
6 of all, the existing zoning, it's on the back of
7 the first page. This map shows the existing
8 zoning and the land uses within the area. The
9 rezoning area is outlined in the green dashed
10 line, as Edith said, it's between West 43rd Street,
11 West 55th Street, 12th Avenue and then a variable
12 line between 10th and 11th Avenue to the east. The
13 zoning is predominantly M1-5 and M2-3 today, these
14 are manufacturing districts, they do not permit
15 residential uses. You can see the different land
16 uses within the area, there's a wide variety.
17 There are commercial office buildings, FedEx has a
18 facility, UPS has a facility in the area, Verizon,
19 Con Ed also have facilities in this area. So
20 there's a real mix of uses. The next page shows
21 the Special Clinton District, the rezoning is
22 located within the Special Clinton District, which
23 gives special zoning regulations on top of the
24 underlying zoning. So we'll talk a little bit
25 about this too as we walk through the rezoning

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2 area. Looking at the following page, it is a
3 photograph of the area, and you can see there's a
4 real mix of different building types. There's
5 large loft buildings, there's single-story auto
6 dealerships and auto repair, there's very large
7 block-size utility uses and vehicle distribution
8 uses, all within the rezoning area. Turning to
9 the next page is the proposed zoning for the area,
10 going from east to west, the purple and the pink
11 color show the extension of the existing R8
12 district to 100 feet of 11th Avenue, and the R8
13 here is a bit different because of a Special
14 Clinton District regulation, it has a maximum
15 floor area ratio of 4.2 and a maximum building
16 height of 66 feet. Along the east side of 11th
17 Avenue, in the light blue, is a proposed R8A
18 zoning district, with a C2-5 commercial overlay.
19 We're also proposing a text amendment that would
20 make inclusionary housing bonus available in this
21 district. Moving south to the block between West
22 44th and West 43rd Street, we're proposing an R9
23 district with a C2-5 commercial overlay on the
24 avenue. Again, we're also proposing a text
25 amendment to make the inclusionary housing bonus

1 regulations applicable in this zoning district.
2 Looking between 11th and 12th Avenue, and then this
3 one cutout between 46th and 47th Streets, we're
4 proposing an M2-4 district. This district would
5 replace M1-5, M2-3 and M3-2 districts, it has an
6 FAR of 5, and we're also proposing height limits
7 to cap height at 135 feet. And we think this area
8 currently is home to a lot of commercial uses that
9 are very important to the neighborhood and also to
10 the city as a whole. Turning the page, we can
11 start talking about some of the text amendments
12 that are also part of this application. As I
13 said, we would propose to make the inclusionary
14 housing program applicable in the R8A and the R9
15 zoning districts. Turning the page, this is the
16 special ... the map of the Special Clinton District
17 before and after, so we're moving the preservation
18 area and other area of zoning lines. The
19 following page shows us some of the bulk
20 regulations that we're proposing for the R9
21 district, which would place a height limit on the
22 buildings and then also, as I said, an M2-4
23 district, which would have a maximum height limit
24 of 135 feet. The next page shows that we would
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1
2 require preservation ... or we would require street
3 walls in the preservation area and other area of
4 the Special Clinton District, so that any new
5 development closely matches the strong street wall
6 character within West Clinton. And we're also
7 proposing a text amendment where sidewalk cafes ...
8 enclosed sidewalk cafes would not be permitted in
9 the Special Clinton District. Unenclosed tables
10 on the sidewalk would still be permitted. The
11 City Planning Commission made three modifications
12 during their review. First of all, they said that
13 affordable units generated by the inclusionary
14 housing bonus in this area must be located in the
15 Special Clinton District. The following page also
16 shows a map of two other modifications, the first
17 is a new Con Ed facility was built between 49th and
18 50th Streets on the east side of 11th Avenue, and
19 we're proposing an R8A zoning district here, and
20 that would make the use here non-conforming. So
21 we're proposing a text amendment to say that this
22 Con Ed facility would be a conforming use in the
23 future as long as the site does not overreach the
24 R8A bulk regulations. And then the other is just
25 a technical matter for property that was rezoned

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2 in 2008, to keep a portion of that property in the
3 other area. Any questions? Thank you.

4 CHAIRPERSON WEPRIN: Sorry, I
5 looked to my panel and I realized I should have
6 worn deodorant. No, no, it's a crazy day today in
7 the Council. there's budget hearings going on at
8 the same time as we're having this, so a lot of
9 people have been filing in and out. I know we're
10 going to be hearing from a lot of people, because
11 Speaker Quinn, I know, has been working with you
12 on this and has been very supportive, and any
13 issues that have come up regarding any changes in
14 the future, might be done in the future, follow-
15 up, corrective action if it's necessary, but as of
16 now we're good on this, so thank you very much,
17 ladies. I'm going to call up panels of people in
18 favor, and they have some issues. I'd like to
19 start off, I'm going to call up ... how many chairs
20 have we got there? We've got four chairs there,
21 sergeant-at-arms? Okay, I'm going to call up four
22 people at a time, we're going to try to limit
23 people to three minutes. I'd like to have Rachel
24 Stein who's here for Assembly member Linda
25 Rosenthal, who is in Albany, for her, Robert

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2 Benfatto, Jean Daniel Noland and Sarah Desmond.
3 If all four of those people could come up. How
4 are you, Mr. Benfatto?

5 MR. BENFATTO: Good.

6 CHAIRPERSON WEPRIN: Long time no
7 see. Ms. Stein, do you want to start us off? And
8 then, please each of you, as you speak, please
9 state your name for the record.

10 MS. STEIN: Hi, good morning, my
11 name is Rachel Stein, and I'm here on behalf of
12 Assembly Member Linda B. Rosenthal, I'll be
13 reading this testimony for her. "I am here today
14 to support the West Clinton rezoning plan. The
15 rezoning area includes centuries-old tenements, a
16 burgeoning arts industry housed in old industrial
17 buildings and residents from all walks of life.
18 If we do not act now, this vibrant community could
19 soon fall prey to developers intent on
20 constructing buildings incongruous with the area,
21 and would displace lower- and middle-income
22 families. Unfortunately, this phenomenon has
23 already begun and it must be stopped. The
24 rezoning was spurred by members of the Clinton
25 Hell's Kitchen Land Use Committee on Community

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2 Board #4 who were concerned that the region was
3 developing without a comprehensive plan. The
4 members took it upon themselves to hold dozens of
5 meetings on the subject, and collaborated with the
6 Department of City Planning to create a proposal
7 that includes affordable housing provisions.

8 However, in accordance with the community's
9 wishes, I want to insure that the final includes
10 extension of the preservation area, including the
11 anti-harassment zone and demolition restrictions,
12 and the promotion of mixed uses and diversified
13 units. West Clinton is one of the few
14 neighborhoods in mid-town Manhattan that has not
15 fallen victim to over-development. Its mix of
16 residential, light industrial and commercial uses
17 is unfortunately unique in the city. The rezoning
18 plan seeks to preserve and protect the mixed uses
19 and heterogeneous population, but also insure a
20 cohesive esthetic. An integral part of West
21 Clinton rezoning is the preservation of its
22 endangered socio-economic diversity. Affordable
23 housing provisions are front and center in this
24 proposal. To maintain a vibrant West Clinton
25 community, the area should remain a neighborhood

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2 that is both diverse economically and diverse in
3 household composition. Therefore, I'm excited
4 that all new developments in the preservation area
5 have at least 20% of their units containing two
6 bedrooms or more. This neighborhood in particular
7 has seen a decreased household size, indicating
8 the need for new developments that include family-
9 sized units, I am pleased that the current
10 exclusion of hotel uses will also maintain the
11 sense of community in West Clinton and prevent the
12 displacement of long-term residents and essential
13 business uses. I wholeheartedly agree with CB4's
14 assessment that the anti-harassment zones and
15 demolition restrictions of the preservation area
16 must be extended to the entire western
17 subterranean (phonetic) C2 zone and the other
18 area. Omitting these would be detrimental to the
19 neighborhood, and would go against the wishes of
20 the community that spearheaded these rezoning
21 efforts. Landlord harassment is a pervasive
22 problem, and current rent-regulated residents fear
23 that their landlords will harass them so that they
24 can demolish buildings to take advantage of the
25 new, more-favorable FAR. Furthermore, the EAS

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2 indicates that the increase in rental sale prices
3 in the area over the years has created a
4 disincentive to establish rent-stabilized housing.
5 I have met with countless rent-regulated tenants
6 who have been harassed by landlords so that their
7 units could be converted to market-rate and owner-
8 occupied apartments. It is likely that much of
9 the increase in housing prices comes at the
10 expense of tenants in rent-regulated apartments
11 who are harassed by their landlords. These
12 provisions have been in existence since 1973 and
13 have been included in the Hudson Yards Special
14 District and the West Chelsea Special District,
15 and also in parts of the proposed ..." should I
16 finish? Okay.

17 CHAIRPERSON WEPRIN: Just finish it
18 up.

19 MS. STEIN: All right, I'm just
20 going to go ahead a little, I'll submit the full
21 comments to the Committee. "The preservation area
22 is integral to maintaining the overall esthetic
23 and architectural stylings of the district. The
24 proposed zoning amendments include important
25 height and street wall requirements. West Clinton

1
2 tells the tale of our immigrant ancestors in the
3 late 19th century tenements and the warehouses and
4 factories that come out of the Industrial
5 Revolution in the early 20th century. Lastly, the
6 requisite agencies should take into account the
7 need for different community facilities in this
8 new district, corresponding with the intended
9 growth in residential use. Mass transit must be
10 improved in the area, we must examine 11th Avenue
11 to make it safer for the current and expected
12 influx of pedestrians, new and existing families
13 need to be able to send their children to schools
14 within the community. Because of new luxury
15 developments, the Department of Education
16 estimates that there will be 900 additional
17 elementary school children in the area, which is
18 more than double the population within point miles
19 (sic) of PS51. I look forward to the approval of
20 the West Clinton rezoning plan, with the inclusion
21 of extended anti-harassment zones and demolition
22 restrictions, along with integrated affordable
23 housing and provisions for family-sized units.
24 Thank you for your consideration."

25 CHAIRPERSON WEPRIN: Thank you, Ms.

1
2 Stein, and I'd appreciate it if you could please
3 send my personal regards to Assembly Member
4 Rosenthal.

5 MS. STEIN: Of course, thank you
6 very much.

7 CHAIRPERSON WEPRIN: Tell her I
8 miss her, but I'm not coming back to Albany. Mr.
9 Benfatto.

10 MR. BENFATTO: Thank you. I'm
11 Robert Benfatto, I'm the District Manager for
12 Community Board #4 Manhattan. When I started as
13 the district manager in 2006, one of the first
14 things I did was actually we had an intern, an
15 urban fellow that we got of the borough
16 president's office, I had him work actually with
17 housing conservation coordinator, Sarah Desmond
18 here, on looking at the 11th Avenue and doing a
19 study. And when he started it, he actually
20 followed an old study that was done on 11th Avenue
21 to rezone it that I think was at least two or
22 three years old from there. Ultimately, out of
23 the Hudson Yards thing, we had a commitment to go
24 ahead with the 11th Avenue rezoning where we were,
25 as Edith said, betrothed to City Planning. I want

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2 to thank Erika and Edith, it's been a wonderful
3 betrothal, I hate to see it end. But out of all
4 those meetings, though, with City Planning, which
5 all went very well, and a number of public forums
6 where we had many, many people, there were over a
7 hundred numerous times, the issue even became
8 probably the number one zoning question that the
9 Board would get at the office was when we would
10 get calls, anything from residents there,
11 businesses, property owners, even real estate
12 brokers, wanting to know, developers. So we put
13 all this together and we came up with a host of
14 goals that we tried to see occur throughout the
15 rezoning. And predominantly most of those goals
16 have been met, I think, to a large extent, which
17 is why the Board is a supporter of the proposal
18 and a part of it. There were height limits that
19 were put on it that we saw, hotels were moved,
20 actually even enclosed sidewalk cafes, which was
21 an issue, independent of this the 11th Avenue was
22 put in. the 11th Avenue is going to be more of a
23 residential corridor, there is inclusionary
24 housing, although there are certain things that,
25 you know, quality of life and transit

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2 infrastructure that were concerns, those are
3 things that have to be worked on as we go forward.
4 And one of the things I know that the community
5 very strongly wanted was the anti-harassment and
6 demolition restrictions. Those unfortunately did
7 not make the proposal as of now, although we're
8 hopeful that they'll make a follow-up corrective
9 action, perhaps, agree to. And that's really what
10 I have to say. That we support it, and thank you.

11 CHAIRPERSON WEPRIN: Thank you very
12 much. Okay, all right, we're going to move on, I
13 guess, to Mr. Noland.

14 MR. NOLAND: Yes sir, thank you,
15 Mr. Chair and members of the Committee.

16 CHAIRPERSON WEPRIN: Just please
17 state your name, although I said it.

18 MR. NOLAND: My name is Jean-Daniel
19 Noland, I'm the immediate past Chair of Community
20 Board #4 in Manhattan, and I want to thank you for
21 the opportunity to speak on this 11th Avenue
22 rezoning. I'll try to be brief, but I need to say
23 for about eight years this has been an important
24 concern in the Clinton community on the West Side
25 from the block associations to the tenant

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2 organizations, right up to the community board
3 committee, which was chaired by Anna Levin at the
4 time, I'm sorry she's not here today with us,
5 because she deserves an immense credit for all of
6 this. It went to our Council Member, Christine
7 Quinn, and it went to City Planning. On January
8 28th, 2009, when I was Chair of the Community
9 Board, the rezoning proposal was presented back to
10 our community by Edith Hsu Chen and Erika Sellke,
11 and I want to thank them, they have been just
12 tremendously engaged with this process, and very
13 helpful. And since then, the Clinton community
14 and the board has held several large public forums
15 and many smaller meetings, and once again we've
16 come downtown to ask for your help. This is a
17 happy occasion, I think, for everybody here. This
18 community in Clinton and City Planning have come
19 up with a plan that the city can support, and we
20 hope you will support, but, and I have to say
21 this, while we are satisfied that the core
22 features of the proposal go a very long way
23 towards addressing the community's central
24 concerns, and will lay the groundwork for good
25 future development consistent with our goals, we

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2 still have some work to do specifically protecting
3 tenants in those areas, through the extension of
4 the preservation area's provisions against tenant
5 harassment and demolition of residential
6 buildings. Now, after all the talk, and after all
7 the planning, and after all the studies, we come
8 before you and ask your help for these tenants.
9 There are about 300 units we're talking about,
10 fifteen buildings. All you've got to do is extend
11 those protections that we have in the Special
12 Clinton District. It's very important, and only
13 you, Council members, can do that for us, you're
14 our elected officials, we look to you for that
15 help. I don't want to pull your heart strings,
16 because I've been told Council members really
17 don't have any hearts for strings to pull.

18 CHAIRPERSON WEPRIN: That's true.

19 MR. NOLAND: That's what I hear,
20 that's what they told me. But I have to say,
21 you'd have to imagine if it was your mother, your
22 sister, your friend, living in one of those
23 buildings, where rezoning is coming down the pike,
24 good rezoning, good development, what would you do
25 for them, do it for these tenants who can't speak

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2 for themselves today. Extending provisions
3 against tenant harassments will not hamper
4 development - I have one more sentence.

5 CHAIRPERSON WEPRIN: I'm heartless,
6 next. No, quick, one more sentence.

7 MR. NOLAND: And will provide a
8 full measure of protection and security to tenants
9 who most need it. Thank you so much for this
10 opportunity.

11 CHAIRPERSON WEPRIN: Thank you, and
12 I just want to say, it wouldn't be the West Side
13 if it wasn't for a 'but' in there somewhere.

14 MR. NOLAND: Yes.

15 CHAIRPERSON WEPRIN: Okay. So,
16 next is Ms. Desmond.

17 MS. DESMOND: Good morning, Chair
18 Weprin and Council Member Comrie. My name is
19 Sarah Desmond, I'm the co-Chair of Manhattan
20 Community Board #4's Housing, Health and Human
21 Services Committee and the Executive Director of
22 Housing Conservation Coordinators to the Tenant
23 Advocacy and Legal Services Organization in Hell's
24 Kitchen. We're delighted to be here today to act
25 as a co-applicant with the Department of City

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2 Planning to rezone the 11th Avenue corridor. It's
3 rare for a community board to take this step and
4 co-apply with City Planning and we're extremely
5 pleased to testify in favor of the proposed
6 rezoning. It's the result of a multi-year
7 engagement, as you've heard. Edith and Erika in
8 particular have been very responsive to the
9 community, they've attended countless meetings
10 with us, and a number of public forums, which they
11 got a share of being yelled at and applauded, and
12 they adjusted the proposal accordingly. We're
13 really thrilled to be here today, namely because
14 it now permits residential development on the east
15 side of 11th Avenue. We now have an inclusionary
16 housing-designated area to incentivize new
17 affordable housing, we have maximum building
18 heights that are within context of the low
19 residential community to the east, we have a
20 prohibition against hotel use in the remaining
21 manufacturing districts to the west of 11th Avenue,
22 and we, in the proposed rezoning, prohibit
23 enclosed sidewalk cafes in the Special Clinton
24 District. However, as with any collaborative
25 process, there are items that we would have liked

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2 to see put in the rezoning, as you have heard, and
3 you will hear in other speakers after me, which
4 were not, and which we hope the Council will
5 include as a follow-up corrective action. In
6 particular, the Special Clinton District's tenant
7 protections of anti-harassment, alteration and no
8 demolition, and as it currently is proposed, 100
9 feet east of 11th Avenue, we would like to see them
10 extended to include the 315 units in the 15
11 buildings that go throughout the rezoning area.
12 Without the requested modification, this area, 11th
13 Avenue and west, will be the only area in a
14 recently-rezoned ... in a recent residential
15 rezoning in our community district that does not
16 have these protections. We've found them, in the
17 Special Clinton District, this is why we have a
18 low-rise community, this is why we have less
19 turnover, because we have these kinds of
20 protections that have been critical to us, and
21 speaking as a housing advocate, they've been
22 incredibly valuable as a resource in protecting
23 tenants and keeping people in place. In addition
24 ... and you'll hear it from a number of residents
25 and West Side members who live in the rezoning

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2 area, or in and around it. So we therefore ask
3 that those three provisions be extended throughout
4 the rezoning area. We also ask that other
5 provisions in the Special Clinton District, namely
6 that the requirement that the inclusionary units
7 be located within the boundaries of the Special
8 Clinton District, be modified. We also ask that
9 the two-bed ... the 20% two-bedroom requirement
10 currently existing be included, and finally that
11 community facilities in the M2-4 zone ... be
12 permitted in the M2-4 zone. Thank you.

13 CHAIRPERSON WEPRIN: All right,
14 well thank you all very much, we're going to move
15 on to the next panel of people, J. Watkins Strouss
16 ... I guess that's Wadi Strauss, Dahlia DePerroir.

17 MS. DuPERROIR: You got it.

18 CHAIRPERSON WEPRIN: Close? Andrea
19 McCullough and Nico Boccio.

20 MR. BOCCIO: That's me.

21 CHAIRPERSON WEPRIN: We have a
22 number of people left, so I hesitate to comment on
23 how cooperative everyone is, and how happy
24 everyone seems to be. I feel like we should all
25 go out for lunch after this, but I'll wait till

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2 they all testify before I make any statements. I
3 think Mr. Comrie is buying, isn't he? Okay, and
4 again if you could each please state your name for
5 the record before you speak.

6 MR. STROUSS: I'm Wadi Strouss, and
7 I reside at 418 West 46th Street. I'm a member of
8 the West Side Neighborhood Alliance since its
9 inception, a board member of HCC and I'm on the
10 board of the Laymen's Club of St. John the Divine,
11 and I'm a former member of CB4. I've lived in
12 Clinton for 44 years, 17 in a five-floor walkup,
13 rent-controlled in the 500 block of West 46th
14 Street and in a sweat-equity HDOC co-op in the 400
15 block. My bathroom window overlooked liners
16 coming and going from Pier 86, the Salvation Army
17 and the building currently occupied by Ogilvy &
18 Mather completed my view westward. When I came to
19 this neighborhood from Pittsburgh, I participated
20 in the very heated discussions about the Clinton
21 Special District, which generated many well-
22 attended meetings. At that time the Special
23 District went from 8th Avenue to 10th Avenue only.
24 I made the argument that the Special District
25 should include the residential properties west of

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2 11th Avenue. The powers-that-be in the community
3 didn't want to raise this issue, as negotiations
4 at the time were very sensitive. At some later
5 point the Special District did include all the
6 property to 11th Avenue, we're suggesting a
7 prohibition against demolition as well as a
8 provision to prohibit harassment be included in
9 the bill. It is to your credit in keeping a
10 lower-rise profile and preserving some of the
11 monumental architecture which is to be found in
12 this part of Clinton, and I thank you.

13 CHAIRPERSON WEPRIN: Thank you,
14 sir.

15 MS. DuPERROIR: Good morning, my
16 name is Dahlia DePerroir, and I live at 790 11th
17 Avenue, that's on the corner of 54th and 55th. My
18 life started in Chelsea and this makes me a native
19 West Sider. I attended high school, college and
20 worked in the community back in 1968, I worked for
21 the Community Corporation of the Lower West Side
22 as a block worker, as we were called back then.
23 Tenant harassment and torching the buildings to
24 collect insurance money was prevalent back then.
25 Still to this day, tenant harassment is still a

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2 very prevalent problem. These laws of anti-
3 harassment and no demolition protection that the
4 Clinton Special District has been afforded should
5 and must be expanded to the 11th Avenue corridor
6 west to the river, to protect our environment,
7 also the ecology of our waterways and clean air.
8 We as a community do not need a wall of high rise
9 buildings along our riverfront due to the West
10 Side Highway environment, with the heavy flow of
11 traffic, which would block the circulation of air.
12 Traffic lights must also be re-timed to allow
13 seniors, children and parents to afford them a
14 safe right of passage crossing the West Side
15 Highway to reach the green recreational areas
16 along the waterfront. We want more family-
17 oriented affordability in housing and less
18 transient dwellings. This community always was,
19 and still is, of mixed income. This area, people
20 lived and worked in the community, and we had the
21 shipping industry, printing, along with other
22 industries that provided a lot of employment in
23 our community. These businesses have since moved
24 out, due to the high volume of traffic,
25 congestion, and lack of parking, that interfered

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2 with the ability to conduct their day-to-day
3 business. From 55th Street and 10th Avenue mid-
4 block to 51st Street to the river, which is 12th
5 Avenue, there are approximately about 7,300
6 residents, not including the anti-harassment and
7 no-demolition provisions in the rezoning could be
8 devastating to thousands of residents in the area,
9 and the proposed rezoning. Hundreds of families
10 could be at risk of losing their housing. More
11 green areas, many dog runs, a very large
12 affordable supermarket that caters to the ethnic
13 diversity of our community. Last but not least, a
14 collective follow-up action should be taken on
15 anti-harassment and no demolition in the rest of
16 the rezoning district. Thank you.

17 MS. McCULLOUGH: Good morning, Mr.
18 Weprin, my name is Andrea McCullough, and I want
19 to thank you and the other two gentlemen for
20 reassuring us that it's not something we did or
21 said for their vacating their seats today. In
22 addition everyone else, I've lived in Hell's
23 Kitchen for 31 years. I'm one of the many faces
24 in this community that's being harassed by my
25 landlord, because a building empty of tenants

1 becomes a demolished and rezoned property.

2
3 Ironically, this is a very human community that
4 has nurtured the very factors that make West
5 Clinton so attractive to developers, such as lower
6 height restrictions, which this very Committee
7 helped us to maintain. Regarding land use in
8 Manhattan, there are only two places left with
9 lower heights, that's Hell's Kitchen and Central
10 Park, and I think the developers will be after
11 Central Park if we fall. Imagine no security in
12 your home and your neighborhood, I see hospitals,
13 schools, churches, fire houses and libraries
14 closed and torn down, only to be replaced by many
15 bars and nail salons. What do we all desire in
16 our neighborhoods? To be able to buy a quart of
17 milk, to send our children to school, to use the
18 computer at the library. How many bars and nail
19 salons do you need, and how many times do you have
20 to have your nails done or have to have an
21 alcoholic beverage in order to live? Unchecked
22 development and demolition is not conducive to
23 profitable community zoning, because they tear
24 down and restructure and then abandon the
25 neighborhoods that they make money off of. As

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2 public servants, gentlemen, I ask you to plan
3 wisely and in the public interest. Please
4 encourage your City Council to add the no-
5 demolition, anti-harassment requirements as a
6 follow-up corrective action. Thank you, and I
7 have almost a minute to spare. Take it.

8 CHAIRPERSON WEPRIN: Thank you, we
9 will all use that wisely.

10 MR. BOCCIO: Hello. Good day.

11 CHAIRPERSON WEPRIN: Good day.

12 MR. BOCCIO: My name is Nico Boccio
13 and I live at 400 West 43rd Street, Manhattan
14 Plaza. As a member of Westville, I'm pleased to
15 add my voice to this Committee. No doubt what I
16 shall say would have been repeated again, it bears
17 repetition. New York is not the city of the
18 wealthy, as some would have us believe. Rather,
19 it is the city of everyday people. We don't just
20 visit here, we live here. I'm glad that our needs
21 are being listened to. Our neighborhood is
22 covered by anti-harassment and no-demolition
23 protections 96%, it should include the other 4%,
24 and even extend itself to 12th Avenue. We need
25 more permanent, affordable housing, more than 20%

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2 on both sides of 11th Avenue. We need more family-
3 friendly large apartments, 40% new residential
4 units, with two bedrooms and 10% studio units. We
5 propose that the height restrictions extend to the
6 west side of 11th Avenue. We should like to see
7 family-friendly uses, such as grocery stores,
8 banks, drugstores, bakeries, hardware stores, just
9 to name a few, in the proposed zoning area. The
10 Department of Planning must take into account one,
11 the needs of the schools and the community, two,
12 more open greenspace for public use, three, safe
13 and convenient transportation, four, a plan to
14 reduce pollution, and finally, a survey should be
15 done of all historical buildings that are
16 important parts of the city, they should be
17 preserved. If it were not for Mitchell-Lama
18 section 8, I would not be standing, or rather
19 sitting, here before you. Thank you.

20 CHAIRPERSON WEPRIN: Thank you,
21 Nico. Could you just tell me, what is the sticker
22 you guys are all wearing say?

23 MR. BOCCIO: In my hat?

24 CHAIRPERSON WEPRIN: No, the
25 sticker. It says West- -

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2 MS. DuPERROIR: (Interposing) West
3 Side Neighborhood Alliance.

4 CHAIRPERSON WEPRIN: One at a time,
5 oh, it just says West Side Neighborhood Alliance,
6 all right.

7 MR. BOCCIO: We stick together.

8 CHAIRPERSON WEPRIN: Thank you very
9 much.

10 MR. BOCCIO: Anti-demolition
11 housing conservation coordination.

12 CHAIRPERSON WEPRIN: Okay, good,
13 don't all speak at once, I'll need a drink and get
14 my nails done.

15 MR. BOCCIO: Anti-demolition, no
16 harassment.

17 CHAIRPERSON WEPRIN: Okay.

18 MR. BOCCIO: I'll say it again.

19 CHAIRPERSON WEPRIN: Thank you.

20 MR. BOCCIO: Anti-demolition, no
21 harassment, thank you.

22 CHAIRPERSON WEPRIN: Thank you all
23 very much.

24 MR. BOCCIO: You're welcome.

25 CHAIRPERSON WEPRIN: We're going to

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2 move on to the next panel, Robert Gereke, Murray
3 Kiok, Robert Kalin, Diane Cowles, I only have one
4 more here, I'm going to have them come in like the
5 stand-by seat up front here, how's that, and
6 they'll go also at the same time, Joe Restuccia.
7 Is there anyone else who wanted to testify who
8 didn't ... who hasn't filled out the ... Joe, if you
9 could just sit in the front and then we'll have
10 you go after the panel goes, so you don't have to
11 be completely by yourself. Okay, whoever wants to
12 go first, again, state your name, start when you
13 want.

14 MR. GEREKE: Hi, I'm Bob Gereke, I
15 happen to be one of the few people it seems who
16 lives on the west side of 11th Avenue in Hell's
17 Kitchen, I own a business on 10th Avenue, and that
18 doesn't seem to be threatened, so I'm happy with
19 that. But, by living on the west side of 11th
20 Avenue, it seems like I'm going to have no
21 protections. I'm here to represent a few people.
22 I live at 723 11th Avenue, between 51st and 52nd
23 Street, on the west side, as I said. I moved to
24 Hell's Kitchen in 1972, and into my building in
25 1976, so I've been there a long time. It was then

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2 owned by a businessman who also owned a vinyl
3 record factory, actually pressing records in what
4 is now the Prada Building, so things have changed
5 quite a bit. I have two elderly neighbors in my
6 building who can't get out any more, and so I'm
7 here representing them as well, Julia McDonald,
8 she raised a large family in the building with a
9 stevedore husband, who worked on the docks right
10 down the street on West 51st Street, also Ann
11 Suburlja (phonetic) who has lived there since
12 young adulthood and whom I recently brought home
13 from Roosevelt Hospital where she was treated for
14 heart and diabetes issues. We have real people
15 that live in this area. At 725 11th Avenue, just
16 one building up, lives Joann, who always decorates
17 her fire escape for Christmas, it's something, and
18 whose husband was a New York City fire fighter.
19 And there's other families at 725 11th Avenue, also
20 west of 11th Avenue, whose kids have grown into
21 working adults and continue to live here as
22 neighbors. We've all lived through the 70's, we
23 didn't have protections, we had break-ins,
24 beatings in our apartments, heatless winters,
25 unclean hallways and more, and we're still here.

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2 So we are now faced with an investor landlord who
3 would really like to dispossess all of us. Many
4 other apartments in the buildings have groups of
5 rotating young tenants that we don't know and who
6 don't speak to us in the hallways, so we don't
7 know what's going on now. We intend to live out
8 our lives in our current homes with respect and
9 dignity, we ask that you include a no-dispossess,
10 no-demolition protection, with any decisions to
11 rezone the land under and around our homes. There
12 needs also to be a follow-up corrective action to
13 add to the anti-harassment, no-demolition
14 provision in the zoning resolution. We hope the
15 City Council will make this recommendation.

16 CHAIRPERSON WEPRIN: Thank you very
17 much. Sir?

18 DR. KIOK: Hi, my name is Dr.
19 Murray Kiok, I'll be very brief, because so much
20 of what is said I would just be repeating. My
21 doctorate is in urban planning. I live at 555
22 West 52nd Street in Hell's Kitchen, which is a real
23 neighborhood, filled with multi-ethnic families.
24 Developers often try to cover up their activities
25 with expressions, gentrification. The definition

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2 is all minorities out, replaced by middle-class
3 whites who can pay higher rent. The purpose is
4 purely personal profit. I have personally been
5 involved in fighting their attempts at housing and
6 harassing tenants. I have seen red tape placed on
7 windows of empty apartments to scare tenants into
8 feeling that they must move. This is why we need
9 to add the correcting of anti-harassment
10 provisions in the 11th Avenue development plan. I
11 just think that the profit motive is very strong,
12 and without these two corrective ... without these
13 two corrections, the population in the area will
14 dramatically change to resemble a white suburb.
15 Thank you.

16 CHAIRPERSON WEPRIN: Thank you.

17 Sir?

18 MR. KALIN: Good morning, members
19 of the City Council, my name is Bob Kalin, I'm a
20 member of the West Side Neighborhood Alliance,
21 I've lived in Hell's Kitchen since 1978, and I've
22 been a tenant organizer at Housing Conservation
23 Coordinators for 32 years. We love this zoning
24 resolution, except we have to say there's one huge
25 hole right in the middle of it, and you might know

1
2 what that is. I'm going to talk about, just very
3 briefly, about one building in the proposed
4 rezoning area, 735 11th Avenue, AKA 600 West 52nd
5 Street. It's currently owned by the second
6 generation of slumlords, two brothers named Marvin
7 and Milton Davis. They inherited the building
8 from their father, Jack Davis, and that I'm aware
9 of, they're the only two generations of slumlords
10 who both have been named to the Village Voice's
11 "Ten Worst Landlords". Marvin and Milton Davis
12 spent most of the 1980's and 1990's getting out
13 eight of the permanent tenants in this ten-unit
14 building. Things got so bad in this building that
15 the courts appointed a 7A administrator, and
16 they're very reluctant to do this, and they only
17 do this when there's threats to the life, health
18 and safety of the tenants. Right now, as much as
19 we love this resolution, the way it's written, if
20 Marvin and Milton applied to get a permit from the
21 Department of Buildings to substantially alter
22 this building, they could do it. If they got this
23 building update, they could conceivably demolish
24 it. And the other 96% of our neighborhood, they
25 would have to apply for a certificate of no-

1 harassment, and if there was a finding of
2 harassment against them, 28% of the residential
3 floor area of their building would have to be set
4 aside for permanent low-income use. Real
5 enforcement teeth are what are missing from this
6 resolution. As the Chair of this Committee has
7 said, we need a follow-up correction action here,
8 and we really need your help to push forward that
9 we need a follow-up correction action, because we
10 would have 100% of what this community needs if we
11 could get these anti-harassment and no-demolition
12 provisions put into this resolution. Thanks.

13
14 CHAIRPERSON WEPRIN: Thank you.

15 Ms. Cowles?

16 MS. COWLES: My name is Diane
17 Cowles, I'm a member of the West Side Neighborhood
18 Alliance, and I've lived in the area, especially
19 at 360 West 55th Street, for approximately 40
20 years. I like to think of it as my neighborhood,
21 but when we speak of Clinton, we're talking about
22 45,000 people, which is pretty big. It's a mixed-
23 income neighborhood, and we need at least 40% of
24 the new units to be two bedrooms or larger, only
25 10% of the new units to be studios. We need other

1 things, like retail stores, a large supermarket, a
2 drugstore, non-fast food establishments, a bakery,
3 and better bus service. There's an opportunity
4 here to wisely shape and influence the future for
5 Clinton. It's a family place, and for the
6 families, the children become adults and they're
7 also their place. In the economic environment we
8 often forget to speak about our senior citizens
9 and the disabled. There's a fear that kind of
10 grows about not having a place to live and not
11 having enough food to eat. One other thing, which
12 I feel redundant about at this point, but it's
13 very important, regulating traffic lights. There
14 is so much heavy commercial service on 9th to 12th
15 Avenues, day and night, and those of us who must
16 use walkers or crutches or wheelchairs, we're
17 senior citizens, and we need more time to cross
18 the street. I need more time to cross the street.
19 Even shoppers need more time and parents with
20 children, bicyclists, horse-drawn carriages, etc.
21 Most important that I would ask of you today is
22 the anti-harassment and no-demolition protections
23 be included for this additional property. Without
24 them, I think it would be very easy to just fall
25

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2 into chaos. These protections to the expanding
3 Clinton rezoning areas, and include all of 11th and
4 12th Avenues' land, they really are critical to the
5 future. We already do, and have been giving our
6 support to long-term residents in all of Clinton.
7 The West Side Alliance needs your help more than
8 ever, please allow us to get the rezoning done
9 with the addition of the harassment and
10 demolitions. Thank you.

11 CHAIRPERSON WEPRIN: Thank you very
12 much. Joe, do you want to, if someone would just
13 give up a seat, or, I think you got it, that's
14 fine.

15 MR. RESTUCCIA: Okay.

16 CHAIRPERSON WEPRIN: That works.

17 MR. RESTUCCIA: My name is Joe
18 Restuccia, I'm the co-Chair of the Clinton Hell's
19 Kitchen Land Use Committee, Community Board #4,
20 and we are part of the co-applicants in this
21 application. For the bigger committees that are
22 here, I just want you to know that this is our
23 tenth year of major rezonings on the West Side.
24 We have handled over 55 rezonings and special
25 permits, and we are very proud to be part of this

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2 one, but again, we are specifically requesting,
3 with all the help of City Planning that we have
4 had, we made a decision early on that certain
5 things couldn't be agreed to, so we would try to
6 pursue them later, that's where we are today. We
7 seek a follow-up corrective action to insert the
8 demolition restrictions, the anti-harassment
9 provisions, and the 20% two-bedroom requirement.
10 We believe it is key to preserving the feel of our
11 community, what our community is about, and I
12 think the members of the West Side Neighborhood
13 Alliance have spoke very eloquently. I just want
14 to thank you on behalf of the Board and our entire
15 community for your time today.

16 CHAIRPERSON WEPRIN: I want to
17 thank you very much. I want to thank all of you
18 for your patience today, I know you've been
19 sitting around a long time, and you have been
20 nothing but very pleasant, so when my term is up
21 and I move out of Queens, I'll come live with you
22 guys. Just kidding, wherever my wife, just in
23 case she's listening. I'm not leaving yet. Hi
24 honey. Anyway, thank you very much, we're going
25 to now ... anyone else want to testify on this that

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2 we missed? I'm getting a little punchy, I
3 apologize. All right then, we're going to move to
4 close this hearing, and we're going to now seek to
5 try to get everyone back here for a vote. We will
6 be combining, coupling the following items, and
7 voting on them today. I do want to just
8 acknowledge to the group of people here from the
9 West Side that I know Council Member Quinn is very
10 aware of all these issues, and you know,
11 statements to the press and she's very ... she's got
12 a big heart and she knows the issue and there's
13 some discussions going on about hopefully doing a
14 follow-up action. So now we are going to combine
15 the Land Use #395, which was the 125th Street
16 District Café text, the West Clinton rezoning that
17 we just heard, #396 and #397, Land Use #398, the
18 HANAC parking garage, and #399, the related
19 application to the HANAC parking garage. We are
20 not going to be voting today on Land Use #400,
21 that was Council Member Halloran's Whitestone 154th
22 Street, that will be put off till Tuesday, there
23 will be a meeting on Tuesday, before the Land Use
24 meeting, and there was another item on a café that
25 has been taken off the agenda. We are now going

1
2 to ask the counsel, Christian Hylton, to please
3 call the roll, the Chair will recommend an aye
4 vote, and Mr. Hylton, when you are ready. All
5 right, we're going to wait two minutes here to
6 start the voting, we're waiting on a person.

7 (pause)

8 COMMITTEE COUNSEL HYLTON:

9 Christian Hylton, counsel to Committee. Chair
10 Weprin.

11 CHAIRPERSON WEPRIN: Aye on all.

12 COMMITTEE COUNSEL HYLTON: Council
13 Member Rivera.

14 COUNCIL MEMBER RIVERA: I vote aye.

15 COMMITTEE COUNSEL HYLTON: Council
16 Member Reyna.

17 COUNCIL MEMBER REYNA: I vote aye.

18 COMMITTEE COUNSEL HYLTON: Council
19 Member Comrie.

20 COUNCIL MEMBER COMRIE, JR.: I vote
21 aye.

22 COMMITTEE COUNSEL HYLTON: Council
23 Member Jackson.

24 COUNCIL MEMBER JACKSON: Aye on
25 all.

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COMMITTEE COUNSEL HYLTON: Council
Member Lappin.

COUNCIL MEMBER LAPPIN: Aye.

COMMITTEE COUNSEL HYLTON: Council
Member Vacca.

COUNCIL MEMBER VACCA: Yes, aye.

COMMITTEE COUNSEL HYLTON: Council
Member Ignizio.

COUNCIL MEMBER IGNIZIO: Yes.

COMMITTEE COUNSEL HYLTON: By a
vote of eight in the affirmative, none in the
negative, no abstentions, LU 396, 397, 398 and 399
are approved and referred to the full Land Use
Committee, LU 395 is approved with modifications,
and referred to the City Planning Commission.

CHAIRPERSON WEPRIN: Thank you.

COMMITTEE COUNSEL HYLTON: And we ...
and LU 405 is laid over.

CHAIRPERSON WEPRIN: 400, Tuesday.
Just a reminder, on Tuesday before the Land Use
meeting, there will be another meeting of the
Subcommittee, so will the members of the
Subcommittee try to be here early, with that in
mind? Okay, again, Land Use #400 is laid over

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2 until Tuesday, everything else has been closed and
3 voted on, I will now adjourn the meeting, recess
4 the meeting, because Tuesday we will be meeting on
5 #400, I apologize, recess the meeting. Mr.
6 Hylton's blood pressure goes back down and we are
7 now adjourned until Tuesday. Recessed until
8 Tuesday, goodbye.

C E R T I F I C A T E

I, Richard A. Ziats, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature _____

Date June 20, 2011