

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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March 14, 2012
Start: 10:21 a.m.
Recess: 10:39 a.m.

HELD AT: 250 Broadway
Committee Room, 16th Floor

B E F O R E:

MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:

Leroy G. Comrie, Jr.
Daniel R. Garodnick
Robert Jackson
Jessica S. Lappin
Diana Reyna
Joel Rivera
Larry B. Seabrook
James Vacca
Albert Vann
Vincent M. Ignizio
Annabel Palma
Charles Barron
Sara M. Gonzalez

A P P E A R A N C E S

COUNCIL MEMBERS:

Brad S. Lander

Peter A. Koo

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

Melanie Meyers
Partner and Land Use Attorney
Fried Frank, Harris, Shriver & Jacobson LLP

Daniel Kaplan
Senior Partner
FXFowle Architects

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2 CHAIRPERSON WEPRIN: Now not to
3 upset my colleagues here but we're actually going
4 to need the table for--because you're going to
5 present, right? Yeah, we do need the table, just
6 for the subcommittee. You know. You don't have
7 to, but. I'll have--could the Sergeant-at-Arms
8 please drag these three members out? No.

9 [pause]

10 CHAIRPERSON WEPRIN: Good morning
11 everyone. Good morning, everyone. My name is
12 Mark Weprin. I'm Chair of the Subcommittee on
13 Zoning and Franchises of the Land Use Committee.
14 I apologize for the delay and I apologize to the
15 members of the Land Use Committee for the crowd
16 and the big group of people here. I just want to
17 acknowledge the members of the Subcommittee who
18 are here. Council Member Jimmy Vacca, Council
19 Member Vincent Ignizio, Council Member Joel
20 Rivera, Council Member Larry Seabrook, Council
21 Member Al Vann. Did I miss a Subcommittee member?
22 I know Jessica Lappin stepped out. She'll be back
23 in a minute. So, we are here as a follow-up to a
24 hearing we had the other day. The Land Use
25 numbers are 559 through 563, inclusive. This is

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2 the Rudin West Village Development, an
3 application. Those of you who were with us the
4 other day know we had a very long six-hour
5 hearing, hearing from a lot of people with issues
6 with this project, some in support and some with
7 concerns. The developer has modified their plan
8 and made a series of modifications in response to
9 many of those complaints and issues in
10 negotiations with the Speaker as well as members
11 of the Committee. And what I'd like to do is call
12 up--do you want to give me the thing? Is it just
13 going to be you? Why don't you come up and
14 identify yourself for the record. And she's going
15 to list the series of modifications that have been
16 made to this plan, which the Subcommittee will
17 then consider. Thank you.

18 MELANIE MEYERS: Thank you. Good
19 morning, Chair Weprin, Members of the Committee.
20 My name is Melanie Meyers. I'm an attorney with
21 Fried Frank, Harris, Shriver & Jacobson,
22 representing the applicant for the Land Use items
23 before you. We've had a number of very productive
24 and positive conversations over the course of the
25 past week since the hearing, and the resolutions

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2 that are before you include a number of
3 modifications that the applicant is happy to make.
4 I just wanted to go through those briefly as well
5 as there's a couple of follow up items that I
6 wanted to mention. So, the first modification
7 would be regarding the comments we heard about the
8 Reiss Building, it's the building at 140 W. 12th
9 St. And in response to those comments, we've
10 agreed to modifications of Land Use Item number
11 559, that's the special permit related to the
12 large-scale approvals. And the modification would
13 revise the development envelope of that particular
14 portion of the site. The modification would allow
15 for an expand to incorporate the profile of the
16 existing Reiss Building to allow for the
17 preservation, renovation and retrofit of that
18 particular building. The modification would
19 allow, if Landmarks approves changes to that
20 façade and to that design in a timely manner, it
21 would allow for the project for that building to
22 be preserved and retrofitted. If the Landmarks
23 Commission does not approve those modifications,
24 it would allow for the project as currently
25 designed and approved by Landmarks to go forward.

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2 Dan Kaplan is here, and we can sort of go through
3 those if you would like him to show what those
4 changes would be. That the applicant would also
5 be committing to undertake promptly a modification
6 application before the Landmarks Preservation
7 Commission to seek the changes that we're talking
8 about. And if approved, we'll commit to build.
9 And that would be concluded in the Restrictive
10 Declaration, which is also part of the Council's
11 actions today. The second modification relates
12 to--

13 CHAIRPERSON WEPRIN: [Interposing]

14 Can I stop you right there?

15 MELANIE MEYERS: Sure.

16 CHAIRPERSON WEPRIN: Just on the
17 Reiss Building or, Reiss Building, so, the Reiss
18 Building will not be coming down like originally
19 planned. Is that what you're saying?

20 MELANIE MEYERS: That's the plan.
21 It would be retrofitted and renovated. It will
22 require an additional approval at the Landmarks
23 Preservation Commission, and what the applicant
24 has committed to do is to make that application,
25 and if it's approved we'll go forward and preserve

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2 the façade. Renovate it, but preserve the Reiss
3 Building.

4 CHAIRPERSON WEPRIN: Okay. We can
5 go to number two now.

6 MELANIE MEYERS: Okay. The second
7 item relates to the parking garage. Land Use item
8 number 561 is a request for a special permit for a
9 102--originally it was for a 152-space accessory
10 parking garage. The applicant has agreed to
11 reduce that number, and so the modification would
12 reduce the capacity of that special permit
13 accessory parking garage to 95 spaces. Any
14 questions about that?

15 CHAIRPERSON WEPRIN: Just to
16 clarify. So originally, there was 100 and...?

17 MELANIE MEYERS: 152.

18 CHAIRPERSON WEPRIN: 152 spaces to
19 95. Okay.

20 MELANIE MEYERS: Yes. It's about a
21 35% reduction in capacity.

22 CHAIRPERSON WEPRIN: Okay. Thank
23 you.

24 MELANIE MEYERS: The third
25 modification or modifications to the Restrictive

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2 Declaration that would be executed as part of the
3 project, and there are a number of changes, three,
4 well, four of substance. One is the obligation to
5 go to Landmarks to seek the modification to the
6 design of the Reiss Building. The second revision
7 would be to reduce--this was in response to
8 concerns about the density of the site--to reduce
9 the maximum number of dwelling units that would be
10 allowed on the site, from 450 to 350. It's about
11 a 22% reduction in the number of dwelling units.
12 The applicant has also agreed to--for the West St.
13 façade to not change the retail windows and make
14 them larger, but rather to retain the existing
15 configuration of the windows along that frontage,
16 and to not include any retail signing on West 12th
17 St. And we've also agreed to provide for more
18 specificity in terms of the applicant's
19 construction obligations and requirements for
20 making sure that the community is notified of
21 upcoming construction activities. So, those are
22 the actions and the modifications for the actions
23 before you. In addition to those actions, the
24 applicant has also agreed to pursue two follow up
25 actions. the first action would be--both of them

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2 relate to the Triangle Open Space. You know,
3 currently it would be part of the large scale. We
4 heard a lot of comments, both in the testimony
5 before you and at the Community Board, that the
6 community would like to see that operating in all
7 respects as a City park. So, we have agreed to
8 pursue a follow-up action that would allow for
9 that property to be formally mapped as a park, and
10 that's something that we would do post-approval.
11 Secondly, we've agreed in response to people who
12 wanted to see memorial elements both to the
13 AIDS/HIV crisis as well as St. Vincent's be
14 incorporated into the design, the applicant has
15 agreed to work with the Community Board to develop
16 the designs for those elements, and that's a
17 process that we will be commencing on in a very
18 short time. So, those two actions would be
19 actions that would occur in the future. And that
20 is the scope of what we have proposed.

21 CHAIRPERSON WEPRIN: Okay. I also,
22 you know, unrelated to this project, but I know
23 one of the issues about the schools and education,
24 I know the Speaker has been working very hard in
25 trying to work with the City on trying to help

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with the educational problems in again finding another school, and we'll let her announce that later on, but I know she's been working on that as well, unrelated to this action. Does anyone have any questions about these specific modifications based on the things that we heard? Yes, I'm sorry. Charles?

COUNCIL MEMBER BARRON: [off mic]

CHAIRPERSON WEPRIN: That's true. You're not. Jess, you want to go first? Go, Jessica.

COUNCIL MEMBER LAPPIN: It was really just a comment. I wanted to thank you. I raised at the hearing the Reiss Building and the park and the AIDS memorial, and I wanted to thank you for making some modifications on both of those fronts. Thank you.

CHAIRPERSON WEPRIN: Am I going to regret calling on you?

COUNCIL MEMBER BARRON: Yes.

CHAIRPERSON WEPRIN: Then at least you warned me, okay. Well, I'd like to ask Charles, go ahead. Try to keep it quick, if you can.

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2 COUNCIL MEMBER BARRON: You're
3 going to regret it, because one modification that
4 wasn't made, and I think this is the real issue,
5 the reason why I came for this Subcommittee,
6 because I wanted my colleagues to at least hear
7 this. This is going to replace--and I understand
8 you've been over this issue already--a full-scale
9 hospital. So, some of the modifications that
10 doesn't exist is this freestanding ER that's an
11 experiment--I mean, we're talking about
12 experimenting and gambling with people's lives.
13 This is not--and I'll be finished in a second.

14 CHAIRPERSON WEPRIN: Please.

15 COUNCIL MEMBER BARRON: I promised
16 that you would regret it.

17 CHAIRPERSON WEPRIN: Okay.

18 COUNCIL MEMBER BARRON: But I think
19 we should turn this project down, that this is a
20 project that is not good for that community. I
21 just want to express my opinion and I'll be
22 finished in two seconds. Because, you know, when
23 you keep shaking your head you make me nervous.

24 CHAIRPERSON WEPRIN: I know. It's
25 my intent.

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2 COUNCIL MEMBER BARRON: But I
3 really think that we should not look at the fact
4 that there's going to be 1,200 jobs and 400
5 permanent jobs, when we lost 3,500 jobs when we
6 had a full hospital. And this is not what we
7 should be doing. I think if we deny this zoning
8 change, go back to the drawing board--just, I want
9 you to just hear this real quick. This is
10 according to some people in the community. This
11 is what this medical ER will not be able to serve:
12 patients with severe trauma, gunshot wounds, high-
13 risk maternity patients, pediatric patients,
14 dialysis, acute myocardial infarction patients,
15 acute psychiatric. There are so many people that
16 won't be able to be treated at this facility, and
17 to me I think we're putting people's lives at risk
18 for profit. And, you know--

19 CHAIRPERSON WEPRIN: [Interposing]
20 Charles, let me just cut you off. I apologize.
21 But we sat through--Charles, unfortunately the
22 hospital is not really part of this application.

23 COUNCIL MEMBER BARRON: I now it's
24 not.

25 CHAIRPERSON WEPRIN: Let me just

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2 finish. We sat through six hours of hearing. We
3 know these problems and we are concerned about the
4 fact that there is no hospital there, but that's
5 not part of this plan. This is not about building
6 a hospital. If we don't approve this plan,
7 there's no hospital, there's no emergency care
8 facility, there's nothing in this development.
9 So, we sat through those six hours of hearings
10 hearing these issues. You're not raising new
11 issues here. These are things we heard that are--

12 COUNCIL MEMBER BARRON:

13 [Interposing] Well, in all due respect to you--

14 CHAIRPERSON WEPRIN: --of concern
15 to us and the applicant as a matter of fact.

16 COUNCIL MEMBER BARRON: Right,
17 right. In all due respect to you, Mr. Chair,
18 concern doesn't mean you're doing anything about
19 it.

20 CHAIRPERSON WEPRIN: Well.

21 COUNCIL MEMBER BARRON: So you can
22 express your concerns and have six hours and I'm
23 expressing my serious concerns--after your six
24 hours of deliberation--to come up with something
25 like this is a danger to that community. And I--

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CHAIRPERSON WEPRIN: [Interposing]

I just want to be clear that this application does not involve that piece of property even. And it's been an ongoing problem. The hospital has been closed, and this is not about the hospital. It is a very big concern to all of us, and truthfully, to the applicant as well has talked about this. And they are putting an emergency care facility in there with North--

COUNCIL MEMBER BARRON:

[Interposing] It's an experimental--

CHAIRPERSON WEPRIN: --Shore LIJ.

Well, experiment, it's going to be working over there. I raised the issue the other day, you know, it's unfortunate. I wish I could wave that magic wand and put a hospital there or somewhere else. I really would. Unfortunately healthcare right now in America has changed, and in Queens we've lost four hospitals and we can't get anyone to build a hospital out by us. And so, yes, we'd love to put a hospital there. It would be a terrific thing.

COUNCIL MEMBER BARRON: See, I'm

not even saying put a hospital there--

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CHAIRPERSON WEPRIN: [Interposing]
But we're not in a position. I don't know what--I mean, I know you. You have a lot of varied talents. I don't think one of them is being able to build a hospital.

COUNCIL MEMBER BARRON: Well, I think one of them is turning this thing down and making a medical facility that at least comes closer to what a hospital--

CHAIRPERSON WEPRIN: [Interposing]
Again, nobody is building that. I mean, anyhow. All right, Charles. I've got to move on.

COUNCIL MEMBER BARRON: All right, you can move on but at least--

CHAIRPERSON WEPRIN: [Interposing]
I'd like to call on--

COUNCIL MEMBER BARRON: --allow me to express myself without being cut off, you know.

CHAIRPERSON WEPRIN: I always...

COUNCIL MEMBER BARRON: I mean, that's what this is about--not agreeing all the time, but at least having--

CHAIRPERSON WEPRIN: [Interposing]
Well, I just thought it was important that you

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know--

COUNCIL MEMBER BARRON:

[Interposing] I know.

CHAIRPERSON WEPRIN: --what we've
been discussing here for the--

COUNCIL MEMBER BARRON:

[Interposing] I know and I'm here to say I
disagree with you.

CHAIRPERSON WEPRIN: Fine.

COUNCIL MEMBER BARRON: And letting
this project go through, there's more that could
have been done--

CHAIRPERSON WEPRIN: [Interposing]
That's fine.

COUNCIL MEMBER BARRON: For the
medical services of that community--

CHAIRPERSON WEPRIN: [Interposing]
I'd like to call on--

COUNCIL MEMBER BARRON:
[Interposing] And I think we should reject this.

CHAIRPERSON WEPRIN: Chair Comrie
now wanted to make a question or statement.

COUNCIL MEMBER COMRIE: I just
wanted to congratulate all the parties involved on

1 coming to a final resolution on this matter.

2 Clearly this matter is not going to make everyone
3 happy, but there are things that we just cannot
4 control under this action. Land Use has certain
5 purviews and certain parameters, and creating a
6 hospital is not one of them. But I want to
7 congratulate the Rudins for at least trying to do
8 whatever they could to put a facility is.

9 Remember, as Mark said, I've lost three hospitals
10 and we've been desperate to try to find someone to
11 want to come in and do a hospital. So, I want to
12 congratulate the Rudins for at least getting
13 something there and creating the opportunity for
14 expansion in the future of that site. Since the
15 old tool site was the site that community agreed
16 on should be a hospital. So, I don't think that
17 anyone is satisfied, so that means that we have at
18 least a good agreement. When you have everyone
19 unhappy, then we've gotten to a point where at
20 least something is going to get done. And there's
21 an opportunity in the future, with the changing
22 healthcare, hopefully we can get new hospitals
23 built in New York City. But I'm encouraged that
24 Long Island Jewish--and Long Island Jewish Medical
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2 Center in there is trying something and will try
3 to do as much as they can under the rules and
4 regulations available to them at this time.

5 Again, I want to congratulate the Rudins and all
6 of our community activists that spoke on this
7 project. Please be quiet. I didn't talk while
8 you--and you're not supposed to talk here. We'll
9 put you out in a minute. But we will--please--do
10 everything we can to continue to work with
11 communities. We've had the hearing. People have
12 been heard. Decisions have been made and, as I
13 said, if everybody is unhappy, then we've got a
14 decent deal.

15 CHAIRPERSON WEPRIN: Anyone else
16 have any comments or questions on this matter?
17 None. I'm going to ask Christian Hylton to please
18 call the roll on this modification. And we were
19 joined by Council Member Garodnick from the
20 Committee, and Council Member Lappin.

21 CHRISTIAN HYLTON: Chair Weprin.

22 CHAIRPERSON WEPRIN: Aye.

23 CHRISTIAN HYLTON: Council Member
24 Rivera.

25 COUNCIL MEMBER RIVERA: I vote Aye.

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CHRISTIAN HYLTON: Council Member

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Reyna. Council Member Comrie.

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COUNCIL MEMBER COMRIE: Aye.

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CHRISTIAN HYLTON: Council Member

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Seabrook.

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COUNCIL MEMBER SEABROOK: I vote

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Aye.

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CHRISTIAN HYLTON: Council Member

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Vann.

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COUNCIL MEMBER VANN: Aye.

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CHRISTIAN HYLTON: Council Member

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Garodnick:

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COUNCIL MEMBER GARODNICK: Aye.

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CHRISTIAN HYLTON: Council Member

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Lappin.

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COUNCIL MEMBER LAPPIN: Aye.

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Council Member Vacca.

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CHRISTIAN HYLTON: Council Member

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Vacca.

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COUNCIL MEMBER VACCA: Aye.

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CHRISTIAN HYLTON: Council Member

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Ignizio.

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[pause]

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CHRISTIAN HYLTON: By a vote of

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2 eight in the affirmative, none in the negative, no
3 abstentions, LU 559, LU 560, 561, 562, and LU 563,
4 are approved with modifications and referred to
5 the Land Use Committee.

6 [pause]

7 CHAIRPERSON WEPRIN: All right.
8 I'm going to now adjourn the meeting. We do have
9 a couple of members who had to go out to another
10 meeting at the same time, so as soon as they get
11 back to vote, we'll start the Land Use meeting.
12 Thank you.

13 [pause]

14 CHRISTIAN HYLTON: Council Member
15 Ignizio.

16 COUNCIL MEMBER IGNIZIO: I vote
17 Aye.

18 CHRISTIAN HYLTON: Vote now stands
19 at nine in the affirmative, none in the negative,
20 no abstentions. Council Member Reyna?

21 COUNCIL MEMBER REYNA: Thank you.
22 I vote Aye on all.

23 CHRISTIAN HYLTON: Vote now stands
24 at ten in the affirmative, none in the negative,
25 no abstentions.

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2 COUNCIL MEMBER COMRIE: We're going
3 to start the Land Use Committee meeting. Is
4 Robert Jackson in the building? All right. Well,
5 he should have been on the same elevator.

6 SPEAKER QUINN: When is the next
7 Land Use meeting?

8 COUNCIL MEMBER COMRIE: We've got
9 Housing and Buildings that has a vote pending. We
10 have Finance with a vote pending, and we have
11 members that need to be in all those places.

12 [background noise]

13 CHRISTIAN HYLTON: Council Member
14 Jackson.

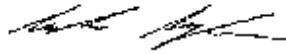
15 COUNCIL MEMBER JACKSON: I vote
16 Aye.

17 CHRISTIAN HYLTON: Final vote of
18 the Land Use Subcommittee, 11 in the affirmative,
19 none in the negative, no abstentions. Approved
20 with modifications. All items are referred to the
21 full Land Use Committee.

22 COUNCIL MEMBER COMRIE: Okay. We
23 will now, as soon as--

C E R T I F I C A T E

I, Erika Swyler, 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 3/29/12