

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME
USES

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March 5, 2013
Start: 11:30 a.m.
Recess: 12:25 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:

BRAD S. LANDER
Chairperson

COUNCIL MEMBERS:
Council Member Maria del Carmen Arroyo
Council Member Daniel J. Halloran, III
Council Member Rosie Mendez
Council Member Annabel Palma
Council Member Jumaane D. Williams

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

Angelo Mascia
Executive Director
Sea View Hospital Rehabilitation Center and Home

Joseph Tornello
Executive Director
Meals on Wheels on, of Staten Island

Ernie Padron
Vice President, Real Estate Transaction Services Group
New York City Economic Development Corporation

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2 CHAIRPERSON LANDER: Good morning.
3 Pleased to call this meeting of the City Council's
4 Land Use Subcommittee on Landmarks, Public Siting
5 and Maritime Uses to order. I'm New York City
6 Council Member Brad Lander, joined this morning by
7 Members of the Committee, Council Members Jumaane
8 Williams, Maria del Carmen Arroyo, Rosie Mendez
9 and Dan Halloran. We have a meeting this morning
10 that does not involve any landmarks, but involves
11 two items: one public siting and one maritime
12 use, always exciting when we have a maritime use
13 on the agenda. Very pleased that Land Use
14 Director Gail Benjamin is staffing the Committee
15 this morning. And also, both of the items involve
16 the sea today, so and that's our theme, we've got
17 an ocean theme. We will begin with the public
18 siting, which is Land Use No. 759, application
19 20135318, the Sea View Hospital Rehabilitation
20 Center and Home, where the New York City Health
21 and Hospitals Corporation is proposing a lease of
22 property on the Sea View Hospital Rehabilitation
23 Center. And I'm pleased to invite HHC up to
24 present. [background comment] Oh, all right, so
25 Mr. Mascia [phonetic]

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ANGELO MASCIA: Yeah, good morning.

CHAIRPERSON LANDER: So we have your form, but we, can you, if your colleague could fill out one of these, as well, then that would be great.

ANGELO MASCIA: You got it.

CHAIRPERSON LANDER: Thank you. Take it away.

ANGELO MASCIA: Thank you. Good morning, my name is Angelo Mascia, I'm the Executive Director of Sea View Hospital Rehabilitation Center and Home. I'm here to testify this morning on behalf of the New York City Health and Hospitals Corporation, in support of Land Use 0759-2013. This is a sublease agreement between the Health and Hospitals Corporation and the Meals on Wheels of Staten Island. I am joined here this morning by Joe Tornello, he's the Executive Director of Meals on Wheels on, of Staten Island. The sublease agreement would allow Meals on Wheels to build an approximately 22,400 square foot building on Sea View's campus on an approximately 65,000 square foot parcel of land that is currently vacant. The

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2 new facility will house a full capacity kitchen
3 for food preparation, storage and administrative
4 offices. The Sea View campus location provides a
5 central location for which the entire borough can
6 be accessed. Meals on Wheels of Staten Island, a
7 not-for-profit corporation, based in Staten
8 Island, has been delivering hot meals to the
9 borough's frail and elderly since the 1970s.
10 Meals are currently prepared in the organization's
11 kitchen, located on Port Richmond Avenue. Over
12 the past three years, the organization's meal
13 recipient census has grown to nearly 800 people
14 across the borough. The existing kitchen was
15 originally forecast and built to manage up to 550
16 meal recipients receiving two meals daily. As the
17 elderly population on Staten Island continues to
18 grow, Meals on Wheels acknowledges the need to
19 expand its capabilities to meet the increasing
20 demand for its services. The initial term of the
21 sublease will be for 25 years, the sublease will
22 contain one 14 year renewal option, and one ten
23 year option exclusive to Meals on Wheels. The
24 base rent for the initial term will be \$94,740 per
25 year. The rent during the initial term will be

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2 escalated by three percent per year, compounded
3 annually. The rent will be subject to reappraisal
4 prior to the commencement of each renewal option.
5 A public hearing on this matter was held last year
6 on January 18, 2012, in accordance with the HHC's
7 Enabling Act. Thank you for your consideration
8 for this lease, and I would be happy to answer any
9 questions you may have at this time.

10 CHAIRPERSON LANDER: Thank you very
11 much. Mr. Tornello, do you have testimony or are
12 you just here to answer questions?

13 JOE TORNELLO: I'm here to answer
14 questions. - - information - -

15 CHAIRPERSON LANDER: Turn that mic
16 on. You might just introduce yourself for the
17 record.

18 JOSEPH TORNELLO: I'm Joseph
19 Tornello, I'm the Executive of Meals on Wheels of
20 Staten Island. I'll just add to what Mr. Mascia
21 described. We started serving meals in 1972. We
22 just celebrated our 40th anniversary last year.
23 We provide meals for the entire borough of Staten
24 Island. And our census has grown rapidly and
25 with, certainly with our expectation that the need

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2 for home delivered meals will continue to grow.
3 We're serving actually even beyond the number that
4 was reported. Our average age is 83, at this
5 point, and we're serving the entire borough. And
6 we have great staff, great volunteer support and
7 great community support for our efforts over the
8 years.

9 CHAIRPERSON LANDER: And is that
10 primarily funded through a Department for the
11 Aging contract?

12 JOSEPH TORNELLO: Primarily, we're
13 primarily funded with, through New York City
14 Department for the Aging. We have had a couple of
15 contracts, managed long term care contracts, over
16 the years. For example, VNS Choice for about 13-
17 14 years now. Over the past six months, I would
18 say even more than that. Since last spring, when
19 the Mayor, or the Governor rather, announced the
20 Medicaid redesign program, managed long term care
21 companies have emerged. And we're expecting, and
22 all of them, include home delivered meals in
23 their, within their service. So, we currently
24 have a number of contracts with managed long term
25 care companies. We haven't seen referrals emerge

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2 yet from that, but that's another aspect of the
3 growth that we're anticipating.

4 CHAIRPERSON LANDER: And the new
5 facility would allow you to continue to grow even
6 beyond what you--

7 JOSEPH TORNELLO: It will allow us
8 to accommodate that. I'm thinking way into, as a
9 baby boomer, I'm thinking as the baby boomer
10 population grows, we may be looking at a peak of
11 our older adult population in the year 2030-2040,
12 maybe not dropping off, sometime after that. I'm
13 calling it the senior tsunami that's going to hit
14 us and [laughter] and so we want to be ready for
15 all of that. And see, I have City Planning data
16 that projects Staten Island's older adult
17 population to double by the year 2030. So, we
18 want to be ready to continue to provide service
19 for our community.

20 CHAIRPERSON LANDER: Well, that's
21 great, I know the Council has done a lot of work
22 with New York Academy for Medicine, and the
23 sitting on the age friendly New York, and that's
24 brought up a lot of this data. Mr. Mascia, one or
25 two questions. It says here that the public

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hearing was held on January 18, 2012?

ANGELO MASCIA: Mm-hmm.

CHAIRPERSON LANDER: So what's the, I don't know, it was a long time ago, wasn't it?

ANGELO MASCIA: Well, the New York City Health and Hospitals Corporation, it's enabling acts as the, in order to get a piece of land as a sublease, has to, this is the process we have to go through before we can go to their board of directors for permission to continue forward. So, that was the--so it takes, you know, there's a few steps involved in the process. The first one is scheduling the public hearing, having the public hearing, and the public did come out, most of it, all of it was in favor of this project. And then once we had that hearing, we could go to the rest of the subcommittees of the HHC board and then to the actual board of directors of the HHC. So, it was all done, and it does take some time, so we, you start as early as you can.

CHAIRPERSON LANDER: Okay, so it's just normal process that took a year and--

ANGELO MASCIA: Well, yeah, a few delays because of what recently happened in

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October and stuff, but nothing we--

CHAIRPERSON LANDER: Okay.

ANGELO MASCIA: --no other reason.

CHAIRPERSON LANDER: And what's, currently, what HHC, can you just tell me what HHC facility is on the site--

ANGELO MASCIA: Sure.

CHAIRPERSON LANDER: --and what-- yeah.

ANGELO MASCIA: Sea View Hospital Rehabilitation Center and Home is basically, it's down to a 75 acre campus; at one time it was 270 some odd, it was the city's tuberculosis hospital. In fact, the treatment, the current treatment for tuberculosis was found on the campus. So, it used to house about 5,000 patients at any given time. But right now there's a 304 bed nursing home that was built basically in the early '70s, sort of like Joe's program. And we're a five star nursing home. We've also received the Codman Award from the Joint Commission for Accreditation of Hospitals. And there's other tenants, obviously, that the City Council also approved leases for, there's a 104 unit senior housing called Park

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2 Lane, there's the Camelot Program that is going to
3 cut their ribbon next week, is another sublease
4 that we have on the campus. So we have the Fire
5 Department, also. So it's a busy campus.

6 CHAIRPERSON LANDER: And this
7 parcel is currently, is vacant land.

8 ANGELO MASCIA: Vacant, right,
9 behind one of our tree, one of our fence lines,
10 that's available for development.

11 CHAIRPERSON LANDER: Great. Any
12 questions from any of my colleagues? [background
13 comment] [laughs] What's - - just seeing if you
14 had any questions. Great, well, this sounds like
15 a very good use of the land, and I'm glad to see
16 that Meals on Wheels is preparing for the future
17 in which we're all going to be older. Knock on
18 wood. So, thank you very--

19 JOSEPH TORNELLO: God willing.

20 [laughter]

21 CHAIRPERSON LANDER: All right,
22 that's on the Aging Committee, they can see about
23 reducing, reversing the aging process, so--right,
24 but so, can you--No, exactly, but the Aging
25 Committee would be the one that would have to

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2 reverse the process of aging. So, anyway. All
3 right. [background comment, laughter]

4 ANGELO MASCIA: Generally aging is
5 better alternative to the alternative. It's a
6 better choice. [laughter]

7 CHAIRPERSON LANDER: Only if you
8 think of the alternative not as getting younger,
9 but anyway, we'll assign that to the, to either
10 the Health or the Aging Committee. So. Thank you
11 very much for your time and your testimony.

12 ANGELO MASCIA: Thank you for
13 yours, thank you.

14 CHAIRPERSON LANDER: All right, and
15 we don't have anyone else signed up to testify on
16 this item. So, we'll close the public hearing on
17 that item, and move to the second and final item
18 on today's agenda, which is Land Use No. 761,
19 Application 20135320, the Sea Travelers Marina,
20 which is the proposed amendment to a maritime
21 lease for city owned property upland and
22 underwater land, at 2875 Flatbush Avenue, for
23 continued use as a marina in Council Member
24 Fidler's district. And we'll invite Ernie Padron
25 from the New York City Economic Development

1 Corporation to present it to us.

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3 ERNIE PADRON: Thank you, Chairman
4 Lander, and Members of the Subcommittee. My name
5 is Ernie Padron, and I'm a Vice President at New
6 York City Economic Development Corporation's Real
7 Estate Transaction Services Group. Am pleased to
8 be here this morning to provide background and
9 propose this lease amendment for water dependent
10 use. EDC seeks a second amendment to a lease on
11 behalf of the Department of Small Business
12 Services, following up on a first amendment that
13 appeared before you last year to an existing lease
14 with the business known as Sea Travelers Marina.
15 The site, as you mentioned, is located at 2875
16 Flatbush Avenue, in Mill Basin. No new structures
17 or uses are proposed on the site. The original
18 lease of Sea Travelers was approved by the City
19 Council on May 28, 1996, and the first amendment
20 was approved on September 12, 2012. A portion of
21 the area currently leased by Sea Travelers is
22 contemplated to be surrendered back to the City
23 upon EDC's closing of that portion of the site
24 with Bical Development, Inc. The disposition of
25 Bical Development Incorporated, which will

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2 construct the new home of Crystal Auto Mall, was
3 approved by the Council in May 2012. The second
4 amendment mainly sets forth certain easements that
5 will be in place following the disposition of two
6 sites adjacent to the marina. One easement is for
7 access and the other is for an underground fuel
8 tank. It also clarifies the timing of
9 implementing required improvements at the
10 beginning of future renewal periods, and provides
11 a mechanism for dispute resolution. Sea Travelers
12 Marina served the community since 1957, with many
13 of the patrons residing in New York City. The
14 Marina is equipped with approximately 180 boat
15 slips and 40 wave runner stops. The services
16 provided by the marina staff include storage,
17 cleaning, winterizing and general care and
18 maintenance of the customers' vessels. The marina
19 is furnished with a full service gas dock, which
20 sells fuel, and other convenience store amenities
21 to visitors boating on Jamaica Bay. Thank you for
22 your time and I'm happy to answer any questions
23 you have.

24 CHAIRPERSON LANDER: Thank you very
25 much. So, just so I understand, the easements are

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2 on the property that will be disposed to Bical
3 Development for the Crystal Auto Mall?

4 ERNIE PADRON: Correct, one with,
5 there are actually two dispositions occurring, one
6 actually occurred just within the last couple of
7 weeks, the Toys 'R Us. And that's an access
8 easement. The other easement is on the Bical
9 property, which is an underground fuel tank, which
10 will remain on the property being purchased by
11 Bical.

12 CHAIRPERSON LANDER: And those
13 easements are to the city, but to be used by Sea
14 Travelers?

15 ERNIE PADRON: Correct. So,
16 they're the benefit, for the benefit of the city,
17 so any future tenant of the city on that parcel,
18 but we needed to convey the benefit of those
19 easements to Sea Travelers through their lease.

20 CHAIRPERSON LANDER: So they can
21 continue to operate the marina.

22 ERNIE PADRON: Correct.

23 CHAIRPERSON LANDER: Okay. Council
24 Member Williams?

25 COUNCIL MEMBER WILLIAMS: Thank

1
2 you. Crystal Auto Mall is now on Ocean, is that
3 what's--

4 ERNIE PADRON: I believe that's
5 correct, yes.

6 COUNCIL MEMBER WILLIAMS: So
7 they're moving from Ocean and going there?

8 ERNIE PADRON: They're going to,
9 well they're going to construct a new showroom and
10 service center.

11 COUNCIL MEMBER WILLIAMS: Okay.
12 Thank you.

13 CHAIRPERSON LANDER: An y
14 questions? [background comment] And Council--
15 yes, I didn't say that before on the earlier one.
16 Both Council Member Oddo and Council Member Fidler
17 on the two items on today's calendar are
18 supportive. Okay. Seeing no other questions and
19 having a fairly straightforward proposal, that
20 seems like it makes sense, and on which we
21 actually partially acted last year. We'll thank
22 you for your testimony, your work on this lease.
23 We, on this item as well, don't have anyone signed
24 up to testify from the public. So, we will close
25 the public hearing on this item, as well, and move

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2 to vote on both items, Land Use 759 and Land Use
3 761. And we'll ask Land Use Director Benjamin to
4 call the roll.

5 GAIL BENJAMIN: Do you have a
6 recommendation, Chair Lander.

7 CHAIRPERSON LANDER: I recommend a
8 vote of aye.

9 GAIL BENJAMIN: Council Member
10 Lander.

11 CHAIRPERSON LANDER: Aye on both.

12 GAIL BENJAMIN: Councilwoman
13 Arroyo.

14 COUNCIL MEMBER ARROYO: Aye.

15 GAIL BENJAMIN: Council Member
16 Mendez.

17 COUNCIL MEMBER MENDEZ: Aye.

18 GAIL BENJAMIN: Council Member
19 Williams.

20 COUNCIL MEMBER WILLIAMS: Aye.

21 GAIL BENJAMIN: Council Member
22 Halloran.

23 COUNCIL MEMBER HALLORAN: Aye.

24 GAIL BENJAMIN: By a vote of five
25 in the affirmative, none in the negative, and no

1 abstentions, the aforementioned 759--LU 759 and
 2 761 are hereby adopted.

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 4 CHAIRPERSON LANDER: Thank you very
 5 much. We'll hold the roll open for [background
 6 comment] Council Member Palma for a few minutes.
 7 She--[background comment] Yeah, she texted me,
 8 but I don't know--let me see if we can find out
 9 exactly how long or whether she's still on her
 10 way. [background comment] But we'll hold it open
 11 for a few minutes, to allow her the chance to come
 12 down and vote. We have the budget hearing for
 13 Landmarks scheduled coming up sometime soon, watch
 14 your calendar. The 18th of March, that's all
 15 right, people--yeah, just, it's coming up soon.
 16 And with that, we, this meeting is adjourned.

17 [pause, background noise]

18 GAIL BENJAMIN: Councilwoman Palma,
 19 how do you vote?

20 COUNCIL MEMBER PALMA: I vote aye.

21 CHAIRPERSON LANDER: Did you get
 22 that?

23 MALE VOICE: Yes, I don't think I
 24 [crosstalk]

25 GAIL BENJAMIN: Councilwoman Palma?

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COUNCIL MEMBER PALMA: I vote aye.

GAIL BENJAMIN: By a vote of six in the affirmative, none in the negative and no abstentions, LU No. 759 and 761 are hereby adopted and referred to the Committee.

COUNCIL MEMBER PALMS: [off mic]
What's the date?

GAIL BENJAMIN: The 5th.

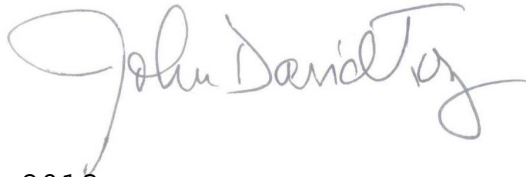
[pause, background noise]

COUNCIL MEMBER PALMA: Okay, meeting for the Landmarks Committee, March 5th, now adjourned.

C E R T I F I C A T E

I, JOHN DAVID TONG 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

A handwritten signature in cursive script that reads "John David Tong". The signature is written in black ink and is positioned to the right of the printed word "Signature".

Date March 20, 2013