

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON PLANNING, DISPOSITIONS, AND
CONCESSIONS

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July 20, 2015
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HELD AT: 250 Broadway- Committee Rm, 16th Fl.

B E F O R E:
INEZ E. DICKENS
Chairperson

COUNCIL MEMBERS:
ANDREW COHEN
DARLENE MEALY
MARK TREYGER
YDANIS A. RODRIGUEZ

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

Seth Meyers
Executive Vice President
Economic Development Corporation

Ted Varvatsas
Executive Vice President
S&L Aerospace Metals

Tracy Bell
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Ralph Declet
Vice President of Development
Acacia Network Organization

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1 CONCESSIONS

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2 [gavel]

3 CHAIRPERSON DICKENS: Good afternoon. I
4 am Council Member Inez E. Dickens, Chair of the
5 Subcommittee on Planning, Dispositions, and
6 Concessions. I would like to welcome everyone to
7 today's hearing and I want to thank and acknowledge
8 the Sergeant of Arms, Eddie Collazo and the two new
9 interns that are with us, Justin Roa [sp?] and
10 Ahlen Raj [sp?], my Land Use Director Raju Mann,
11 Deputy Director Amy Leviton [sp?] and my attorneys
12 Ann McCoyhee [sp?] and Dillon Casey. I want to
13 apologize for the lateness. But the weather is hot.
14 I know the air conditioner is not operating at its
15 best but this is the... this is some of the effects
16 of government in action. I want to acknowledge my
17 esteemed colleagues who are members of the Planning
18 Subcommittee; Council Member Andy Cohen, Council
19 Member Mark Treyger who gets the gold star, Council
20 Member Darlene Mealy, and we've also been joined by
21 Council Member Paul Vallone in whose district Land
22 Use Item 253 is in. We have three items on our
23 calendar, two of which are related. We will be
24 hearing and voting on all. I now open up the
25 hearing for Land Use Item 253, the S&L Aerospace

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2 Metals proposed by the New York City Department of
3 Citywide Administrative Services for the
4 disposition of one city owned property located in
5 Council Member Vallone's district in Queens. We
6 have before us three people, two from EDC and one
7 from S&L to give testimony. I'm going to ask that
8 you turn your mics on, pull it close to yourselves,
9 and identify with your name and your title.

10 SETH MEYERS: Good afternoon. I'm Seth
11 Meyers. I'm an Executive Vice President at the
12 Economic Development Corporation.

13 TED VARVATSAS: [off mic] Good afternoon
14 Ted Varvatsas Executive... [on mic] Executive Vice
15 President S&L Aerospace Metals.

16 TRACY BELL: Good afternoon I'm Tracy
17 Bell, Vice President at Economic Development
18 Corporation.

19 CHAIRPERSON DICKENS: EDC I'm going to
20 ask you to begin testimony please.

21 SETH MEYERS: Thank you very much. And
22 good afternoon again. My name's Seth Myers. I'm
23 the... the Director of Project Implementation and
24 Executive Vice President at the New York City
25 Economic Development Corporation. I'm here on

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behalf of the city to testify in support of S&L Aerospace, the intended purchaser of the Northern portion of Block 4317 Lot 1 in College Point Queens contemplated in the ULERP under discussion today for disposition approval. As a result of a 2012 RFP S&L was selected to develop an industrial facility on the city EDC owned land in order to expand their operations currently located on the western portion of block 4317. The transaction if approved would result in the expansion of S&L Aerospace's manufacturing and assembling facilities from 45,000 square feet to 80,000 square feet. Following the intended closing S&L would move into a 10,000 square foot existing building on the current EDC owned lot followed by the new construction of a 24,000 square foot building on the current city owned lot. We are excited to support this longstanding Queens business and their plans to expand. S&L has 85 employees today. Approval would allow them to bring on more than 20 new high quality manufacturing jobs to the College Point Corporate Park paying at or above living wage to New Yorkers. During the RFP selection process in the recent public review the community and all of

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2 the elected representatives have given clear and
3 strong support to S&L Aerospace. S&L is here today
4 to speak in greater detail about their success
5 about a company. But first I would like to take a
6 few moments to address the concerns that we have
7 heard from Queens Community Board 7 about ongoing
8 environmental remediation on the site. These
9 concerns are entirely separate from the ULERP
10 action under consideration today. However we
11 realize the community is deeply concerned with
12 these issues and accordingly we'll address them.
13 RJR, a prior owner of the land that we intend to
14 sell to S&L assumed liability for an oil spill on
15 the property by entering into a stipulation
16 agreement with the New York State Department of
17 Environmental Conservation, or DEC in 2007. This
18 stipulation states that RJR is obligated to clean
19 up and remove contamination related to the oil
20 spill. As stated in the letter from DEC that I will
21 read into the record following this testimony RJR
22 has been working in good faith to remediate the
23 spill since entering into the stipulation
24 agreement. It should be noted that oil spill
25 remediation can take long and often undefined

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2 periods of time to complete. However RJR has made
3 progress cleaning up the spill since entering into
4 the agreement with EDC RJR has completed the
5 following actions, removed the failed underground
6 fuel tanks, associated piping, and the surrounding
7 contaminated soil, removed the free product that
8 had been floating on the water table, disposed of
9 the nearly 15 hundred pounds of contamination via
10 soil vapor extraction and removed over 1.5 million
11 gallons of impacted ground water. And progress
12 continues. As of this month DEC has approved a new
13 work plat to delineate the remainder of the
14 impacted soil and groundwater. The results of the
15 work plan will be used to develop a remedial action
16 plan. We sympathize with community board 7's
17 frustrations regarding the pace of remediation and
18 have confirmed commitments from RJR and DEC that
19 the site will be fully remediated. Following my
20 testimony I will read a statement from RJR
21 reaffirming their commitment to completing the
22 site's remediation. RJR and DEC stipulation
23 agreements obligates RJR to complete the
24 remediation work. But in the event that RJR does
25 not complete the remediation DEC will take over the

1 project as a special remediation spill case. This
2 means that regardless of the responsible party the
3 remediation work will be completed. RJR has also
4 stated that going forward they will keep Community
5 Board 7 and the College Point Corporate Park
6 updated on their progress on a quarterly basis or
7 more frequently as needed. S&L is well aware of the
8 ongoing remediation and their expansion into the
9 existing EDC owned building will not be inhibited
10 by RJR's remediation efforts. Additionally prior to
11 constructing a new building on the side of the city
12 owned vacant land S&L will complete an
13 environmental phase 2 and remediate as may be
14 necessary for construction. It should be further
15 noted that the plume from the original spill does
16 not appear to be located in the footprint of S&L's
17 new development. And again RJR's remediation work
18 will not impede S&L's expansion. S&L has provided
19 access to its current facility to RJR for ongoing
20 investigatory work and will continue to provide
21 access to RJR for completion of the remediation
22 work through their expansion into the existing
23 building. I would like to remind the committee that
24 S&L Aerospace is a model manufacturing company that
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2 provides high quality career pathways to New
3 Yorkers of all backgrounds and skill levels. In a
4 growing sector that is vital to New York City's
5 economy approval of this ULERP action will support
6 S*L's plans to invest in their community and create
7 additional high tech manufacturing jobs. We urge
8 the city council to separate the complicated
9 history of the site from its... from the future of
10 this thriving college point jobs creator. I will
11 now read the afore mentioned letters for the
12 record. The first letter is from RJR Realty
13 Associates. To Council Member Paul A. Vallone,
14 dated July 17th, 2015. Dear Council Member Vallone.
15 On behalf of my partners and I, I would like to
16 thank you for taking the time to meet with us
17 recently in your office and at our site. We want to
18 ensure you and Community Board 7 that we are
19 committed to completing the environmental
20 remediation to current accepted standards and
21 installing a new state of the art asphalt
22 manufacturing facility including the tax lot
23 separation work on the site as expeditiously as
24 possible. I would like to highlight what we have
25 accomplished over the last several years. In 1998

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2 an oil leak was discovered on site upon removal of
3 underground storage tanks. In 2007 RJR signed a
4 stipulation agreement with the New York State DEC
5 abbreviated here as NYSDEC to remediate the site,
6 submit it and received approval of a remediation
7 action plan and installed the DEC approved
8 remediation system. From discovery of the spill
9 through January 2014 RJR removed over 275 cubic
10 yards of impacted soil, removed approximately 15
11 hundred pounds of contamination via soil-vapor
12 extraction and extracted, treated, and discharged
13 approximately 1,600,000 gallons of impacted ground
14 water. The majority of the construction and
15 demolition work required for the new tax lot was
16 completed by Fall 2014. The remainder of the tax
17 lot work includes various inspections and sign offs
18 from DOB. From June 2014 through June 2015 we
19 submitted a... work plan to DEC, performed additional
20 investigation work, and submitted and received
21 approval of a work plan for the final round of
22 investigation which should be completed by the end
23 of July. Upon the completion of the final round of
24 environmental investigatory work it will take two
25 to three months to analyze the data, prepare the

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report and meet with DEC to discuss the results and agree on what additional remediation may be required. Cofire Industries has ordered all of the equipment for the new facility. Approximately half of the equipment with a value of approximately 800,000 dollars has been paid for, delivered, and is being stored in the Bronx. When the tax lot work is completed we will promptly submit the applications for the permits to install the new asphalt plan. Upon receipt of the necessary permits we are committed to immediately commencing the site work and installing the new asphalt plan within one year of the construction commencement date. Our agreements with EDC will reflect this timing. I just want to re... reiterate that we are committed to completing the tax lot and remediation work and getting the new plant up and running as soon as possible. Each month... each month that the new asphalt facility is not in operation we lose over 900 thousand dollars in potential revenue. Lastly we understand that Community Board 7 and the College Point Corporate Part Taskforce are unhappy with a lack of updates on the progress of this project. Going forward we will present to the

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2 taskforce on the current status and projected
3 completion and provide the taskforce with updates
4 on a quarterly basis or more frequently as needed.
5 Again we thank you for your interest and
6 involvement in our project and would welcome any
7 assistance that you may offer in expediting its
8 completion. We look forward to continuing our
9 longstanding relationship in the corporate park and
10 surrounding community, sincerely RJR realty
11 associates. The second letter I'll read is from the
12 New York State Department of Environmental
13 Conservation. To Council Member Paul Vallone. Dated
14 July 15th, 2015. Dear Council Member Vallone, This
15 letter updates our letter to the city planning
16 commission dated June 2nd, 2015 for its use during
17 the hear... hearing for ULERP number 150173PPQ. The
18 letter discusses the enforcement activiti3es of the
19 Department of Environmental Conservation, DEC
20 related to the Cofire or Cofire asphalt plant and
21 their affiliate RJR realty associates. Cofire was
22 issued an air facility registration by DEC on March
23 28th, 2007. And at that time our regulations did
24 not require end dates with regards to air facility
25 registrations. Our regulations have since been

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2 updates and Cofire will need to renew their air
3 facility registration by March 27th, 2017. Their
4 registration indicates that they are burning number
5 two fuel oil, nitrous oxide emissions are capped at
6 12.5 tons per year and the facility will limit the
7 annual asphalt production to no more than 200,000
8 tons. Our last inspection of 3/31/2015 showed that
9 they produced the following tonnages; 2012 38,176
10 tons of asphalt, 2013 48,189 tons of asphalt, 2014
11 60,371 tons of asphalt all of which are well below
12 the maximum permissible 200 thousand tons. At this
13 time please note that there are no air related
14 enforcement matters. Regarding the stipulation with
15 RJR realty associates that controls the clean-up
16 and removal of discharge from spill number 98-11754
17 it has been in effect since February 2nd, 2007.
18 Cofire has been working on removing petroleum that
19 has been absorbed by the soil under the site and
20 dissolved in the ground water. This process had
21 been slow as is typical with this type of
22 remediation but progress is being made as all
23 floating product has been removed from the water
24 table. DEC believes that Cofire has been working in
25 good faith to remediate the spill. The next step is

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2 to delineate and remediate impacted soil and ground
3 water. To this end Cofire and DEC met on May 27th,
4 2015 in order to finalize the details of a
5 perspective work plan. The results of the meeting
6 were that additional groundwater monitoring wells
7 and soil borings will be installed to more fully
8 delineate the extent of the contamination. In
9 addition triennial groundwater monitoring will
10 continue. Progress since the June 2nd letter. A
11 work plan for the delineation was submitted to NYS
12 DEC by Cofire on June 19th, 2015 and approved on
13 July 1st by NYSDEC. The new York City Office of
14 Environmental remediation also submitted a separate
15 work plan dated June 19th, 2015 for additional
16 investigative work at the site. This plan was also
17 approved by the NYSDEC. Field work for both plans
18 is scheduled for late July. The work plans
19 submitted by Cofire includes a schedule that will
20 result in completion of the delineation report some
21 time during the late summer after which the
22 remedial action plan will be developed. The
23 Department is continuing to work with Cofire to
24 move the remediation process forward. If you have
25 any questions as to the status of the remediation

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2 or any other concerns regarding the regulated
3 environmental performance of this facility please
4 don't hesitate to reach... reach out to me at
5 (718)482-4949. Sincerely, Venetia Lannon, Regional
6 Director New York State Department of Environmental
7 Conservation, Region 2. Thank you very much.

8 CHAIRPERSON DICKENS: Thank you very
9 much. Ms. Bell do you have anything you want to add
10 to that lengthy testimony?

11 TRACY BELL: No ma'am. I am here to
12 respond to any questions on the environmental
13 matters.

14 CHAIRPERSON DICKENS: Mr. Varvatsas?

15 TED VARVATSAS: Correct.

16 CHAIRPERSON DICKENS: Do you have any
17 statement as it relates to your position as
18 executive VP at S&L?

19 TED VARVATSAS: As far as the
20 environmental? Well I'd like to read a brief
21 statement pertaining to that. Until recently we
22 expected that our expansion would not be
23 significantly impacted if at all by ongoing
24 remediation and the DEC stipulation agreement. We
25 understand that a new remedial action plan was

1 produced by Cofire and approved by DEC. Upon review
2 of this plan we will better understand how the... how
3 our expansion... During this time we also plan to
4 perform a phase two to determine whether there are
5 any other environmental issues at the property.
6 Particularly upgrading of the spill. This will give
7 us the information necessary to appropriately plan
8 our expansion.
9

10 CHAIRPERSON DICKENS: Thank you very
11 much. And before I open it up for questions I'm
12 going to ask Council Member Vallone to... to make a
13 statement. However I... there's one statement I want
14 to make and that's in response to Mr. Myers asking
15 us to separate the concerns of the community board
16 from the fact that this is... will open up jobs that
17 are... uh will hire... and I assume from within the
18 community and have above average rates. We cannot
19 do that. We listen to the community. That's how we
20 make a determination. And although that something
21 may be an excellent proposition that's being
22 brought to us we do take into consideration... we do
23 not forget the people that are actually residents
24 in the neighborhood. And that is very important to
25 us that we listen to them and take their concerns

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2 seriously. So although it... we maybe cannot make
3 community benefits agreements and other things a
4 part of a deed or a part of a ULERP process we
5 certainly can impact upon it with our vote. Thank
6 you. Alright Council Member Vallone.

7 COUNCIL MEMBER VALLONE: I... I can't
8 thank you enough Madam Chair for your comments and
9 my fellow council member support. There is a long
10 and lengthy history. And I thank you... and everyone
11 for going over it. And you can't really separate
12 the two. And no one's here to create a burden for
13 S&L who's been the example of what College Point
14 has been looking for for decades, that good tenant
15 with good jobs, with no environmental impact on the
16 community, that really the whole country can use as
17 an exemplary company. We thank you and we want to
18 keep you at all costs. However not everyone is like
19 you and College Point has seen its share of broken
20 promises. So what this process has done though has
21 really brought... and I thank EDC for being a partner
22 with me and this part at the end and all the... all
23 of the agencies to step up to hear our concerns and
24 realize that the community boards are the anchors
25 for us as Council Members. And when they are

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2 concerned we're concerned. So pulling this process
3 up for the ULERP and the work that was done in the
4 last couple of months was astronomical and... and
5 thankful for how much was done. And a lot of it
6 even the community board wasn't aware of. And I
7 think even when we just had our most recent site
8 visit a lot of the comments and testimony there is
9 we didn't know that, why didn't you tell us. So I
10 think we've all kind of learned through this
11 process when there is a... this type of impact... when
12 you're talking about oil spills in a local
13 community and the concern lingering in a
14 neighborhood we have no other duty but to do
15 exactly what we did. And I thank you for stepping
16 up to reassuring everyone's role in what the
17 cleanups will be, what the stipulation was and what
18 the stipulation now is, how S&L even through this
19 whole process has agreed to go forward and do what
20 they have to do with the site. And now that we've
21 met with Cofire and they've reissued their
22 commitment to do the final steps... So much has gone
23 on underground a lot of people weren't aware of
24 what was gone on there. But uh they can't switch to
25 the green plant that they promised until a lot of

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2 building permits and brings in our favorite
3 building department, until that's all done. So
4 there's so many issues at play here that nothing
5 else could have been done but pull this up for
6 today. And that's why I thank our council members
7 for giving me a couple of minutes to explain this
8 because it wasn't an easy situation and we do
9 follow our community boards. And as a result of
10 these commitments and the remedial action plan
11 which is going to be a work in progress, so we're
12 going to hold you... and I know EDC's just really the
13 least partner of that whole but it really you're
14 bringing them all to the table. So whether it's the
15 state, or the city DEC or any department that's
16 involved at this site in College Point the remedial
17 action plan to me and our community is going to be
18 key... We've made commitments to go forward with it.
19 A lot of testing's going to be happening at the end
20 of this month. So we're going to have to continue
21 on... make sure S&L is not hindered in any way. And
22 now that I know that Cofire has agreed to continue
23 their commitment as well as DEP and EDC and the
24 Building Department is trying to get involved we
25 have done what I believe which was answer the

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2 community's concerns, answer the community board's
3 call, stepped up and given these additional levels
4 of protection at College Point so right we deserve.
5 So thank you Madam Chair and my fellow Council
6 Members. As a result of today's letters and
7 stipulations I now approve this plan. And I leave
8 it up to the committee for their final vote.

9 CHAIRPERSON DICKENS: Thank you so much
10 Council Member. And.. and Council Member Vallone was
11 very concerned after I received a briefing and.. and
12 a lengthy discussion with EDC I ran into Council
13 Member Vallone whom I was going to call in any case
14 and he gave me a.. a small briefing on exactly what
15 had occurred.. the history of lots 1 and 60 and
16 exactly what was going to be built. And his.. his
17 support in general of this plan.. just the concerns
18 of the community Board. So I want everyone to know
19 that Council Member Vallone really showed
20 dedication and due diligence before approving this..
21 this action. So I thank you. Do any of my
22 colleagues have any questions? Council Member
23 Mealy?

24 COUNCIL MEMBER MEALY: Thank you. I'm
25 glad that you worked that out. I just have a

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question on environmental. For EDC have... when was the last time you did a environmental study that a party did not keep up to their part of the contract and then ED... EDC would take over and complete the remediation? Could you tell me what you did on one of those before?

SETH MEYERS: I... I think there may be a confusion over the similarity in initials of EDC and DEC.

COUNCIL MEMBER MEALY: EDC.

CHAIRPERSON DICKENS: D.

SETH MEYERS: And... and I think the... the instance that I referenced was as... as the... the kind of guarantee if you will that the remediation work will be complete regardless of who it's performed by, whether it's... it's RJR continuing what they're doing... have been doing or in the case that they default or stop work for whatever reason that DEC is prepared to complete it as a... as a special remediation spill case.

TRACY BELL: DEC has... [cross-talk]

CHAIRPERSON DICKENS: Please pull the mic closer to you.

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TRACY BELL: I'm sorry. DEC actually has
a... a fund for oil spills that are... that are
orphaned.

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COUNCIL MEMBER MEALY: Is it a time
frame on it? Because I see this started in 2007 and
we still cleaning it up now. [cross-talk]

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TRACY BELL: We are and...

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COUNCIL MEMBER MEALY: 2016.

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TRACY BELL: ...DEC has informed us that
RJR has been moving forward as directed. So they
are not... and they don't feel that... that RJR is in
bad faith in any way. They think that they're
moving forward satisfactorily.

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COUNCIL MEMBER MEALY: Okay thank you.

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CHAIRPERSON DICKENS: Just for my
colleagues to understand Lot 1 in College Point is
the ULERP. And that's the city owned lot. And... and
lot 60 already has a building on it and there's
going to be expansion of that building as well as
new construction on lot one.

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COUNCIL MEMBER VALLONE: Yes. Council
Member Mealy that... that was at the heart of a lot
of our questions was who's going to perform the
clean-up. And...

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CHAIRPERSON DICKENS: And the time
frame?

COUNCIL MEMBER VALLONE: And the time
frame. We pushed very very hard to get a time frame
because we didn't want anyone to walk away and they
leave it up to a governmental agency to come in and
clean-up which has already been since 2007. So for
College Point that has seen its share of whether
it's Willets Point Police Academy Waste Transfer
Stations, you name it they've been stuck with it.
They've seen so many broken promises. You can feel
the frustration no matter what you touch down
there. So it's time for some good news for college
point. And a lot of the visions for EDC and what we
were talking about is... is to create some of that
good news. But this project was something in order
to go forward they had to get out of the past. And...
and we were not going to get to this point until
they met with us numerous times and they met with
the chair and the community board. And they even
went back to the community board like we has to re-
explain it which was a huge help. And... and I think
that's what we needed to see.

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COUNCIL MEMBER MEALY: Thank you Madam
Chair.

CHAIRPERSON DICKENS: Thank you. Are
there any members of the public wishing to give
testimony? Did you sign up?

[pause]

CHAIRPERSON DICKENS: They might open up
Pandora's Box. Please turn your mics on and... and
give your name and title and your affiliation.

GLENN: There's... okay. Glenn... . I'm an
attorney for S&L Aerospace as is Larry Schnapf who
is Counsel for Environmental Matters. I just wanted
to add a little bit because I was listening to
concerns and I... I... testify unless there was
something that came up that I could add. But I will
say that we've recently just within the last
several days did have additional talks with EDC.
And S&L has always prided itself on being a good
neighbor to and... and we appreciate very much the
strong support that Community Board 7 has given
this project. One of the things that I just wanted
to bring in is... is addressing the concerns of the
community board...

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2 COUNCIL MEMBER VALLONE: It wasn't this
3 project, it was your company.

4 GLENN: The company.

5 COUNCIL MEMBER VALLONE: Just make sure...

6 GLENN: Okay. The company. But one of
7 the things that we wanted to address was the
8 groundwater remediation. And as... as you may know
9 that DEC has revised its... its work plan on this.
10 And part of what they discovered was the... the
11 ground... the soil contamination. What I just wanted
12 to inform the... the... the city council of was that
13 recently we... we are exploring with the office of
14 environmental remediation of the city its new
15 program under which actually S&L is willing to try
16 to place itself to do some of the soil remediation.
17 Our understanding and our assumption is that as we
18 perform this environmental remediation that's going
19 to... that's they think the source of this ground
20 water contamination. And to the extent that we're
21 willing to step up and do... and... and do a little bit
22 more to clean that up that's going to help the
23 ground water situation as well. I want Larry to
24 just talk about the environmental OER process a
25 little bit.

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2 LARRY SCHNAPF: Hi I'm Larry Schnapf of
3 Schnapf LLC Environmental Counsel. So one of the
4 things we're concerned about is to ensure that the
5 cleanup is done properly. So we approach the office
6 of environmental remediation or the mayor's office.
7 They have two programs. One's called the voluntary
8 cleanup program. The other one is no... is a new
9 program called the jumpstart for brownfield sites.
10 And one of their benefits of this program first of
11 all it's got a very transparent, very robust public
12 participation process. So I know the DEC process is
13 a little less transparent in the spills program and
14 that's been a problem with the community. Even
15 though there was a lot of work done on the ground
16 water we had every move... the... product had to get
17 removed first before you could actually clean up
18 the ground water. And unfortunately that wasn't
19 communicated well to the community. But the city...
20 the city program has very robust public... public
21 participation both at the application stage and
22 during each process the investigation, the clean
23 up. And so what we propose to do is we're going to
24 investigate lot 1 which has not been investigated.
25 If there's any contamination there that would we

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would encounter as part of our construction we would address that soil contamination as part of the OER program. The community would be notified and at the end of the day we would get a letter from the city giving us liability protection. We've completed the work. It'll be... the community will see that. And then with respect to lot 60 maybe that we could as part of our build out excavate under the slab to remove the source material which is continuing to contaminate the ground water. Because if we don't do that the only way to get to it is to put some sort of system underneath the slab. So it may be beneficial to do that. In any event S&L will be getting liability protection from OER and DEC. So... [cross-talk] Oh okay I'm sorry.

CHAIRPERSON DICKENS: Thank you so much.

Council Member Vallone do you have anything you want to respond to?

COUNCIL MEMBER VALLONE: Yeah... [cross-talk]

CHAIRPERSON DICKENS: In reference to the Pandora's Box that was just opened up?

COUNCIL MEMBER VALLONE: I... yeah I... sometimes best left unsaid. But you brought up a

1
2 whole another lot and a whole another slew of
3 questions and threw in a bunch of maybes. We don't
4 like maybes. So now that you've addressed the lot..
5 So is S&L going to, as they do the expansion and do
6 the work and uncover some additional... may uncover
7 an additional environmental issues, are they now
8 going to clean those up?

9 LARRY SCHNAPF: Yes. We're going to
10 submit... [cross-talk]

11 COUNCIL MEMBER VALLONE: A yes is
12 different from maybe. That's...

13 LARRY SCHNAPF: Yeah. So lot... lot 1 was..
14 which was the green where they're building the
15 building that has not been investigated. You know
16 the... the... what's going on so far has been an
17 investigation of the spill which was on Lot 60. So
18 we're putting a building on Lot 1 which is that
19 green lot that was up there. So we're going to do a
20 phase 2 under the oversight of OER. If we find
21 contamination we will clean it up under the
22 supervision of OER so that we get a no further
23 action letter.

24 COUNCIL MEMBER VALLONE: And the phase
25 two is above and beyond isn't it? [cross-talk]

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LARRY: Well we... we were required as part of the Neg Deck [phonetic] to do some investigation to protect workers. So we're basically going beyond that, yes. We're going to be doing a... a comprehensive investigation. Under the supervision of OER we will clean up any dirty soil that we find in Lot 1 which is again upgradient [phonetic] from the spill so that'll... we will do that.

GLENN: But let me just say we haven't done the phase two that we're just about to do it.

LARRY SCHNAPF: Yeah.

COUNCIL MEMBER VALLONE: Part of the concerns with Chair Dickens and I and everyone is that so much is happening at the end of this month but due to the timing of the ULERP process in a perfect world we would have loved to have held this meeting next month if we could. So we couldn't lose this window. We had to have this hearing. I mean it would have been better to have this in the first week of august because all these things would have been up but we could not control the timeline. So this remedial action plan now... I think you need to be part of that.

SUBCOMMITTEE ON PLANNING, DISPOSITIONS, AND
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GLENN: We... we understand that the timing is not ideal in this and we couldn't... you know the sequence really wasn't up to us. On the other hand we wanted to be clear as to S&L's willingness to step up to do this because we heard so many concerns from the community board. We... you know these are all can... there are some contingencies of this. You're saying what if... what if... Again the sequence of events wasn't up to us but we're willing to follow through. I just really felt that that had to be on the record, that S&L was willing to go through these steps.

COUNCIL MEMBER VALLONE: Well that's what we needed today for because otherwise each party was going to walk away and say it was the other party's responsibility...

GLENN: Exactly.

COUNCIL MEMBER VALLONE: ...and College Point is left where it's always been, with broken promises.

GLENN: We think...

COUNCIL MEMBER VALLONE: So that's why we... [cross-talk]

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GLENN: We think that this is a... a way forward. And it's certainly... we looked at it as a benefit for all parties. We don't... You know we fully anticipate that what RJR and DEC are going... are doing... are still going to go forward. That's not going to diminish at all. If anything this is going to add value to the whole thing.

COUNCIL MEMBER VALLONE: It's an extra layer on top.

GLENN: Correct.

COUNCIL MEMBER VALLONE: [cross-talk] but thank you... [cross-talk] got a little... [cross-talk] got a little carried off topic.

LARRY SCHNAPF: What we learned... what Seth had said in his testimony about an OER approved plan, that's what we referring to... OER... we've already submitted a... a plan to OER for conceptual approval. And then we would be submitting... we would do the investigation end of this month and then submitting both the report and the remediation plan and the application to join the OER program by the end of August.

COUNCIL MEMBER VALLONE: Thank you.

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CHAIRPERSON DICKENS: Council Member

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Treyger you have a...

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COUNCIL MEMBER TREYGER: Yes thank you...

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thank you Chair. We're hearing just about

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contaminates other things... What types are we

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talking about? There... are there any specific

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examples that you already know of right now of what

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exist at any of the spill sites or is there any

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information about that?

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CHAIRPERSON DICKENS: Tracy re-identify

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yourself please.

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TRACY BELL: Hello, I'm Tracy Bell with

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Economic Development Corporation... vice president.

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It... in coming up here I forgotten what the question

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was. Oh what kind of contaminate... So the kinds of

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contaminates that you would expect in lot one are

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probably not oil problems, at least not from this

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bill that's been identified because the ground

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water flows away from lot one. So what you would

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expect is typical kinds of historic contamination

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that you might find in any site... in any site in New

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York City. So there might be historic fill. There

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might be small amounts of metals or... or other

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source of contaminates.

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COUNCIL MEMBER TREYGR: But I... I... I hear you but it... is there any specific information... there anything that... is there anything... you're... you're... so you're assuming... But is there anything that's... has been studied and evaluated already?

TRACY BELL: No we don't have... we don't have any evidence that there's any problem at all but you always have to check.

COUNCIL MEMBER TREYGER: Okay. Because there are also regulations that govern how to handle these contaminants as well... how to remove them... how to transport them... how to make sure that they're done on accordance with state laws and rules as well. So we're just going to make sure that that's all being complied with and we have a sense of exactly what we're dealing with. That's... that's very important.

TRACY BELL: Yes sir that... that is the mayor's office of... of environmental remediation. It has a program in place that makes sure that all of those things are followed.

COUNCIL MEMBER TREYGER: And DEC also has many regulations in their state law that governs this issue as well... [cross-talk]

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TRACY BELL: DEC is actually... works...

COUNCIL MEMBER TREYGER: Yeah.

TRACY BELL: ...very closely with OER.

COUNCIL MEMBER TREYGER: Okay thank you.

CHAIRPERSON DICKENS: Thank you. Council Member Mealy.

COUNCIL MEMBER MEALY: No it was enough said. I just like my colleague Vallone when he said uh maybe I wrote something down right... right away because I know when environmental things happen they say they going to do it and then it never gets done. It goes year after year. But you said that... you thought the problem is the water is the real problem... the source. So if you find out it's not the source it will still be your responsibility to find out where the source is coming from or...

TRACY BELL: So there are two different concerns at this site. One is lot 1 that we already talked about...

COUNCIL MEMBER MEALY: Mm-hmm.

TRACY BELL: ...and the other one is the... the area that we already know is... [cross-talk]

COUNCIL MEMBER MEALY: Right.

TRACY BELL: ...contaminated.

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COUNCIL MEMBER MEALY: But he just
stated that he think it's the water source.

TRACY BELL: Well when you do a... an oil
spill remediation you have to deal with first the
floating product which... [cross-talk]

COUNCIL MEMBER MEALY: Ground.

TRACY BELL: ...they've already done. And
then there's a combination of the soil and the
groundwater sort of... [cross-talk]

COUNCIL MEMBER MEALY: Ground.

TRACY BELL: ...interacting together. And
so what they're saying is once you get rid of the
contaminated soil the groundwater isn't going to be
picking up any more contamination so it'll
automatically become less.

COUNCIL MEMBER MEALY: Okay he just said
maybe but then you still don't know. It could be
something else but long as it's still your
responsibility to find out right?

LARRY SCHNAPF: When I said maybe I was
referring to the way to address the soil
contamination. So we could... we might... we have to
you know find out after the investigation is
complete it might make since to just dig up the

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2 soil under the slab or the other way that the DEC
3 suggested was to do a... a system that would suck the
4 vapors out. It's just... there's different ways of
5 addressing contamination. They'll be... it'll... it'll
6 be addressed one way or the other. It's just a
7 question which way it goes. And they'll be both
8 done under supervision of the regulator so it'll
9 meet all the requirements.

10 COUNCIL MEMBER MEALY: Okay I just know
11 I have one in my district happening now so I'm
12 going to be looking at yours very closely. So thank
13 you. Sorry for the... the delay but... [cross-talk]

14 CHAIRPERSON DICKENS: Please do not be
15 sorry because that is what you're supposed to, ask
16 questions. I... I want to thank you for the
17 testimony. I am going to ask Council Member Vallone
18 to please know that... that the community is relying
19 upon you to continue to see that the remediation
20 really is completed. There was a commitment by Mr.
21 Myers that if it was not done within a timeframe,
22 but no timeframe was given that DEC would step in.
23 DEC's letter did not sole state that. So you know I
24 am going to ask that you for the protection of your
25 community continue to monitor that situation. I'm

1 not trying to stop the.. ULERP from going through
2 because of the jobs that will be created and that
3 there will be a build out within College Point.
4

5 COUNCIL MEMBER VALLONE: No madam Chair
6 we are 100 percent committed. As long as I'm there
7 in that office College Point has the friend we have
8 been promising to be. And as long with the district
9 we will be there. And I think EDC and DEC and
10 Cofire and every company that's part of this and
11 S&L's relationship we want to use that relationship
12 as an example for the expansion of proper expansion
13 for College Point. And I think the commitments
14 they've made today no one ever wanted in short S&L
15 to be responsible for Cofire's mess. And what we've
16 gotten today is commitment, not just today,
17 throughout this process that this is not going to
18 happen, that it's a universal... proud of Cofire
19 stepping up, S&L, EDC, everyone to do what needed
20 to be. We're not going to walk away from this.
21 We're going to watch this and bring.. like we said..
22 good news get College Point going in the right
23 direction.

24 CHAIRPERSON DICKENS: Thank you so much.
25 And again I want to thank you for your due

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2 diligence and following through up until the very
3 last minute before giving your approval. Thank you.
4 And I want to thank EDC and DEC and DEP and Cofire
5 and whatever other acronym that's involved with
6 this for your due diligence, for answering all of
7 our questions, and for staying here to give us
8 testimony. Thank you. I am now closing the public
9 hearing on Land Use Item 253. I'm now opening up
10 the hearing on two related items; Land Use 254 an
11 Land Use 255, the Promesa Acacia Gardens. The
12 action before us is to seek a zoning map change and
13 designation disposition and project approval for
14 property located in speaker Melissa Mark Viverito's
15 district in Manhattan. Artie please don't forget to
16 identify and... Ms. Sims and Mr. Declet?

17 ARTIE PEARSON: Afternoon Chair Dickens
18 and members of the subcommittee. I'm Artie Pearson,
19 Director of Land Use from the Office of
20 Governmental Affairs within HPD and I'm joined by
21 Bianda Simmons [phonetic] who's a Deputy Director
22 for Manhattan Planning and Ralph Declet from the
23 Acacia Organization. The Land Use items before the
24 Planning Subcommittee are related ULERP actions for
25 a new construction project under HPD's extremely

1
2 low... low income affordability program and is known
3 as acacia gardens. Land Use number 254 consists of
4 the Urban Development Action Area Designation,
5 Disposition, and Project Approval for vacant...
6 vacant city-owned land located at 413 East 120th
7 Street which is block 1808 part of lot 8 within the
8 speaker's Manhattan district. Approval of the
9 proposed project will facilitate construction of a
10 12 story mixed use building with approximately 178
11 units of affordable rental housing plus one unit
12 for the superintendent. The building will contain a
13 mix of unit types including studios one, two, and
14 three bedroom units. The AMIs will be from 30
15 percent to 90 percent and rents will average
16 between 368 for a studio and 1,740 for a three
17 bedroom unit. The project also includes 5,370
18 square feet... fleet... feet of commercial space, 4,334
19 square feet of community facility space, 29 parking
20 spaces, 9,410 square feet of private outdoor
21 recreational space. The development side is
22 currently occupied by an underutilized parking lot
23 and the vacant wing of an HRA multi-service center
24 that is sometimes used for storage. Upon completion
25 of the development the new community space...

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facility space will be used by the sponsor who will select a provider that will offer the same type of social health services as the HRA multi-service center. A tenant for the commercial space has yet to be identified. Land Use number 255 consists of an application for an amendment to the zoning map that changes an R7-2 district to an R7X district with a commercial overlay. And Council Member Mark Viverito was supportive of the projects. And we are available to answer any questions that you have.

CHAIRPERSON DICKENS: Ms. Simmons do you have anything you want to add?

SIMMONS: Good afternoon Chair Dickens and the council members. No I'm in full support of everything that Ms. Pierson mentioned.

CHAIRPERSON DICKENS: Mr. Declet do you have anything from... you're from Acacia Gardens...

RALPH DECLET: Oh, good afternoon Madam Chair and good afternoon... [cross-talk]

CHAIRPERSON DICKENS: Identify your name and your... [cross-talk]

RALPH DECLET: Ralph...

CHAIRPERSON DICKENS: ...where you're from.

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RALPH DECLET: Yes, Ralph Declet [sp?].
I'm Vice President of Development for the Acacia
Network Organization. Thank you for giving us this
opportunity to in support of our... our project
Acacia and affiliated entities have been working on
this particular project for over 10 years. And
today we're... we're happy to be here at a... at a
significant benchmark to proceed with the
development of the property that's... that's the
subject of this hearing.

CHAIRPERSON DICKENS: Alright. Now the...
I have a question on the zoning. The R72 to a R7X
does that allow for increased FAR with a C15
commercial overlay? I'm asking that of anybody that
knows the answer.

SIMMONS: Yes it does.

CHAIRPERSON DICKENS: What's the
increase in the FAR?

SIMMONS: Okay we'll get that answer for
you in a minute.

CHAIRPERSON DICKENS: I'm patient.

[pause]

SIMMONS: So the existing R72 zoning
district permits a maximum FAR of 344 for

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residential uses and 6.5 FAR for community facilities. So the R7X zoning would permit a maximum of FAR for five residential units.. uses along with five FAR for community facilities. And the new district would be C15 for the commercial overlay.

CHAIRPERSON DICKENS: Okay. So then in essence they'll get... be able to build an additional floor or thereabouts?

SIMMONS: Yes, originally there were 11 stories and now there are 12 stories, there will be a 12 story building.

CHAIRPERSON DICKENS: Alright and it's income based is what the rents will be based upon?

SIMMONS: Yes.

CHAIRPERSON DICKENS: On the AMIs?

SIMMONS: Yes that's correct.

CHAIRPERSON DICKENS: What were the AMIs again? Please refresh my memory.

SIMMONS: Sure, it's 30 percent AMI rent set at 27 percent, 40 percent AMI rents set at 37 percent, 50 percent AMI with rent set at 47 percent, 60 percent AMI with rent set at 57

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2 percent, and 90 percent with rents set at 80
3 percent.

4 CHAIRPERSON DICKENS: Very impressive.
5 Can I get that. I just thought I'd ask anyway. Do
6 you have anything you want to add..

7 UNIDENTIFIED: No that's it.

8 CHAIRPERSON DICKENS: Alright are there
9 any members of the committee have any questions?
10 Council Member Mealy you have something you want to
11 add on the record? Alright seeing none are there
12 any members of the public wishing to give
13 testimony? Seeing none I'm closing the public
14 hearing on Land Use items 254 and 255 both related.
15 I am now going to put the items up for a vote. I
16 know for the record that the applications that we
17 are voting on today has the full support of both
18 council members Vallone and Speaker Melissa Mark-
19 Viverito and I give my support to both. I will now
20 call on my counsel to call the roll for a vote to
21 approve. We've been... before please we've been
22 joined by Council Member Ydanis Rodriguez. Proceed.

23 COUNSEL: Chair Dickens.

24 CHAIRPERSON DICKENS: I vote aye and I
25 ask my committee members to vote aye also.

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COUNSEL: Council Member Mealy.

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COUNCIL MEMBER MEALY: I vote aye on

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both.

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COUNSEL: Council Member Rodriguez.

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COUNCIL MEMBER RODRIGUEZ: Aye.

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COUNSEL: Council Member Cohen?

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COUNCIL MEMBER COHEN: Aye.

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COUNSEL: Council Member Treyger.

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COUNCIL MEMBER TREYGER: Aye.

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COUNSEL: Land Use numbers 253, 254, and

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255 are approved by a vote of five in the

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affirmative, zero in the negative, zero.. zero

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abstentions. They're referred to the full Land Use

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Committee.

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CHAIRPERSON DICKENS: Alright I've been

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asked for something unusual and that's for Council

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Member Mealy to make a statement. I have not asked

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her what it is so I'm taking a chance but go ahead

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and proceed.

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COUNCIL MEMBER MEALY: No I just want to

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say happy belated birthday Chair Dickens.

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CHAIRPERSON DICKENS: Oh... That's an

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allowable statement. I want to thank the members of

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the public and my colleagues, my counsel, the Land

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Use staff, and of course Council Member Vallone
for... for giving testimony and sharing with us all
of his knowledge about this for attending today's
hearing. This hearing is hereby adjourned.

[gavel]

C E R T I F I C A T E

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



Date July 22, 2015