

CITY COUNCIL  
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

----- X

January 12, 2016  
Start: 1:46 p.m.  
Recess: 2:28 p.m.

HELD AT: 250 Broadway - Committee Room  
16th Fl

B E F O R E: DONOVAN J. RICHARDS  
Chairperson

COUNCIL MEMBERS: Daniel R. Garodnick  
Jumaane D. Williams  
Antonio Reynoso  
Ritchie J. Torres  
Vincent J. Gentile  
Ruben D. Wills

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

Seth Rose

Haru Gramercy Park Corporation

220 Park Avenue South

Borough of Manhattan

Robert Callahan, Representative

La Meridiana 1, Ltd and 4N Corp, d/b/a Blind Pig

Adam Rockford

BIRB Realty

Nathan Gray, Vice President

Planning Department

New York City Economic Development Corporation

Raymond Masucci, Architect

NFC Associates, LLC

Timothy Boyland, Architect

V&B Architecture/Urban Planning

Pablo Vengoechea, Architect

V&B Architecture/Urban Planning

Susan Goldfinger

New York City EDC

Alfonso Jenkins, Deputy Commissioner

Telecommunications Planning

Department of Information, Technology and

Telecommunications, DOITT

Stanley Shore, Assistant Commissioner

Franchise Administration

Department of Information, Technology and

Telecommunications, DOITT

Fred Zykoff (sp?)  
Franchise Administration  
Department of Information, Technology and  
Telecommunications, DOITT

2 [sound check, pause]

3 CHAIRPERSON RICHARDS: All righty, good  
4 morning. I am Donovan Richards, Chair of the  
5 Committee, Subcommittee on Zoning and Franchises, and  
6 we're going to get ready to begin, and we will be  
7 joined by colleagues who are en route to our hearing.  
8 We're still recovering from a lot of Christmas  
9 parties. We're in the New Year now, but we'll be  
10 joined by my colleagues. So, we will be holding a  
11 public hearing on six items today, land use items No.  
12 315, 316 and 317, which are sidewalk cafes. Land Use  
13 Item No. 321, 521-529, Durant Avenue. Land Use Items  
14 No. 322, 323 and 324, Landmark Colony and Resolution  
15 935 to authorize the granting of telecommuni--  
16 telecommunication franchises. We also have two cafes  
17 that have been withdrawn, Land Use Items No. 299 and  
18 300. We will be voting to remove these items from  
19 our calendar. Lastly, we will be laying over Land  
20 Use Item No. 320, Poco New York City Sidewalk Cafe,  
21 until the next regularly scheduled subcommittee  
22 meeting.

23 I will now open this public hearing for  
24 Land Use Item No. 315, a sidewalk cafe located at 220  
25 Park Avenue South in Council Member Mendez's

2 district, and we'll hear from Seth Rose first on land  
3 siting. (sic) And if you can just state your name  
4 for the record, and who you're representing today.

5 [pause]

6 SETH ROSE: Thank--thank you. My name is  
7 Seth Rose. I represent the Haru Gramercy Park  
8 Corporation located at 220 Park Avenue South. I'm  
9 writing the council members on the Land Use  
10 Subcommittee of Zoning and Franchises. I just want  
11 to inform the council members with regards to our  
12 cafe renewal License No. 1191870DCA that we will  
13 operate this cafe in adherence as it was approved by  
14 the Community Board No. 5 and the DCA. It's a cafe  
15 for 12 tables and 24 seats. We will not have  
16 umbrellas on the cafe, and should there be any  
17 existing violation that comes--that is made present  
18 to us, we will cure and operate it as--as specified  
19 in our application.

20 CHAIRPERSON RICHARDS: Okay, great. I'm  
21 very happy to hear that you work with the Community  
22 Board. Can you just go into detail about your  
23 conversations with Council Member Mendez?

24 SETH ROSE: Yes, I--I spoke several times  
25 with someone from her office, Matthew Vigiano (sp?)

2 regarding this. He brought to our attention the  
3 issue of the umbrellas. We told him we would be more  
4 than happy to remove them. We went back and forth as  
5 to just basically saying we'd adhere to the cafe. He  
6 seemed to be, um, that that was the biggest issue  
7 because it put posed potential ADA violations. So,  
8 um, we removed the umbrellas and we would like to  
9 operate it as approved with the 12 tables and 24  
10 seats.

11 CHAIRPERSON RICHARDS: Okay, thank you.

12 So, I ask you to please continue to work with Council  
13 Member Mendez, who is a stark fighter in particular  
14 for her community on these particular items, and--  
15 and--but thank you for your testimony this morning.  
16 Since there is no one else here, you are now  
17 finished.

18 SETH ROSE: Thank you, sir.

19 CHAIRPERSON RICHARDS: Okay, thank you.

20 Are there any other members of the public who wish to  
21 testify on this item? Seeing none, I will close the  
22 public hearing on Land Use No. 315, and now we will  
23 go to a public hearing on Land Use Item No. 316, a  
24 sidewalk cafe located at 176 2nd Avenue in Council  
25 Member Mendez's district as well. We-we're--we're

2 rolling this morning in Council Member Mendez's  
3 district, and we will hear first from Robert  
4 Callahan, and if you can just state who you're  
5 representing today, and also I will ask the same  
6 question to you that I raised with the prior  
7 gentleman what has your conversation been with  
8 Council Member Mendez as well? So I'll let you  
9 begin, sir.

10                   ROBERT CALLAHAN: My name is Robert  
11 Callahan and I'm representing La Meridiana 1, Ltd.  
12 doing business as Numero 28 at 176 2nd Avenue. I'd  
13 like to read into the record a letter of agreement  
14 that was previously submitted to Council--Council  
15 Member Mendez's office. Dear Council Member Mendez,  
16 please accept this letter as confirmation that as per  
17 our agreement, we have removed all umbrellas and  
18 picnic tables from in front of our establishment. We  
19 not put them back in the future. If anything else is  
20 required, please contact my representative, Michael  
21 Kelly at 914-632-6036. Sincerely Remo Biamatti(sp?).  
22 As far as our conversations with Council Member  
23 Mendez's office, the local community board had  
24 concerns about the umbrellas (coughs) interfering  
25 with the public walking by, and picnic tables.

2 They're always--not property tables to put out in  
3 front of the cafes. So, we've agreed to get rid of  
4 picnic tables, and put regular tables with chairs,  
5 and the umbrellas would be removed.

6 [pause]

7 CHAIRPERSON RICHARDS: Well, thank you  
8 already. So I want to thank you for your work with  
9 the community board and just urge you to continue to  
10 work with Council Member Mendez and also to ensure  
11 that we have ADA compliant furniture as well--

12 ROBERT CALLAHAN: [interposing] Yes.

13 CHAIRPERSON RICHARDS: --at your--at your  
14 particular facility.

15 ROBERT CALLAHAN: Yes, we will. Thank  
16 you.

17 CHAIRPERSON RICHARDS: All righty. Thank  
18 you. All right, with that being said, we will close--  
19 -well, you can--you can leave.

20 ROBERT CALLAHAN: I have the next item  
21 also.

22 CHAIRPERSON RICHARDS: Oh, you're for the  
23 next one as well.

24 ROBERT CALLAHAN: Yes.

25

2 CHAIRPERSON RICHARDS: All righty. Well,  
3 we--okay. We will go to now Land Use Item No. 317,  
4 which is a sidewalk cafe located at 233 East 14th  
5 Street also in Council Member Mendez's district, and  
6 Mr. Robert will testify again on this item.

7 [background comments] Okay, and if there are any  
8 other members of the public--are there any members of  
9 the public who wish to testify on the prior sidewalk  
10 cafe? All righty, if not, we'll close the hearing on  
11 that item, and now, I'll let you proceed on Land Use  
12 Item No. 317.

13 ROBERT CALLAHAN: Good morning. My name  
14 is Robert Callahan, and I'm representing 4N Corp  
15 located at 233 East 14th Street in Council Member  
16 Mendez's district. I will read into the record a  
17 letter agreement previously submitted to Council  
18 Member Mendez's office. Dear Council Member Mendez,  
19 please accept this letter as confirmation that as per  
20 our agreement we have removed all planters,  
21 umbrellas, and an A-frame from in front of our  
22 establishment. We will not put them back in the  
23 future. If anything else is required, please contact  
24 my representative Michael Kelly at 914-632-6036.  
25 Sincerely, Garret (sp?) Eagan, Corporate Officer.

2 And as far as our conversations with Council Member  
3 Mendez's office, there is concern from the local  
4 community about overcrowding on the sidewalk with the  
5 umbrellas. There was an A-frame, which was sometimes  
6 outside of the perimeters of the cafe. So we've  
7 agreed to get rid of--I think it was two or three  
8 planters, all the umbrellas and the A-frame, and not  
9 put any of those back on the sidewalk in the future.

10 CHAIRPERSON RICHARDS: All righty, Mr.  
11 Robert. So, we're not going to see you back here on  
12 these particular items again, are we?

13 ROBERT CALLAHAN: No, you are not.

14 CHAIRPERSON RICHARDS: And any future  
15 cafes, nothing to do with planters and umbrellas.  
16 You are clear on what Council Member Mendez likes and  
17 does not like.

18 ROBERT CALLAHAN: Yeah.

19 CHAIRPERSON RICHARDS: All righty. We  
20 hope to not see you again. [laughs] I want to thank  
21 you for coming and you now can leave.

22 ROBERT CALLAHAN: [interposing] Thank  
23 you.

24 CHAIRPERSON RICHARDS: I'll ask if there  
25 is anyone else here in particular. Is there anyone

2 here to testify on this item? Anyone else? All  
3 righty, if not, we will close this item, and we will  
4 move on to the next item. [background  
5 comments/pause] All righty, we now close that item.  
6 I will now open the public hearing for Land Use Item  
7 No. 321, an application to modify the text of the  
8 zoning resolution to eliminate 13,362 square feet of  
9 Designated Open Space in Special South Richmond  
10 Development District. This text amendment would  
11 facilitate the development of three two-family homes.  
12 The property is in Council Member Borelli's district,  
13 and he has indicted his support for this application.  
14 So with that being said, we will now hear from  
15 [background comments] Adam Rockford.

16 ADAM ROCKFORD: Good morning, Chair  
17 Donovan. Adam Rockford (sic) on behalf of BIRB  
18 Realty.

19 CHAIRPERSON RICHARDS: Good morning.

20 ADAM ROCKFORD: Good morning.

21 CHAIRPERSON RICHARDS: Good to see you  
22 under these conditions.

23 ADAM ROCKFORD: [laughs] This is an  
24 application, as noted, to remove mapped designated  
25 open space that appears on the maps that are part of

2 the South Richmond Special Development District.

3 [coughs] The removal of this space is required to  
4 permit development of a three-house job, three two-  
5 family dwellings. As shown on the map, the open  
6 space is mapped right in front of the lot. So  
7 without removing the open space, there is no  
8 development of this property possible. The removal  
9 will be 13,362 square feet. This development was  
10 also subject to approval of the Board of Standards  
11 and Appeals, which approved this site plan. [pause]  
12 As part of that process, we worked with the community  
13 board, and we actually widened the street in front of  
14 the houses. They wanted to go from 30 to 34 feet,  
15 and also to require that we post a no parking signs  
16 so that that street would not be--not be blocked.  
17 The remainder of the open space in this area will  
18 remain on the map. Also, which was requested by the  
19 community board, the owner met with Councilman  
20 Borelli, and went over the plans and we've been in  
21 touch with his staff and has indicated--I guess he's  
22 confirmed that he has no objection or supports the  
23 application.

24 CHAIRPERSON RICHARDS: Thank you for  
25 coming in. So can you just go through. So, you said

2 that there will be a remainder of open space left.

3 Can you just through how much square--

4 ADAM ROCKFORD: [interposing] Sure

5 CHAIRPERSON RICHARDS: footage?

6 ADAM ROCKFORD: [pause] So this map

7 shows the, um, open space that will remain.

8 Unfortunately, the, um, fact of the matter is that

9 the open space that's remaining there actually runs

10 over a bunch of developed--property that's developed

11 with houses.

12 CHAIRPERSON RICHARDS: Uh-huh.

13 ADAM ROCKFORD: So, the entire mapping of

14 this open space really, um, was half developed at the

15 time, and, um, that's why City Planning agreed that

16 it really didn't make sense and agreed to take our

17 half off of it. So, um, as I said, the remainder

18 that area will remain mapped, but again it's still--

19 there are houses in that area anyway.

20 CHAIRPERSON RICHARDS: Okay, great.

21 Well, I know this is a unique circumstance and I know

22 that there was some concerns from the Community Board

23 on not setting a precedent and taking away open space

24 within this obviously situation. It's a--it's a

25 unique situation.

2 ADAM ROCKFORD: Well, Councilman  
3 Borelli's representative was present at the community  
4 board hearing, and although they have a general  
5 policy, they do not want open space removed. City  
6 Planning is in the process of going through their  
7 maps, and they've identified certain areas where  
8 there are kind of outliers that got mapped for one  
9 reason or another, but really don't make sense so--

10 CHAIRPERSON RICHARDS: But do you have  
11 plans of looking at any other open space?

12 ADAM ROCKFORD: We--we do not have any  
13 other plans.

14 CHAIRPERSON RICHARDS: [interposing]  
15 Okay.

16 ADAM ROCKFORD: We've been working three  
17 years just to get rid of this little piece. [laughs]

18 CHAIRPERSON RICHARDS: Okay. All righty.  
19 All right, well, I want to thank you for your  
20 testimony today. Any questions from my colleagues?  
21 Seeing none, you--you are now free.

22 ADAM ROCKFORD: Thank you very much.  
23 Nice seeing you again.

24 CHAIRPERSON RICHARDS: Is there anyone--  
25 anyone here from the public who wishes to testify on

1 this particular madam--matter? If not, we will close  
2 Land Use Item No. 321 and move on to now another  
3 project in Staten Island. Land Use Item No. 322, 323  
4 and 324. Three related applications to facilitate  
5 the rehabilitation and development of the New York  
6 Farm Colony. This application includes a text  
7 amendment concerning the bulk, parking, grading and  
8 private road regulations. A zoning map amendment to  
9 establish a C1-3 District on a portion of the  
10 property, and a disposition of city-owned property.  
11 The property is in Council Member Matteo's district  
12 who has--who has joined us, and he has indicted his  
13 support for it--for this application. And Council  
14 Member Matteo has a statement he wishes to read into  
15 the record, and you can now take it away, sir.

17 COUNCIL MEMBER MATTEO: Thank you, Chair  
18 Richards. Good morning everyone, and thank you all  
19 for being here. As you are aware the proposal on  
20 today's agenda seeks to transform the site of the  
21 former State Island Farm Colony. About a year ago,  
22 the New York City Landmarks Preservation Committee  
23 unanimously backed a proposal to transform this 45-  
24 acre campus into 350 units of senior housing, 17,000  
25 square feet of commercial space, as well as a central

green space and accessory parking. Additionally, the Commission approved an application to demolish five dilapidated buildings built between 1903 and 1938 at Farm Colony, which also calls for the stabilization of five ruined buildings, construction of new buildings and alterations of the landscape. For years, these historic buildings were left unattended and without any maintenance. Not only that, they became havens for illegal activity, were vandalized and covered with graffiti. Year after year my predecessor and I would have an agency clean these buildings and repair the outer fences only to have the work undone a short time later. The old carriage houses and other structure will literally get a new lease on life after getting restored and rebuilt and will come home to seniors who are personally invested in their upkeep. The proposal is the ideal mix of future use and preservation of these magnificent structures. It will help Staten Island to see these buildings in a new light, and give a window into their not too distant past. The Potter's Field, the final resting place of yesterday will remain undeveloped and undisturbed as a natural memorial to those that came before. While serving as Chief of

Staff to now Borough President James Oddo, I worked intimately with him on this project. Now, as your Council representative I continue to support the rebirth of this historic property as a safe viable alternative to the housing needs of Staten Island's growing senior population. For decades, public officials have heard from families that seniors have no choice but to leave the borough that they have long called home because retirement communities were virtually non-existent. Over the last few years, we have seen senior developments built and then fill up immediately. We know anecdotally and statistically that the need is there, and Land Mark Colony provide a place where seniors can live both affordably and conveniently. Seniors lay the foundations of our families and our neighborhoods. It preserves our borough's vitality to give them a place to retire here. As I said in the past, I believe Land Mark Colony is the right project for the right place at the right time. I ask that this committee give the same amount of support that the New York City Landmarks Preservation Commission, Staten Island Community Board 2 and the New York City Planning Commission have already given. Thank you.

2 CHAIRPERSON RICHARDS: Thank you Council  
3 Member Matteo, and now we will hear from four our  
4 four panelists, Susan Goldfinger representing New  
5 York City EDC. Welcome. Nathan Gray, NYC EDC.  
6 Raymond Mascute--Mass--Masucci, NFC Associates, and  
7 Timothy Boyland from V&B Architects and Urban  
8 Planning. So, I'll just ask you once again to as you  
9 speak to just identify yourself and which agency or  
10 organization you're representing. Thank you. You  
11 may begin.

12 NATHAN GRAY: Great. Thank you, Council  
13 Member Richards and thank you Council Member Matteo  
14 for the introduction. My name is Nathan Gray, G-R-A-  
15 Y-. I'm a Vice President with--in the Planning  
16 Department of the New York City Economic Development  
17 Corporation. I'll be followed by the Project  
18 Architects, Masucci and Boyland and it's for Tim  
19 Boyland to present the project in detail, and then  
20 other members of the team including applicant Ray  
21 Mansucci are here to answer any questions that you  
22 may have. So the--the councilman gave you a sense of  
23 history of this site, which we'll hear more about  
24 today, which unfortunately culminated 40 years ago  
25 when the site ceased operations and the remaining

1 residents were moved across the street the Seaview  
2 Hospital. Unfortunately, since that time, Farm  
3 Colony has been vacant, and abandoned and has  
4 basically the buildings, which are all historic  
5 landmarks that have fallen into complete disrepair,  
6 and this site is overgrown with invasive species.  
7 Since then, the City has been working to activate the  
8 site. In the last decade EDC has release two  
9 unsuccessful requests for expressions of interest or  
10 requests for proposals to activate this site. In  
11 2012, it released an RFEI that encouraged a wide  
12 range of uses across this site within an emphasis on  
13 preserving buildings and responding to the site's  
14 unique character. We chose NFC Associates and Ray  
15 Masucci as part of that RFEI. So, given the long  
16 history, it's needless to say that we are incredibly  
17 excited to be this close to transforming this real  
18 key asset into what it should be, which is a vibrant  
19 part of the community, and specifically a vibrant  
20 senior community. As the councilman indicated, the  
21 population of seniors on Staten Island is growing  
22 rapidly, and according to city--to data from City  
23 Planning, Staten Island is projected to have the  
24 highest--to have the greatest relative increase of  
25

1 any borough in its senior population by 2020, and  
2 it's the fastest growing segment of its population.  
3 The site, as you'll see here on this map, is located  
4 in the mid-island region, and is across the street  
5 from the 200-acre Seaview Hospital campus, which is  
6 part of the borough president's vision for a wellness  
7 campus across that site. Included on that campus is  
8 Parklane, which is another senior targeted housing  
9 development. And directly north of Seaview is the  
10 Seaview Senior Living project, another senior housing  
11 development. The site is also directly north of the  
12 Staten Island Greenbelt.  
13

14 We chose NFC because they have a track  
15 record of successful development on State Island as  
16 evidenced by the Tides of Charleston, 190-unit senior  
17 housing project. We also chose them because their  
18 project capitalizes on the site's key assets, its  
19 historic nature and its landscaping. Finally, Ray  
20 was raised on Staten Island. He's from the  
21 community. He has raised his family on Staten  
22 Island, and the project received support unanimously  
23 from the Landmarks Preservation Commission, the  
24 community board and enthusiastic support from the  
25 borough president.

Part of the reason that it's taken so long is because it's a very complicated project. It's a large site with complicated zoning. The historic buildings are falling apart. They're in complete disrepair, and really they require substantial upfront investment to bring them back on line. With that in mind, NFC is committed to spending almost \$100 million to restore the buildings and the native landscaping, and without any direct financial subsidy from the city. This investment translates into 250 construction jobs, 40 permanent jobs and then a myriad number of benefits including publicly accessible open space on almost 25% of the site. Restoring five of the historic buildings; stabilizing the oldest building from 1904 so the public can access that building; preserving and restoring an abandoned cemetery; restoring the native landscaping; installing new site infrastructure including roads, drainage, sewers and utility; providing parking for the adjacent DPR (sic) facility; installing new sidewalks and curbs along the edge of the property where there are none now; and providing 344 units of senior housing.

2           With the change in administration, the  
3 project team took a step back and was tasked with  
4 trying to figure out how to fit affordable housing  
5 into this project. We were able to negotiate that  
6 the portion of the program for the residential  
7 property will be affordable, and specifically 10% of  
8 the 344 units will be affordable to home--affordable  
9 homeownership for families making up to 150% of AMI.  
10 I'm sorry. I should have said seniors making up to  
11 150% of AMI. And we were able to do that while  
12 maintaining all of the project benefits that I just  
13 spoke about without any additional subsidies from the  
14 City. So we believe that this project is the best  
15 opportunity to take this site and to transform it  
16 into what it should be, which is a strong asset for  
17 the city with uses that complement the surrounding  
18 community. And it's safe to say this is probably the  
19 last opportunity in which we can do that before these  
20 buildings are too far gone in which they could be  
21 saved and that history would be lost to everyone.  
22 So thank you for your time. We'll be happy to answer  
23 any questions that you may have after the  
24 presentation, and I'll hand it to the project  
25 architect to through the specifics.

2                   TIM BOYLAND: Good morning all. Thank  
3 you Chair Richards and Council Member Matteo. It's a  
4 pleasure to be able to share this project with you.  
5 My name is Tim Boyland, and I'm a partner in V&B  
6 (sic) Architecture, Urban Planning LLP, Architect for  
7 the Landmark Colony team. The former New York City  
8 Farm Colony is located within the Farm Colony-Seaview  
9 Historic District in Staten Island on the left side  
10 of Brielle Avenue. The district also includes the  
11 Seaview Hospital campus on the east side of Brielle  
12 Avenue. The site is zoned primarily R3-2 with a  
13 small portion of R3-1 at the western edge adjoining  
14 Forest Hill Road. It is located within the special  
15 natural area district and within the lower density  
16 growth management area. The site is bordered to the  
17 north and west primarily by residential neighborhoods  
18 developed in the 1960s. To the south is the Parks  
19 Department Greenbelt Recreation Center. Historically,  
20 this site had been an evolving campus with various  
21 master plans. The earliest dating to 1909, shown  
22 here, are representative of the eras of development  
23 from which there still remains exigent (sic).  
24 Collectively, they illustrate that there was a  
25 continual history of master planning and development

1 strategies, which proposed new construction and  
2 additions with a mix of building retention and  
3 demolition. Working together, the architects, the  
4 structural engineers, and the historic preservation  
5 consultant and material specialists documented the  
6 condition of all significant structures on this site.  
7 These assessments identified the extent of building  
8 deterioration and assisted in the development of the  
9 preservation strategy and master plan for the  
10 project. Our preservation and adaptive re-use  
11 strategy consists of: Repurposing of six existing  
12 structures; reuse of materials and the landscape; and  
13 existing proposed structures; and dismantling of  
14 ruins in critical condition.  
15

16           These photos illustrate conditions our  
17 team encountered. Here we see former 9-A, 9-C and 9-  
18 D dormitory buildings, which will be rehabilitated  
19 and enlarged for residential occupancy. The former  
20 dining hall will also be rehabilitated for  
21 residential occupancy. Our intent is restore the  
22 facade of this building informed by the original  
23 architect's 1912 drawings. Our proposed master plan  
24 and development program for this next era of the  
25 campus includes a vibrant mix of building styles and

1 residential typologies; 344 residential units spread  
2 across carriage houses, cottages, lofts and flats;  
3 accessory structures such as a clubhouse and restored  
4 storage building; over 19,000 square feet of new  
5 commercial and community facility space. Over 11  
6 acres of publicly accessible open space, and a  
7 residents' community garden. In a park like setting  
8 we have connective tree canopy, common green and  
9 growing green edges, arrested ruins, and a seating  
10 knoll built with salvaged stones. Dedicated  
11 vehicular and pedestrian circulation it proposes new  
12 roads and pathways to supplement existing historic  
13 infrastructure where it can be utilized. Required  
14 accessory parking provided for both residential and  
15 commercial uses within buildings and unenclosed in  
16 compliance with lower rent density growth management  
17 regulations. Additional parking spaces are also  
18 provided adjacent to the knoll, arrested ruins and  
19 Potter's Field for use by members of the public  
20 wishing to visit those locations, and 15 parking  
21 spaces have been provided at the southern edge of the  
22 site for use by Parks Department visitors.

24 The circulation system introduces new  
25 connective east, west, north and south connections.

1 The southern connection to the Greenbelt area.  
2 Vehicular circulation system has been approved by  
3 FDNY for emergency vehicle access. A mix of  
4 pedestrian and bicycle paths are provided utilizing  
5 both new and preserved infrastructure. Some paths  
6 meandering through the green edges and occasionally  
7 connecting to the green core will be designed in a  
8 manner consistent with nature trails. [pause]

10 A proposed C1-3 commercial overlay  
11 adjacent to Brielle Avenue edge will facilitate the  
12 new commercial and community facility uses. Local  
13 convenience retail for residents in the adjacent  
14 neighborhoods and possible medical offices are  
15 envisioned. These drawings illustrate our design for  
16 rehabilitation the former 9-A, 9-C and 9-D dormitory  
17 buildings, which we saw photos of earlier. These  
18 buildings will be rehabilitated for residential  
19 occupancy. Complementary horizontal and vertical  
20 additions are proposed to these buildings. These  
21 proposed elevations of the former dining hall, photos  
22 of which we saw earlier in the presentation. This  
23 building will also be rehabilitated for residential  
24 occupancy. Our intent is to restore the facade of

1 this building informed by the architect's original  
2 1912 drawings.

3  
4 Our three flats buildings are located on  
5 the northern side of our central open space Olmstead  
6 Green. The architecture of these six-story multiple  
7 dwellings is informed both by the exigent (sic)  
8 structures within the historic district and designs  
9 of buildings no longer present. The designs of our  
10 carriage houses and cottages are also very closely  
11 anchored to the historic precedence found within the  
12 site today, and in records of past structures.

13 [pause] The landscape plan illustrates the team's  
14 strategy for the site's botanic environment. Our  
15 comprehensive approach for rehabilitation of this  
16 site includes removal of damaged or invasive trees,  
17 substantial new plantings and a mix of shrubs,  
18 perennials, bio-swale grasses, lawn and other ground  
19 cover.

20 This diagram illustrates our strategy for  
21 retaining a variety of open spaces, programmed and  
22 unprogrammed as part of this era of master planning  
23 on the campus. The open space includes the green  
24 edges, the preserved Potter's Field, which we refer  
25 to Colony Meadow, the centrally located green core,

2 Olmstead Green and at the southern edge adjacent to  
3 the Parks Department property, our arrested ruins,  
4 which is the oldest exigent (sic) structure on the  
5 site, and knoll as we see in the rendering here.  
6 [background comments/pause] All right, just I'd like  
7 to ask--add one personal note. As a fifth generation  
8 Staten Islander and a bit of history buff, I've  
9 always been intrigued by this site, and it's been a  
10 real exploration for me personally to be involved  
11 with this project. During the due diligence process  
12 doing the research and historical documentation, I  
13 learned that my grandmother worked here as a head  
14 nurse in one of the dormitories from 1945 to 1965,  
15 which was an exciting thing for me. So, that's just  
16 my personal connection with this project. I'm  
17 available for questions as well as my partner Pablo  
18 Vengoechea, who's--who is here also.

19 CHAIRPERSON RICHARDS: Well, I want to  
20 thank, Mr. Vengoechea.

21 TIM BOYLAND: I just want to say that  
22 we're happy to take any questions that you have.

23 CHAIRPERSON RICHARDS: Great. Well,  
24 Timothy, I want to thank you for your hard work and  
25 well thought out plan here, which certainly looks

2 like a plan that will help many seniors move into a  
3 community that's friendly, has a lot of green  
4 benefits, parkland, and I think that's certainly  
5 good. And perhaps you may be building for your  
6 future as a Staten Islander, right?

7 TIM BOYLAND: [off mic] Right.

8 CHAIRPERSON RICHARDS: Even though you  
9 look too young to--to technically move in yet. Okay.  
10 [laughs] But I want to certainly thank you. I just  
11 have a few questions. Can you just go back to the  
12 affordability. I know we spoke of at least 344  
13 units. Can you just go through the particular AMIs  
14 and targets?

15 TIM BOYLAND: Sure. So that's--so the--  
16 the--there's 344 units total units. Ten percent  
17 would be affordable so 34 units.

18 CHAIRPERSON RICHARDS: That which AMI?

19 TIM BOYLAND: Um, up to 150% of AMI.

20 CHAIRPERSON RICHARDS: So that can mean--  
21 so when you say up to any culmination or mix?

22 TIM BOYLAND: It's--it could be a mix of  
23 those. Uh, it's--the 34 units are spread between  
24 the--the three, um, B buildings, the three new high-  
25 rise construction buildings. So there would be 11 or

2 12 units per building. There would be one-bedroom  
3 units next--intermingled with market rate units--

4 CHAIRPERSON RICHARDS: [interposing]

5 Okay.

6 TIM BOYLAND: --and across those  
7 buildings.

8 CHAIRPERSON RICHARDS: Okay. So no poor  
9 door?

10 TIM BOYLAND: That's correct.

11 CHAIRPERSON RICHARDS: Okay.

12 TIM BOYLAND: We have a--a common  
13 entrance. They would be able to use the same--the  
14 same site amenities as the market rate units.

15 CHAIRPERSON RICHARDS: Okay, good. Um,  
16 can you just go through, um, so you spoke of  
17 preserving some of the buildings and refurbishing  
18 them and turning them back into housing. Can you go  
19 through what are your plans? Are there any plans to  
20 demolish some of the particular buildings that are on  
21 site now?

22 TIM BOYLAND: Yeah, um, once we had  
23 access to the site early in the process.

24 CHAIRPERSON RICHARDS: [interposing]

25 Please speak into the mic.

2 TIM BOYLAND: Okay.

3 CHAIRPERSON RICHARDS: Thank you.

4 TIM BOYLAND: Once we had access to site  
5 early in the process, uh, the first thing we did was  
6 take structural engineers and preservation  
7 consultants along with us, and we went through and  
8 we--we--we did an evaluation of all the buildings on  
9 the site. We also had access to an excellent report  
10 done some years ago on behalf of--of this city by  
11 Paige S. Kelly (sic) who--who identified buildings  
12 that were also in critical condition. So our--our  
13 critical condition report really, um, recommended  
14 that there were buildings that after 40 years were  
15 beyond the point where they could reasonably be  
16 restored or be used for adaptive re-use. But, to  
17 that point, we felt very strongly that there was a  
18 building, Dormitory 1 and 2, that although it was  
19 beyond the point of adaptive re-use, um, we really  
20 wanted to keep that as it was the oldest exigent  
21 building. So we've decided to--to--to keep that as  
22 preserved ruins in its state and intermingle gardens  
23 and make it basically a cornerstone of the history of  
24 the site, which is a very important component.

2 CHAIRPERSON RICHARDS: And can you go  
3 through some of the energy efficiency strategies that  
4 you may have in particular?

5 TIM BOYLAND: Sure, um, our--our purpose  
6 here is even with historic buildings, which are  
7 exempt from energy codes, state and city energy  
8 codes, our purpose is to bring all these buildings up  
9 to compliance to meet or exceed the New York State  
10 and New York City Energy Code.

11 CHAIRPERSON RICHARDS: Okay.

12 TIM BOYLAND: We have for 55 and over  
13 end-user and we're very conscious of that. We want  
14 to make--create buildings that are--that are very  
15 energy conscious. Um, in addition to that, we do  
16 have site amenities, and I'm just--just refer to my  
17 notes. [pause] In addition, the site exceeds the  
18 amount of open space required by zoning, and it  
19 includes green features, which is bio-swales, rain  
20 gardens, rainwater harvesting, pedestrian only trails  
21 and bicycle paths. And just by the nature of  
22 adaptive re-use, it scores very highly on--on the,  
23 um, if we were to apply a LEED scale to--to a project  
24 like this. We're talking old buildings in old site,  
25 and, um, and--and adapting and re-using. So just by

2 the nature of the type or project that it is, um,  
3 believe that it's a--that it's a very green project  
4 just by its nature.

5 CHAIRPERSON RICHARDS: And any plans for  
6 gray infrastructure to be put in? I know that you've  
7 focused on, and I'm very happy about the green  
8 infrastructure that's being put in. How about for  
9 gray infrastructure, which is just storm sewers--

10 TIM BOYLAND: [interposing] Yes, storm  
11 water restoration and so on. Yeah. Our intention is  
12 to--is to mitigate a percentage of the storm water on  
13 site through bio-swales--

14 CHAIRPERSON RICHARDS: [interposing] Uh-  
15 huh.

16 TIM BOYLAND: --and--and rain gardens and  
17 so on. In other words, it's not all going to city  
18 storm sewers.

19 CHAIRPERSON RICHARDS: [interposing] Uh-  
20 huh.

21 TIM BOYLAND: It's not all going to dry  
22 wells--

23 CHAIRPERSON RICHARDS: [interposing] Uh-  
24 huh.

2 TIM BOYLAND: --right. So it's a  
3 combination. We've really come up with a strategy  
4 that is--is the mix of mitigation techniques. So  
5 yes, there's--there's gray water, um, mitigation.

6 CHAIRPERSON RICHARDS: Great. Um, I  
7 guess this question is more for EDC. So we've heard  
8 250 jobs. How do you plan on ensuring that, that  
9 local community, um, is engaged in the local hiring  
10 practice?

11 TIM BOYLAND: Sure. I'll turn that to--  
12 to Susan Goldfinger.

13 CHAIRPERSON RICHARDS: And also MWBEs,  
14 the emphasis is there. (sic) Happy to have you here.

15 SUSAN GOLDFINGER: Good morning. Thank  
16 you very much. Um, we have EDC's standard Workforce  
17 Programs that, um, Ray and his team have agreed to,  
18 um, comply with including our Hire NYC program for  
19 permanent jobs and an MWBE program for construction  
20 with a goal of 20%--

21 CHAIRPERSON RICHARDS: [interposing]  
22 Okay.

23 SUSAN GOLDFINGER: --and the permanent  
24 jobs, um, are--are required to go through Hire NYC

2 and the construction jobs are, um, through--for the  
3 MWBE program.

4 CHAIRPERSON RICHARDS: Okay. So both are  
5 being facilitated--

6 SUSAN GOLDFINGER: [interposing] Yes.

7 CHAIRPERSON RICHARDS: --Hire NYC?

8 SUSAN GOLDFINGER: Well, the permanent  
9 jobs through Hire NY--Hire NYC--

10 CHAIRPERSON RICHARDS: [interposing]  
11 Okay.

12 SUSAN GOLDFINGER: --and the construction  
13 jobs through--through our MWBE program.

14 CHAIRPERSON RICHARDS: Okay, and you said  
15 a 20%?--

16 SUSAN GOLDFINGER: [interposing] A 20%  
17 goal.

18 CHAIRPERSON RICHARDS: --goal. Okay.

19 All righty. I'm very happy to hear that. Okay, I'm  
20 going to now turn it over to Council Member--well,  
21 Minority Leader. Sorry, I've got to get your title  
22 right here--Steve Matteo, um, who's, um, clearly done  
23 an impressive job here.

24 COUNCIL MEMBER MATTEO: Thank you, Chair  
25 Richards. I appreciate that. I just, um, I want to

1 thank the team EDC and Colony team (sic) for being  
2 with us on this long journey. It's been a long  
3 journey, and I--I just want to a few--a few  
4 additional comments. You know, I'm carrying around  
5 the binder that, um, you know, I've used for--since  
6 2004 in Farm Colony. Um, there's another five or six  
7 years that then Councilman Oddo has. We have three  
8 files in the office. I--I need to, um, make sure  
9 that everyone understands the efforts, the passion  
10 and the desire from then Council Member and now  
11 President Oddo to see this project to fruition. Um,  
12 and as Chief--as his Chief of Staff, um, we worked  
13 hard on other projects before this to try and get,  
14 um, Farm Colony moving. And quite frankly obviously  
15 as we're here we've--we've had failures that, um,  
16 didn't work. Um, but the problem was that Farm  
17 Colony needed to be--to be restored to what we think  
18 is its glory, and we couldn't be prouder or having a  
19 senior or residents projects by you both--by you  
20 great folks to partner with us. To save (sic) our  
21 project they have been with the community from day  
22 one. They heard of the community's concerns. They  
23 heard our concerns. Um, they've gone back to the  
24 drawing table numerous times. So it's been a--a

1 wonderful collaborative effort between the City, my  
2 office, the borough president's office, um, Ray and  
3 Tim and everyone involved. Um, you know, this is a  
4 site, um, that's been dangerous. Um, there's been  
5 like I said in my testimony there's been numerous  
6 times we've had to have the NYPD there. There's been  
7 paintball activity there for the longest time. If  
8 you go online, you could actually find out and get in  
9 the game yourself. Um, graffiti. I won't mention  
10 what the graffiti is on one of the buildings that is  
11 very detrimental to Staten Island itself. So this  
12 has been a thorn in our side for a very long time,  
13 and we are extremely, extremely proud to get to this  
14 point, um, and to shuffle through the land use  
15 process. And I want to thank Chair Richards, um, for  
16 his collaboration, for his questions, for his  
17 concerns. Um, and, um, making sure that this is the  
18 right project, which it is. So, it's a--it's a  
19 journey that--that finally leads us to the point that  
20 we are. We know we need senior housing on Staten  
21 Island. There's no question. The borough president  
22 and I have been fighting for senior housing for such  
23 a long time. So it's a proud day to finally see that  
24 that's going to come to fruition. Um, you're going  
25

2 to have amenities on site. You're going to have  
3 preserving open space. Um, I--I think you mentioned  
4 you--you even consulted the--the report from page,  
5 um, from over ten years ago when we, um, you know,  
6 put on our boots and walked and looked at every  
7 building to see what we could preserve, what needs to  
8 come down. So this has been a very, very delicate  
9 process. We understand, um, the historical value of  
10 this site. We will make sure that we keep the  
11 historical value of this site, um, and provide senior  
12 residents for our wonderful seniors on Staten Island,  
13 which are sorely needed. So again, I want to commend  
14 everyone. It's a great day. I look forward to, um,  
15 to moving through the--the legislative process, and,  
16 um, thank you again.

17 CHAIRPERSON RICHARDS: Thank you, Council  
18 Member Matteo, and I want to congratulate you on an  
19 historic project and, you know, just coming in to get  
20 a project like this done is--is--is really a  
21 testament to your leadership on Staten Island, and not  
22 only in Staten Island but in the Council as well. And  
23 I think this project is--is a great project for  
24 Staten Island. The green space amenities as you  
25 said, um, the local hiring, the MWBE part of this.

2 Um, and most importantly, building for our seniors  
3 who desperately--every day we hear from seniors who  
4 are looking for a place to live in the city and they  
5 can't find a place that they can live in this city.

6 So, I think this is a great project. Um, with that  
7 being said, I will now say that you are relieved of  
8 your duties here today, and thank you for your hard

9 work on this project. We look forward to continuing

10 to work with you. Thank you. All righty, are there

11 any members of the public here who wish to testify on

12 this item, on Land Use Items 322, 323 and 324? All

13 righty, seeing none, this item is closed. [gavel]

14 We will now move on lastly to the public hearing on--

15 for Resolution 935. This resolution was submitted by

16 the Mayor's Office and with the Department of

17 Information, Technology and Telecommunications to

18 grant franchise agreements for the installation of

19 telecommunications equipment on city property. This

20 resolution would run for five years, and would renew

21 the previous authorizing resolution with--which

22 expired last September. Now, to speak on this item,

23 um, we are joined by Stanley Shore of New York City

24 Department of Information and Technology and Alfonso

25 Jenkins of New York City DOITT. All righty, we will--

2 -we will ask you to say your name for the record and  
3 the organization you represent and you may begin  
4 after that.

5                   ALFONSO JENKINS: Good morning, Chairman  
6 Richards and members of the Zoning and Franchises  
7 Subcommittee. My name is Alfonso Jenkins. I am the  
8 Deputy Commissioner for Telecommunications Planning  
9 for the Department of Information, Technology and  
10 Telecommunications or DOITT. With me is Stanley  
11 Shore, DOITT's Assistant Commissioner of Franchise  
12 Administration. Thank you for the opportunity to  
13 testify today to discuss the proposal authorizing the  
14 Resolution 935-2015. The Resolution before you would  
15 renew DOITT's authority to grant franchises to allow  
16 for the installation and the use of  
17 telecommunications equipment and facilities on, over  
18 and under the inalienable property of the City of New  
19 York in connection with the provision of mobile  
20 telecommunications services. Authorized franchisees  
21 are allowed to install their telecommunications equip  
22 with--within city rights-of-way including certain  
23 city-owned light poles and with approval of the  
24 utility companies' privately owned utility poles  
25 located on city streets. The mobile

telecommunications franchisees enable companies to use its equipment to enhance existing services or to provide new wireless services including cellular and broadband Internet access. Proposed Resolution 935 would succeed three earlier resolutions previously adopted by the Council for the same purpose. Resolution 919 of 2010, Resolution 519 of 2004 and Resolution 957 of 1999. Pursuant to the previous resolutions, the franchisee and concession--the Franchising Concession Review Committee has approved 12 such franchisees since 2004, 10 of which are still active. The benefits of allowing franchisees to use the city's inalienable property to install mobile telecommunications equipment are twofold. The first benefit is increased coverage, capacity, and competition. The second benefit is increased city revenue. Granting access to city street poles creates an opportunity for wireless companies to provide their services where other sites are not available or practical while enabling the city to foster increased competition in the mobile telecommunications market and generate city revenue. Carriers are also able to supplement areas of weak coverage, improving capacity and service in

1 previously under-served areas of the city. The  
2 franchises can also provide a practical alternative  
3 to the installation of larger antennas typically seen  
4 on building rooftops. Having the ability to offer  
5 property for the siting of mobile telecommunications  
6 equipment has proven to be an attractive and  
7 effective method of increasing capacity and providing  
8 reliable coverage for mobile telecommunications  
9 companies. As a result, telecommunications equipment  
10 has been installed on existing poles throughout the  
11 five boroughs benefitting many of the areas of the  
12 city. The City's franchise with City Bridge for  
13 implementation and maintenance of linknyc.network  
14 also leverages the mobile telecom franchise  
15 authorizing resolution as does our franchise with MTA  
16 contractor Transit Wireless to install and operate  
17 five rocket cables and related equipment for wireless  
18 transmission of voice and data service in all 279  
19 underground subway station by 2017. As a result of  
20 the franchise, a new low cost cellular provider New  
21 York Marketed in 2008, partnering with a mobile  
22 telecom franchisee and ultimately building our its  
23 cellular network from the ground up predominantly  
24 using poles. Additionally, major wireless carriers  
25

often partner with mobile telecommunications franchises to identify usable poles on which they may install their equipment to address coverage deficiencies within their networks. Or, to expand capacity in response to the public's ever-growing increase in mobile device usage. Use of a distributed antenna system installed on pole tops continues to address the challenges associated with providing ubiquitous coverage in a dense urban environment such as New York City. In addition to improving wireless coverage for the public, the franchises generate millions of dollars in general fund revenue each year. Approval of this resolution and a subsequent of prospective franchises would increase competition and potentially generate additional annual revenue. If adopted by the Council, this authorizing resolution would permit DOITT to issue a request for proposals for new franchises similar in nature to those that are currently active. Pursuant to the evaluation criteria as describe in the authorized resolution, DOITT would then select one of--one or more franchisees, and enter into a written agreement with each one. Any such franchise agreement would be subject to pursuant to the City Charter, to approval

by the FCRC and the separate approval of the Mayor.

A process followed by each of the current franchises.

The current franchise agreements include the

following provisions: Equipment installed on light

poles must conform to particular size limitations,

and only one installation per pole is allowed. Since

there are multiple franchises the agreement details a

process for competing requests, rollout, and

concentration of the facilities. Franchisees must

fully comply with FCC Rules and Requirements

regarding radio frequency energy exposure and the

operation and maintenance of the telecommunications

equipment. In drafting this resolution and in

negotiating the existing agreements with the

franchisees, DOITT's primary concern was to protect

the interest of the city, and the New Yorkers we

serve. To achieve these ends, and grant the most

effective franchises possible, the resolution

includes the terms listed in my prepared testimony,

which mirror those previous mobile telecommunications

authorizing resolutions. The Council will now--will

note a new provision requiring franchisees to provide

maps and other--and other information including

resiliency information regarding locations of their

2 facilities on city property. In the wake of  
3 Hurricane Sandy and our efforts to harden and to make  
4 more resilient vital infrastructure, this provision  
5 is being added to all telecommunications franchise  
6 agreements. This concludes our prepared testimony.  
7 Thank you once again for the opportunity to address  
8 the subcommittee, this subcommittee on proposed  
9 authorized Resolution 935. We'll be happy to answer  
10 any questions you may have. Thank you.

11 CHAIRPERSON RICHARDS: Thank you so much  
12 for your testimony, and certainly you've worked very  
13 hard on this over the past few months since we've  
14 last met. So, I'm very appreciate of the--the work  
15 you've done. Um, so I just want to lay out--so there  
16 were a few things in your testimony I wanted you to  
17 delve into a little bit on. I know one thing you  
18 mentioned is a security fund will be established to  
19 ensure the performance of franchisee's obligations  
20 under the agreement. Can you speak of who's  
21 overseeing that fund, and how do we ensure that this  
22 fund is being utilized.

23 ALFONSO JENKINS: Well, basically we--all  
24 of our franchises have security deposits. They are--

2 CHAIRPERSON RICHARDS: [interposing] And  
3 how much is the normal?

4 ALFONSO JENKINS: Do you know? [pause]  
5 Okay, it's--it's one year's annual compensation. So  
6 they have to adjust it each year to make sure that  
7 they cover all of their, um---

8 CHAIRPERSON RICHARDS: Is there a range  
9 you can do or--?

10 ALFONSO JENKINS: They can go from--Okay,  
11 yeah, the minimum is--[laughs]

12 CHAIRPERSON RICHARDS: [interposing] Why  
13 don't you come up, sir?

14 ALFONSO JENKINS: [laughs]

15 CHAIRPERSON RICHARDS: Just say your name  
16 for the record.

17 FRED ZYKAUF: I am Fred Zykoff (sp?)  
18 from DOITT's Franchise Administration. So the  
19 security fund starts at the minimum level of annual  
20 compensation that each franchisee pays. So, in the  
21 event of poor performance or they go bankrupt or  
22 disappear, we have sufficient funds to cover any  
23 costs of equipment that may remain or maybe left  
24 behind. And, the security fund increases based on  
25 the number poles each franchisee reserves for its

2 use. So for each pole each year it increases  
3 incrementally at--at a predetermined figure.

4 CHAIRPERSON RICHARDS: Okay, and I know  
5 last where we left off when we had conversations,  
6 there was a difference in the way you were basing the  
7 rental amounts. So it was different from East New  
8 York than say Midtown Manhattan. Can you just speak  
9 a little bit to that?

10 FRED ZYKAUF: Yeah, well basically there  
11 are three zones. So if you are in Zone C, it--Zone C  
12 covers Manhattan Community districts 10 and 11; in  
13 the Bronx, Community Districts 1 through 7; and  
14 Brooklyn Community districts 3, 4, 5 and 16. Um,  
15 that's the--that--if you only reside in that area,  
16 you pay the lower zone compensation. What is it?  
17 \$10,000, and you pay so--

18 CHAIRPERSON RICHARDS: [interposing] And  
19 this is for Zone C?

20 FRED ZYKAUF: For Zone C.

21 CHAIRPERSON RICHARDS: Okay.

22 FRED ZYKAUF: So--and then, Zone B it  
23 would--if you got Zone B, you'd get Zone B and Zone  
24 C, and that's everything in New York City outside of

2 Manhattan Borough on 96 Street, and then if you get  
3 Zone A-

4 CHAIRPERSON RICHARDS: [interposing] And  
5 how much is that?

6 FRED ZYKAUF: That was--is that \$50,000  
7 now?

8 MALE SPEAKER: [off mic] I'm sorry.

9 FRED ZYKAUF: \$50,000 is it?

10 MALE SPEAKER: [off mic] For what?

11 FRED ZYKAUF: For Zone B.

12 MALE SPEAKER: Yes. \$50,000.

13 FRED ZYKAUF: And if you get Zone A, you  
14 get the whole city, and now you pay \$100,000 as an  
15 annual compensation. Then the--the amounts in each  
16 zone, um, per pole are--are also the minimums are  
17 much lower if you just have--the minimums are lower  
18 in Zone Z--Zone C, Zone B from Zone A. So--Pat, do  
19 have the minimums.

20 MALE SPEAKER: Yeah, basically, the  
21 minimum range for Zone C monthly pole compensation is  
22 \$10 per month.

23 CHAIRPERSON RICHARDS: And Zone C is  
24 where?

2 FRED ZYKAUF: Um, that's Community  
3 Districts, um, 1 through 7 in the Bronx and 3, 4, 5  
4 and 16 in Brooklyn.

5 ALFONSO JENINKS: [off mic] And 10 and  
6 11.

7 FRED ZYKAUF: I'm sorry, and--and 10 and  
8 11 in, um, in Upper Manhattan.

9 CHAIRPERSON RICHARDS: Okay.

10 FRED ZYKAUF: Um, so yeah. So Zone C's  
11 minimum pole compensation is \$10 per month. Zone B's  
12 minimum pole compensation is \$50 per month, and Zone,  
13 um, A's pole compensation--minimum pole compensation  
14 is \$250 per pole per month. Some franchisees pay  
15 considerably more. Some pay--but that minimum is  
16 those levels.

17 CHAIRPERSON RICHARDS: And I'm just  
18 interested in knowing the strategy and I know that  
19 this has been going on for years on how we based  
20 this.

21 FRED ZYKAUF: So the--the strategy was  
22 based upon an assessment that was made what was it,  
23 back in like--in 2004 that when they were setting  
24 this franchise and they wanted to encourage, um,  
25 deployment of mobile facilities in the areas where

2 there were, um, less facilities in place. So  
3 Manhattan had--has a very high concentration.  
4 Everyone knew that it had a high concentration.  
5 Outside of Manhattan, there were certain areas that  
6 pursuant to information, we found from the census  
7 that there were areas where the number of homes with  
8 phones, you know, land line phones had--penetration  
9 had never achieved 100%. So we looked at those. We  
10 found those areas. We incentivized those areas the  
11 highest, and the areas out--outside of Manhattan  
12 Borough on 96th Street we incentivized it--  
13 incentivized it somewhat. And then Manhattan below  
14 96th Street, which there was a high demand there for  
15 additional cellular facilities. They didn't need to  
16 incentivize. So we left that at the highest amount.

17 CHAIRPERSON RICHARDS: So would you say  
18 some of the areas, for instance, like East New York  
19 have sufficient coverage now?

20 FRED ZYKAUF: Um, they have better  
21 coverage now. I don't know if it's sufficient, but  
22 they have much better coverage now I would say  
23 because of this.

24 CHAIRPERSON RICHARDS: So we're still  
25 going off basing this--hour rates and different

2 things off the study from 2004. When is the next  
3 time DOITT will look to actually go back in and--

4 FRED ZYKAUF: Okay, so these--these  
5 franchises that we were granted were 15-year  
6 franchises starting in 2004, and then franchises that  
7 were for the cold type of franchise that were granted  
8 subsequent expire at the same time the ones that are  
9 expiring in 2004. So they go for 15 years to 2019.  
10 So in 2019, we'll make a new assessment.

11 CHAIRPERSON RICHARDS: [interposing]  
12 Okay.

13 FRED ZYKAUF: [interposing] Before they  
14 expire in 2019.

15 CHAIRPERSON RICHARDS: So, what I'm  
16 getting at is for instance where, you know, you're  
17 renting a pole out for \$10--

18 FRED ZYKAUF: [interposing] Uh-huh.

19 CHAIRPERSON RICHARDS: --for instance in  
20 East New York. I just want to make sure that  
21 particular communities aren't being over-saturated,  
22 and I understand the need. We live in a Wi-Fi era--

23 ALFONSO JENKINS: [interposing] Right.

24 CHAIRPERSON RICHARDS: Where, you know,  
25 it seems like Wi-Fi is going to be everywhere. But I

2 just want to make sure that we're not over-saturating  
3 certain communities. Um, if they have sufficient  
4 coverage and it's like the Wild Wild West--

5 FRED ZYKAUF: [interposing] No, we will--

6 CHAIRPERSON RICHARDS: --so can you speak  
7 to that a little bit?

8 FRED ZYKAUF: We'll have to look more  
9 closely. I don't believe that the number right now  
10 is--is very large in that area.

11 MALE SPEAKER: [interposing] No, in  
12 fact, we just looked this up the other day. They're  
13 in East New York. There are 24 pole installations,  
14 um, and compared to any again community district in  
15 Manhattan, and there's probably many more dozens than  
16 that. Um, so yeah, it wouldn't necessarily reflect  
17 just because of the low prices or low compensation  
18 that an area would be inundated with pole  
19 installations.

20 CHAIRPERSON RICHARDS: Okay.

21 FRED ZYKAUF: Yeah, it's not necessarily  
22 a correlation in--

23 CHAIRPERSON RICHARDS: [interposing]  
24 Yeah, though, we haven't studied this in a while so,

25

2 when was the last time you went and actually looked  
3 at how many poles are covered there?

4 FRED ZYKAUF: Well, you've got to  
5 remember a lot of coverage is not only, um, what's by  
6 poles. There's is rooftop installation so this is  
7 just intended to supplement or complement the  
8 existing coverage.

9 CHAIRPERSON RICHARDS: All righty, any  
10 questions. Council Member Greenfield.

11 COUNCIL MEMBER GREENFIELD: Thank you,  
12 Mr. Chairman. Thank you all. So--so I'm just trying  
13 to understand, um a little better in terms of the  
14 pricing model. So how does this--how does this  
15 compare, for example, to the rooftop pricing that,  
16 um, private owners would receive versus the pricing  
17 for the poles?

18 ALFONSO JENKINS: So, the variety of  
19 differences between rooftop installations and poles  
20 differ primarily because of the physical  
21 infrastructure. So pole infrastructures are  
22 particularly de minimus in terms of size.

23 COUNCIL MEMBER GREENFIELD: Sure.

24 ALFONSO JENKINS: And so there's only one  
25 particular licensee that's allowed on one particular

2 street light pole for example. In the case of the  
3 rooftops, we're talking more macro cells where we're  
4 able to provide much larger pieces of equipment, to  
5 serve much--much larger areas. And so, it deviates  
6 pretty greatly from rooftop pricing from a private  
7 landlord to a citywide price on a street light pole.

8 COUNCIL MEMBER GREENFIELD: How many, um,  
9 how many franchises do you currently have on the  
10 poles?

11 FRED ZYKAUF: We have eight.

12 COUNCIL MEMBER GREENFIELD: And so, what  
13 you're saying is you can't have--you can't have more  
14 than one franchise per pole, is that correct?  
15 There's no way of sharing the pole, shall we say?

16 ALFONSO JENKINS: Currently, in the  
17 mobile telecom franchise pole single exclusive use of  
18 a street light pole is--is made primarily from one  
19 particular tenant. However, we have been looking at  
20 investigating a multi-tenant solution in the future  
21 after the 2019 franchise agreements may be renewed.

22 COUNCIL MEMBER GREENFIELD: Go it, and so  
23 the--the current, um, the current franchise--you're  
24 saying the current franchise expires in 2019?

2 FRED ZYKAUF: The, um, the agreements,  
3 the pole top agreements all expire in 2019, yes. We,  
4 that if--that's not t say that if we have a new  
5 authorizing resolution and we came up with a new  
6 scheme that we couldn't, um, issue some new  
7 franchises with a different expiration. But, the  
8 ones that were issued under the same scheme, we felt  
9 had to be all during--have the same expiration.

10 COUNCIL MEMBER GREENFIELD: Got it and  
11 how many poles are currently impacted by this?

12 FRED ZYKAUF: There are currently about  
13 1,900 pole top installations citywide.

14 COUNCIL MEMBER GREENFIELD: So when you  
15 look at--when you look at the--re-upping the  
16 franchise agreements so does it--do you take into  
17 consideration in terms of whether the--the coverage  
18 of those particular franchises in terms of how that  
19 might shut out other possible franchisees, or how  
20 does that work in terms of your calculation? Do you  
21 simply, you know, just put it out there and whoever  
22 gives you the biggest bid or do you actually look at,  
23 you know, what the competitive landscape is going to  
24 look like. Whether someone else is going to get shut

2 out? I'm just curious about some of the mechanics of  
3 how this actually works.

4 ALFONSO JENKINS: I think there's--  
5 there's enough street light pole tops to go around  
6 for many more franchisees in the future. They are  
7 not completely saturated. There are some areas where  
8 you have some saturation of the street light poles.  
9 Um, but there are plenty others, and there has not  
10 been basically an issue with existing franchisees  
11 finding new locations. So, there's no--there's no  
12 limitation in terms of the physical real estate  
13 that's available that would shut out current  
14 franchisees or future franchisees. So, there's--  
15 there's enough infrastructure to sort of go around.  
16 Also, with the invention possibly of multi-tenancy  
17 possibilities that we could actually put multiple  
18 tenants into one street light pole. That even  
19 increases the amount of real estate that we may have  
20 available in the future for franchisees.

21 COUNCIL MEMBER GREENFIELD: Sure. So  
22 you're saying that you're looking at that or you  
23 already have that? I don't--I wasn't clear on that  
24 piece about multiple tenants. Yeah.

2 ALFONSO JENKINS: [interposing] No,  
3 we're looking at--we're--we're exploring the multi-  
4 tenancy use on street light poles today.

5 COUNCIL MEMBER GREENFIELD: Got it and  
6 how much money does the City make off it this year?

7 [pause]

8 MALE SPEAKER: Um, we make just a little  
9 less than \$4 million a year.

10 COUNCIL MEMBER GREENFIELD: Okay. Got  
11 it. Are there any um, in terms of DOITT right now,  
12 are you using these poles or similar poles to--for  
13 your own purposes in terms of sending information or  
14 Wi-Fi, or packets or data or anything like that or  
15 no?

16 FRED ZYKAUF: The poles are not being  
17 used by, um, DOITT. That was considered as part of  
18 the NYC (sic) Program, but that isn't one with the  
19 different solution.

20 COUNCIL MEMBER GREENFIELD: Got it.  
21 Okay, thank you very much.

22 CHAIRPERSON RICHARDS: All right, thank  
23 you Council Member Greenfield. Um, all right, thank  
24 you for your testimony. We look forward to, um,

2 continued conversations, and we'll be in touch. Thank  
3 you.

4 FRED ZYKAUF: Thank you.

5 ALFONSO JENKINS: Thank you.

6 CHAIRPERSON RTICHARDS: All right, any--  
7 are there any members of the public who are here who  
8 wish to testify on this item. If not, it is closed.  
9 All righty. So I want to thank my colleagues who did  
10 show up today and say that we are going to lay over  
11 all items on today's agenda until Thursday, January  
12 14th, which is this Thursday at 10:45 at City Hall in  
13 the Committee Room. So I want to thank everyone.

14 LEGAL COUNSEL: [off mic] You should say  
15 recess.

16 CHAIRPERSON RICHARDS: We're going to  
17 recess the meeting--I'm sorry--until January 14th at  
18 10:45 at City Hall in the Committee Room. And so I  
19 want to thank everyone for coming out today, and we  
20 will see you Thursday. Thank you. This hearing is  
21 now closed.

22 LEAGAL COUNSEL: [off mic] We're  
23 recessed. It's not closed.

24

25

2 CHAIRPERSON RICHARDS: Oh, it's not  
3 closed. It's recessed. Sorry. Recessed. Not  
4 closed, but are finished for today. Thank you.

5 [background comments] We're going to  
6 recess the meeting. I'm sorry.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

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



Date January 13, 2016