

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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B E F O R E:

DONOVAN J. RICHARDS
Chairperson

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DANIEL R. GARODNICK
JUMAANE D. WILLIAMS
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A P P E A R A N C E S (CONTINUED)

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Ashley Arell [sp?]
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Roger Byrom [sp?]
Resident

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

Gabe
Board of Directors Member
Friends of Washington Square Park
[on behalf of Jason Friedman]

Paul Hovitz
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Heather Galloway
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John West
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[on behalf of Frances Brown]

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

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1199 Oxford Nursing Home

Melissa Chapman
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Lilly Marshall
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Betty Brown
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Robert Bieber
President
Resident Council at Oxford

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Red Hook Star-Review Newspaper

Barry Braunstein
Owner
Oxford Nursing Home

Howard Weiss
Senior Member
DHC's Government Affairs Group

[gavel]

CHAIRPERSON RICHARDS: Alrighty good

morning. I'm Donovan Richards, Chair of the Subcommittee on Zoning and Franchises. This morning we are joined by Council Members Dan Garodnick, Ritchie Torres, and we're also joined by Steve Levin. We have five items for our consideration today, Land Use item number 362, a sidewalk café in Council Member Levin's District, Land Use numbers 363, 3276 Jarome Avenue a zoning amendment in Council Member Cohen's district. We will be concluding our public hearing on Land Use 361 the Water Street POPS upgrades, and two preconsidered Land Use items, a zoning map amendment, and related text amendments in Council Member Menchaca's districts... district. I will now open the public hearing for Land Use item 362, an application for an unenclosed sidewalk café with seven tables and 14 chairs located at 114 Nassau Street in Brooklyn. This item is in Council Member Levin's district. Alrighty, with that being said we will call the first panel; Adam Geringer-Dunn from Greenpoint Fish and Lobsters Co. and Joseph Levine I think... Levee... Levine Greenpoint Fish and Lobster.

2 JOSEPH LEVEY: Good morning.

3 CHAIRPERSON RICHARDS: Alright I'll...
4 first we've been joined by Land Use Chair David
5 Greenfield and before you begin I'll just ask you
6 to state your name for the record and who you're
7 representing and then you may begin.

8 JOSEPH LEVEY: Joseph Levey from
9 Helbraun Levey, the Attorney representing
10 Greenpoint Fish and Lobster.

11 ADAM GERINGER-DUNN: Adam Geringer-Dunn,
12 Co-owner of GFL Sea Market LLC. ...Greenpoint Fish
13 and Lobster Co.

14 CHAIRPERSON RICHARDS: You may begin.

15 JOSEPH LEVEY: As you already mentioned
16 this is an application for a non-enclosed sidewalk
17 café with seven tables and 14 seats. This was
18 originally a larger café. The tables and chairs
19 have been cut down. This is a... a neighborhood fish
20 market and restaurant café that's been the
21 neighborhood for how long now?

22 ADAM GERINGER-DUNN: Just about two
23 years, almost two years.

24 JOSEPH LEVEY: Just about two years.
25 It's a small space. There's a commercial part of

2 the business as well as a retail part. The
3 application here is to add some seats outside to
4 help the viability of the retail component of this
5 business. And as you see from the letter we've sent
6 up, the materials we've sent up there's an
7 incredible amount of support for this application
8 in the district specifically by people very close
9 as well as a letter indicating that we do plan to
10 conform to the newer plans which are less tables
11 and less seats.

12 CHAIRPERSON RICHARDS: Okay there was
13 some complaints. Can you go through how you're
14 resolving in particular some of those complaints?

15 JOSEPH LEVEY: Sure. For... for example
16 one of the complaints that we heard were odors from
17 garbage. That was a pretty significant complaint
18 and the... the gentleman who own Greenpoint Fish and
19 Lobster have... have taken that very seriously and
20 have signed a lease for an additional space outside
21 the district in Long Island City to do their... their
22 commercial work which was responsible for a lot of
23 the waste that people were complaining about in
24 odor. There was also allegations of rats and
25 rodents and pests and things like that. They've had

2 an exhaustive exterminator evaluate the whole
3 building, give them a report. I have copies of it
4 with me. They've already been sent up already
5 indicating that there was no signs of rodents in
6 the place and they've been treated to ensure that
7 there is no rodents that come into the place in the
8 future.

9 CHAIRPERSON RICHARDS: Alrighty. I'm
10 going to go to Council Member Steve Levin...
11 district...

12 COUNCIL MEMBER LEVIN: So I... thank you
13 very much for... for being here today and I
14 appreciate everybody's interest in this matter. You
15 know going... looking through the documentation here
16 obviously there's... there's been a petition... some
17 neighborhood residents as well as the local parish
18 in the neighborhood strongly opposing the
19 application. In terms of the... the issues around
20 obstruction of the sidewalk and clearance can you
21 speak to how much space would there be on Eckford
22 Street for... for pedestrians to be able to move
23 freely along the sidewalk.

24 JOSEPH LEVEY: Sure I'll... I'll let Adam
25 speak to that directly but... [cross-talk]

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COUNCIL MEMBER LEVIN: And maybe how it's... how it's changed also since the initial application.

JOSEPH LEVEY: Sure.

ADAM GERINGER-DUNN: So when we took possession of the space there was an existing fence along the side of the side of the building, along Eckford street. We never... we haven't used that space. It's just been kind of... kind of... what's the word... it's just been separated from the pedestrian traffic as long as we have been in possession of the space and before we had possession of space. The plan is to use that existing separated space. So we had to... we're asked to remove the fence for the plans to... when we submit to the DCA. But the... the plans are to put partitions in the exact same place that fence was.

COUNCIL MEMBER LEVIN: So that's where the...

ADAM GERINGER-DUNN: ...there's no...

COUNCIL MEMBER LEVIN: So the... so the... the original fence went along that...

ADAM GERINGER-DUNN: Yes the...

2 COUNCIL MEMBER LEVIN: ...end of that
3 first slab?

4 ADAM GERINGER-DUNN: Yes.

5 COUNCIL MEMBER LEVIN: Okay.

6 ADAM GERINGER-DUNN: And so the plan is
7 to put the new partitions that we're having
8 constructed in the... in the exact same space. So
9 there's no new... it's not going to inhibit
10 pedestrian traffic in any way from the existing
11 fence that was already there.

12 COUNCIL MEMBER LEVIN: And the... the
13 existing fence started where the brick starts, is
14 that right? Or was it a little bit...

15 ADAM GERINGER-DUNN: Past... it was
16 further, yeah.

17 COUNCIL MEMBER LEVIN: Further up
18 towards the end of... the... towards...

19 ADAM GERINGER-DUNN: Toward Nassau,
20 correct.

21 COUNCIL MEMBER LEVIN: Okay. So... and
22 then obviously there was no... there just wasn't a
23 longstanding issue in the... when that partition was
24 up?

25

2 ADAM GERINGER-DUNN: We never heard
3 anything about it, no.

4 COUNCIL MEMBER LEVIN: And can you speak
5 to a little bit about what the original plan was
6 and how that's been modified?

7 ADAM GERINGER-DUNN: The original plan
8 was to extend the seating further up along... within
9 that... the full length of that existing fence...

10 COUNCIL MEMBER LEVIN: I see.

11 ADAM GERINGER-DUNN: ...fence line. And
12 we've... we're cutting that back.

13 COUNCIL MEMBER LEVIN: From 18... 18
14 chairs, nine tables, is that right? What was the
15 original... 16... 18...

16 JOSEPH LEVEY: It was nine... nine tables
17 18 seats, now it's seven and 14.

18 COUNCIL MEMBER LEVIN: Okay. And then
19 what type of... can you talk about... a little bit
20 about the type of engagement that you've had with...
21 with the neighborhood and... in terms of on this
22 issue like what has been your... your back and forth
23 with them?

24 ADAM GERINGER-DUNN: Well I mean we've
25 put out petitions for you know support. We've

2 amassed probably 500 signatures in support of the...
3 the seating outside. You know we... we feel there's
4 an incredible... incredible support and demand really
5 from the... from our customers for this additional
6 seating. We got lots of complaints that we're too
7 small, people wish we had more seats. It's also...
8 you know for a small business any extra seating is
9 incredibly important to the viability of a
10 business. We're a small space and we wanted to be a
11 small space but we were hoping... I'd rather have a
12 small... you know fill a small space than have a
13 giant location trying to fill it but you know time
14 has come for us to expand. And this is just
15 seasonal. This is within our... you know our... our
16 rights as a business. And...

17 COUNCIL MEMBER LEVIN: Has the... has the
18 local parish... church reached out to you...

19 ADAM GERINGER-DUNN: No.

20 COUNCIL MEMBER LEVIN: ...or have you
21 spoken with them or have any discussion with them
22 on any of these matters?

23 ADAM GERINGER-DUNN: No.

24 COUNCIL MEMBER LEVIN: Have you seen
25 their letter?

2 ADAM GERINGER-DUNN: I have not.

3 COUNCIL MEMBER LEVIN: Okay thank you
4 very much. I have no further questions at this
5 time. I look forward to keeping the discussion
6 open.

7 ADAM GERINGER-DUNN: Sure.

8 CHAIRPERSON RICHARDS: Thank you. Any
9 other questions? Okay thank you for your testimony.
10 And I will go to the public in particular. Alrighty
11 I'm going to call Mye You [sp?]... May Hugh [sp?]?
12 And also Ross Sockka [phonetic]... who are here to
13 testify on this issue.

14 [background comments]

15 CHAIRPERSON RICHARDS: Okay got you.
16 That was May Hugh [sp?] right?

17 ROSS ENSALA: Yep, I'm Ross.

18 CHAIRPERSON RICHARDS: Okay. And you're
19 Ross.

20 ROSS ENSALA: Yep.

21 CHAIRPERSON RICHARDS: Okay. Please
22 state your name for the record.

23 ROSS ENSALA: Ross Ensala.

24 CHAIRPERSON RICHARDS: And who you
25 representing today?

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ROSS ENSALA: Greenpoint Fish and
Lobster Company.

CHAIRPERSON RICHARDS: You may begin.

ROSS ENSALA: Just wanted to come here
and support it. I'm one of the employees there, I'm
a manager there and from everything we've done
we've done everything possible to be in accordance
with all the plans and we've done everything that
we've been asked to do to alter the plans and make
it appropriate for the neighborhood. We have people
that are constantly coming in and telling us that
they want us to open... that they're excited for the
sidewalk café to open and the delay is actually...
made them even more excited because they've...
they've been waiting for more seating. We also have
a lot of employees that as the person who does some
of our scheduling currently cannot get the... all the
shifts the time that they need because we have yet
to open the sidewalk café. So that is one thing
that's going to be very important considering that
probably 75 percent of our employees are from the
Greenpoint area. So not only is helping the
neighborhood it's also helping the people in the
neighborhood work for us and help them to raise

2 their families. Many of them have children. And
3 this is just another thing that's going to help the
4 business, going to help them make some money to
5 support their family. And I have seen people come
6 and eat... not maybe a little bias but people love
7 the food, love the vibe. And they have literally
8 gone out and come back in to tell us that they
9 support the sidewalk and they sign the petition. So
10 I've heard almost nothing but good vibes about
11 this.

12 CHAIRPERSON RICHARDS: And you've been a
13 manager how long?

14 ROSS ENSALA: I've only been there for
15 about three months now.

16 CHAIRPERSON RICHARDS: So you're going
17 to keep the odor out and you're going to...

18 ROSS ENSALA: I personally...

19 CHAIRPERSON RICHARDS: ...keep the noise
20 down.

21 ROSS ENSALA: I personally don't notice
22 an odor but yeah. The noise... the... really isn't much
23 noise...

24 CHAIRPERSON RICHARDS: Possibly you
25 don't notice the odor because you work there.

2 ROSS ENSALA: I myself do not have an
3 odor.

4 CHAIRPERSON RICHARDS: Alright that is
5 good. Alright so you are going to ensure that you
6 have... you give contact information to Council
7 Member Levin so in the case of community complaints
8 he has a direct line 24 hours...

9 ROSS ENSALA: Anytime you want.

10 CHAIRPERSON RICHARDS: Okay. Council
11 Member Levin.

12 COUNCIL MEMBER LEVIN: You're saying
13 when you work in the fish industry?

14 ROSS ENSALA: That's... maybe, yeah. I
15 guess I don't know... now but...

16 CHAIRPERSON RICHARDS: Alrighty, we're
17 going to let you off the hook today.

18 ROSS ENSALA: Alright.

19 CHAIRPERSON RICHARDS: Alrighty thank
20 you so much for your testimony.

21 ROSS ENSALA: Thank you.

22 CHAIRPERSON RICHARDS: Alrighty we now
23 will go to the next two people that... Arthur
24 Sigodsudge [phonetic], I believe I messed it up...
25 Margaret Sigodsudge [phonetic] I believe too.

2 [background comments]

3 CHAIRPERSON RICHARDS: Alrighty state
4 your names for the record and who you're
5 representing and then you may begin your testimony.

6 ARTHUR GODSEYE: My name is Arthur
7 Godseye [phonetic] and I'm representing the
8 community... the immediate community around the
9 square block.

10 [background comments]

11 CHAIRPERSON RICHARDS: The... and if you
12 can hit your mic, it should light up and speak into
13 your mic.

14 ARTHUR GODSEYE: It's on.

15 MARGARET SHIGUELLE: Oh my name is
16 Margaret Shiguella [phonetic] and I live on 133
17 Eckford Street so it's a... I'm the neighbor... close
18 to neighbor. And I representing the whole
19 neighborhood from Eckford Street and from Nassau to
20 Driggs. And we are opposed to the sidewalk café
21 because on the residential sidewalk on Eckford
22 Street is very narrow and resident of the Eckford
23 Street are senior citizen. We have disabled people,
24 children, babies. And this is the popular way to
25 church to the Polish National Home... we have a lot

1 of activities coming... and to school. PS34, just one
2 block and the Saint [inaudible] Academy. And right
3 now there are a lot obstruction on the sidewalks.
4 They forgot to mention two huge transformer... we
5 have two trees... by the way, they killed the trees
6 using the Clorox tool to wash the sidewalk, huge
7 garbage bin, cellar door, sewer lid, and the side
8 doors, the second side doors, by the way they did
9 it without the permits. So transformer... are become
10 very dangerous when they... in... when it's rain or
11 snow. We already dealing with the noise, dirt, and
12 all the cigar butts on the sidewalk. And you know
13 I've... that's our thing that we are leaving in the
14 dumpster. The sidewalk is awful. It's... it's dirty.
15 The odor from the... the garbage ban is... it's
16 terrible. So you know in my... in our opinion if they
17 going to get the sidewalk café will be physically
18 impossible for us to use the sidewalk especially we
19 have on the other side, Rachel's Café, Rachel's
20 Garden. They're storing vegetables and fruits on
21 the... on the sidewalk. But you know we're... we're...
22 what's... what's the quality of our life. We are in
23 this neighborhood for 30, 50, 60, 70 years and used
24 to be really quiet family orientated block. And
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2 right now with the noise and they going to serve...
3 alcohol I... I can't even imagine where they going to
4 put seven tables. And you know in... oh and the
5 people they attach the... the bicycle to the... to the
6 trees. So of course it's... you know it's impossible
7 to walk. But in my opinion I believe that the
8 owners of the Greenpoint Fish and... and Lobster
9 Company... I have nothing against the business,
10 nothing. They... but they... but since they beginning
11 almost over the two years ago that it... nothing good
12 for our neighbors, for our community, nothing.
13 We're still living in the... in the dumpsters.

14 CHAIRPERSON RICHARDS: ...ask you to wrap
15 up.

16 MARGARET SHIGUEL: And okay. And I
17 strongly believe that the owners bribe someone to
18 help them gain the sidewalk permit café.

19 CHAIRPERSON RICHARDS: Please don't make
20 those allegations.

21 MARGARET SHIGUEL: You know why, because
22 they acting like they already get it.

23 CHAIRPERSON RICHARDS: I'm sorry but
24 just... just to be clear this is a... a standard
25 process...

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MARGARET SHIGUEL: Okay.

CHAIRPERSON RICHARDS: ...that every...

MARGARET SHIGUEL: Understand.

CHAIRPERSON RICHARDS: ...just want to be
clear...

MARGARET SHIGUEL: Mm-hmm.

CHAIRPERSON RICHARDS: ...that business
owners under the... under the appropriate...

MARGARET SHIGUEL: I understand.

CHAIRPERSON RICHARDS: ...zoning...

MARGARET SHIGUEL: Mm-hmm.

CHAIRPERSON RICHARDS: ...have a right to
apply for...

MARGARET SHIGUEL: I understand.

CHAIRPERSON RICHARDS: ...sidewalk
permits.

MARGARET SHIGUEL: Mm-hmm.

CHAIRPERSON RICHARDS: And this is an
actual extra step.

MARGARET SHIGUEL: Yeah.

CHAIRPERSON RICHARDS: In other words
we... I had to proactively call up this item...

MARGARET SHIGUEL: Mm-hmm.

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CHAIRPERSON RICHARDS: ...in order to have this hearing today. Otherwise it's a... it's... it would go through as of right so...

MARGARET SHIGUEL: I understand that.

CHAIRPERSON RICHARDS: ...just want to be clear that there's no...

MARGARET SHIGUEL: Yeah.

CHAIRPERSON RICHARDS: ...that there's... and... and to... it's... it's inappropriate to... to put out those accusations.

MARGARET SHIGUEL: Yeah but you know how they...

CHAIRPERSON RICHARDS: They just...

MARGARET SHIGUEL: ...act, how they act. They so sure that they going to get it. They laughing at our faces.

CHAIRPERSON RICHARDS: Okay but I just want to be clear that this is... under appropriate zoning they have a... a right to this except if we determine that it's inappropriate.

MARGARET SHIGUEL: Right...

CHAIRPERSON RICHARDS: So...

MARGARET SHIGUEL: But this is...

2 CHAIRPERSON RICHARDS: ...this hearing is...
3 is actually an extra step of review.

4 MARGARET SHIGUEL: Okay.

5 CHAIRPERSON RICHARDS: Just to be clear.

6 MARGARET SHIGUEL: So that's it. I'll...
7 I'll... I'll hope that you deny... [cross-talk]

8 CHAIRPERSON RICHARDS: And I'm sorry...
9 just quick question, do you... can you... the location
10 of the trees that were killed, can you...

11 MARGARET SHIGUEL: Mm-hmm.

12 CHAIRPERSON RICHARDS: ...tell me what the
13 location was on those.

14 MARGARET SHIGUEL: Eckford Street, just
15 across the... you know the...

16 CHAIRPERSON RICHARDS: So this...

17 MARGARET SHIGUEL: ...they belong to...

18 CHAIRPERSON RICHARDS: Yeah I'm looking
19 at the map... or on the photograph here.

20 MARGARET SHIGUEL: Mm-hmm.

21 CHAIRPERSON RICHARDS: This... this...

22 MARGARET SHIGUEL: ...where the...

23 CHAIRPERSON RICHARDS: ...this street?

24 ARTHUR GODSEYE: That's one of... that's
25 one of the trees.

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CHAIRPERSON RICHARDS: Okay. And then there's another tree that...

MARGARET SHIGUEL: Mm-hmm.

CHAIRPERSON RICHARDS: A little further right in front of the garbage.

MARGARET SHIGUEL: In front of the garbage and...

CHAIRPERSON RICHARDS: Down towards Driggs?

MARGARET SHIGUEL: Yes but...

CHAIRPERSON RICHARDS: That correct?

MARGARET SHIGUEL: Yes... yes...

CHAIRPERSON RICHARDS: Or... or up towards Nassau?

ARTHUR GODSEYE: It's up towards Driggs.

CHAIRPERSON RICHARDS: Okay.

ARTHUR GODSEYE: The other tree's up towards Driggs.

CHAIRPERSON RICHARDS: Okay.

ARTHUR GODSEYE: It's right in front of their garbage.

CHAIRPERSON RICHARDS: And... and those trees are both dead...

ARTHUR GODSEYE: They're both dead.

2 MARGARET SHIGUEL: They both die.

3 ARTHUR GODSEYE: Now you could use
4 Google maps or Bing. I've sent in the pictures.

5 CHAIRPERSON RICHARDS: I mean I live in
6 the neighborhood so I can go..

7 ARTHUR GODSEYE: Yeah. No but I'm saying
8 you can see the progression of the pictures when I
9 sent them in.

10 CHAIRPERSON RICHARDS: Thank you.

11 MARGARET SHIGUEL: Welcome.

12 CHAIRPERSON RICHARDS: Sir you may
13 begin.

14 ARTHUR GODSEYE: Alright. I understand
15 that they have.. petition but anyone can sit on a
16 corner and pick up a whole bunch of signatures
17 whether those people live there or not. How can we
18 verify that? I gave in a petition that has not only
19 names but also building numbers and apartments for
20 each individual that lives within the square block,
21 my square block. Those are the individuals that do
22 not want this café. Those are the people that have
23 lived there not only for five years, they're not
24 new people that are just living on the block. Those
25 are people that lived there for many many years.

2 And... and these guys are come in and think that all
3 of a sudden because they have a 500 people petition
4 is... is... it shouldn't make a difference. How many of
5 those people really have been there for more than
6 five years. And how many really live within the
7 square block or... and even understand the community
8 what it used to be. The polish people, they're like
9 refugees right now. They're being displaced.
10 They're going somewhere else. I understand that
11 they have employees that they need to... you know
12 their employees have kids and other things like
13 that but they have no competition what's so ever.
14 So it's not like they're feeding for... for it. Like
15 their business depends on them. It doesn't, they're
16 no competition. Where's the next fish and lobster
17 within... within ten square blocks, there is none.
18 And the rats... they say that there's no rats, I have
19 videos on my security cameras because it actually
20 points at their garbage can, not because I want it
21 to point at their garbage can is because I like to
22 cover the whole street because multiple times
23 police come and they want that video camera. And I
24 have rats, right here. Multiple days, rats. And not
25 only do I have rats it shows them dumping water

2 from whatever they're cleaning which seeps right
3 into the trees from their back door. They just dump
4 it right in, it seeps right into the trees. And
5 actually Adam is seen on one of the videos just
6 walking right by so if he says that I've never seen
7 that happen he's right there. That's all I have to
8 say, thank you.

9 COUNCIL MEMBER LEVIN: Question about
10 the... the passability of the sidewalk. So they
11 testified and we have pictures of the... of
12 previously or prior to this application there was a
13 fence that extended out to where a fence would be
14 under this application.

15 ARTHUR GODSEYE: The seven tables is not
16 going to fit there.

17 COUNCIL MEMBER LEVIN: Regardless of...
18 that's... that's... and we have... we have... we have plans
19 that show that they would fit there. The question
20 is what... when... when it was that way previously was
21 there any issues around the passability between
22 that fence and the tree at that time prior... you
23 know prior to this application because when they...
24 as they testified when they submitted the
25 application they had to... [cross-talk]

2 ARTHUR GODSEYE: There's always... [cross-
3 talk]

4 COUNCIL MEMBER LEVIN: Were there issues
5 previously around the passability between the fence
6 that was...

7 ARTHUR GODSEYE: Outside of the fence...
8 on the sidewalk...

9 COUNCIL MEMBER LEVIN: Yeah prior...

10 ARTHUR GODSEYE: I mean there's always
11 bikes...

12 COUNCIL MEMBER LEVIN: ...previously
13 existing or...

14 ARTHUR GODSEYE: ...being chained over
15 there, constantly.

16 COUNCIL MEMBER LEVIN: So was there
17 passability issues?

18 ARTHUR GODSEYE: Yes, there was.

19 COUNCIL MEMBER LEVIN: For... I mean that
20 fence was probably up there for... for long before
21 they took over?

22 ARTHUR GODSEYE: Yes, it's been there
23 for years.

24 COUNCIL MEMBER LEVIN: And that was
25 always an issue.

2 ARTHUR GODSEYE: It's always been an
3 issue.

4 COUNCIL MEMBER LEVIN: Of passability...

5 ARTHUR GODSEYE: Because there's always
6 multiple bikes, it's not just one, and they're all
7 chained one on top of another.

8 COUNCIL MEMBER LEVIN: Aside from the
9 bikes because that's... was there an issue around the
10 space between the fence and the tree.

11 ARTHUR GODSEYE: Yes. Well, yes.

12 COUNCIL MEMBER LEVIN: For people to
13 pass by...

14 ARTHUR GODSEYE: Yes.

15 COUNCIL MEMBER LEVIN: ...on Eckford
16 Street.

17 ARTHUR GODSEYE: There's not enough
18 space. And then where their cellar door is they
19 always have this rubber mat so people have to go
20 around because sometimes it's... doesn't even cover
21 the cellar door, it's just wrapped around and it
22 goes onto the sidewalk side.

23 COUNCIL MEMBER LEVIN: But I'm asking
24 was there... was there an issue there before
25 Greenpoint Fish and Lobster became the proprietor?

2 ARTHUR GODSEYE: I don't think so, not
3 that I know of.

4 COUNCIL MEMBER LEVIN: But how is that...

5 ARTHUR GODSEYE: ...be a bar.

6 COUNCIL MEMBER LEVIN: No I know but...
7 if... what I'm saying is that fence was there prior
8 to them taking over.

9 ARTHUR GODSEYE: Yes, it was.

10 COUNCIL MEMBER LEVIN: Was there an
11 issue with the fence before they took over.

12 ARTHUR GODSEYE: When they took it over?
13 No.

14 COUNCIL MEMBER LEVIN: No, no before
15 they took it over.

16 ARTHUR GODSEYE: Before they took it
17 over they used to be a...

18 COUNCIL MEMBER LEVIN: That's not... just
19 please...

20 ARTHUR GODSEYE: No.

21 COUNCIL MEMBER LEVIN: There was not an
22 issue but... Okay... understand...

23 ARTHUR GODSEYE: It only be... It only
24 started becoming an issue...

25 COUNCIL MEMBER LEVIN: Sir?

2 ARTHUR GODSEYE: ...once they...

3 COUNCIL MEMBER LEVIN: Sir?

4 ARTHUR GODSEYE: ...moved in.

5 COUNCIL MEMBER LEVIN: What I'm asking
6 is if that fence was up before they took over...

7 ARTHUR GODSEYE: Okay.

8 COUNCIL MEMBER LEVIN: Then presumably
9 that's... that's the same location that a new fence
10 is going to be.

11 ARTHUR GODSEYE: There's...

12 COUNCIL MEMBER LEVIN: So if there was
13 no issue before with the fence at that location
14 before they took over why would there be one after
15 they put it back up?

16 ARTHUR GODSEYE: Because that's when the
17 bikes started... Well they never put it back up.

18 COUNCIL MEMBER LEVIN: Under this
19 application they would be putting it back up. The
20 question that I have...

21 ARTHUR GODSEYE: They would be putting
22 this back up?

23 COUNCIL MEMBER LEVIN: ...is about... is
24 about the passability along the sidewalk, you
25 understand?

2 ARTHUR GODSEYE: So if they put up a
3 fence... they're going to put up a fence?

4 COUNCIL MEMBER LEVIN: Exactly where it
5 was before, before they even took over the bar,
6 before they took over the location.

7 ARTHUR GODSEYE: So how you... how they
8 going to move around with seven tables. I'm sorry
9 but...

10 COUNCIL MEMBER LEVIN: I could show you
11 the plan.

12 ARTHUR GODSEYE: ...I just don't get it.

13 COUNCIL MEMBER LEVIN: They're on the
14 plans. So that's... there's a... I'm going by what's on
15 the plan Sir.

16 ARTHUR GODSEYE: Okay.

17 COUNCIL MEMBER LEVIN: Okay we'll leave
18 it at that. Thank you very much.

19 CHAIRPERSON RICHARDS: Alrighty thank
20 you. Are there any more members of the public who
21 wish to testify on this issue? Alrighty seeing none
22 I will now close the public hearing on Land Use
23 item number 362 and... and I will recommend that... I
24 will recommend that you continue to stay in touch
25 with Council Member Levin on... on issues related to

2 that application. I will now open the public
3 hearing for Land Use item number 363 located at
4 3276 Jarome Avenue. This is a private application
5 to change an existing R8 district to a CA2 district
6 in Council Member Cohen's district. This zoning
7 change would allow an existing Dunkin' Donuts to be
8 a permitted use... to be a permitted use on a portion
9 of their property. Currently the one story
10 commercial building is entirely within the CA2
11 commercial district while the drive through for the
12 Dunkin Donuts occurs within the R8 residential
13 district. The proposed zoning map amendment would
14 bring the Dunkin Donuts into conformance and allow
15 continued operation. Council Member Cohen supports
16 the approval of this application. I would now... will
17 call Stanly Schlein who's the applicant for this
18 location.

19 STANLEY SCHLEIN: Good morning Mr.
20 Chairman, committee members.

21 CHAIRPERSON RICHARDS: Good morning.

22 STANLEY SCHLEIN: As the report
23 indicated and as you have articulated this is an
24 application to bring into conformity a use that has
25 been there for approximately 25 years. There is a

2 drive thru Dunkin Donuts on the facility of a
3 service station... service station has been in a
4 commercial district of appropriately and the... that
5 district was split literally on that site making
6 the drive thru non-conforming. When that was...
7 information was... came to the attention of about a
8 year or so ago to the owners and proprietaries that
9 move forward to conform the zoning district
10 appropriately. They have the support of the borough
11 president's office in the Bronx. The community
12 board voted unanimously in support of this zoning
13 change and city planning in fact was an advocate
14 for that change. We asked this... this council
15 committee to support it as well.

16 CHAIRPERSON RICHARDS: So there will be
17 no other use for this..

18 STANLEY SCHLEIN: No other use is going
19 to be no other. These are long term owners and they
20 have no intentions of selling their business or
21 moving into a different direction. We made that
22 very clear to the community board as well.

23 CHAIRPERSON RICHARDS: Okay great if you
24 can just ensure we get that in writing, if you can
25 have that submitted to the committee..

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SUBCOMMITTEE ON ZONING AND FRANCHISES

STANLEY SCHLEIN: Sure.

CHAIRPERSON RICHARDS: ...that would be...

STANLEY SCHLEIN: ...be glad to do that.

CHAIRPERSON RICHARDS: Alrighty any questions for this applicant? Seeing none. Yeah thank you. Are there any other members of the public who wish to testify on this issue? Alright seeing none, I will now close the hearing on Land Use item number 363. And before moving on to the next hearing I will now move on to a vote to approve Land Use item number 363 and layover Land Use item number 362. Counsel please call the vote.

COMMITTEE COUNSEL: Chair Richards.

CHAIRPERSON RICHARDS: I vote aye.

COMMITTEE COUNSEL: Council Member Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

COMMITTEE COUNSEL: Council Member Reynoso.

COUNCIL MEMBER REYNOSO: Aye.

COMMITTEE COUNSEL: Council Member Torres.

COUNCIL MEMBER TORRES: I vote aye.

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COMMITTEE COUNSEL: By a vote of four votes in the affirmative, zero in the negative and zero abstentions Land Use item 363 is approved and referred to the full Land Use Committee.

CHAIRPERSON RICHARDS: Alrighty we will now move on to the continued hearing on the Water Street POPS upgrades. We laid over this hearing from our last meeting in order to give members of the public a chance to testify if they were not able to attend the last meeting. Council Member Chin is stuck in other hearings today but she has assured me that she and her staff will pay close attention to the testimony today. I will now resume the public hearing for Land Use item number 361, the Water Street POPS upgrades. If anyone here today has already had a chance to testify at the last meeting I request that you please do not sign up to speak again today. Our policy is allow everyone one chance to testify. It would not be fair to allow multiple chances to testify to some but not others. With that being said we will now start to call speakers. Alright we'll start with Robert Sangs [phonetic] the Friends of Vietnam Plaza, Vincent McGowan Friends of Vietnam Veteran

2 Plaza, Robert DiChiara Friends of... Vietnam Veterans
3 Plaza, and also Lawrence Vassier from HBH. Lawrence
4 Vassier. Alright and each one of you have two
5 minutes to testify once we begin. So I'll ask you
6 to state your name for the record and who you're
7 representing today and then you may begin.

8 ROBERT DICHIARA: I'm Robert DiChiara.
9 I'm the Chair of Friends of the Vietnam Veterans
10 Plaza. It's a board that oversees the... the plaza.

11 ROBERT SANTOS: I'm Robert Santos. I'm a
12 member of the board of Vietnam Veterans Plaza.

13 CHAIRPERSON RICHARDS: Just... your mic,
14 make it's sure it's lit up, yes.

15 ROBERT DICHIARA: There you go, want us
16 to do it again?

17 ROBERT SANTOS: My name is Robert
18 Santos. I'm a member of the board of the Friends of
19 Vietnam Plaza.

20 VINCENT MCGOWEN: Vince McGowen. I'm the
21 Secretary of the Friends of Vietnam Veterans Plaza
22 and former Chairman of the New York City Veterans
23 Advisory Board and the President... of the United War
24 Veterans Counsel of New York County.

25 CHAIRPERSON RICHARDS: Thank you.

1 VINCENT MCGOWEN: And Robert Santos will
2
3 give our testimony to start.

4 CHAIRPERSON RICHARDS: Thank you. And
5 thank you for your service.

6 ROBERT SANTOS: On behalf of the board
7 I'm here today to lend our general support to the
8 proposed rezoning of the Water Street... However, we
9 are requesting that the area designated as Vietnam
10 Veterans Memorial Plaza in 1982 by the City of New
11 York be excluded from the current proposal. Our
12 reason is simple; the collaborative private and
13 public development of the New York City Vietnam
14 Veterans Memorial which has... memorial has been
15 successful. By way of background 1982 I served as
16 the Deputy Commissioner for Operations of New York
17 City Department of Parks and was Co-chair of the
18 design committee of the New York Vietnam Veteran's
19 Memorial Commission. In this context I am
20 intimately familiar with the design and
21 consideration that would... we undertook. As you know
22 this is an unusual space because the plaza actually
23 spans two pieces of property. One is the publically
24 owned private space and the other is the New York
25 City Department of Parks. At the time we knew that

2 we would be able to... we would be designing up a
3 space... or memorial in his... the entire space which
4 was designated by the city of the Vietnam Veterans
5 Memorial Plaza. Now in context in conjunction with
6 the... the time... knew... this as well. In fact, when
7 the memorial was selected it was in fact determined
8 that the placement would be in... in conjunction...
9 both parties. But the issue here in terms of how
10 the site is typically viewed as a park, in the
11 document that was submitted on behalf of the zoning
12 upgrade the Water Street transformation, Water
13 Street's privately owned public spaces and by New
14 York City Planning and DEC on their page 14 we're...
15 battery gateway they referred to buildings...

16 VINCENT MCGOWEN: I'll concede my time
17 to...

18 CHAIRPERSON RICHARDS: You may continue,
19 yes you're going to... you're testifying for both
20 right? Okay so...

21 ROBERT SANTOS: On Page 14 they
22 identified buildings in the Battery Gateway that...
23 POPS New York Plaza, 2 New York Plaza, 4 New York
24 Plaza. On the same page they refer to other open
25 spaces which include the Vietnam Veterans Plaza...

2 Department of Parks and Recreation. On the master
3 ops page they have... they have a site... they also
4 refer to the site that all green... the park. So you
5 know we were submitting basically the two reference
6 by MIS and by the state planning itself that
7 support the visual interpretation of programmatic
8 use of the entire side of the park designated as
9 Vietnam Veterans Memorial Plaza rather than two
10 separate spaces; one public, one privately owned.
11 There... the text of the... the upgrade text amendment
12 specifies deed to a lot of different issues
13 architecturally what you can and can't do in the...
14 However unfortunately the... the text amendment and
15 proposed transformation of the Water Street POPS if
16 not addressed directly do preexist the intense
17 spirit and original vision for... of the entire
18 plaza... as a memorial, a special place for a
19 reflection and contemplation. It's currently
20 recognized as a public space, a park, a memorial
21 plaza by all sorts of public media programmatically
22 there are park regulations limiting alcohol
23 consumption and restricting the... must operate from
24 any memorial and these restrictions will complicate
25 the development under the... the arcade on the south

2 side of the street by Water Street. On the other
3 hand many of the desired public activities and...
4 from... along Water Street already occurred... because
5 of the invaluable collaboration between new Water
6 Street Corporation, DPR, ADNY, and the veterans
7 community. I... back in some ways we are a model for
8 why you intend... the upgrades. But there's an
9 opportunity here. You know there's been a large
10 capital investment. Many of the veterans in the
11 city and elsewhere... the physical improvements are
12 amazing. But the purpose of the memorial is
13 timeless. And you know the opportunity we have here
14 is that many years ago... represented in the Water
15 Street upgrade... can be accomplished. We have proven
16 that. However, because of the physical... spans both
17 underlying public and private properties full
18 application of the amendments to this site will
19 jeopardize the integrity of the memorial. The
20 solemn site deserves and requires accurate and
21 uninterrupted space to respectful viewing and
22 present reflection. Therefore, the Friends of the
23 Vietnam Plaza ask respectfully that our concerns be
24 considered, that the city of New York explores the
25 development of an easement to maintain the entire

2 site at the Vietnam Veteran's Memorial Plaza with
3 its current owner. Thank you.

4 CHAIRPERSON RICHARDS: Thank you so
5 much. And I want to thank you for your service and
6 to the city and also to the nation and we are
7 definitely going to take this into consideration.
8 Can you just speak a little bit of... So your... your
9 concerns in particular about the POPS extending
10 onto your plaza? Is that your main concern? Can you
11 just delve into that a little bit?

12 ROBERT SANTOS: Yes sir. Yeah the... the
13 arcade directly abuts the memorial plaza and when
14 people look at they will basically see the
15 memorial's 70-foot-long wall. And a lot of
16 development to the south of it... etcetera. But the
17 memorial and the walk of honor now spans the
18 private property. And that space in the front which
19 provides lots of access to the water was really
20 designed to be left open for ceremonial purposes to
21 acknowledge you know other kinds of them. We have
22 people... other countries coming to use it... memorial
23 day, there's all sorts of holidays. And it's the
24 only place you can actually stand and look at the
25 memorial from the... both sides. And the memorial's a

2 block of letters. And you have to read them. And
3 you need certain clear lines of site for viewing
4 purposes and you also need clear lines of site so
5 people can... can grasp the entire space. And my... our
6 concerns are very simple, you know having been in
7 parks and having been involved in other activities.
8 As... the words... you know the café creep... arcade
9 there slowly moves out and this is not a place
10 where you can have alcohol consumption, it's not a
11 place where you can have a lot of music or loud
12 sounds, it's really a place of reference and
13 personal contemplation.

14 CHAIRPERSON RICHARDS: Thank you so
15 much. I appreciate your testimony and I'll
16 certainly be looking at this as we move forward and
17 take it into consideration.

18 ROBERT SANTOS: Thank you.

19 CHAIRPERSON RICHARDS: Thank you.

20 ROBERT DICHIARA: I would like to just
21 close it up.

22 CHAIRPERSON RICHARDS: Yes Sir.

23 ROBERT DICHIARA: And I want to just
24 reemphasize the importance of the sanctity of that
25

2 plaza to all veterans and in particular Vietnam
3 veterans.

4 CHAIRPERSON RICHARDS: Can you just
5 identify yourself for...

6 ROBERT DICHIARA: Oh Robert DiChiara.
7 I'm the Chair of Friends of the Vietnam Veterans
8 Plaza Board. And Robert Mentioned the walk of
9 honor. The Walk of Honor contains the names of
10 1,741 New Yorkers killed in action in Vietnam. So
11 we really want to see that sanctity maintained its
12 very important place to us. And would like to see
13 the plaza excepted out from the mandated
14 improvements that are necessary if the Water Street
15 plan goes... goes through. And we want to see this
16 plaza serve as a timeless tribute to all Americans
17 who made the ultimate sacrifice for their country.
18 Thank you.

19 CHAIRPERSON RICHARDS: Thank you so
20 much. And obviously veterans are very important to
21 this council and we certainly will be looking to
22 honor their commitment and your commitment to this
23 nation as we move... [cross-talk]

24 ROBERT DICHIARA: Thank you.

25

2 CHAIRPERSON RICHARDS: ...forward. Thank
3 you. And... anyone else? Council Member Reynoso... and
4 we've been joined by Council Member Antonio
5 Reynoso... [cross-talk]

6 COUNCIL MEMBER REYNOSO: Thank you
7 Chair. I appreciate it. Just appreciate you guys
8 coming down here and speaking on an issue that's
9 extremely important to you and obviously to this
10 neighborhood. And from what I'm gathering through
11 little information that I have is that this is
12 something that is of interest for almost all
13 parties involved and that ultimately you guys will
14 get what you want and what... what you deserve. So I
15 just want to give you a heads up...

16 ROBERT DICHIARA: I mean we support the
17 plan.

18 COUNCIL MEMBER REYNOSO: Mm-hmm.

19 ROBERT DICHIARA: We just want our plaza
20 left alone.

21 COUNCIL MEMBER REYNOSO: Alright I think
22 we're all on the same mission here. Good job guys.

23 CHAIRPERSON RICHARDS: We want your
24 plaza left alone too.

25 COUNCIL MEMBER REYNOSO: Yeah, exactly.

2 CHAIRPERSON RICHARDS: Alrighty, great.
3 Thank you so much for your testimony. Thank you for
4 coming. Alrighty first opposition panel; Ashley.. oh
5 I didn't see the...

6 LAWRENCE: Think you called my name.

7 CHAIRPERSON RICHARDS: Oh I did. I
8 didn't know you were... okay good. You were way over
9 there.

10 LAWRENCE: I was sitting right there.

11 CHAIRPERSON RICHARDS: Okay I saw you.
12 Just state your name for the record.

13 LAWRENCE: Hi. My name is Lawrence
14 [cross-talk] and I represent HBH Hospitality Group..
15 and I'm here to express our strong support for the
16 Water Street Zoning text amendment. HBH Group; it's
17 been in downtown since 1972 starting.. another
18 square and.. actually we operate about 15 business
19 in this area by.. on Water Street we did.. stone
20 street, obviously. It's a very popular place. And
21 then the addition of.. street. So we know the area
22 very well and we understand the.. the.. also adding
23 attractive street where people can come with their
24 family on weekend or during the day to the business
25 part. It's.. we have seen.. with Stone Street, I

2 don't know if you know but Stone Street prior 2001
3 was a dead street property and now it's probably
4 one of the most vibrant street in all Manhattan. So
5 we definitely... the group that I represent support
6 the Water Street Zoning and we're going to show our
7 support all the way.

8 CHAIRPERSON RICHARDS: Thank you. And
9 how will the rezoning be helpful to your clients?

10 LAWRENCE: We... we already believe that
11 small business in the same area bring lot of people
12 and more quality restaurant, more quality shop
13 always bring people. People don't go anywhere where
14 there's nothing to do. I mean I bring my... my kids
15 to school every morning and I go to Water Street
16 and is nothing on that street, nothing at all. I
17 mean there's no store. It's one or two café here
18 and there inside a building so not very attractive
19 until you reach Seaport.

20 CHAIRPERSON RICHARDS: Great. Thank you
21 for your testimony.

22 MALE: You're welcome. Thank you.

23 CHAIRPERSON RICHARDS: Thank you.

24 Alright we'll call the next panel; Ashley or...

25 Ariel... Arell [phonetic] Local Community Moms and

2 Families, Roger... Byrom, I believe, a resident Paul
3 Hobbits, resident Jason Friedman of the
4 neighborhood as well. So I'll read this again;
5 Jason Friedman, Paul Hovitz, Roger Byrom I believe
6 this says, Ashley or... or yeah yeah okay.

7 ASHLEY ARELL: Hi, thank you for having
8 us here. I'm just... I... [cross-talk]

9 CHAIRPERSON RICHARDS: I'll ask you to
10 start by...

11 ASHLEY ARELL: Oh...

12 CHAIRPERSON RICHARDS: ...stating your
13 name.

14 ASHLEY ARELL: Sorry.

15 CHAIRPERSON RICHARDS: No problem. State
16 your name so you... before each one of you speak to
17 state your name for the record and who you're
18 representing.

19 ASHLEY ARELL: I'm Ashley Arell and I'm
20 sorry I'm going to have to leave right after I
21 finish. I am a mother whose children go to school
22 on Water Street and so we're down in that community
23 a lot. I think that the area is getting built up a
24 lot already as it is and that with... if you get rid
25 of all of these arcades then they get building

1 rights, air rights on top of whatever new release
2 land there is right, so... So new buildings that
3 could get developed it's going to be a solid
4 monolith of which there is already many with more
5 going up currently as it is. So that's one concern.
6 You know you're just losing areas for the children
7 to play. It's... also part of the problem I think is
8 that there's not necessarily a well-defined... the...
9 the tradeoff is that if these concessions are
10 given, this land is given over that then the
11 buildings are going to spruce up the surrounding
12 remaining plazas which I don't see any definitive
13 kind of quantifiable amount of what is going to
14 happen in that. And I think that that is something
15 that would need to be considered. I think that
16 there's a... a large lack of green space down there.
17 I think that if... if there was a way to make that
18 possible, if there was something for example
19 there's that huge parking lot in between Beekman
20 and Peck Slip. Now there's two primary schools
21 operating right off of that. If there was some way
22 for example to build over that basically
23 fundamentally make the parking lot an arcade and do
24 a playing field on top of that things like... I mean
25

2 there is a lot of things that could properly be
3 done to increase and improve the quality of life
4 for children in that area of which there is more
5 especially now with the new Howard Hughes building
6 that's going to be going up or now that's
7 transferred or whatever. There's a huge new
8 apartments building going up. There's going to be
9 hundreds of new families. There is going to be a
10 lot of children that need space to play and will
11 need some fresh air and just quarters of air to...
12 through... flow through the area instead of it just
13 being constant walls of buildings everywhere with
14 darkness.

15 CHAIRPERSON RICHARDS: Thank you.

16 ASHLEY ARELL: Thank you. Sorry I have
17 to run. Sorry.

18 ROGER BYROM: Hi I'm Roger Byrom. I've
19 lived in the community for almost 30 years and I've
20 been on the community board for 18. I've seen a lot
21 of change. When I moved onto... into my apartment on
22 Duane Street in the 80s there was no amenities for
23 any of us. When we met to... soon after 9/11 we
24 wondered how we would encourage the community to
25 stay downtown. We've succeeded with that

1 tremendously. The point about those stories and I
2 could go on with Sandy and others is that New York
3 City's the most resilient place I've ever been.
4 Having grown up in London I can see some
5 differences there. One of the things that this
6 proposal is suggesting is that the downtown
7 alliance and CPC know how we should now behave in
8 this area. And I think it's too early to tell.
9 Because with Howard Hughes' development coming on
10 stream which is full of arcades by the way which
11 this plan says arcades don't work but Howard Hugh's
12 proposal houses lots of arcades because arcades do
13 work when they're used in the right way. What this
14 is doing is taking 110,000 square feet of arcade
15 use that could be open side walk cafés. It could be
16 the next Greenpoint Fish and Lobster store. We
17 would become an outdoor side café down here. And if
18 we remove this opportunity then it will not be open
19 to us again. So my recommendation is... and I think
20 the downtown alliance with all due respect to
21 Jessica who I like a lot in her landmarks
22 preservation work. I'm Chair of the Landmarks
23 Committee has done a terrible... terrible job of
24 explaining what this is all about. We've all
25

1 learned over the last two or three months that this
2 is basically in my opinion an up to 250-million-
3 dollar land grab for developers on Water Street. If
4 you walk along Water Street and look at how much
5 Howard Hugh's is paying to develop the seaport we
6 don't need to give 250 million dollars of public
7 money... grab... land grab to developers at this time.
8 So my recommendation is defer, reject this
9 application. Ask them to go back to the drawing
10 board, involve the communities... the mother of the..
11 the children that you were talking to, all the
12 residents that are now moving onto... into FiDi,
13 involve them in a big discussion about what's
14 right, come back into a three years' time when
15 we'll actually see and have some more experience.
16 But to push it through right now is a land grab for
17 developers, up to 250 million dollars.

19 PAUL HOVITZ: Mr. Chairman my name is
20 Paul Hovitz. I'm a member of Community Board 1 for
21 24 years, a resident for over 30. And I'd like to
22 read a letter that was sent representing 12
23 residents. As longtime residents of lower Manhattan
24 the majority of us for over 40 years each. We
25 strongly oppose the proposed zoning text amendment

2 that would allow infill of the Water Street Arcades
3 handing over 110,000 square feet of public space
4 for building owners who originally promised the use
5 of this space to the public in return for being
6 allowed to build higher. Recent research in the
7 local press on average comparable space values is
8 100,000 feet at approximately a quarter of the
9 billion dollars. Additionally, rent from the new
10 space is estimated to... to total close to 50 million
11 dollars every year. In return the community gets a
12 promise of some trees and maintenance of adjacent
13 open space which in fact we're supposed to be doing
14 all along. To paraphrase the late senator Everett
15 Dirksen, a quarter of the billion here, a quarter
16 of a billion there. Pretty soon you're talking real
17 money. Residents of Lower Manhattan and our
18 community board have been complaining for years
19 about the rampant over development without
20 incumbent investment and infrastructure such as
21 services, schools for our children, parks, and
22 ironically open space. Yet here we are giving away
23 hundreds of millions of dollars' worth of public
24 space and future profits with almost nothing in
25 return to the community. The promise of advisory

2 input from CB1 on new tenancies is helpful but the
3 community in the city would be better served by a
4 fair return of the value of this give away.
5 Surprisingly there seemed to have been no studies,
6 no hard math, no financial projections as to the
7 value of the real estate or future income stream,
8 no evidence of an equitable return of anything to
9 the community other than optimistic promises of
10 vibrant street life. There is further but I will
11 not take up any more of your time and I will turn
12 in the testimony to you. Thank you.

13 CHAIRPERSON RICHARDS: Thank you.

14 GABE: Hi, my name is Gabe... I'm an
15 attorney and a resident downtown and a member of
16 the Board of Directors of the Friends of Washington
17 Market Park. I'm here on behalf of Jason Friedman
18 who's a community board 1 member and an architect
19 at Joseph Pell Lombardi Architects. As Water Street
20 goes so goes the city make no mistake when the
21 Water Street Zoning proposal was conceived New
22 York's financial district was a very different
23 place. It was boarded up and suffering from the
24 dramatic effects of 9/11, the recession, and
25 superstorm Sandy. Today with over 30 billion

1 dollars in private and public investment the area..
2 renaissance developers are converting office
3 buildings into luxury residences and influx of new
4 residents coming south are here for the great
5 space, the beautiful views, the convenient
6 transportation, excellent schools, the promised
7 356,000 square feet of South Street Retail and for
8 the distinctive neighborhood feature, the
9 exceptional quality and quantity of open public
10 space. The proposed zoning claims... arcades and
11 plazas are in dire conditions and that we should
12 offer developers our public space as somehow we
13 don't need or want it anymore. This simply isn't
14 true. We love our public space and if developers
15 want it they need to offer the public a fair
16 exchange. What we need is for developers to
17 maintain the arcades and plazas as they are legally
18 bound to do. The proposed zoning change is offering
19 developers unnecessary incentives to build retail
20 in a neighborhood which has plenty and is only
21 waiting for it to be finished and leased. In
22 response of concerns that no one living and working
23 downtown had heard of this zoning text amendment 60
24 neighborhood residents and workers were polled
25

2 about their thoughts. And the quality of the open
3 space in the neighborhood and the idea of enclosing
4 it for retail space for retail use. What is very
5 clear is that the residents and workers on Water
6 Street greatly favor keeping their public space
7 public and open. When residents were asked why they
8 had moved to Water Street a majority noted their
9 love of the open feeling of the area. And when they
10 felt it could not... they felt it could not be found
11 elsewhere in the city. Many noted the convenience
12 of the arcades in inclement weather and how they
13 appreciated the fact that one could navigate long
14 stretches of the street for blocks staying out of
15 the rain and sun. The assistant director of
16 Children's Creative Learning Center located at 4
17 and Y, commented that the arcade was wonderful as
18 it allowed a area for the strollers and... and set it
19 back safely from the commercial activity in the
20 building. The rest of our remarks are here in the
21 materials we distributed so thank you very much.

22 CHAIRPERSON RICHARDS: Thank you all for
23 your testimony. So I got conflicting testimonies so
24 to say. You said you're interested in sidewalk
25 cafes, more sidewalk cafés, did I read it wrong in

2 your testimony? And... and so what purpose are the
3 arcades serving now if they would...

4 ROGER BYROM: The... the... there's been
5 many many studies about how to use these arcades.
6 And of course through this study period. I mean
7 Carl Weisbrod started them back I don't know 2,000...
8 you know. And the studies have all been incomplete
9 because we've had 9/11, we've had Hurricane Sandy.
10 We've had a financial crisis. We've had electronic
11 trading which means these floor plates are not
12 useful for financial service. So just like my
13 apartment Tribeca it's gone through adapt... we're
14 going through adaptive re-use down here. And it's
15 fantastic that we're getting Howard Hugh's building
16 hopefully an appropriate Seaport development. It's
17 fantastic that the developers are realizing that
18 you don't need this as office space, you need this
19 as residential. When you get residents you won't
20 open... you... sidewalk cafés, you want restaurants.
21 You... like the hospitality fellow Harry there was...
22 was... the gentleman that spoke earlier... if we
23 infill... if we infill all of these arcades then
24 you're going to push whatever sidewalk café out
25 onto trees that somebody will poison and... and

2 there'll be bikes piled up... the exact argument that
3 the Greenpoint people were making. So we've got
4 places that undercover where you could have outside
5 sidewalk cafes right now. They're not legal
6 because... because there's been no determination at
7 the legal... my feeling is we should study in making
8 them... extending them so that they can be legal. I'm
9 just seeing if... if people will open up sidewalk
10 cafés. There was not a restaurant. There were three
11 restaurants in Tribeca when I moved to Tribeca
12 three years ago... 30 years ago. Now look what we've
13 got. So it's good for the city, it's good for the
14 residents but we just don't need to push it through
15 right now because the studies are all failed
16 because of the issues I've just mentioned.

17 CHAIRPERSON RICHARDS: And would you say
18 the plaza upkeep... How are the plaza's been upkeep
19 now?

20 ROGER BYROM: Well the... because no one's
21 really using them because a lot of those buildings
22 are empty post... sandy post financial crises of
23 course... the landlords have not bothered upkeeping
24 them. But as the residents move down and as... as is
25 being pointed out in testimony this morning the new

2 residents do use... and do want to use... and so we
3 need acknowledge that they're there to be used and...
4 and recognize the veterans' points and all those
5 points that the studies avoid because they've been
6 looking at times... at things when there is not a
7 fair analysis. So we need more time to do a fair
8 analysis. Let the residents speak and look at this
9 again in two or three years' time.

10 PAUL HOVITZ: And Mr. Chairman I think
11 it should be noted that we lost 90,000 square feet
12 of public space in the redo of pier 17. All of that
13 outside area... that boarded area has now been
14 enclosed. Once again we... we keep gentrifying our
15 community. And we are the fastest growing
16 residential community in Manhattan and with 90,000
17 construction projects. This just adds to that block
18 and... and that deep personalization of the
19 neighborhood and... and I understand that this... this
20 area needs to be used but we can find better ways
21 of using it so that the... the residents get
22 something out of it, not just the developers.

23 CHAIRPERSON RICHARDS: Okay thank you
24 all for your testimony, thank you. Alrighty and
25 some people in the overflow room so we'll allow you

2 to come over. Jeff Ellerbrock, Architect... I can't
3 read... handwriting, Bill Aurnhammer, Doris Jimenez...
4 Bill Aurnhammer I believe again... fill out twice
5 Bill Aurnhammer, Jeff Ellerbrock, I believe it says
6 Midas Architects possibly, Luis Vazquez, Doris
7 Jimenez. Alright I'll just run through these again
8 just in case you're on the other side, Doris
9 Jimenez, Luis Vazquez, Jeff Ellerbrock, Bill
10 Aurnhammer. ...you all to state your name for the
11 record and who you're representing today.

12 JOHN LURA: I'M John Lura with MdeAS
13 architects and I'm here in place of Jeff Ellerbrock
14 who couldn't be here.

15 BILL: Bill Aurnhammer...

16 CHAIRPERSON RICHARDS: Wait state... state
17 your name again.

18 JOHN LURA: John Lura, L-U-R-A.

19 CHAIRPERSON RICHARDS: Okay. And we'll
20 call one more person if you... if you can just hold...
21 hold one second. Louis Vasquez... Louis, did I say it
22 right?

23 LUIS VAZQUEZ: [off mic] Louise.

24 CHAIRPERSON RICHARDS: Luis okay I got
25 it, I got it. Right. Doris Jimenez. Alright we'll

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call one more person. Heather Galloway Old Seaport Alliance, Heather Galloway, Old Seaport Alliance... we'll have her come over, Heather Galloway. Until she comes over you may begin... you may begin.

JOHN LURA: So my firm MdeAS architects were involved with several projects in the Water Street subdistrict and we're in favor of the text as it offers opportunities to connect the developed east river waterfront with the commercial and residential areas in lower Manhattan and that there's an opportunity to reinvigorate some of the existing arcade faces that are very lacking and some of them are vacant and underutilized. And so the text really represents an opportunity to redesign and bring some more life into these underdeveloped spaces. And we believe the text is clear regarding its repositioning and redevelopment of the exterior arcade spaces and how the adjacent privately owned public spaces could be revitalized through that text as well and that it's really about increasing the quality of these existing spaces that are extremely lacking in some areas and that by redesigning and redeveloping the area it

2 offers more amenities to the local residents and
3 commercial properties.

4 CHAIRPERSON RICHARDS: Thank you. That's
5 it?

6 JOHN LURA: That's it.

7 CHAIRPERSON RICHARDS: Saved us a
8 minute.

9 JOHN LURA: Happy to.

10 CHAIRPERSON RICHARDS: Alrighty.

11 BILL AURNHAMMER: My name is Bill
12 Aurnhammer. I'm a local resident. I've lived in
13 Brook... down here for 25 years. I have a building
14 that I live in which has an arcade and I... I live
15 over on Rector Place so it's not the same area but
16 I live in... and you know they really just are... the...
17 the only thing I can say about them is they protect
18 me from the rain. Other than that no matter where
19 you are... and we take a lot of pride in our building
20 maintaining it. We... you know we have... when we
21 landscape the area out in front and everything. But
22 the arcade itself, it's just hard to do something
23 with. And you know I really think this is an
24 opportunity to... to make some improvements. What's
25 there is not working. What's there is ugly. What's

2 there is depressing and it would... here's an
3 opportunity to change that and like much of the
4 city downtown here has... has changed here's an
5 opportunity to actually do that and... and do
6 something that's good for the community. I don't
7 see it as a space where children can play in
8 safely. As a matter of fact, you know when I walk
9 through them at night I... I... I you know there's
10 always a possibility someone is behind that pillar
11 and you can't see them. And there... they're usually
12 not very well lit. And... and... so obviously I'm
13 really interested in seeing this area developed and
14 improved.

15 CHAIRPERSON RICHARDS: Thank you.

16 LUIS VAZQUEZ: Good morning. My name is
17 Louise Vasquez. I am testifying today as a resident
18 and owner of a home here in the financial district
19 for over nine years. As the proprietor of FiDi fan
20 page on Facebook, a group with over 14 hundred
21 dedicated followers on Facebook that tracks all the
22 positive things happening in our growing
23 neighborhood, as the Secretary of the Financial
24 District Neighborhood Association, and as a public
25 member of the Financial District Committee of CB1.

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As much as our neighborhood has changed in the last nine years it will pale in comparison to what happens in the next two to three years. We will see the addition of nearly two and half million square feet of new and repurposed retail space. Millions of square feet of new office space at the World Trade Center and with 6,000 new apartments bringing over 10,000 new residents, 4,000 new hotel rooms adding increasing vibrancy to our streets especially in the evenings. Change is virtually everywhere you look. From the World Trade Center to Brookfield Place, the Seaport to the Borough Way Corridor, the Old Chase Plaza to Fulton Street. They are all undergoing radical transformations to adapt to the new demographic and destiny of our new neighborhood, one that is not just a business district that empties out after 5:00 p.m. but instead one that teems with tens of thousands of new residents, families, tourists, and New Yorkers from all over the city who increasingly seek out FiDi restaurants and retail. Unfortunately, there is one place where we have seen virtually no change and that is the dreary foreworn Water Street. The zoning policies of the 60s have resulted in an

2 abject failure in city planning and it is time that
3 we corrected it. No one ever says let's take a walk
4 down Water Street and for good reason. It offers
5 virtually nothing to anyone unless you work in one
6 of the buildings. I talked to a great many local
7 residents and they are almost unanimous agreement
8 that we must approve this new plan to bring needed
9 life to our newly vibrant neighborhood. It is clear
10 to me that Water Street today is a failure of
11 planning and though it was clear... it has been clear
12 for years that isn't working no one has done
13 anything about it. We now have a plan to fix it.
14 Restaurants, cafés, retail, and other uses will
15 create a much more attractive cityscape by day and
16 also an active and vibrant... by night. It's time we
17 try something new and I urge city council to
18 approve this well thought out plan to give the
19 financial district a main street it can be proud
20 of. Thank you.

21 CHAIRPERSON RICHARDS: Thank you. And...

22 HEATHER GALLOWAY: Hi, my name is
23 Heather Galloway. I'm here on behalf of Whitney
24 Barret, the Executive Director of the Old Seaport
25 Alliance. On behalf of the Old Seaport Alliance we

1 wish to express our support for the proposed Water
2 Street text amendment. Optimizing use of our public
3 spaces is an essential component of the mission of
4 the OSA and the arcades and plazas on Water Street
5 have been woefully underused. Renovating these
6 outdated arcades and plazas into welcoming retail
7 properties and vibrant public spaces will transform
8 the Water Street area from a subdued and uninviting
9 throughway into a lively energized hub where
10 residents and workers will experience greater
11 enjoyment from their surroundings and tourists and
12 local New Yorkers will be enticed to the area to
13 shop and eat. The Old Seaport neighborhood's
14 businesses, residents, and stakeholders will
15 directly benefit from these improvements. With the
16 proposed enhancements our small shops and
17 restaurants will gain business as more consumers
18 are attracted to the area and have more reasons to
19 stay, shop, and dine locally. Likewise, residents
20 will be encouraged to expand their regular circuits
21 venturing into these enhanced yet familiar spaces
22 where their families can enjoy open air and
23 experience more of their neighborhood in a new way.
24 The features proposed would also add a measure of
25

2 safety to the public plazas offering more security
3 for small children to play, something critically
4 needed in the Seaport and in lower Manhattan over...
5 overall. The additional flood resiliency measures
6 are essential to the neighborhood's community and
7 economic viability and its overall sustainability.
8 Increased crossover between and throughout
9 downtown's micro districts will further strengthen
10 the districts. For these reasons we feel the
11 proposed text amendment will be of great benefit to
12 those who visit, work, and live in lower Manhattan.

13 CHAIRPERSON RICHARDS: Thank you.

14 Someone questioned whether this was a fair trade
15 off so can any of you speak to that, giving up
16 arcade... the arcade space for more of the plaza
17 space.

18 JOHN LURA: Well I think some of the
19 plazas... they really... there's nothing going on them
20 and so by adding... you know you could have a
21 restaurant in the arcade and have seating that is
22 accessed in the plaza. And so there's an
23 interaction between those two that's available now
24 that is not available currently but to the
25 proposed... you know there could more going on there.

2 So I think the trade off is that there's you know
3 there's operating between both of them and not just
4 keeping them all separated.

5 LUIS VAZQUEZ: And it's also unfair to
6 say that like there's no room for sidewalk cafés if
7 you infill the arcades. There's a lot of open
8 plazas that are really just... there's plenty of room
9 for cafés there and still have the infilling of
10 the... of the arcades. It's just... it's not appealing
11 to anyone who lives down here at all. Those arcades
12 are mostly empty and have been for decades. Nobody
13 has done anything about it and it's time to finally
14 take action.

15 CHAIRPERSON RICHARDS: Alrighty. Thank
16 you. Thank you for your testimony. Alright next
17 we'll call John West from City Club, Bryan Nissan
18 Friends of Privately Owned Public Space, Robyn
19 Roth-Moise, Richard Rock Junior Architects, and
20 Maureen Koetz Friends of... Seaport. If you can just
21 give me one minute. West... Bryan Nissan... Neesan
22 [phonetic], Robyn Roth-Moise, Maureen Koetz.

23 [background comments]

24 CHAIRPERSON RICHARDS: Squeeze all in.

25

1
2 UNKNOWN FEMALE: [off mic] Don't you
3 know anybody in the city council who can get you a
4 little space.

5 CHAIRPERSON RICHARDS: That's why we're
6 here today. Alrighty you may begin, whoever's going
7 to begin first. Alright we'll start from my left.

8 JOHN WEST: I'm John West and I'm
9 representing City Club. As to the public realm
10 along Water Street the City Club is concerned that
11 the benefits to the private sector seem to exceed
12 the benefits to the public. The proposal seems to
13 sacrifice open space to solve a problem that may be
14 either nonexistence or easily solved through better
15 maintenance enforcement and programming. A lack of
16 adequate specifics on the proposal however make a
17 proper evaluation of the proposal's merits
18 impossible. Accordingly we recommend rejection of
19 the proposal until the following analysis and
20 stipulations are provided; an analysis of public
21 spaces along Water Street and how these public
22 spaces could work better individually and
23 collectively, an appraisal of the financial
24 benefits that would be realized by building owners,
25 an urban design plan that specifies the proposed

2 improvements to the public realm and their cost so
3 that these may be measured against the proposed
4 concessions to the property owners, an analysis of
5 changes to pedestrian circulation resulting from
6 changes to uses in buildings, development of new
7 buildings, construction of improvements along the
8 waterfront, and circulation to and from... this is my
9 favorite... future stations of the Second Avenue
10 Subway. A plan for flood protection showing how
11 changes to public spaces in the Water Street area
12 contribute to its effectiveness, an assessment of
13 the value of lost shaded spaces especially given
14 increases in fequencity [phonetic], frequency of
15 extreme heat events and the desirability of weather
16 protection in inclement weather, and it goes on.
17 Absent this information it is questionable whether
18 the environmental assessment statement supports the
19 negative declaration that was issued. The City Club
20 desires that the Water Street area be all that it
21 can be, seeks not to delay consummation, but to
22 ensure the best possible result.

23 CHAIRPERSON RICHARDS: You may begin.

24 ROBYN ROTH-MOISE: My name is Robyn
25 Roth-Moise. I'm reading this letter on behalf of my

1 father Richard Roth Junior. As the former principal
2 of Emery Roth and Sons who designed 10 of the 17
3 buildings along Water Street I'm deeply troubled by
4 this proposal and strongly urge the city council to
5 vote to oppose the Water Street zoning text
6 amendment. The public was given the arcade and
7 plaza space to exchange for which developers
8 received significant additional bonus FAR to build
9 these buildings to the max. So how can the city
10 possibly ask the public to give it back to
11 developers. I understand that many of the buildings
12 are designed or undergoing conversions to become
13 luxury residential towers. Is the idea behind this
14 amendment a way to make it easier for developers to
15 modify the ground floor plans adding more space for
16 new uses giving the public nothing in exchange but
17 nominal code allowable improvements to the plazas?
18 This is a terrible and unfair proposal. I'm also
19 surprised to read the descriptions of these arcades
20 as uninviting and unwelcoming and that somehow the
21 arcades are the root of the problem for the area
22 having inadequate small scale retail shops. When
23 the buildings were built the owner's favorite
24 secure commercial leases for the ground floors like
25

1 banks. The fact that there were arcades in front of
2 the banks certainly did not stop him from being
3 successful or noticed by passerby. Increasing the
4 size of the ground floor of these buildings by
5 taking over the arcades will not somehow change the
6 kind of secure leases owners are looking for from
7 large corporate stores to the small independent
8 shops for neighborhood favors as it becomes more
9 residential. Arcades were and remain a wonderful
10 pedestrian amenity allowing for passage and
11 shelter. I designed the arcade along Water Street
12 as an important public convenience and believe the
13 arcades give identity to the street. I am pleased
14 to learn that some of the arcades along Water
15 Street are now being used for sidewalk cafés which
16 is a lovely idea. I'm very sorry to hear however
17 that the fantastic work of Robert and Melvyn
18 Kaufman has been dismantled at 127 John Street now
19 called 200 Water Street and that 77 Water Street is
20 now threatened to be removed. The Kaufmans were
21 visionaries who were greatly admired and believed
22 in giving the public great public space. Melvyn
23 Kaufman with whom I've worked at 77 Water Street
24 was adamant not to have any commercial space in the
25

2 base of the building and is why 77 Water street is
3 essentially lifted off the ground leaving the
4 ground open plaza below for the public to use. I'm
5 glad to have an opportunity to think about Water
6 Street after all these years and look forward to
7 seeing it again on my next trip to New York. I urge
8 the city council to vote against the zoning text
9 amendment and I ask the council to find a way to
10 insist that the current building owners maintain
11 and improve the public spaces that were given
12 rather than reward them with giving them their
13 spaces back. Thank you, Richard Roth Junior,
14 Architect Emery Roth and Sons. He emailed you all a
15 copy of this letter.

16 BRYAN NESSAN: Hi, my name is Bryan
17 Nessian and I'm representing a group called Friends
18 of Privately Owned Public Space. My group, Friends
19 of Privately Owned Public Space has experience with
20 arcades. Working with Community Board 5 we linked
21 the Midtown Arcade with crosswalks and signage to
22 form 6 ½ Avenue, a midblock shortcut between 51st,
23 57th street which has increased pedestrian use and
24 inspired private improvements of the POPS. Many of
25 the proposals for Water Street are good. We agree

1 that the zoning should be amended to allow events,
2 outdoor café seating as well as installing
3 landscaping, park work, and other amenities in the
4 plazas. However, the infilling of the arcades for
5 private retail use is unprecedented and should be
6 rejected. The arcades are mischaracterized as dark,
7 dreary, unpleasant places. We disagree. Most
8 arcades themselves are high ceiling spaces
9 integrated into their building's architecture.
10 Without a doubt they could be improved. Some have
11 inadequate lighting but in many cases this is due
12 to owners not maintaining fixtures. Fix the lights.
13 Don't hand the arcades over to private developers.
14 Giving away public space sets a terrible precedent
15 to other owners of buildings with POPS around the
16 city. Even if this infill is in exchange for plaza
17 convertments [phonetic] it becomes a disincentive
18 for other owners to upgrade their POPS without
19 getting a bonus. It's like if you once tried to pay
20 your kid to mow the lawn he's never going to do it
21 for free again. Owners should not be handed these
22 spaces for free. Instead we propose that a fund be
23 established that owners must pay into in exchange
24 for using private space for public purposes.
25

2 Private outdoor café seating as well as retail that
3 ends up being enclosed could be considered as an
4 individual basis as a concession. POPS are like a
5 public park and could be managed by the parks
6 department. This fund would allow the Water Street
7 POPS to be treated collectively. Arcades found
8 truly deficient might be filled in and the funds
9 generated could be used to help those plazas that
10 need it most. Such a fund would be a new paradigm
11 for POPS. It could also support not only physical
12 improvements but also events in the enforcement of
13 required amenities. This could be a great precedent
14 for the 500 POPS in New York City. Thank you.

15 CHAIRPERSON RICHARDS: Thank you.

16 MOURINE KOETZ: Good morning. Thank you.
17 My name is Maureen Koetz I'm here representing
18 myself and Friends of South Street Seaport. I'm an
19 attorney. I'm a former acting Assistant Secretary
20 of the Air Force and a veteran of the United States
21 Navy. I'm very happy to hear our veterans
22 representing some of the issues here today. Before
23 I give my remarks I would very much like to
24 associate myself with the remarks of the esteemed
25 people I find myself quite inadvertently but very

1 happily sitting on a dais with today. I think what
2 you have heard previously is very compelling and
3 very important. In particular, I believe the
4 inadequacy of so called environmental review. I
5 like to think of them as natural capital assets.
6 But our air land and water assets in lower
7 Manhattan are particularly strained and potentially
8 oversubscribed at this time. We have the fourth
9 worst air quality in the city and that's with a lot
10 of ocean breezes. And how much we develop and the
11 density to which we develop and the level of
12 activity that we court in lower Manhattan must be
13 balanced against the air, land, water, services,
14 and infrastructure capacity able to take it on. And
15 like many of the people you've heard today no one
16 of us is against commerce, development, or activity
17 in lower Manhattan. We are against doing it in a
18 way that does not allow for proper activity and..
19 and enjoyment by everyone who are sharing in those
20 assets. New York City particularly now in light of
21 what's going on in terms of investigations and.. and
22 the other issues that are troubling us really can't
23 afford to continue trafficking in its public assets
24 for the benefit of the few who muster the
25

2 connection's money and influence to access these
3 assets. Property tax abatements, insider deals,
4 conflicts of interest, and now the ability to
5 rescind privately owned public space allocations
6 are sadly only some of the examples of how the city
7 is lorded or diluted into transferring public
8 assets against the public interest. And
9 particularly without fair consideration I'm
10 consistently surprised having spent a lot of time
11 in the federal government at the alacrity with
12 which we happily trade off public assets because a
13 developer wants them. I mean especially the public
14 assets. It's very humiliating I think to constantly
15 be investigated by federal entities because we're
16 not able to police ourselves because we don't seem
17 to have any understanding of conflict of interest
18 or why these kinds of transactions are a problem. I
19 happen to have been the last person who ran against
20 Sheldon Silver in a contested election. And the
21 fact that the Nordberg defense of I was just
22 following orders has transformed into the Albany
23 defense I was just following custom is... is no salve
24 to what we now understand to be rampant corruption
25 in the city. And these are the opportunities to

2 reevaluate whether and how we are going to assess,
3 evaluate, use facts and... and data and information
4 to... to look into these transaction, not who's got
5 the money to call who at... in Albany or City Hall.
6 We really should not need indictments before we
7 can... [cross-talk]

8 CHAIRPERSON RICHARDS: Going to ask you
9 to wrap up.

10 MOURINE KOETZ: Yes, I understand.

11 CHAIRPERSON RICHARDS: ...four minutes.

12 MOURINE KOETZ: This... Friends of South...

13 CHAIRPERSON RICHARDS: ...two separate... I...

14 I don't want to get...

15 MOURINE KOETZ: No... no...

16 CHAIRPERSON RICHARDS: ...into politics...

17 MOURINE KOETZ: ...I'm sorry.

18 CHAIRPERSON RICHARDS: ...and that...

19 MOURINE KOETZ: No... no...

20 CHAIRPERSON RICHARDS: So please...

21 MOURINE KOETZ: The good news about...

22 CHAIRPERSON RICHARDS: We're having a

23 public hearing.

24 MOURINE KOETZ: ...is you learn...

25

2 CHAIRPERSON RICHARDS: Hold on... hold on
3 one second.

4 MOURINE KOETZ: I understand.

5 CHAIRPERSON RICHARDS: Hold on one
6 second. We're having a public hearing today. There
7 is no public hearings in Albany to my knowledge. So
8 there's a separation between Albany and City Hall
9 and I take... you know I... I'm not happy with the
10 connection between the two because we are here in
11 particular to hear the public today. So if you want
12 to stick to that issue.

13 MOURINE KOETZ: Well I'm afraid I have
14 to disagree with you strongly.

15 CHAIRPERSON RICHARDS: Okay well I'm
16 going to ask you to wrap up.

17 MOURINE KOETZ: Because...

18 CHAIRPERSON RICHARDS: Because I've
19 given you four minutes already and..

20 MOURINE KOETZ: Thank you.

21 CHAIRPERSON RICHARDS: ...we've heard your
22 points. Thank you. Thank you all for testifying
23 today. Alrighty Anthony Notaro [sp?], he's
24 opposition too... oh in favor, or in favor. Alright.
25 Alrighty any more in support of this application?

2 Alrighty. Alrighty we're going to go to Ambrose
3 Richardson... something Tavern, Jeanine Bianco [sp?],
4 Lynn Ellsworth Tribeca Trust and New Yorkers for a
5 Humane... Human-Scale City, and Olivia Martin
6 Architects... The Architects. And we'll give you a
7 minute to come over. We know some of you are in the
8 overflow room. So Jeanine Bianco, Lynn Ellsworth,
9 Tribeca Trust/New Yorkers for a Human-Scale City,
10 Ambrose Richardson... Tavern, and I believe I got
11 this right Olivia Martin. Alrighty you may begin.
12 Just state your name for the record and who you're
13 representing and then you may begin.

14 AMBROSE: Great. My name's Ambrose
15 Richardson. I'm President of the Sons of the
16 Revolution in the state of New York. We own and
17 maintain Fraunces Tavern and Fraunces Tavern Museum
18 which is at 54 Pearl Street. It's been there since
19 1762, actually the building has been there since
20 1719. It's a landmark. It's the American Revolution
21 in New York. It's where a number of significant
22 events occurred where the Sons of Liberty planned
23 and schemed and whatnot. We have not taken a
24 definite official stand on this proposal because
25 it's only recently been brought to our attention.

2 We are big fans of the Downtown Alliance and
3 Jessica Lappin in... in particular. And a lot of work
4 has gone into this text as its called in an attempt
5 to take into account insertable one size fits all
6 fashion, an immense area along... along Water Street.
7 But in general let me express my concerns because I
8 think this proposal is bad architecture. It's bad
9 policy. And it's bad for us. In terms of bad
10 architecture there are a lot of successful arcades
11 around the world. And mostly they have stores on
12 the inside. And there's nothing that would have
13 prevented these building owners from doing that. We
14 heard the testimony from Emery Roth who designed
15 many of these building or whose firm designed many
16 of these buildings and I think that's huge. An
17 election was made to put bank lobbies or something
18 like that in there. You know if we have buildings
19 filled out by CVS or something like that it... it's
20 not really going to be a positive addition to the
21 community. I think it's bad policy because people
22 got these spaces additional high bonuses in
23 exchange for providing the public spaces. And in
24 order to go back on that I think it's... it hurts us
25 at... at Fraunces Tavern because this Water Street

2 district has been sort of hooked around to 85 Broad
3 Street, 85 Broad Street used to be the headquarters
4 of Goldman Sachs. They tore down a landmark, they
5 blocked off Stone Street, and they got an added
6 height bonus from the development rights of Stone
7 Street that they blocked off which was sort of
8 ironic. There's an arcade which is through which
9 you build Fraunces Tavern and to which many tour
10 groups come. And to block off the sight line there
11 would not be helpful. There is currently... one of
12 the arcades along Pearl Street is filled up with
13 tables and chairs from... not a mom and pop store,
14 it's a national chain. But they haven't been
15 prevented from using this space so if they don't
16 need the change in the zoning resolution in order
17 to that. So that's... I... I think many of the previous
18 speakers have said many of the things that I have
19 slightly differently so thank you very much.

20 CHAIRPERSON RICHARDS: Thank you for
21 your testimony.

22 LYNN ELLSWORTH: I'm Lynn Ellsworth. I'm
23 chair of the Tribeca Trust but I'm also here in my
24 hat as cofounder of New Yorkers for a Human-Scale
25 City. We're an alliance of 95 civic and community

1 groups across all five boroughs. We oppose the
2 Water Street text amendments. It's a giveaway of a
3 substantial public asset to private hands without
4 even remotely intelligent economic analysis. While
5 the arcades may or may not work as a successful
6 public space at present that's irrelevant to the
7 issue at hand. What is relevant is that they are
8 public assets and giving them away in a feeble deal
9 is not a good precedent. The original POPS deal was
10 an injury to the people of New York and now this
11 deal adds insult to it. The longer term
12 intergenerational public value of these assets has
13 not been determined or even considered. If the
14 arcades are to be enclosed as commercial spaces at
15 the very least their rental or sale value should
16 accrue to the public purse for use in other public
17 spaces. Since that's not part of the agreement we
18 oppose the amendments. We're also concerned that
19 certain property owners, I'm thinking of 110 Water
20 Street, have given to the campaign for 1 New York
21 as mentioned in the press and therefore fear that
22 there is an element of pay to play transactions in
23 Land Use happening in this case. And any Land Use
24
25

1 deals involving such suspected transactions should
2 be halted pending further investigation. Thank you.

3
4 CHAIRPERSON RICHARDS: Thank you.

5 OLIVIA MARTIN: My name is Olivia
6 Martin; Managing Editor at the Architect's
7 Newspaper. I am reading this letter on behalf of
8 William Menking, Editor and Chief of the
9 Architect's Newspaper. Dear City Council Members.
10 The editorial board of the Architect's Newspaper; a
11 newspaper serving architecture and design
12 professionals nationwide, strongly opposes the
13 Water Street text zoning amendment as any change
14 that would eliminate 110,000 square feet of
15 privately owned public space along 13 blocks of
16 Water Street. Approval of the amendment would shred
17 a long honored promise made by the developers to
18 forever preserve the space for use by the public.
19 The promise was made in exchange for bonus air
20 rights that enabled the developers to extend their
21 buildings many floors higher increasing the value
22 of their properties by millions of dollars. In
23 recent months developers have waged a campaign to
24 undo their promise. They have argued in the public
25 forum and before our city institutions that the

1 arcades are worthless, outdated, unwelcoming,
2 underutilized, bleak, used for smoking, and the
3 product of an earlier approach to design that is
4 now disfavored. Contrary to these claims most of
5 the threatened arcade and plaza spaces are in
6 excellent condition and people living and working
7 in the neighborhood would like to see them stay.
8 Two towers in particular; 77 and 200 Water Street
9 both developed by Melvyn Kaufman were once
10 celebrated as having some of the most creative,
11 playful, and useful public spaces in the city. One
12 of the original architects of the arcade Richard
13 Roth Junior, a former principal at Emery Roth has
14 explained that he designed the arcades as a very
15 nice public convenience where people could take
16 advantage of a covering in heat and inclement
17 weather. The Architects newspaper strongly believes
18 these public spaces have great aesthetic,
19 financial, and practical value and should remain
20 public amenities. If the amendment is approved the
21 door would be flung open for developers to make
22 similar land grabs of similar space across New York
23 City all on the spurious claim that the spaces are
24 somehow imperfect. To ensure that everyone will
25

2 have opportunity to consider the full value of
3 these spaces and to offer an alternative to the
4 amendment Architects Newspaper invites all members
5 of the public to participate in a design charrette
6 to recommend creative ways to use the arcade and
7 adjacent plazas that surround the perimeter of 17
8 buildings along Water Street in the financial
9 district. We sincerely hope that this charrette
10 will bring awareness to the value of these public
11 spaces and that the city council will oppose the
12 amendment. Thank you.

13 CHAIRPERSON RICHARDS: Thank you all for
14 your testimony today. Thank you. Alrighty Joseph
15 Lerner and Berry Fett I believe, Community
16 Advocates for Public Space Berry Fett or Fey?

17 BERRY FETT: Berry, just like..

18 CHAIRPERSON RICHARDS: Berry, okay got
19 it. Alrighty. Okay. And if there are any other
20 members of the public who wish to testify we ask
21 you to come forward now. On this item... on this
22 particular item. Alrighty you may begin. Please
23 state your name and who you're representing for the
24 record today as well.

1 JOSEPH LERNER: My name is Joseph Lerner
2
3 and I'm representing me and many of my fellow
4 residents at South Bridge Towers which is about a
5 block and half from 200 Water Street. And I... I'm an
6 original tenant at South Ridge Towers which means
7 I'm in a neighborhood for over 40 years. If you
8 look at 200 Water Street today it is much different
9 than when the Kaufman brothers built it. They were
10 wonderful people, wonderful servants who built the
11 beautiful parks for the city of New York. Now that
12 park is diminished in many numbers. When it was
13 first built they had a wading pool. They had
14 hanging sculptures. They had fabric covering
15 coverings and many other things... many other
16 amenities that made it a most wonderful place to
17 be. In fact, they had this beautiful chairs
18 brightly colored where you could speak to your
19 partner and not having to strain your neck by
20 turning all which way. Today 200 Water Street where
21 a wading pool once existed is now covered in
22 concrete. There is no fabric coverings at all. The
23 sculptures that use to hang from the bars have gone
24 and it looks like a terrible mess. I for... and I
25 wondered why that... this happened and it's very

2 simple A landlord wants to maximize profits. How do
3 you maximize profits? You... you increase your sales
4 or you cut down on your maintenance. And that's
5 what they did at 200... Street. They eliminated a
6 pool by cementing it over. They took fabric away
7 which added beautiful color to place because it got
8 too expensive to clean etcetera, etcetera. And now
9 they don't care about the spot. I still go down
10 there to look at the world that walks by on Fulton
11 Street to read my paper and other leisurely things
12 but it's a disgrace right now due to the current
13 owners. Thank you very much.

14 BERRY FETT: Good morning. My name is
15 Berry Fett and I'm speaking to you on behalf of
16 community Advocates for Public Space. Since the
17 last council hearing a group of community residents
18 pulled more than 60 people who work and live along
19 Water Street. With each new conversation we learn
20 and are amazed at how few people are aware of the
21 amendment and understand the high stakes involved.
22 How is it that the Park Slope School, the Blue
23 School, the downtown daycare center, the Seaport
24 Museum, Fraunces Tavern, the restaurant on shop
25 owners all along Water Street were not a part of a

1 collaborative process with the city to consider the
2 removal of 110,000 square feet of their
3 neighborhood public space. Contrary to the claim
4 that these public spaces are unwelcoming and
5 uninviting 100 percent of those polled greatly
6 value the public space. They consider it useful,
7 attractive, and in good condition. Many said they
8 moved downtown because of the open feeling in this
9 neighborhood unlike anywhere else in the city. 100
10 percent polled do not want to see retail enclosures
11 in place of outdoor cafés. In 2011 city planning
12 specifically passed the Water Street arcade
13 modification amendment to allow cafés and seating
14 in the outdoor arcade. Amanda Burden, City Planning
15 Commissioner at that time, declared tables and
16 chairs in arcades may seem like a small change but
17 will greatly enhance the public use of this street
18 and become the public use of the street and become
19 an asset to the lower Manhattan Community. We
20 cannot have our city council abandon this mission
21 in favor of a plan that would let the developers
22 eliminate these rare and precious open cafes. The
23 developers would have us believe that these are
24 more of... smoking lounges. But that's just not the

2 case. In fact, Westville Walls Outdoor Café is
3 moving under the arcades at 100... at 100 Water
4 Street. That's the same exact space the applicant
5 said was bleak, useless, and unsafe when given
6 their tour of Water Street to CB1 last March.
7 Finally, virtually every statement in the record,
8 and I include those for it not just those against
9 it highlights a real problem with the amendment;
10 failure to establish the value of the property,
11 failure to consider the impact of the amendment,
12 caveats for space allotment, failure to give
13 adequate time for review. Virtually every statement
14 says the public must receive fairer compensation. I
15 will submit the rest of my testimony.

16 CHAIRPERSON RICHARDS: Thank you so much
17 for your testimony today. And we appreciate your
18 coming down to the peoples' house. Want to thank
19 everybody who testified on Land Use number 361. We
20 are going to lay over this item for further
21 consideration and we just want the public to know
22 that we are certainly listening and taking into
23 consideration a lot of the recommendations and
24 things that youth proposes as well. And we look
25 forward to continuing the conversation on the POPS

1 as we move forward. And we're working very closely
2 with Council Member Chin on this issue. We will now
3 move on to two preconsidered land... oh... oh sorry.
4 Actually I will close the public hearing on Land
5 Use item number 361... We will now move on to two
6 preconsidered land use applications that would
7 permit the development of... of Oxford Nursing Homes.
8 The first application would change the applicable
9 zoning district on property in Red Hook from the
10 current M2-1 District to... forward slash R... M1-4/R6
11 district in establishing special mixed use
12 district. The related text amendment would modify
13 appendix S of the zoning resolution to establish a
14 mandatory inclusionary housing are on the rezoned
15 property. We've gotten a few questions from the
16 public relating to the timing of this hearing being
17 too early in our review period. Before we start I
18 would like to reiterate that we are following our
19 normal procedure with this application by holding
20 the public hearing at the first available
21 subcommittee meeting during our public review
22 period. We generally prefer to hold our hearings at
23 the outset of our 50-day time period in order to
24 allow the greatest possible time for us to react to
25

1 any public comments on applications that we are
2 considering. I will now open the public hearing on
3 these preconsidered applications for a zoning map
4 and text amendment. And we will now call the
5 applicants I believe and Council Member Menchaca is
6 not here yet otherwise we would allow him to give
7 opening statements but when he arrives we will. So
8 we'll first begin by hearing from Michael Balboni
9 from Oxford Nursing Home, James Sherry Oxford
10 Nursing Home, Nora Martins Oxford Nursing Home, and
11 Robert Lim... [phonetic] Liman... [phonetic] LiMandri
12 at Oxford Nursing Home. Good to see you all again.
13 Oh and Carlos Menchaca is here so... okay so we'll...
14 before you begin allow Council Member Menchaca to
15 read an opening statement and then we will begin
16 the presentation.

18 COUNCIL MEMBER MENCHACA: Thank you
19 Chairs Donovan Richards and David Greenfield. And
20 thank you everyone for coming here today. I am in
21 between a couple things right now. We just left a
22 immigration, youth services, finance committee
23 hearing on the executive budget. And I have good
24 stuff to report there that we are keeping our
25 commitment in the council to take care of our most

1 vulnerable people. As a topic of today's hearing.
2 So again [speaking Spanish]. Throughout the public
3 review process of this particular application I
4 have been consistent in expressing my deep... deep
5 concerns about the potential for this application
6 to negatively impact the long-term wellbeing of Red
7 Hook Community in many ways. We'll start with the
8 manufacturing and industrial arguments. First the
9 rezoning of this large site located only two blocks
10 away from the Atlantic basin would undermine the
11 industrial character of Red Hook Waterfront for
12 decades... decades. Planning efforts from the city
13 and the community have repeatedly stated that the
14 desire and intent of the Red Hook Container
15 Terminal and the Atlantic basin to remain in a
16 maritime industrial use. This is reflected in the
17 area's designation as one of the six significant
18 maritime industrial areas in New York City or what
19 the policy wants to call it SMIA's, SMA's were
20 originally designated in 1992 and have been
21 repeatedly renewed as part of the Waterfront
22 Revitalization program. Most recently in February
23 of this year nearly the entire Red Hook Waterfront
24 is also included in the Southwest Brooklyn

1 Industrial Business Zone that was first established
2 in 2005 and intended to protect and encourage
3 industrial job growth. This particular property was
4 removed from the IDZ during the 2013 boundary
5 commission, process at the request of the
6 applicant. And I would have certainly opposed to
7 this request had I been in office at that time.
8 Industrial jobs are of critical importance to my
9 district from Red Hook to Sunset Park. The
10 Southwest Brooklyn industrial development business
11 zone is home to over 15,000 industrial jobs.
12 According to census data nearly one in four workers
13 living in the council district, mine 38, are
14 employed by these industrial sectors of
15 manufacturing, transportation, wholesale trade or
16 construction. It is my firm position that any
17 rezoning or manufacturing land in Red Hook should
18 be protected and protected for the product of
19 careful holistic community planning. We have seen
20 from other neighborhoods in Brooklyn how the
21 piecemeal site by site rezoning of manufacturing
22 districts can begin to undermine the fabric of
23 these areas and lead to displacement of valuable
24 industrial jobs. The M Zone of Red Hook especially
25

2 those in close proximity to the working Waterfront
3 of Atlantic Basin in the Red Hook Terminal are
4 priceless resources that we as a city should treat
5 with only the utmost care and consideration and
6 very recently we finally got the mayor and the
7 administration to stand with the council on this
8 very point. And the question is are we or are we
9 not in favor of protecting our working waterfront.
10 And that is the question for us today. But there's
11 another question and that's a storm surge
12 vulnerability. And... and I'm looking a lot at... at
13 the audience here and if I can ask anybody who is a
14 first responder, and I'm looking at our council
15 Member here too who is a first responder in your
16 neighborhood after Sandy. Raise your hand if you
17 did any first response to help the vulnerable
18 people of your neighborhood. Raise your hands
19 proud. Then you know exactly what we're talking
20 about when we think about how important it is for
21 us to understand the effects of a surge... the storm
22 surge as powerful as Sandy and for me that is a
23 personal... a... it... personal experience that I want to
24 lift in this conversation here today. This... this
25 application brings to us a sense of opportunity and

1 commitment to resilience as we think about what
2 we're doing here and where we're placing these 200
3 beds, nursing beds, nursing beds in Red Hook. And
4 what I have to say is that what's important here is
5 to make sure that we think about these vulnerable
6 seniors that we all care about in our neighborhood.
7 This is not about 1199 workers, saying no to them.
8 This is about actually saying yes to protecting
9 even our workers that were used... that were called
10 during the days of Sandy to go to other nursing
11 homes and get everybody evacuated. And if you're a
12 part of that and I'll... I'll lift testimony of a
13 worker that responded and testified during the last
14 Department of city Planning who said there was
15 trauma, real trauma in just the respond... the
16 response effort. And that's what we're trying to
17 prevent here. And that's what we will prevent here.
18 And this is not about saying no to nursing homes.
19 This not about saying no to seniors. It's not about
20 saying no to workers. This about saying yes to
21 doing it right because we know better. And this is
22 not easy. Ten years of work has... have gone... have
23 gone on for this application. And that is something
24 that was acknowledged and appreciated. But we
25

2 cannot make yet another bad mistake along this wake
3 of bad decisions as we get to this point. There's a
4 responsibility here that I'm taking very seriously.
5 And with that I want to head it over to the chair
6 for testimony from both the applicants and from all
7 of you. Thank you for coming today.

8 CHAIRPERSON RICHARDS: Thank you Council
9 Member Menchaca and we now will begin and if you
10 can please state your name for the record and who
11 you're representing and then you may begin your
12 presentation. Good to see you all.

13 NORA MARTINS: Good morning.. or is it
14 afternoon? I can't see the clock but good afternoon
15 Chair Richards, Council Member Menchaca, Council
16 Member Greenfield. Thank you for giving me this
17 opportunity today. My name is Nora Martins. I'm
18 here on behalf of Davidoff, Hutcher and Citron
19 representing the applicant Oxford Nursing Home. I'm
20 joined on our initial panel by Michael Balboni and
21 James Sherry from RedLand Strategies, our emergency
22 management consultant as well as Robert LiMandri
23 from Vidaris Inc., our code and building resiliency
24 consultants. I'd like to go through a presentation
25 quickly and then they will submit statements

1 regarding specifically resiliency and emergency
2 management regarding this project. As Chair
3 Richards spoke the application involved the zoning
4 map amendment as well as a text amendment in order
5 to facilitate the development of a 200 bed nursing
6 home which would replace an existing facility in
7 Fort Green which has 235 beds as well as the
8 development of an east group four ambulatory
9 diagnostic and treatment facility at a site at 141
10 Conover Street in Red Hook Brooklyn. The... the
11 project does have a long history. The applicant,
12 Oxford Nursing Home purchased the site in 2003 in
13 order to begin the process of approval at the
14 department... State Department of Health to construct
15 a replacement facility. The existing Oxford
16 Facility is located in a building that is nearly
17 100 years old. It's obviously under current state
18 standards for nursing homes lacking basic handicap
19 accessibility. And... as well as adequate space to
20 truly serve what is a often frail and vulnerable
21 population. For this reason, the existing Oxford
22 facility was deemed over a decade ago to not be a
23 long term resource which led Oxford to pursue the
24 development of a replacement facility. In acquiring
25

1 this site in 2003 Oxford that embarked on their
2 approval process... department of health obtaining a
3 certificate of need for the 200 bed replacement
4 facility in 2006. I'm sorry, 2009. In the interim
5 as Council Member Menchaca noted the site was
6 included within the Southwest Brooklyn IBZ
7 subsequent to Oxford's purchase of the site and
8 before their approval of the certificate of need
9 which is site specific to the site in 2013 the site
10 was excluded when the boundary commission convenes
11 based on testimony from stakeholders and elected
12 officials at the time which found for the reasons
13 we'll present to you today in support of the zoning
14 change that the exclusion of the site from
15 industrial business zone was appropriate. This map
16 that you can see on the presentation is the
17 southwest Brooklyn industrial business zone... 2013
18 modified boundaries showing the site on the
19 periphery of the industrial business zone. The next
20 slide shows the land use map and zoning map for the
21 subject area, you can see the subject site, it's an
22 L shaped site about 38,000 square feet currently
23 located in an M21 zoning district. The proposed
24 rezoning would seek to change that designation to
25

1 an Mx5 which is a mixed use M14-R6 zoning
2 designation. This wasn't in consultation with city
3 planning determined to be appropriate based on the
4 site's location adjacent to and actually partially
5 within an R5 zoning district that runs along Van
6 Brunt Street. As you can see along Van Brunt Street
7 and to the East of Red Hook is primarily
8 residential R5 and R6 zoning to the west there is
9 an M21 towards the waterfront which is primarily
10 occupied by one story manufacturing buildings and
11 vacant properties, a lot of parking uses. Beside
12 it's historically been underutilized. It's not been
13 used for maritime related uses. The... currently
14 there are several... tenants. There's bus parking,
15 building storage, and one welding establishment
16 that employs approximately five people. In addition
17 to the zoning map amendment which would be to the
18 MX four zoning districts text amendment is being
19 mapped coincident... to map mandatory inclusionary
20 housing area coincident with the zoning... rezoning
21 area. This is in accordance with the city's
22 recently adopted mandatory inclusionary housing
23 text amendment. Although housing is absolutely not
24 proposed for this site the R6 component of the MX5
25

1 allows residential development so the text
2 amendment was required to be mapped simultaneously
3 with the zoning map amendment. You can see from
4 this slide the zoning change map which shows the
5 existing zoning. See where right on the corner...
6 across the street and adjacent to an R5 zoning
7 district. The map on the right side shows the
8 proposed new zoning should the zoning map amendment
9 be approved. Existing site plans showing the
10 current uses on the site. As you can see it's
11 underutilized and also adjacent to several
12 conforming and nonconforming residential uses. Some
13 photos of the existing site which is a bit of an
14 eyesore in the neighborhood and you can see the bus
15 parking and... and the fact that there are no
16 substantial manufacturing buildings on the site.
17 The proposed program for the nursing home is 200
18 beds which would be 40 bed units per... so five
19 floors of 40 bed units and another... an additional
20 floor of supporting services who'd employ
21 approximately 225 employees, 1199 union employees,
22 three shifts, 24/7. They would accept Medicare,
23 Medicaid, and major insurances as the current
24 facility does. The proposed healthcare facility
25

2 would be 26,000 square feet. It would be intended
3 to serve the local community. Red Hook has been
4 recognized as a nationally... a federally underserved
5 area with regard to healthcare. There's currently
6 only one other healthcare facility in the
7 neighborhood in walking distance which is the
8 Addabbo Family Healthcare that is not open 24 hours
9 a day and has limited hours on the weekends. So the
10 facility here would be proposed as a comprehensive
11 24/7 urgent and primary care facility. It would
12 serve the residents of the nursing home which would
13 be a benefit to those residents as well as the
14 community in avoiding transporting residents but
15 primarily be open to the public. Again would accept
16 Medicare, Medicaid, and major insurances. You can
17 see on this slide the proposed building will be..

18 [background announcement]

19 CHAIRPERSON RICHARDS: No one has to run
20 out...

21 [background announcement]

22 CHAIRPERSON RICHARDS: You may continue.

23 NORA MARTINS: Thank you. This plan is a
24 proposed site planning showing the proposed
25 development can see it's comprised of two portions,

1 a seven story portion fronting on Conover Street
2 which would contain the ambulatory diagnostic and
3 treatment facility would have a separate entrance
4 on Conover Street and a seven and eight story
5 building which would include... which would contain
6 the 200 bed nursing home. The building is set back
7 from the street about... between 15 and 20 feet
8 depending on the street and the eighth story is set
9 back significantly another 20 feet from the front
10 of the building so as to be left visible from the
11 street level. There are 53 parking spaces provided
12 on site as the site is located within a flood zone.
13 The building will be elevated to the design flood
14 elevation requiring that the habitable space is
15 located above the... there's no basement space. The
16 ground floor will be occupied by parking and
17 building entries and the beds will begin at the
18 second floor level which is 15 feet above grade.
19 This is the elevation at King Street which would be
20 the main entrance for the nursing home facility. As
21 you can see the archways would be looking into the
22 enclosed parking area. It's partially enclosed and
23 partially unenclosed. It's the elevation at
24 Sullivan Street where there's a two story portion
25

1 of the building that would be used for recreational
2 space for the residents. And then the elevation at
3 Conover Street which I mentioned would be the main
4 entrance to the ambulatory diagnostic and treatment
5 facility. A rendering of the proposed development,
6 it's been designed and you know we are... we have
7 with us a project architect if there are questions
8 but it's been designed to articulate two different
9 facades so as to separate the proposed nursing home
10 from the ambulatory diagnostic and treatment
11 facility so that that stands apart as a publically
12 accessible facility. I would note that the building
13 when we originally proposed it during our extensive
14 public outreach was a full floor higher. Upon
15 feedback from the community the architect went back
16 to the drawing board and was able to squeeze the
17 spaces to take a full floor off of the building.
18 While any further reduction in the building floor
19 area would come at a cost to the ambulatory
20 diagnostic and treatment facility which the
21 community and city planning commission in approving
22 this application I've recognized it critical in
23 this neighborhood. It's a change that the applicant
24 is prepared to discuss with Council Member
25

1 Menchaca. However, it... we agree that with the city
2 planning commission that the height of the proposed
3 building is appropriate in this area. Although
4 along Van Brunt street the majority of buildings
5 are three and four story mixed use development.
6 There are several other taller buildings in Red
7 Hook just a few blocks from the proposed
8 development. From these aerial views that have the
9 rendering dropped in there's a 14 story NYCHA
10 housing project... the Red Hook Houses east and west
11 which are the largest public housing in Brooklyn
12 housing approximately 65 hundred residents that's
13 located just to the... located just to the... to the
14 East of the project. You also have developments
15 north on 160 Emilie Street recently approved for
16 conversion to residential. And then on Conover
17 Street the two blocks directly south fronting on
18 Conover Street there are two similarly sized
19 buildings. That's just in the immediate area. As
20 I've said the project would provide much needed
21 healthcare services to the community and there
22 would be available beds for both long-term nursing
23 care and short term rehabilitation. All this is a
24 replacement facility and should the project be
25

2 approved there would be... there would already be
3 beds taken by existing residents. They do have a
4 good amount of turnover particularly with short
5 term rehab. Their existing facility took in I think
6 nearly 200 new admissions last year. So there would
7 be opportunity for this project to really serve the
8 local Red Hook community. Currently in this
9 community district in community board 6 there's
10 only one other nursing home which is the Cobble
11 Hill Health Center which is about a mile and a half
12 away and not really within walking distance. The
13 proposed project would generate hundreds of
14 construction jobs and approximately 100 new
15 permanent jobs assuming that of course all
16 employees of the current Oxford Nursing Home that
17 would want to would be able to move to the new
18 facility but given attrition and employees retiring
19 expect at least 100 new permanent jobs. In
20 additional... additional staff will be needed due to
21 the almost doubled in size facility, a larger
22 facility requires greater staff. Oxford has
23 committed since the beginning of their public
24 outreach to local hiring in partnership with local
25 stakeholders and job training organizations. As

1 Oxford Nursing Home will tell you the best employee
2 is a local employee that can get to work quickly
3 and on time particularly in case of an emergency
4 which where... could be a flood event here in Red
5 Hook but there are many other emergencies such as a
6 power outage or... or other types of emergencies that
7 would require staff to be located locally. Finally,
8 I believe this would be an economic development
9 incentive, Oxford's committed to it purchasing
10 locally to the extent possible from neighborhood
11 businesses. It would develop a site that has been
12 underdeveloped generating business to other local
13 retail and restaurant establishments in the
14 neighborhood. Briefly touched on parking
15 previously. Parking and transportation there would
16 be 53 on site spaces provided which is ten more
17 than required and... and parking is a consideration
18 in Red Hook. So the project seeks to accommodate
19 all of their parking needs on site. All loading and
20 deliveries would be off street within an onsite
21 loading berth and again in response to some
22 valuable community feedback the site plan was
23 redesigned to allow on site circulation and drop
24 off for ambulettes and ambulances so that they
25

2 wouldn't be taking up any valuable street space
3 when loading and unloading passengers. Now flood
4 resiliency and emergency management I have my other
5 panel is here who will speak in more detail to that
6 but the building is fully compliant with New York
7 City building code appendix G which was revised
8 subsequent to Sandy extremely sensitive to the
9 site's location in a flood zone. And cognizant of
10 the lessons learned and new regulations in
11 practices that were generated as a result of the
12 city's experience during Sandy. The floor would be...
13 the first floor would be elevated to meet with the
14 designed flood elevation. There would be a
15 combination of wet and dry flood proofing at the
16 building entrances and the... would be the emergency
17 generator which would have a 72-hour fuel supply,
18 diesel fuel supply onsite would of course be
19 located above that design flood elevation. The
20 facility would also comply with the New... New York
21 State Department of Health, Stringent Requirements
22 regarding Emergency Preparedness which would
23 include a detailed evacuation plan thus transfer
24 our agreements with hospitals... with hospitals and
25 other nursing homes, contracts and ambulance...

1 ambulette companies to ensure adequate
2 transportation in the event of an emergency as well
3 as general emergency preparedness. For visions such
4 as maintaining emergency food, water, and medicine
5 supplies staff... adequate staffing and a staff
6 succession plan participation in programs run by
7 OEM including evacuation tracking system which was
8 I think... I think that's something that my panelists
9 can speak to was one of the major issues during
10 Sandy was keeping track of evacuated residents. And
11 that's something that has come out of Sandy as a...
12 as an improvement. Just to conclude my presentation
13 I'd like to say the community board six voted in
14 favor of recommending this application 29 to five.
15 The borough president recommended disapproval with
16 conditions and the city planning commission
17 approved this land use application by a vote of 11
18 to one to one.

20 MICHAEL BALBONI: Good afternoon Mr.
21 Chairman and Council Members in particularly
22 Councilman Menchaca. I knew you when... it's great to
23 see you again. My name's Mike Balboni and I come
24 here kind of with two sides of the same coin. First
25 is I run a company called RedLand Strategies and

1
2 it's an emergency management homeland security
3 company. And so that part of my life I was a
4 homeland security advisor in... in New York state. I
5 was the senator of the... of the chairman of the
6 senate homeland security committee and wrote
7 basically ever statute as it relates to emergency
8 management and homeland security in New York. And
9 then I also served in federal committees. I'm... I'm
10 part of a think tank in Washington DC, the George
11 Washington Homeland Security Policy Institute and
12 through all that work I have dealt with and written
13 on and learned about resiliency. And the up side of
14 the coin is that I am the executive director of the
15 Greater New York Healthcare Facilities Association
16 which is an association of 80 nursing homes in and
17 around metropolitan New York. And it was in that
18 round that I had the experience not from Sandy but
19 from Irene where when if you recall there was an
20 evacuation order issued by the city. Joe Bruno was
21 commissioner who now works with us and we have
22 penned a letter to you basically about this
23 project. But it was during that instance that I
24 actually physically had the experience of
25 evacuating over 200 wheelchair bound adults from

2 the Shoreview Nursing Home. I've actually seen the
3 process and it's no longer academic for me. So
4 things like cuing... having space to cue the busses,
5 knowing how to get patients down off of higher
6 floors, making sure that the patients attract
7 appropriately and the Department of Health and New
8 York state has been challenged with that issue for
9 years and years and finally it was after Irene that
10 they finally put the resources in to mandate a
11 program for tracking patients. And this is what...
12 you know their... the meds that go with them and
13 communication with the family members as to where
14 they're going. So what are the lessons learned. The
15 lessons learned are that you got to have really
16 good coordination. You got to have trained staff.
17 You got to obviously elevate above the base flood
18 elevation levels. You've got to make sure that you
19 have preexisting relationships, where to take the
20 patients and you've got to have an understanding of
21 what it's going to take. Everyone thinks that you
22 know the great city of New York which is really
23 great when it comes to emergency management, all
24 kidding aside compared to any other city of its
25 size. It's really hard to coordinate when the

2 busses are going to arrive and to be able to
3 anticipate how you get people physically on the bus
4 and then how... when they move where are they going
5 to. Well these are the lessons learned that are
6 incorporated in this plan for Oxford. And frankly
7 it's one of the best plans. And there's something
8 else that you really... I would ask you to consider.
9 In the last decade there has not been a new nursing
10 home built, period. This is going to be a new
11 nursing home and it's going to give the opportunity
12 to incorporate many other really good features that
13 don't exist in rehab facilities. So it's with that
14 perspective and Joe Bruno's perspective on this as
15 well. We support this application. Thank you.

16 CHAIRPERSON RICHARDS: Tell him I said
17 hello.

18 MICHAEL BALBONI: We will.

19 JAMES SHERRY: Good afternoon Mr.
20 Chairman, members of the council. My name is Jim
21 Sherry. I'm also with RedLand strategies along with
22 Michael Balboni and Joe Bruno. We were retained to
23 review these facilities' design and their
24 evacuation plan. Because of its location in a
25 coastal zone and because of Council Member

1 Menchaca's articulate explanation of what the
2 challenges are as a result of what we've learned
3 since Hurricane Sandy. There is no such thing as a
4 small hurricane and we are as a coastal city
5 learned that more firmly than it has in prior
6 events. But the threat does remain. And the
7 important part here is that this facility embraces
8 from its leadership through its plans to its
9 presentation here today and throughout the process
10 in understanding of that importance, that
11 resilience be baked into this plan and every
12 aspect. So we identify eight really essential
13 emergency management and disaster preparedness
14 principals that should be included in any plan that
15 would involve a nursing facility in a coastal area.
16 And they are number one to ensure the leadership
17 understands the importance and embraces the idea
18 that raising the facility before a storm... there's a
19 lot of raising of homes and a lot of raising of
20 locations taking place after the last storm. The
21 intent here is to raise this facility recognizing
22 the threat following FEMA's base flood elevation
23 requirements; putting the mechanicals... the HC... HVAC
24 systems and other things that are essential to
25

1 running the facility and keeping it resilient,
2 putting them high up, identifying those places of
3 the facility that could benefit from flood proofing
4 and then doing it. That is envisioned in the plan.
5 Ensuring that the... that not just that there are
6 facility evacuation plans but that they are patient
7 centric and that they understand what the health
8 condition of each patient is and what the services
9 are that they would need. Pre-establishing those
10 agreements with alternate facilities and to do so
11 in a reasonable number to be sober about how many
12 patients could we accommodate at an additional
13 facility. To implement and train staff on patient
14 tracking system which was mentioned earlier,
15 ensuring that the facility evacuation plans have
16 more than one modality of transportation. Some may
17 have to move by ambulance, some may have to move by
18 ambulette, some may be well enough to travel by
19 private car service. Identifying those individuals
20 and their capabilities in advance is something
21 factored in as part of the plan. And ensuring that
22 on-site traffic flow and accommodate the necessary
23 cuing of vehicles. I think it's also important to
24 note that the siding of a nursing home in a... in a
25

2 coastal area does not in any way equate to
3 believing that people should stay there when
4 there's a storm. The... the important thing is to
5 have a facility that is resilient that when the
6 storm has passed and people have been safely
7 evacuated and cared for that there's something to
8 return to. And in this case it could be the
9 ambulatory facility would be something that would
10 be very beneficial to the community aside from the
11 nursing residence. So in total what we see is the
12 first new nursing home in New York City in 10 years
13 built to a resilient standard in an underserved
14 community but done by private investment. And so
15 that's... those are our comments on... on the overall
16 plan.

17 ROBERT LIMANDRI: Good... Good afternoon.
18 My name is Robert LiMandri. I'm the former
19 buildings commissioner of New York City and I share
20 with my colleagues to have been there and witnessed
21 what it took. What I... what I want to do is let you
22 know that my current position is working for a
23 company called the Vidaris which is... we're a
24 specialty architectural engineering company and
25 what... what my specific division that I've started

2 and actually have pulled in several other city
3 officials is to work on and make sure that
4 buildings from an independent perspective actually
5 meet or exceed the building code zoning resolution
6 and specifically flood mitigation strategies. So I
7 do want to just read a couple of short paragraphs
8 to give context for the group. As stated in the
9 report we... we were hired to do a report where we
10 reviewed all of the architectural drawings and we
11 were available to the architect of record to make
12 sure that they actually... this project will meet the
13 actual codes that have been implemented since
14 Sandy. Based on the AE zone which the firm maps...
15 maps were implemented and established by FEMA's
16 national flood insurance program and with the
17 revised FEMA conversation with the additional maps
18 of Superstorm Sandy they have... they do comply. The
19 purpose of Appendix G as Nora Martins indicated is
20 a part of the code that is to promote the public
21 health and safety and general welfare and to
22 minimize public and private losses due to flood
23 conditions. Appendix G of the code adopts the FEMA
24 MFIP requirements and those standards develop both...
25 developed along with the American society of civil

2 engineers with modifications that also include
3 another piece of insurance called free board. In
4 this case it's another foot of resiliency between
5 the actual design flood elevation that we talked
6 about and to give the... the facility additional
7 mitigation. A mitigation and resiliency strategy
8 for the project sites principally relies on a
9 combination of... as Nora indicated dry flood
10 proofing and wet flood proofing protection. To be
11 clear dry flood proofing suggests that no water
12 will enter the facility and the... the resiliency
13 features are there to protect it not only from
14 surge but also the water pressure and hydrostatic
15 pressure. Also in the building where it is
16 nonessential which is basically the parking garage
17 it is a combination of what we call wet flood
18 proofing which is... allows water to come in and
19 rescind after... after the event. Also the protection
20 system has... provides for limited emergency for
21 egress and... and from the facility during the event
22 and after the event. These measures are further
23 detailed in our flood mitigation assessment report
24 and it's in Vidaris' opinion that these are
25 recommended measures are implemented. The project

2 would fully comply with the post Sandy flood
3 resiliency requirements of the FEMA NFIP
4 regulations, ASCE 24, and the 2014 New York City
5 building code. Pending this approval of subject
6 land use application Vidaris will continue to
7 assist the project architect to ensure that the
8 recommendations contained in the report are adopted
9 and incorporated in the final building design.
10 Thank you.

11 CHAIRPERSON RICHARDS: Thank you... I
12 commend you for the amount of work you certainly
13 put into this application, the resiliency aspects
14 and other thoughtful things that you've certainly
15 done. I'm going to allow Carlos Menchaca, Council
16 Member Menchaca to have the layman share of... of
17 questions and testimony today on this issue being
18 that it's in his district but I did have a few
19 questions. So obviously when you... can you go
20 through when you first purchased the site 'till
21 now? So when you first purchased the site it was
22 zoned manufacturing.

23 NORA MARTINS: Yes. The site has been
24 zoned M21 since 1961 since the zone... the current
25 zoning regulations... regulations were put in place.

2 CHAIRPERSON RICHARDS: Right. And today..
3 so you purchased it knowing that this was a
4 manufacturing... it was zoned manufacturing?

5 NORA MARTINS: Yes. It was purchased
6 with that knowledge. However, it was deemed to be
7 appropriate for a rezoning application due to its
8 proximity to a residential zoning district. Also
9 the nature of Red Hook which is a true mixed use
10 neighborhood while they do have the... a strong
11 manufacturing and industrial history there's also
12 a... a strong residential context in the
13 neighborhood. As I mentioned the NYCHA housing at
14 New York... at Red Hook east and west as well as
15 other residential development in...

16 CHAIRPERSON RICHARDS: So when you
17 purchased it... it sort of was purchased with the
18 mindset that this would eventually be residential.

19 NORA MARTINS: Yes it was... with a
20 knowledge that this land use process would need to
21 go through. I mean the site was identified. It's
22 hard to find a replacement site to build a new
23 nursing home especially within Brooklyn, a site of
24 adequate size to build the type of facility that
25 would really be... provide state of the art care and

2 you know a site that was mainly undeveloped. As I
3 mentioned the site is 38,000 square feet which
4 allows for the kind of floor plate you'd need for a
5 nursing home development. And again Brooklyn
6 serving an area that is underserved.

7 CHAIRPERSON RICHARDS: Okay. I'm going
8 to allow Council Member Menchaca to have more
9 questions on that. I wanted to go through the
10 Borough President's recommendations. So he
11 disapproved with conditions so can you go through
12 some of the recommendations that he in particular
13 recommended your organization to do?

14 NORA MARTINS: Sure. I think it's
15 important to note that while the borough president
16 did recommend disapproval he did recognize the need
17 for this type of facility in Red Hook. He
18 recommended a different zoning district in his
19 conditions which would be a combination of an R6A
20 and R6B. We looked into that. Unfortunately, those
21 do not allow enough floor area to develop a 200 bed
22 nursing home at the site which is... is a minimum
23 necessary to make this project feasible.

24 CHAIRPERSON RICHARDS: And how many
25 floors again?

2 NORA MARTINS: It's seven... seven stories
3 for the inventory diagnostic and treatment which is
4 here at the end on Conover Street. And then it's
5 seven stories with a setback eighth story actually
6 you can't see in the rendering because from this...
7 from this perspective it would not be visible set
8 back almost 40 feet from the street.

9 CHAIRPERSON RICHARDS: Okay. And can you
10 just go through what you're doing in the building?
11 So I think I heard a little bit about healthcare
12 services on one side of the building and then on
13 the other particular side you was... would do the
14 nursing home. So can you go through the... [cross-
15 talk] of the... [cross-talk]

16 NORA MARTINS: Sure. Sure. The... so you
17 can see here these are ground floor... first floor
18 plans, parking on the grade level along with some
19 building entry space or you know it would be for
20 the proposed industry diagnostic and treatment
21 facility then the... sorry I'm just trying to see if
22 there's a way to zoom this in. I'm sorry... I think...
23 it's in your... actually I don't think this is
24 actually in your packet. This is the appendix
25 representation. We can provide it after. But there

2 would be support on the ground floor which would
3 include for example a cafeteria, a laundry. That
4 would be the first... the ground floor of the proposed
5 nursing home. Then you would have five fairly
6 standard layouts for the 40 bed nursing units which
7 would include single and double rooms, the single
8 rooms would be about 375 square feet, the double
9 rooms would be about 500 square feet in size. And
10 again...

11 CHAIRPERSON RICHARDS: The double rooms,
12 what?

13 NORA MARTINS: The double rooms would be
14 five... about 500 square feet.

15 CHAIRPERSON RICHARDS: Okay 500 square
16 feet, okay.

17 NORA MARTINS: Each... each floor in
18 addition to the four units would have a nursing
19 station and all of the other required spaces
20 including a dining room which is required on each
21 floor. All of these are pursuant to Department of
22 Health standards and regulations. And as you can
23 see on the... to the right the ambulatory diagnostic
24 and treatment facility, the program for that has
25 not been fully determined. The concept is that

2 would be in urgent care... primary and urgent care
3 24/7 although at this stage in the process it's
4 early to have identified a partner for that
5 healthcare facility but it... either an urgent care
6 provider or perhaps a hospital, Oxford has begun
7 discussions with interested parties in operating
8 that portion of the proposed development. You can
9 see it on the second floor there is landscape space
10 outside that's on the roof of the first floor there
11 is landscaped space outside that's on the roof of
12 the first floor for the residents. And there would
13 also be recreation space on the roof in front of
14 the setback eighth floor.

15 CHAIRPERSON RICHARDS: So majority... so
16 in the surrounding community can you just speak to
17 the thoughts around the other manufacturing that is
18 surrounding this community? And I know that there's
19 some nonconforming uses obviously surrounding this
20 particular developed... proposed development. So I'm
21 trying to get that you foresee this area going more
22 residential? Is that the... the reason you would
23 perhaps try to change the zoning here or... or what
24 I'm trying to get at is there's a lot of
25 manufacturing surrounding this particular site. So

1
2 I... I... you know there... we are looking to focus our
3 efforts in particular on protecting manufacturing
4 districts in particular across the city through
5 zoning efforts. So I... I do echo and I'm... and I do
6 have some concerns about us encroaching more into
7 manufacturing districts that we should be
8 preserving to sort of create jobs or... or preserve
9 jobs in local communities. So I'm just... wanted to
10 hear a little bit more of your thoughts on that.

11 NORA MARTINS: Sure. Actually I have a
12 few responses on that. One, the reason for the
13 rezoning is not because a... a slide towards
14 residential was perceived in this neighborhood.
15 IT's that Red Hook has historically been and I
16 believe will continue to be a real mixed use
17 neighborhood where you have viable manufacturing
18 use and you have long term residents you know.
19 People have called Red Hook home for 60 years. And
20 that component is growing but I believe
21 manufacturing can grow as well. However this site
22 is unique in that it is adjacent to the residential
23 zoning district. It has historically not been used
24 for a job producing industrial use. It is
25 surrounded by some conforming and some non

1 conforming residential use. And the proposed
2 community facility is a type of use. It's not a
3 residential use. This is a use that serves an
4 existing residential community. And that is one
5 reason why the MX zone was proposed traditionally
6 as a buffer zone that serves as a transition
7 between the M21 which is a fairly heavy
8 manufacturing district with more limited uses to
9 the M14R6 mixed use district that then transitions
10 into the residential district that's located along
11 Van Brunt to the East. And then the final point is
12 that while this is a community facility use and not
13 a manufacturing use it's a business. This is a job
14 producing use. I mean we're talking 200 plus union
15 jobs at this site where currently maybe five jobs
16 are operating out of the site.

18 CHAIRPERSON RICHARDS: And how did you...
19 how do you project working with the local community
20 if this particular facility was to be approved? How
21 would local residents be connected to jobs? So you
22 working with Hire NYC or any... any particular
23 programs?

24 NORA MARTINS: we would be happy to work
25 with any programs, happy to work with the council

2 member's office, with community board 6. We would
3 advertise locally. That commitment was made to the
4 community board as well as advertise any available
5 positions with the Red Hook east and west with
6 their tenants associations. And again that's
7 something that Oxford really looks forward to
8 working with community stakeholders to do.

9 CHAIRPERSON RICHARDS: Thank you so
10 much. I'm going to turn it over to Council Member
11 Menchaca.

12 COUNCIL MEMBER MENCHACA: Thank you
13 chair. And again thank you for your presentation.
14 And I know that we were in rooms together with our
15 community learning about this. And so there's a few
16 questions that have just kind of popped up like
17 frequently asked questions in the presentation so
18 we've... we've had in the community and I'll... I know
19 these are in so many ways for repeat for us but
20 it'll be important for us to... to kind of go back to
21 some of those pieces and... and topics. But I... I
22 can't... I can't say enough that my concerns are real
23 on both the resiliency questions post Sandy and the
24 manufacturing and the integrity of our
25 manufacturing. And what... what I want to say as well

2 is the... the work we have to do here in the council
3 will have ramifications as we think about our land
4 use. And so I... I really applaud both Chair
5 Greenfield and Chair Richards for... for continuing
6 to have that bigger perspective. So we'll start
7 from the beginning. You... essentially the... the
8 property was purchased almost ten years ago
9 correct, 2003?

10 NORA MARTINS: 13 years ago.

11 COUNCIL MEMBER MENCHACA: 13 years ago.

12 With the understanding that this was a
13 manufacturing M21. It's a pretty intense use group.
14 It's very rare in New York City, just want to say.
15 And a lot of it is M1 or M3. So let's... let's ask
16 about the... because there's a couple of things that
17 I just want to clarify. This property essentially
18 was bought 13 years ago and there's only five jobs
19 on this... this property. And it was unable to be
20 unlocked because of essentially the process that
21 you've taken to not allow for that property to be
22 at full capacity with... with jobs at a higher rate.
23 If it was an actual intention when we hope that
24 people buy property for the intention of the use
25 that was given to it with the community support

2 that we talked about earlier today. So I just want
3 to make sure that when you say that this is an
4 eyesore for the community that we as a community
5 understand that they've been holding this property
6 for 13 years now for five jobs, five jobs, and it
7 did not unlock that potential. And what... what we
8 need to say across the entire districts... Sunset
9 Park, Red Hook, and across in Queens and the Bronx
10 is that this is what's happening across the entire
11 spectrum of people holding property with a
12 different vision that's not... not the current zoning
13 and that's what we're here to... uphold and promote.
14 And now we have a mayor that is... is connected in
15 vision with the city council and we're ready to go.
16 We're ready to go and we're asking for the owners
17 of every property that is manufacturing to work
18 with us to unlock that potential. And so I just
19 want to make sure that... that we understand exactly
20 what's going on here that... that essentially this
21 is... this is warehousing a property for a different
22 vision which is not... and I have to say this
23 immediately after saying what I just said is that I
24 support a nursing home in Brooklyn. That is... that
25 is... that is key here. We definitely need... need

2 beds. I agree with the borough president and our
3 community that is asking for beds. So let's... let's
4 jump over to that. Can you... and there's
5 conversations in the community for the process
6 guaranteed beds for Red Hook residents in... in your
7 nursing facility be it here in Fort Green or
8 wherever you might build in the future. Can you
9 guarantee beds for Red Hook residents?

10 NORA MARTINS: No, beds cannot be
11 guaranteed which is what we have said throughout
12 the process. However, the practice is that for
13 nursing homes just in practice the way it works is
14 the vast majority... nearly 100 percent of residents
15 are referred from hospitals. The hospital doesn't
16 refer them to any particular nursing home that the
17 hospital wants to refer them to. They consult with
18 the patient and with the patient's family and they
19 almost always locate them in a nursing home that is
20 close to either their home or their family's home.

21 COUNCIL MEMBER MENCHACA: And that's
22 based on availability?

23 NORA MARTINS: Yes based... of course
24 based on availability.

25

2 COUNCIL MEMBER MENCHACA: That's an
3 important thing. So there's a larger system that is
4 at play here with availability and with... with a... a
5 kind of... a care... a care assistant liaison that kind
6 of looks at case by case basis. So the... so there's
7 no guarantee for any Red Hook residents that want
8 to have a place here that you will have a place
9 here. The question is whether or not you go through
10 a process that is a dispatch from a hospital that
11 you may or may not get... availability and... and beds
12 across the system. Let's talk about that first
13 floor because now I want to get back into... into the
14 mindset of what happened during Sandy with... with a
15 variation of six to eight ten feet of surge that
16 hit most of the neighborhood if not all the
17 neighborhood. And again for those who live in Red
18 Hook you know exactly what we're talking about. And
19 essentially what will be going in the first floor?
20 Can you just repeat that for everybody?

21 NORA MARTINS: The first floor will just
22 be entry level at grade... which are at grade to
23 allow handicapped accessibility and that's in
24 compliance with the building code. Those entrances
25 would be dry flood proofed meaning flood shield

2 that would be stored on site and employed in the
3 event that a flood is predicted. There would also
4 be at grade parking that would be wet flood proofed
5 allowing water to flow through the site. Those are
6 the only things that are at grade. The design flood
7 elevation is 13 which based on the site's existing
8 grade would be five and half feet above grade. The
9 only thing that would be located there, nothing the
10 nursing home, that would be the ground floor of the
11 ambulatory diagnostic and treatment facility. The
12 first floor of the nursing home doesn't begin until
13 15 feet above grade.

14 COUNCIL MEMBER MENCHACA: Great. And
15 that's... that's an important thing to just kind of
16 note that... that so much... so much property is
17 essentially offline and comes with entrance and
18 exit space for... for... and which is what you have to
19 do in a flood plain. Codes... now we know better. And
20 essentially if you want to do anything you kind of
21 have to do it this way. So I want to kind of shift
22 over to the consultants that you brought with us
23 today that have kind of been thinking about this a
24 lot post Sandy, had your own experiences with both
25 the state and now in your... in your private

1 practices. So I... I guess what... what I... I want to
2 ask you all today is when you think about... about
3 designing I'm assuming that... that you can design
4 out of anything right? Is... I'm just trying to
5 understand if there's anything that... that you can't
6 prepare for in moments of crisis when we're
7 thinking about climate change. And one of those
8 things we've only talked about is flood. But you're
9 saying that any... you can kind of essentially design
10 yourself out of anything from a flood.

12 ROBERT LIMANDRI: Yeah so I think we
13 should sort of step back. And I know that we've...
14 we've really focused on flood shields and may...
15 keeping the water out. But essentially in... in the
16 codes now there is a... a number of enhancements that
17 are there sort of we... what we called during the
18 event and then sort of what we call sort of day two
19 and that's what these guys talk about. So for
20 example when we talk about making sure that there's
21 power one of the things that we all learned during
22 Sandy was... was that it really didn't matter that
23 the flood went away is that we couldn't actually
24 turn on the Con Ed you know power from the street
25 to the building because those... those lines were

2 compromised. In this scenario for example there is
3 a way for you to deliver additional fuel to the
4 building so that you can continue to run the
5 generator for emergency services. Now it's not to
6 say that you know part of the plan is to make sure
7 that there's notice, people are actually evacuated,
8 and sort of during the normal course of business
9 during a crisis event these guys have actually gone
10 through a very methodical way to do that. But be
11 that as it may at some point they have to come
12 back. And the idea is to make sure that that
13 building is there for them when they come back. And
14 one of those items for example is to make sure that
15 you could actually plug in and supply additional
16 fuel from the street directly to that generator for
17 days, weeks, and months, not necessarily just 72
18 hours or... or you know 150 hours. The idea is... and
19 so there are many of these items that we identified
20 and those are required now through this appendix G.
21 And those items have been covered and we've
22 identified those to make sure that if they are not
23 already on the plan that they will continue to make
24 sure that they reach the final design document.

2 COUNCIL MEMBER MENCHACA: Did... did the
3 consultants do any kind of stress testing that
4 essentially replayed the scenario from Sandy and...
5 and... and essentially take the systems that you've
6 designed and went through that exact same scenario?
7 Not that we're going to get the exact same thing
8 but... but was that scenario offered as a... as a
9 response to the current system that you're building
10 in this nursing home?

11 MICHAEL BALBONI: So Council Member the...
12 in a interesting historical note prior to Irene the
13 city of New York have never called for an
14 evacuation of nursing homes and hospitals in its
15 history. And so it was from that event again, not
16 Sandy, that we actually saw what was involved in
17 actually getting people out of a facility. So the
18 way that we've conducted this review is to take the
19 FEMA standards, to take the building code to New
20 York City, to take what the state has required for
21 municipalities and from the Department of Health
22 and take a look at what they've said facilities
23 should comply with. And you know what's... it's
24 difficult in these types of events is that we
25 always take a look at the last event as a thing we

2 plan for. Yet you know we've had a tornado in
3 Brooklyn. You know we've had several feet of snow.
4 Sheltering in place as well as evacuation are all
5 options that should be on the table. I would argue
6 that at a facility that is built from the ground up
7 with this type of strategy in mind and concern is
8 the best place to have fragile seniors. So... because
9 you can anticipate what types of stresses have...
10 have occurred not just from a flood, not just from
11 a storm surge.

12 COUNCIL MEMBER MENCHACA: I'm glad you
13 brought that up. That's where I was going. So I'm
14 going to jump right over to that. Because you're
15 right the planning is not just for the last storm
16 though I think the last storm is... is in our... in our
17 hearts and minds right now. But we're talking about
18 essentially loss of electricity for some time,
19 considerable amounts of time. And I guess what I'm
20 trying to point to... I'll just get right to the
21 point, is that essentially there's a provision for
22 a 72-hour generator that is currently in place now.
23 You can essentially run the facility for 72 hours
24 after that. But there's expectation that a kind of
25 continual fueling system... whether it's a surge that

1 requires that across the city or a power outage of
2 some sort that will require multiple days. And for
3 Red Hook, if anybody was in Red Hook, some places
4 were out of electricity because of what you talked
5 about, that connection that took a while for us to
6 repair for over a month. That... that is what we're
7 talking about as far as the kind of provisions that
8 are necessary to hold the facility in tact so that
9 people have something to return to. And that... that
10 is what I think is critical to understand is that
11 that fuel was not readily available across the
12 city. We do not have that ability. This was a
13 crisis moment. And we can plan for a crisis moment
14 like this be it a flood or just down and power
15 outages but the... but essentially what I'm trying to
16 point to, everybody here, is that we're putting
17 another facility in a vulnerable... we're putting a
18 facility with a vulnerable population in a
19 vulnerable location that we know is going to get
20 worse before... it's going to get better and probably
21 will not get better, talking about climate change.
22 And we're putting a facility that's going to
23 require resources that are right now being taxed by
24 the current nursing homes that are in flood zones
25

2 now. That's... that's the point I'm trying to make.
3 And I'm curious to see if you've kind of stress
4 test... tested this facility in how you designed this
5 facility in a resilient post Sandy world.

6 JAMES SHERRY: So a couple of thoughts.
7 So the facility doesn't exist yet so it can't be
8 stress tested but the plans have certainly
9 undergone...

10 COUNCIL MEMBER MENCHACA: So the plans...
11 so stress... okay so let me resay it in a sense... let
12 me restate that. Have you stress test the plan?

13 JAMES SHERRY: We have. We've examined
14 all the plans that have been prepared and compared
15 them to what the FEMA requirements are and what the
16 New York City building code requirements are. And
17 they... and they in our view... reasoned view of
18 myself, Michael Balboni, and Joe Bruno they comply
19 with those things. And those are... those are new
20 standards that have been brought about as a result
21 of what we've learned not just from Sandy but from
22 other storms. Your point on fuel and its
23 availability is certainly well remembered by
24 anybody who was on a gas line or in search of
25 something. So I could speak to you a little bit

1 about both state and city efforts that have taken
2 place subsequent to Sandy as a result of that
3 inconvenience and... and the public concern about
4 that. So the state has set up fuel reserves that
5 exist both downstate and upstate that would be
6 available to... for commercial purposes to help
7 ensure that there is a fuel line moving. What
8 happened... the major issue with the fuel was the
9 closure of the port which kept the fuel from coming
10 in. But then in addition to that even if the fuel
11 did come in the gas stations did not have the
12 capability of... they didn't have power to pump it.
13 So the New York state Energy Research Development
14 Authority sponsored grants... this is... information is
15 widely available in terms of neighborhood by
16 neighborhood which fueling stations now have backup
17 generator powers. There's a state funded program in
18 partnership with gasoline retailers to ensure that
19 their fuel deliveries if they receive them they'll
20 actually be able to pump them. In addition to that
21 the New York City office of emergency management as
22 part of its well-known playbooks as... as they refer
23 to them have a fueling group borough by borough to
24 maintain emergency services to make sure that
25

2 police, fire, EMS vehicles also have dedicated
3 access to fuel so that they can continue to respond
4 to emergencies. So in the same way that the events
5 of Irene led to improvements in the e-fines in the
6 patient tracking system there are a whole host of
7 initiatives, programs, and resources that have been
8 put behind other areas including the availability
9 of fuel.

10 COUNCIL MEMBER MENCHACA: Thank you. And
11 I think... I think that's a really great point to the
12 planning that's in effort right now. City state and
13 federal and the long term planning that we're doing
14 right now to kind of think about facilities that we
15 have the opportunity to make decisions on today to
16 not put them into places that are vulnerable and
17 not have to require a sense of... of new supply lines
18 to a vulnerable population. And so my next question
19 is... and... and I think... I think you're... you're
20 helping make the point on the evacuation planning.
21 And... and I remember the difficulty that Mayor
22 Bloomberg had in making that decision. There was a
23 little bit back and forth if you remember... everyone
24 stays in place. It was after Irene. We all... we all
25 thought we were going to be fine. It was going to

2 be another Irene until the reports came in late..
3 when there was a late evacuation but allowing for
4 people to... to shelter in place. Those decisions are
5 the most difficult decisions to make as an elected
6 official. Those are not decisions that you have to
7 make. This is a decision that the mayor of the city
8 has to make whether or not... or the governor. And..
9 and so I guess what I'm trying to say here is that..
10 is that will nursing home X and we'll talk about
11 Oxford, comply with the... with the... with the
12 recommendations or will you always evacuate no
13 matter what? And so can you... can you talk to us a
14 little bit about what process Oxford will take in
15 its plan for evacuation in... in light of another..
16 another crisis moment if you will?

17 MICHAEL BALBONI: Evacuations in New
18 York City must be coordinated through the Office of
19 Emergency Management but in consultation with
20 Department of Health there is a continuous
21 conversation literally up to the minute as to what
22 zones are being evacuated. If you recall again
23 going back to Irene that was really our study case
24 the first... zone one was... was going to be evacuated.
25 And they told everyone okay let's go to... let's move

2 your patients into zone two and zone three and if
3 they... then they said no no no, we're going to move...
4 we're going to go to Zone three and you have to get
5 out of zone one and zone two. The problem with that
6 kind of progressive decision is to what zone to
7 evacuate caused tremendous disruption in terms of
8 the receiving facilities. And also back then we did
9 not have anywhere near the robust patient tracking
10 that we have now. So there was this huge concern
11 from families who would call in the next day saying
12 where's my father. You know... So again from that
13 scenario we've learned that yes you have to have
14 identified facilities which this plan does. You
15 have to have the relationships to make sure that
16 that receiving facilities are capable of taking
17 these position... these... these patients, which is
18 what this plan does, and recognize the fact that
19 the individual facility doesn't make the... the
20 decision to evacuate in a widespread situation.
21 They would if god forbid there's a fire, god forbid
22 there's a localized event. But in terms of the
23 broad based evacuation that's going to be done in
24 consultation with the Office of Emergency
25 Management and the Department of Health. And again

2 this plan meets all the criteria that we've learned
3 since Irene and Sandy.

4 COUNCIL MEMBER MENCHACA: Where... where
5 are the facilities for evacuation now? What is the
6 plan? Where... where do these 200 beds go?

7 MICHAEL BALBONI: So... will...

8 COUNCIL MEMBER MENCHACA: Okay.

9 MICHAEL BALBONI: ...read the list.

10 NORA MARTINS: I actually...

11 ROBERT LIMANDRY: By the time... when...
12 when they find that let me just... let me just add
13 something. We really haven't talked about it but I
14 think we keep talking about the plan. There is a
15 requirement for an emergency preparedness plan and
16 that is required because of the occupancy level,
17 it's an I2 occupancy which is by the building code.
18 And that EPP as... as it's known as, the EPP is... is
19 required to have specialized personnel and is
20 required to have it be written down. And that's
21 something that these gentlemen have worked on
22 prior. So the plan that they're talking about is
23 the emergency preparedness plan. It is required by
24 code. It is required for an I2 occupancy. And

2 that's something that is being governed by the
3 code.

4 NORA MARTINS: Sorry...

5 COUNCIL MEMBER MENCHACA: Yes, thank
6 you.

7 NORA MARTINS: I think an important
8 thing to add is that while this should all be done
9 in consultation obviously with the New York City
10 Department of Health and OEM they have... they will
11 make that determination in light of what happened
12 during Sandy and the lessons learned during Sandy.
13 And I think it's fair to say that the decision to
14 evacuate would be made earlier in the event that
15 it... an event similar to Sandy or greater than Sandy
16 is anticipated. The receiving facilities are New
17 Carlton Rehab, Bedford Center, Brooklyn Center,
18 Brooklyn-Queens Nursing Home, Laconia Nursing Home,
19 and Abigail House. These are all located... they're
20 mainly located in Brooklyn. There's also... Laconia
21 is located in the Bronx and Abigail is located in
22 New Jersey. They all...

23 CHAIRPERSON RICHARDS: Can you... can you
24 send that list over to the committee as well?

25 NORA MARTINS: Sure. ...happy to do...

2 COUNCIL MEMBER MENCHACA: Thank you.

3 And... and just to... to kind of clarify the... the
4 evacuation plan; essentially what we're saying is
5 that you have a spot in these places now that are
6 not essentially allocated to anybody else and... and
7 I guess what I'm... I'm remembering and... was Oxford
8 Nursing Home a... a site... a receiving site?

9 NORA MARTINS: Yes it was.

10 COUNCIL MEMBER MENCHACA: And
11 essentially we're removing a receiving site from
12 the system and adding more pressure to the system
13 as well. And I just want to make sure that people
14 understand what we're... what we're talking about
15 here is that we're... it's currently situated where
16 the... there's major preference I think not to put a
17 nursing home in a flood plain or removing a
18 receiving site from the system itself. But you're
19 saying that you have guaranteed space in these
20 facilities that you'll send us... the... the committee?

21 NORA MARTINS: Right. They have space.
22 They each have space for between 25 and 50 beds.
23 This doesn't mean that they will hold 25 beds open
24 in the event of an emergency. It means that they
25 will take in 25 patients as receiving facilities

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did during Sandy setting up temporary space for them, obviously filling any beds that are available at the time but you know maintaining... they have adequate space to put in extra beds in rooms which would... which was a situation during Sandy and would be the practice here. While Oxford was a receiving facility they're so severely space constrained currently. They have five bedded rooms. They are by no means an ideal receiving facility. This facility while it will be located in a flood zone really would serve as an asset to the community. While it does serve a frail and vulnerable population that population already exists in Red Hook. That population lives in the Red Hook houses. That population lives on Van Brunt Street. That population lives in homes that are not flood resilient and would not be orderly evacuated by a nursing home operator that's been doing this for 50 years.

COUNCIL MEMBER MENCHACA: I'm going to pause here. I'm going to hand it over to Chair Greenfield and then I'll... I'll end with some questions.

CHAIRPERSON RICHARDS: Chair Greenfield.

2 COUNCIL MEMBER GREENFIELD: Thank you
3 Mr. Chairman. Thank you Council Member Menchaca. I
4 just... I'm a little confused because we're fortunate
5 enough to have some of the primitive experts on our
6 panel so we're going to take advantage of this
7 opportunity... former homeland security director, a
8 former billings commissioner. So why don't we just
9 get a... I'm trying to understand a little bit more
10 just big picture and then sort of focus in because
11 I think the council member raises an important
12 point. How much of New York City is in a flood
13 zone? Roughly, ball park?

14 JAMES SHERRY: We... we... we know that New
15 York City is a coastal city. It didn't often think
16 of itself as a coastal city but it is understood
17 very recently that it is.

18 COUNCIL MEMBER GREENFIELD: So good
19 portions of New York City are going... are within the
20 flood zone, is that fair? Maps as you mentioned...

21 MICHAEL BALBONI: Actually no, flood
22 zones are not...

23 COUNCIL MEMBER GREENFIELD: Yes.

24 MICHAEL BALBONI: ...the map itself, the
25 surge maps.

2 COUNCIL MEMBER GREENFIELD: Yes.

3 MICHAEL BALBONI: Okay they changed
4 obviously...

5 COUNCIL MEMBER GREENFIELD: That's
6 right.

7 MICHAEL BALBONI: ...upon the severity of
8 the storm itself and so you have different
9 gradations.

10 COUNCIL MEMBER GREENFIELD: That's
11 right.

12 MICHAEL BALBONI: And... and so again in a
13 category five hurricane a great majority of the
14 city of New York would be in a... [cross-talk] flood
15 zone.

16 COUNCIL MEMBER GREENFIELD: So large
17 portions of the city are within a flood zone. We
18 don't have the exact numbers but will certainly...
19 we'll... we'll look it up and get back to folks. And
20 so when we're thinking about planning for a future
21 where we all agree... at least most of us agree that
22 there is climate change and that we are seeing
23 weather as you said Senator... Director... whatever the
24 former official title is, I'm going to go with
25 Senator because it sounds better than Director. And

2 the crazy amounts of snow, flooding, freezing
3 weather in May. I mean we can all agree that this
4 is a concern for all of us and that the new norm is
5 that we can expect freak... what used to be freaked
6 acts of nature to be more regular acts of nature.
7 Is that fair?

8 MICHAEL BALBONI: I think certainly the
9 frequency is increasing. Of course it... it depends
10 upon what type of time table you're looking at. You
11 know we talk about El Niño and you're talking about
12 the...

13 COUNCIL MEMBER GREENFIELD: No I
14 understand.

15 MICHAEL BALBONI: ...of four years...

16 COUNCIL MEMBER GREENFIELD: I
17 understand, yeah.

18 MICHAEL BALBONI: ...versus over a decade.

19 COUNCIL MEMBER GREENFIELD: But I mean
20 when we build structure is there a long term right?
21 So one could imagine over the next 50 years the
22 useful lives of a... of a structure there could be a
23 lot of significant activities that may have an
24 impact on a structure. Is that fair?

2 MICHAEL BALBONI: You look at insurance
3 models and you take a look at the...

4 COUNCIL MEMBER GREENFIELD: Yeah.

5 MICHAEL BALBONI: ...used to be the 100
6 year storm. It's a lot more frequent.

7 COUNCIL MEMBER GREENFIELD: Yes.

8 MICHAEL BALBONI: In terms of those
9 models.

10 COUNCIL MEMBER GREENFIELD: Yes. Great.
11 Good. Helpful. Good. So now... so the solution to
12 this is one of two possibilities. We can either not
13 build at all right, in flood zones, or we can build
14 up to a certain specification to either avoid or
15 mitigate a potential... a potential... let's call it a
16 inclement weather event.

17 MICHAEL BALBONI: Mm-hmm.

18 COUNCIL MEMBER GREENFIELD: Is that
19 correct?

20 MICHAEL BALBONI: That's correct.

21 COUNCIL MEMBER GREENFIELD: Okay. So
22 what you're proposing and this is really what I
23 want some more clarity on because it's a little bit
24 of confuse is... so what you're saying is that you're
25 confident that the current plans would in fact take

1 into account if there was a terrible event? So
2 let's just go through that for example. So if there
3 was a hurricane, let's say a Sandy, right. So if
4 there was another Sandy in this neighborhood and
5 this facility was there run us through what that
6 would mean for that facility. Would that facility
7 be evacuated? Would that facility be able to stay
8 there? Would they have running water and electric?
9 Because to be fair we all have in my district as
10 well I was actually fortunate because where I live
11 in my district it is relatively high ground but
12 that's relatively rare. But meanwhile a few blocks
13 away people were getting flooded and I actually
14 spent my first days with... with the volunteers at
15 public schools that were converted into shelters
16 for people including some of whom were my residents
17 and many of whom were not my residents who live in
18 Coney Island helping them. So I'm trying to
19 understand... because obviously it's scary... say oh
20 we're going to have a hurricane and nobody wants to
21 have what happened happen again. So 200... 200
22 seniors, our responsibility, we intend on voting on
23 it. What would happen in a scenario if there was
24

2 another hurricane Sandy in this location to this
3 particular building?

4 MICHAEL BALBONI: Sure. So there would
5 be an evacuation and that's what so important about
6 the... having locations to transfer the patients. But
7 one of the things in some ways having a hurricane
8 is an easier event to respond to then having
9 something that... like a microburst, you know line
10 wind, hur... tornados, you know a... a massive storm
11 that comes from a blizzard where you don't
12 anticipate a snowfall amount. So there... there are
13 many different weather conditions that can cause
14 tremendously unforeseen emergency situations. And
15 you can't build... as policy makers you know your
16 challenge of course is to... how do we apply what we
17 know on building standards. Because if you went and
18 you did a... you know 100-year storm and you
19 predicated everything upon... upon Sandy well then no
20 one would be living in the Rockaways. Everyone
21 would be out of there.

22 CHAIRPERSON RICHARDS: Hey I represent
23 the Rockaways.

24 COUNCIL MEMBER GREENFIELD: Those are
25 fighting words...

2 MICHAEL BALBONI: No I'm saying... [cross-
3 talk]

4 COUNCIL MEMBER GREENFIELD: ...for Donovan
5 Richards. You better be careful there Senator.

6 MICHAEL BALBONI: You know what I'm
7 saying?

8 COUNCIL MEMBER GREENFIELD: Yes.

9 CHAIRPERSON RICHARDS: Yeah.

10 MICHAEL BALBONI: So... that... but we can't
11 build to that. And then there... there are no models
12 that require that. What the models do as they say
13 based upon a certain period of time what are the
14 resiliencies we can do? Some of the ironies
15 Councilman Menchaca in this particular project is
16 we don't get a chance to build to these standards
17 from the ground up. We go and we rehab. Which means
18 that there's always imperfect... trust me of the 80
19 facilities I've seen a lot of imperfections. And a
20 lot of places whether it's on the shore line or
21 it's in the city you still have lots of challenges
22 in how you operate during an emergency. So here we
23 actually have the opportunity to come and start new
24 and build this in a way that's truly resilient and

2 protective of the patient's safety. Hopefully I was
3 responsive to your questions Council Member.

4 COUNCIL MEMBER GREENFIELD: So... somewhat
5 responsive. It's okay. Former politicians still
6 have it in them, it takes years until we can get...
7 [cross-talk] all the answers that we want. But yeah
8 so far you're doing okay. I guess my question... my
9 question really was in relation to this facility
10 just run us through a few scenarios just so that we
11 all have an understanding. So god forbid there's
12 another Sandy. We're going to evacuate. When they
13 come back what kind of facility are they going to
14 find over here? Is the facility going to be in
15 tact? Is it not going to be in tact like we saw in
16 places in Sandy where they didn't have heat and
17 electric? Will they be able to come back in? What
18 are you doing that would allow them for example in
19 that case to come back in? That just... I'm going run
20 you through two or...

21 MICHAEL BALBONI: Sure.

22 COUNCIL MEMBER GREENFIELD: ...three
23 scenarios, that's scenario one. Hurricane Sandy
24 type storm, we evacuate, do they have somewhere to
25 come back to now?

2 MICHAEL BALBONI: Right. Council Member
3 that is exactly the point of resiliency right? To
4 be able to come back... Because this is their home.
5 And so the steps that have been taken in this
6 architectural design are the best that I've seen
7 from a new building perspective.

8 COUNCIL MEMBER GREENFIELD: I'm a
9 layman, explain that to me and to...

10 MICHAEL BALBONI: Right.

11 COUNCIL MEMBER GREENFIELD: ...the people
12 who are watching at home...

13 MICHAEL BALBONI: So no there...

14 COUNCIL MEMBER GREENFIELD: ...what you're
15 doing...

16 MICHAEL BALBONI: ...what we see after
17 Sandy.

18 COUNCIL MEMBER GREENFIELD: ...and why
19 that would be better.

20 MICHAEL BALBONI: If you went into some
21 of the... some of the facilities outside of New York,
22 even like Long Beach had a personal viewing of one
23 of the hospitals there where they had the ground
24 floor was where they had their... their fuel oil. It
25 flooded and caused a huge environmental issue

2 because of the fuel oil leaking out. They had their
3 mechanicals for the HVAC and the elevators in the
4 floor. And I actually represent an elevator company
5 that talks about when you have sea water, salt
6 water getting to the cabling of the... of the
7 elevators you can't use it any more. It's got to be
8 redesigned. The... there are steps that are taken
9 here where you don't have the mechanicals or the
10 fuel on the... on the at grade or below grade. And
11 what you've done is you've also designed the
12 program, the property so that you're in the best
13 position to be able to get people out in an orderly
14 fashion. Some existing facilities have very narrow
15 stairways. If they lost electrical power getting
16 somebody down a flight of stairs in a wheelchair
17 just not possible. So they've taken those things
18 into account.

19 COUNCIL MEMBER GREENFIELD: Is it also
20 higher? Is the residences... I just wanted to be
21 clear on that, the residences are going to be
22 higher in terms of where they're actually...

23 MICHAEL BALBONI: Yes.

24 COUNCIL MEMBER GREENFIELD: ...sleeping?

25 MICHAEL BALBONI: Yes.

2 COUNCIL MEMBER GREENFIELD: So there's
3 not going to be any residences on the first floor?

4 MICHAEL BALBONI: That's correct.

5 COUNCIL MEMBER GREENFIELD: Okay so
6 let's... run me through another scenario, a blizzard,
7 freak blizzard, two feet of snow, three feet of
8 snow falls... how does this impact this facility and
9 what have you done to mitigate that?

10 MICHAEL BALBONI: So the ability to
11 shelter in place for 72 hours, of having a fuel...
12 having a dedicated fuel system on site, be able to
13 keep up the electricals, hopefully you have enough
14 advance warning that... well they... as a nursing home
15 the challenge is always do you have enough meds, do
16 you have enough food. And there are... the Department
17 of Health requirements that say you got a staff of...

18 COUNCIL MEMBER GREENFIELD: No, I
19 understand. I'm referring to the actual building
20 envelope.

21 MICHAEL BALBONI: Well the building
22 itself... from... listen I... I've not... again because the
23 building is not developed yet and because I'm not
24 an architectural engineer I've not been able to say
25 that this building will withstand wind better than

2 anybody else but there are certain ratings that the
3 building code requires that... sure we'll know that
4 better than anybody else. And it's our
5 understanding it meets all of those criteria.

6 COUNCIL MEMBER GREENFIELD: Commissioner
7 did you want to...

8 ROBERT LIMANDRI: Yeah. So let me just
9 back up on your... your first... your first scenario.
10 After the building is evacuated flood shields go
11 up, we drud... we dry flood proof and we make sure
12 that we withstand not only hydrostatic pressure
13 from the sides but also from underneath from the
14 foundation. There are no below grade opportunities
15 for water to exist. When they come back they... they
16 pull those flood sheets... shields off and they will
17 be able to go back and utilize it. And the
18 elevators... the mechanicals are raised above the
19 design flood elevation. The generator is above. The
20 storage capacity is above. There is a long list and
21 it is in the report of all of the items that need
22 to be also during construction need to be inspected
23 to make sure that it does follow the... the plan. In
24 that scenario they will come back to a building
25 that has the ability to withstand this normal

2 conditions from any building code. I think one of
3 the points that was made was... is that because it is
4 built according to the 2014 building code not only
5 are you getting the flood resiliency and all of the
6 appendix G opportunities for upgrades but you also
7 are getting latest I... code that has been adopted in
8 New York City which means that there are no
9 variances as if you were going to renovate a
10 building in... in any other part of the city. So for
11 example wind loads and... and structures for windows
12 on the building envelope... the rooftops... all of this
13 has been designed at a higher level than a building
14 that was built in for example in 1968.

15 COUNCIL MEMBER GREENFIELD: Run me
16 through a scenario if there is a massive blizzard
17 or god forbid a tornado on this building. Is this
18 better equipped than other buildings, current
19 building, or other buildings that are...

20 ROBERT LIMANDRI: Sure so...

21 COUNCIL MEMBER GREENFIELD: ...designed.

22 ROBERT LIMANDRI: Yeah. So most of... most
23 of the buildings in 20... that are being designed to
24 2014 code are building at a higher standard. And
25 they're more specific. So in cases of the building

2 code not to get into too much detail there have
3 been times where the adoption of the 2014 code has
4 been much more specific and requires designers to
5 be able to provide more detailed information to
6 prove that they're meeting the current codes. So
7 for example when we talk about wind loads the
8 analysis of those wind loads is a more detailed
9 requirement and has to show it to the building's
10 department where as... passed... did not.

11 COUNCIL MEMBER GREENFIELD: Okay. Thank
12 you very much.

13 MICHAEL BALBONI: Thank you.

14 CHAIRPERSON RICHARDS: Thank you. And
15 that's due to the work of this city council the
16 great standards that we passed I know backflow
17 devices is one of my bills and I believe thicker
18 windows for hospitals and nursing homes in the
19 case... in the event of a storm but Sandy taught us a
20 great deal. We're going to go to Council Member
21 Reynoso for questions.

22 COUNCIL MEMBER REYNOSO: Thank you
23 Chair. Just wanted to ask some questions. So one
24 I'm a... I'm not... I can't stand mixed use development
25 because it just ends up turning residential every

2 single time. Very rarely do you see a mixed... a... a
3 zoning change that maintains any level of
4 manufacturing. So in this one case why even have
5 the MX and not just request residential?

6 NORA MARTINS: Thank you. Good question.
7 The reason for the MX... something that city planning
8 likes to do is a transitional buffer zone. The
9 reason is we're not building residential. We're
10 building community facility here. The MX made
11 sense. It has unlike just a straight R6 residential
12 it has other restrictions that make it appropriate
13 when you are... have some adjacency to manufacturing
14 uses. For example, here window wall attenuation has
15 to be higher. Your building height is capped at 110
16 feet currently in the M21 zone or in an R6 as long
17 as you set back you don't have that same maximum
18 building height cap. So that's... those are the
19 reasons beyond just use why that zone is
20 appropriate. The other reason is because the Oxford
21 Nursing Home is fully committed to building this
22 project. They've been do... they've been in this
23 process for 13 years. But should some unforeseen
24 circumstance prevent the nursing home from being
25 built the MX designation would allow conform...

2 manufacturing or commercial to go on this site,
3 would allow residential as well which is why Oxford
4 is willing to commit to a restriction to not allow
5 residential on this site.

6 COUNCIL MEMBER REYNOSO: But I think
7 we're... we're all familiar with the fact that the
8 city of New York has a limited legal opportunity
9 to... to hold you accountable for guaranteeing that
10 this be a nursing home, that even through a
11 restrictive deed we can see that you guys can still
12 do residential right? The zoning, the zoning law is
13 the way we restrict you, not necessarily through a
14 restrictive deed or a deed restriction. And we...
15 talking nursing homes we can all talk about
16 Irvington and how that happened. So the level of
17 confidence we have in the ability of the developer
18 to you know keep their word outside of any legal
19 action is almost non-existent. So I just want to be
20 very clear that when we push for a zoning like MX
21 that I just see that eventually this will become
22 residential. Whether it's now, whether it's in ten
23 years, the future council members are going to have
24 to deal with it. So I'm extremely concerned about
25 one, allowing MX to... to play a role in this

2 transitional conversation we're having. It's not
3 transitional. This is either going to be
4 manufacturing or residential and across the street
5 number... this lot that we have across the street off
6 of... Sullivan Street, that's MX by the way, now what
7 is it right now? Do you know what that building
8 looks like or what it is? I've never been there. So
9 I'm asking what the building across the street
10 from... on Sullivan Street and Conover Street?

11 NORA MARTINS: The one that's in yellow?

12 COUNCIL MEMBER REYNOSO: Yeah, that
13 yellow.

14 NORA MARTINS: That's a... that's a
15 residential building.

16 COUNCIL MEMBER REYNOSO: That's a... well
17 that's also a MX zoned site.

18 NORA MARTINS: No that's just R5.

19 COUNCIL MEMBER REYNOSO: Is it?

20 NORA MARTINS: Mm-hmm.

21 COUNCIL MEMBER REYNOSO: I just saw the
22 zoning...

23 NORA MARTINS: The MX... there's an MX
24 zone farther south where the... no it's a residential
25 building.

2 COUNCIL MEMBER REYNOSO: It's a
3 residential building?

4 NORA MARTINS: Mm-hmm. The MX zone is a
5 few blocks south.

6 COUNCIL MEMBER REYNOSO: Alright I'm
7 looking at... I'm looking at a map...

8 NORA MARTINS: Yeah sorry if that's...

9 COUNCIL MEMBER REYNOSO: ...MX... MX-5/R5.
10 Mm-hmm.

11 NORA MARTINS: Right, sorry it's just
12 because the... the... that's how the current zoning map
13 is drawn. It is a little confusing.

14 COUNCIL MEMBER REYNOSO: It jut made it
15 look like the MX... [cross-talk]

16 NORA MARTINS: Right. No that's south.
17 That's where the...

18 COUNCIL MEMBER REYNOSO: And how tall is
19 the... the R5 building that's across the street?

20 NORA MARTINS: It's about 60 feet.

21 COUNCIL MEMBER REYNOSO: 60 feet?

22 NORA MARTINS: Mm-hmm. I have a... hold on
23 I think I have a picture of it. Oh and you can see
24 here... there's the proposed nursing home...

25 COUNCIL MEMBER REYNOSO: Mm-hmm.

2 NORA MARTINS: And then that's the
3 building on Conover Street directly south that
4 you're talking about.

5 COUNCIL MEMBER REYNOSO: And why do you
6 guys need a R6 instead of a R6A or B so that we can
7 restrict more height?

8 NORA MARTINS: The reason is the floor
9 area.

10 COUNCIL MEMBER REYNOSO: ...more...

11 NORA MARTINS: So the project right now
12 is about 157,000 square feet. That's a 3.94 FAR.
13 They combine R6A and R6B zoning district which is
14 what the borough president recommended would only
15 allow a two in the R6A and a three in the R6B
16 zoning district. So even combined it's not enough
17 to be able to support the program.

18 COUNCIL MEMBER REYNOSO: To support the
19 program.

20 NORA MARTINS: Right.

21 COUNCIL MEMBER REYNOSO: But in the case
22 that this would suggest become a residential
23 building...

24 NORA MARTINS: The zoning district... it
25 would be lower. The permit... maximum... floor is lower

2 if it's a residential building. Community
3 facilities are generally throughout the zoning
4 afforded more floor area as I'm sure you know.

5 COUNCIL MEMBER REYNOSO: But... is there a
6 restriction on height is what I'm asking. Because
7 while...

8 NORA MARTINS: In...

9 COUNCIL MEMBER REYNOSO: ...we might have
10 less FAR we compile into the density in a taller
11 skinnier building like the one we seen for example
12 in the lower east side or in Chinatown. Am I right?
13 Or... I'm just asking...

14 NORA MARTINS: I'm sorry. I'm just... are
15 you saying the height in... for the R6 the proposed
16 zoning or in the R6A...

17 COUNCIL MEMBER REYNOSO: Right in a R6
18 zoning.

19 NORA MARTINS: Right.

20 COUNCIL MEMBER REYNOSO: Which is what
21 you're going have, or what you were asking form.

22 NORA MARTINS: Right.

23 COUNCIL MEMBER REYNOSO: Is there a
24 height restriction?
25

2 NORA MARTINS: In the straight R6 I
3 would have to confirm that. In the current... in the
4 MX5 it's 110 feet and we're proposing 89 feet.

5 COUNCIL MEMBER REYNOSO: Right. I guess...
6 I guess we're... we're...

7 NORA MARTINS: Right.

8 COUNCIL MEMBER REYNOSO: ...we're talking
9 differently.

10 NORA MARTINS: Right I have to... I'll
11 have to confirm that.

12 COUNCIL MEMBER REYNOSO: Right. What I'm
13 trying to say is that I do think that there's a
14 height restriction that's a lot higher than 110
15 feet.

16 NORA MARTINS: No no I agree. I agree. I
17 agree... [cross-talk]

18 COUNCIL MEMBER REYNOSO: But... so that's
19 a 11 story building. But if we keep it R6 and I'll
20 have my folks talk to me to clear it up. I have an
21 R6 in my district that is going much higher than
22 its 110 allowable because they're building parking
23 lots around the area and then open space... they
24 condensed the building to one little lot and are
25 going really tall. And it's completely out of

1 context with the neighborhood. Will an R6 allow for
2 that to happen here in this building? And what I'm
3 saying is I think it will. If you guys wanted to
4 condense the density within a smaller square
5 footage it would be able to go taller and make...
6 could you imagine any building above 12 to 15
7 stories in this side and how out of context it
8 would be and how... what impact that would have on
9 the majority manufacturing district that is along
10 the waterfront. And I just want to say 20 years ago
11 this wouldn't even be a conversation because the
12 manufacturing portion would be a lot better
13 protected or because of the... the intrusion of
14 residential time after time after time after time
15 eventually in 10 to 20 years we'll be talking about
16 rezoning the waterfront to R6 or MXR6 and that's
17 what I'm trying to prevent. And this is not an
18 ombudsmen... and ombudsmen opportunity here or any
19 buffer zone. Once you build this nursing home you
20 will in fact be displacing or contributing to the
21 speculation that is already existing in most
22 manufacturing districts. You will be exasperating
23 that speculation if this gets built there. And
24 once... and... and so everyone here that's talking
25

1 about the jobs the jobs we're... we're... that we're
2 putting at risk is everything in the waterfront. So
3 this is not just about gaining jobs. This is about
4 losing jobs in the waterfront as we continue to
5 have speculators that keep their buildings vacant
6 in an effort to eventually try to convert it into
7 residential. So Council Member Menchaca you know in
8 deference to... to you and to your district I will
9 always vote as you see fit for your district that
10 it would be... I'll be hard pressed as a advocate for
11 manufacturing to allow for any zoning that isn't
12 protected... that doesn't protect the... the... the
13 entire manufacturing district and I don't think
14 that this does that at the moment.

16 COUNCIL MEMBER MENCHACA: I agree.

17 COUNCIL MEMBER REYNOSO: Thank you.

18 CHAIRPERSON RICHARDS: Well I want to
19 thank you all. Any other questions... oh.

20 COUNCIL MEMBER MENCHACA: A final
21 serious of questions and... and a kind of final
22 thought. And I want to make sure that we hear from...
23 from our residents and people who came to speak
24 today. But can you remind me the... the land purchase
25 price when you first got it in 2013 and the current

2 land use... or the... the current price for property
3 today?

4 NORA MARTINS: I... actually I don't have
5 that information available.

6 COUNCIL MEMBER MENCHACA: Okay. So...

7 NORA MARTINS: I don't... [cross-talk]

8 COUNCIL MEMBER MENCHACA: ...you don't
9 know what the...

10 NORA MARTINS: ...know what the price of
11 the property would be.

12 COUNCIL MEMBER MENCHACA: ...price of the
13 property is?

14 NORA MARTINS: Today?

15 COUNCIL MEMBER MENCHACA: Today.

16 NORA MARTINS: I do not.

17 COUNCIL MEMBER MENCHACA: Okay. If you
18 can get that for us that'd be great. I'm sure
19 that's...

20 NORA MARTINS: Of course... anything that
21 you ask...

22 COUNCIL MEMBER MENCHACA: Yeah. I think
23 you can get that... that information. So... the other
24 piece is... is the intricacies to the Q&A that Chair
25 Greenfield gave. He's... he's absolute... absolutely

1 correct. We either build in our flood zones in
2 places that have historically been... and we... we look
3 back to the surge of 20... of 2012 for Sandy or... or
4 we begin to mitigate through this to allow for
5 these properties to still be active in some way.
6 And I guess my main point is that... that all the
7 scenarios that we're taking into consideration
8 right now we... we have to remember that we're making
9 the scenarios for... for a very... one of the most
10 highest... the highest vulnerable population in the
11 city. And these are our cities. And... and so it's
12 one thing to mitigate an industrial business and
13 another thing to mitigate a nursing home. And this
14 is... this is a... this is the seriousness of this
15 conversation, at the core of this conversation in
16 my... one of my concerns. And so we are thinking
17 about it as a city. It's going to take years before
18 the integrative flood protection plan comes to Red
19 Hook. All of us are engaged in that conversation
20 and there are a lot of resiliency plans. But we're...
21 this... and this... this grid, the electrical grid for
22 example goes down often. To bring a facility like
23 this is... is I think irresponsible. And so with that
24 said I think I'm going to... I'm going to want to... I
25

2 have a lot of questions but I think... I think we
3 want to make sure that we hear from folks. I know
4 we're losing a few and I want to make sure that you
5 have the opportunity to testify and for me to
6 listen to your voices and... and... and to... to... to the
7 science for 1199 I'm with you. We want a Brooklyn
8 nursing home and I'm with you every step of the way
9 to make sure that this happens in this borough,
10 just not here, not here in... in Red Hook. And I'm...
11 I'm really open to... to kind of continuing the
12 conversation with the consultants because this
13 question is not just for Conover Street. This is
14 about preserving manufacturing. As Council Member
15 Reynoso said. And making sure that when we
16 mitigate, we mitigate not vulnerable populations
17 but populations that can withstand and survive the
18 inevitable climate change... changes that we're
19 seeing today. So thank you for your time today.

20 NORA MARTINS: Thank you.

21 CHAIRPERSON RICHARDS: Thank you all for
22 your testimony and thoughtfulness. Thank you.
23 Alrighty so we'll now begin calling the public to
24 testify on this issue. And I'll start with the
25 first panel; John McGettrick Red Hook Civic

2 Association, Robin Goeman or Goomen... Goeman,
3 Melissa Stewart, Dave Shinkle [phonetic]... David
4 Sheinkopf Pioneer Works. Alright we'll call Gabriel
5 Florins as well to come and Pioneer Works. So
6 Gabriel Florins, Melissa Stewart, Robin... oh no
7 Goeman had to leave right? And John McGettrick,
8 McGettrick, Red Hook Civic Association, and David
9 Sheinkopf... no... David Sheinkopf Pioneer Works...
10 you're here? Okay. John McGettrick? No? Okay
11 Gabriel Florins we have and Melissa... we'll call one
12 more. Oh that's all... okay got it. Alrighty you may
13 begin. Please state your name for the record and
14 who you're representing and then you may begin. And
15 we're going to give each person two minutes.

16 ROBIN GOEMAN: Good... good afternoon
17 Council Members. My name is Robin Goeman. I am an
18 elder law attorney in practice in Brooklyn. As such
19 I work with seniors and their families and also...
20 I'm also the guardian for seniors and do a lot of
21 work with nursing homes and vehemently oppose
22 placing a nursing home in a flood zone. Right now
23 bed for bed 11 percent of our nursing homes are in
24 mandatory evacuation zones in Kings County alone.
25 And that doesn't include five assisted living

1 facilities Both Sunrises, Waterford on the Bay all
2 of these facilities that are already in mandatory
3 evacuation zones. And to place another 200 beds
4 into the mandatory evacuation zone and remove 224
5 beds from a potential receiving facility just does
6 not seem like very good long term planning for
7 quality of life for... for your... what I would like to
8 call New York's frailest. We aren't just talking
9 about seniors. We are talking about the frailest of
10 the frail. We are talking about people who can no
11 longer live in a community apartment even with home
12 care. We are talking about people who have to be
13 transported with assistance, one on one, whether
14 it's in an ambulette or a car or an ambulance. This
15 is not a normal population. And so we are
16 suggesting that we lose our manufacturing zone in
17 this particular block and that we place 200 of New
18 York's frailest into this place and that that's
19 where we should take care of them and that they
20 should be the buffer to the M21 which is apparently
21 the most heavy manufacturing level. And how does
22 that work? How does that solve the larger planning
23 goals of... of the city? I think that this project
24 has a number of problems and the ambulatory center
25

2 I really doubt that a neighborhood with a
3 population of 10,000 people can support an eight
4 story ambulatory care center without lots of other
5 patients being bussed into the neighborhood which
6 is a peninsula. The plan just is not very... it's not
7 very well thought out and I... I would really urge
8 the council to not look at this as a... a good long
9 term plan for our New York's frailest or... or for
10 Red Hook.

11 CHAIRPERSON RICHARDS: Thank you.

12 MELISSA STEWART: Hi, my name is Melissa
13 Stewart. I'm a resident of Red Hook. I'm an
14 attorney and I have a master's in community
15 regional planning although I don't practice in that
16 area. I do have a sense of what it takes to build a
17 project like this. I live on the corner of King and
18 Van Brunt. King and Van Brunt is a New York City
19 pass through. This is directly adjacent. It's on
20 the block where this project would be built, is a
21 city pass through for our eighteen wheelers which
22 is very important to the manufacturing in Red Hook.
23 Every single morning almost... you see this. The 18
24 wheelers have a hard time turning. I have multiple
25 pictures I'll submit to you. They... they have a hard

2 time getting through. There's a traffic jam
3 already. If you're going to add a facility that's
4 going to have ambulettes coming in nonstop and we
5 haven't see a... an updated traffic model which would
6 show what... what... how many ambulance would be
7 affecting the area. The... this is a problem already.
8 It's going to, in my opinion, lead to a further
9 diminishing of the manufacturing in this area
10 because they're going to want to get rid of the 18
11 wheelers passing through this area. Sewage is a
12 huge problem on Red Hook today, not just after
13 Sandy, today. Two years ago I moved into an
14 apartment a block away and within 12... the first 12
15 days I was there, there was a rain storm, it was a
16 30 minute rain storm. I had three inches of raw
17 sewage in my living room and kitchen. That was a
18 Tuesday, it wasn't a hurricane. I know many
19 residents in Red Hook who have recurring sewage
20 problems. Oxford could build the best most high-
21 tech facility ever, they can't guarantee that it'll
22 be able to flush the toilets in... in these types of
23 events. And I just want to say I have no doubt that
24 they will build the most resilient, most high-tech
25 amazing building. But imagine if they put that

1 building in a non-flood zone in Brooklyn. That
2 would truly be a visionary, a forward looking... that
3 would be an asset to the city. One of Oxford's own
4 workers... he described his experience working as a
5 receiving unit at the current Oxford Facility as
6 traumatic. He said that... that everyone had to stay
7 in place, that we had employees staying over hours.
8 We had... they had... they had residents pitching in to
9 take care of patients. That's... while that's a
10 laudable thing and I have no doubt that... that the
11 people would step up and do what needed to be done
12 that is not... that's not good policy. That's not...
13 that shouldn't be part of our emergency planning
14 for these vulnerable populations. And I urge you to
15 be visionary here. Climate change is not going
16 away. Last month was the hottest April on record.
17 Please vote no against this project.

19 DAVID SHEINKOPF: My name's David
20 Sheinkopf, I work at Pioneer Works which is right
21 next to the proposed site. I'm a resident of Red
22 Hook. I'd like to speak a little bit about how this
23 will impact the culture and quality of life in Red
24 Hook. I know that from working... for the last four
25 years building Pioneer Works it's taken a lot of

1 effort to bring free art and music, education, a
2 public garden to the neighborhood. And this
3 proposed build next to us would cast a figurative
4 and a literal shadow on our institution. We have
5 been working with the Red Hook initiatives digital
6 stewards program for a number of years to bring job
7 training that is actually meaningful and will be a
8 major impact on the quality of life for young
9 adults in Red Hook. And that has taken a lot of
10 effort and is... it is not an easy thing to do. What
11 we're up against is an organization that as
12 Councilman Menchaca said has been sitting on this
13 property for 13 years. And we... we know that this...
14 this property has only had five jobs in those 13
15 years and that's an intentional move. And so when
16 we look at the claim that this organization is
17 going to provide jobs and provide beds for members
18 of the Red Hook Community when there's no promise
19 that either of those will actually happen. And at
20 the same time we see it's an organization that has
21 essentially taken this property off of the map and
22 has made it unable for it to create jobs or any
23 type of manufacturing for anyone in the
24 neighborhood in order to... to prove that's it's
25

2 useless right, to essentially... intentionally
3 sabotage this area. That is a plan to take this off
4 of the map for our neighborhood. And I think that...
5 to ask... for them to ask us to trust them that they
6 would give us jobs or give us beds I don't think
7 it's an organization that I feel comfortable
8 trusting.

9 CHAIRPERSON RICHARDS: Alrighty. Any
10 questions for the panel? Thank you all for your
11 testimony... Oh Council Member Menchaca.

12 COUNCIL MEMBER MENCHACA: So I just want
13 to make sure that we... we kind of highlight a couple
14 pieces in the testimony specifically regarding the
15 traffic issues and specifically on the
16 infrastructure that is... can you tell us a little
17 bit more about... about the... the frail... because I
18 think we're talking about people but we're also
19 talking about infrastructure. If anyone of you can
20 kind of speak to that personal experience of living
21 in... in the neighborhood as well with... with a
22 facility of this size with an impact to the
23 infrastructure itself. Because that's not something
24 we... we necessarily talked about in the... the Q&A.

2 ROBIN GOEMAN: I just want to say I... I
3 live on the next block and in the aftermath of
4 Sandy before Con-Edison was able to bring all of
5 buildings online it took... it took two weeks from
6 the transfer station that covers my block between
7 King and Pioneer and the King Sullivan and the
8 block over to Wolcott, the PS15 and those
9 surrounding blocks are all on the same mechanism.
10 And so even when other people were going back
11 online it was two full weeks before we were
12 connected back in by Con-Edison at the source.

13 MELISSA STEWART: And I would like to
14 say that I've lived in the... in the site where I am
15 on... on the corner of King and Van Brunt for two
16 years, after Sandy, we've had the electricity go
17 out for I have no idea why multiple times, at least
18 five times. My son is six years old. He thinks
19 that's normal to have to have candles for your
20 house just on a sunny day. He really does. And I
21 can't explain it why but I've lived in New York
22 City for 18 years and I've never had any other unit
23 go out. This time... it does. Something... there's...
24 there's a serious infrastructure problem. There... I
25 know lots of other people that wanted to be here

2 but couldn't because of work obligations that have
3 electrical problems, that experience sewage
4 problems. And... and while you know everyone here is...
5 is for a nursing home we have 200 units... apartment
6 units coming online in the next year in Red Hook
7 alone. Nobody knows how that's going to be... how
8 it's going to impact the... the current sewage
9 situations and electricity. And then to bring
10 another you know... the vulnerable population of the
11 elderly in where Oxford can do all the resiliency
12 planning in the world but they can't take on...
13 they're not going to... I don't think they're going
14 to... willing to take on the entire sewage problem in
15 Red Hook.

16 COUNCIL MEMBER MENCHACA: We could ask
17 them that actually. But anyway I just want to point
18 out that there's a real infrastructure issue in Red
19 Hook that you're experiencing as just residents in...
20 in the neighborhood post Sandy. But now with... with
21 a... like in a larger focus beyond the... the footprint
22 of the... of the building you can build the most
23 advanced building but when it connects to the
24 actual infrastructure that you're going to see some

2 problems and... so thank you just for... for bringing
3 that on.

4 CHAIRPERSON RICHARDS: Thank you all for
5 your testimony. Alright we'll call up the next
6 panel. Patricia Smith 1199, Melissa Chapman
7 Brooklyn Chamber of Commerce, James Sherry Oxford
8 Nursing Home, and Waner Naviez... Naviez... oh Sherry
9 was in the first panel, okay. Alrighty, Karen
10 Brotton on behalf of Fraci [phonetic] Brown. We got
11 to go digital one day... I'm telling you. It's not
12 me, it's your hand writing.

13 KAREN BROTTON: I have very good
14 handwriting.

15 CHAIRPERSON RICHARDS: You do have nice
16 handwriting.

17 KAREN BROTTON: I have very nice
18 handwriting.

19 CHAIRPERSON RICHARDS: I'm blind too so
20 that could be it too. Alrighty. I'll just ask you
21 before you begin I guess we'll start from my left
22 to right. So if you can state your name for the
23 record and who you're representing. And then you
24 may proceed.

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KAREN BROTTON: Sure. My name is Karen Brotton. I am reading a testimony for Frances Brown. She's the President of Red Hook East Resident Association. Good morning Chair Richards and Council Members and good afternoon Council Member Menchaca. My name is Francis Brown and I am the President of Red Hook East Resident Association. Due to the very short notice of this hearing I regret that I could not speak before you in person today to voice Red Hook East's Unwavering support for the proposed Oxford Nursing Home Project in Red Hook. We need a nursing home in our community. One close enough that family members can visit. The proposed healthcare facility is an added bonus. As the proposed primary and urgent care services are much needed. There are approximately 65 hundred residents in Red Hook East and West including many seniors and we have very limited healthcare options. Oxford has kept up informed and involved with this project since early last summer. We are convinced of their commitment to build the proposed nursing home and healthcare facility at not one but two of my monthly meetings I asked for a show of hands for those in support of the

1
2 proposed nursing home. Every hand in the room was
3 raised. Red Hook is a true mixed use neighborhood.
4 It does have industrial and manufacturing uses but
5 it also has thousands of residents that have lived
6 here for decades that desperately need community
7 facility services and employment. As currently
8 zoned for manufacturing 141 Conover Street is an
9 eyesore. It is not developed when an active
10 business that generates jobs. The oxford project
11 however provides opportunities for not only
12 hundreds of temporary construction jobs but
13 permanent new jobs. In closing we have heard the
14 concerns about the height of the building, flood
15 resiliency, and traffic. But we believe oxford has
16 addressed these concerns and that they will ensure
17 the safety of their residents in the same manner as
18 fairway has and IKEA. They too were two entities
19 that a lot of people did not want in Red Hook. We
20 lived through Sandy. We are well aware of the
21 damage that Red Hook is still recovering from.
22 However, while people continue to make their homes
23 in Red Hook the solution is not to stop building
24 but to build smarter which is exactly what oxford
25 is doing. Take Ikea for example, it was designed

2 and built to withstand a flood and it did just
3 that. It was a hub for resident... for Red Hook
4 residents during Hurricane Sandy. In order for Red
5 Hook to thrive we must allow responsible
6 development of projects that provide services
7 needed by our community. The benefits of the
8 project include a nearby nursing home beds, a
9 healthcare facility, and job opportunities far
10 outweigh any possible concerns. I urge you to make
11 the right decision and approve this application.
12 Thank you, Francis Brown.

13 CHAIRPERSON RICHARDS: Thank you for
14 your testimony.

15 PATRICIA SMITH: Good afternoon
16 Councilman and committee members. My name is...
17 Patricia Smith. I represent... 1199 Oxford nursing
18 home. Oxford Nursing Home is an outdated family-run
19 long-term care facility. Its currently
20 infrastructure no longer meets minimum standards
21 for providing quality care and remains open as
22 result of waivers granted by the state. To address
23 the... its limitation this home purchased a lot three
24 miles away in Red Hook Brooklyn to construct and
25 operate a new state of the art modern facility. To

1 address community concern about the over... not...
2 Oxford is amenable to restrictive covenant and will
3 provide luxury development this time. If the city
4 council denies this application Oxford Nursing Home
5 will be forced to close and if this happens 200
6 resident will be displace and disperse to other
7 facilities. Workers would lose their jobs. And the
8 Brooklyn and the city of New York will lose 200
9 long term care bed perhaps permanently. Our chip
10 will be created for... for the families and these
11 residents who will be... have to travel longer
12 distance to visit their love ones. Too many nursing
13 homes operate inadequate facilities. Denying this
14 application sends a message to nursing homes should
15 not expect to improve care to provide for these
16 residents. And this is often vulnerable residents
17 should not expect highest standards of care. And
18 that will possibly modern facility this that... this
19 is not acceptable. In close... in closing I wish to
20 stress that the Red Hook is an underserved
21 community lacking adequate healthcare services and
22 transportation in addition to transferring these
23 beds to Fort Green Red Hook Oxford is committed to
24 building a much needed ambulatory healthcare
25

2 facility to serve the residents of Red Hook.
3 Overall this is a unique win-win opportunity for...
4 for the community and Oxford. I'm here respectfully
5 appealing for the workers at Oxford Nursing Home
6 and the residents.

7 CHAIRPERSON RICHARDS: Thank you.

8 MELISSA CHAPMAN: Hi, good afternoon.
9 I'm Melissa Chapman. I serve as a Senior Vice
10 President for Public Affairs in the Brooklyn
11 Chamber of Commerce. These comments are being
12 brought on behalf of our President and CEO Carlo
13 Scissura in support of the applicant's amendment
14 application. The Brooklyn Chamber of Commerce is a
15 membership based business assistance organization
16 that represents the interest of over 22 hundred
17 member businesses as well as other business across
18 the borough of Brooklyn. As an advocate for job
19 creation we are very pleased that this project will
20 create approximately 600 construction jobs. In
21 addition, approximately 225 permanent new and or
22 preserved at the actual nursing home will be
23 generated. This will be of great value to Red Hook
24 as Oxford nursing home is committed to hiring
25 within the community. An added value of having this

1 facility in the neighborhood is that it will be
2 able to serve as an anchor that will increase
3 economic activity in the area particularly the
4 attraction of... the attraction, sorry, and retention
5 of mom and pop shops. In addition, the applicant's
6 plan to establish a mixed use district will see an
7 added economic boost since new businesses can be
8 established nearby which will in turn provide more
9 local jobs. Upon relocation to Red Hook the Oxford
10 Nursing Home will also serve as a healthcare
11 facility to residents providing a range of services
12 based on local healthcare needs. We are aware that
13 the Red Hook community has expressed some concerns
14 about this proposed building but have been assured
15 by the Oxford team that they have undertaken
16 extensive outreach with elected officials and
17 community stakeholders to solicit public comments
18 about the project. In addition to the Brooklyn
19 Chamber of Commerce this proposal has also received
20 support from Community Board 6 and the city
21 planning commission and received a resolution with
22 conditions from the Brooklyn Borough President. As
23 such we respectfully ask that this committee also
24 lends its support to the project since its crucial
25

2 to the survival of the Oxford Nursing Home and the
3 applicant is already heavily invested in the
4 project. Thank you so much for the opportunity to
5 testify on this matter.

6 CHAIRPERSON RICHARDS: Thank you for
7 your testimony.

8 PATRICIA SMITH: Chair, she wants to
9 know if she speaks in Spanish is there an
10 interpreter? Oh Carlos...

11 CHAIRPERSON RICHARDS: Carlos Menchaca.

12 PATRICIA SMITH: ...interpret?

13 CHAIRPERSON RICHARDS: Can you
14 translate?

15 COUNCIL MEMBER MENCHACA: I can
16 translate, yes.

17 CHAIRPERSON RICHARDS: Are you sure.

18 COUNCIL MEMBER MENCHACA: I can.

19 CHAIRPERSON RICHARDS: [speaking
20 Spanish]

21 COUNCIL MEMBER MENCHACA: [speaking
22 Spanish]

23 CHAIRPERSON RICHARDS: Okay, alright.

24 WANA NAVARIS: [speaking Spanish]

25

2 COUNCIL MEMBER MENCHACA: [speaking
3 Spanish]

4 PATRICIA SMITH: Okay the first one she
5 said her name is Wana Navaris [phonetic] and she
6 lives in Red Hook and she's hoping what this... what
7 this nursing home could be put there... [speaking
8 Spanish] for the elderly.

9 CHAIRPERSON RICHARDS: Oh she didn't
10 trust Carlos to translate the right message huh?

11 COUNCIL MEMBER MENCHACA: I think it's
12 good that... that there is... that there's panel
13 participation.

14 CHAIRPERSON RICHARDS: Is that it? Okay.

15 COUNCIL MEMBER MENCHACA: [speaking
16 Spanish]

17 CHAIRPERSON RICHARDS: She learned
18 Spanish fast, okay.

19 PATRICIA SMITH: Go ahead.

20 WANA NAVARIS: [speaking Spanish]

21 PATRICIA SMITH: She says give a lava...
22 lot of opportunities for people to get jobs there.

23 WANA NAVARIS: [speaking Spanish]

24 PATRICIA SMITH: She said that's all,
25 thank you.

2 CHAIRPERSON RICHARDS: Thank you all for
3 your testimony. You have questions?

4 COUNCIL MEMBER MENCHACA: Yeah I have a...
5 I have a few questions. First I just want to thank
6 you Ms. Patricia Smith for coming and... and bringing
7 the voice of the workers. There's no doubt that the
8 urgency for a better facility is needed. I'm with
9 you on that. I think it's an important thing for us
10 to think about the workers in this conversation.
11 And so I guess what I... I'll ask you and really
12 something that... that we want to work in... in
13 collective... not just Oxford but all 1199 workers
14 that are currently in, we're all evolving post
15 Sandy. Could we work together to think about how
16 workers understand themselves and their site
17 specific locations and roles that they have both
18 for taking on as a... as a site location from... from
19 nursing homes in the flood zones and then those
20 workers in flood zones themselves. And is that
21 something that's... that's happening at 1199 right
22 now and how can we work together...

23 PATRICIA: That is something you heard
24 from Mr. Balboni and Mr. Balboni is one of guys who
25 work along with 1199. And as over the years since

2 Hurricane Sandy and Irene we have been much more
3 involved. There has been training with our members...
4 constantly to help improve their resiliency in
5 terms of addressing the needs of the residents and
6 evacuation and everything. But in... like you said
7 earlier we live in a flood zone. New York City is
8 surrounded by water okay. And is... if it is not in
9 Red Hook it is happening in the Rockaways, it is
10 happening in Coney Island you know... and it's
11 happening all over. What we are trying to do is to
12 make sure what this nursing home is going to be a
13 model to the rest of nursing homes in order to take
14 care of the residents. Because in today or tomorrow
15 it belongs to none of us. We don't know where we
16 going to be wind up later and if I have to be in a
17 nursing home I want to be in a nursing home where
18 I'm going to feel safe and secure. And this is one
19 of the nursing home where Oxford is committed to
20 put in with us and Coney Island, Red Hook, wherever
21 it is it is needed. And that's what we do.

22 COUNCIL MEMBER MENCHACA: But I just
23 want to underscore what you said which is you want
24 to be in a place that is safe for... for you as a
25 worker but also for... for the vulnerable population

2 and placing a... a nursing home if we had a choice
3 between nursing home in flood zone and nursing home
4 not in a flood zone I'm assuming that there's a
5 preference there of where we want to build our
6 nursing homes of the future for resilience not just
7 to the floods but for all the things that are on
8 their way. Like specifically... and we talked about
9 it, Mr. Balboni, or Senator Balboni spoke to, which
10 is essentially micro grids coming down offline and..
11 and electricity going down. So those are the kind
12 of things that we're... we're talking about today.
13 And I... I just want to get a sense from you on... on
14 how we think about workers in this and where we can
15 place nursing homes and preferences on where we do
16 that if we have the luxury of time and the luxury
17 of planning for a visionary citywide effort.

18 PATRICIA SMITH: Unfortunate we don't
19 have that luxury right here right now.

20 COUNCIL MEMBER MENCHACA: So can you
21 tell me...

22 PATRICIA SMITH: ...as you heard in my
23 testimony what this facility has been... granted a
24 way to keep its doors open. With the contingency,
25 what this nursing home as to being place. And you

2 know you mention from couple of years what this
3 was... this land has been there and because of this
4 facility had purchase this land and need this space
5 to put the nursing home. So we don't have that much
6 time frame here.

7 COUNCIL MEMBER MENCHACA: And.. and so I
8 just want to underscore the urgency, there's real
9 urgency. For the Chamber of Commerce how do you
10 reconcile the.. essentially the kind of warehousing
11 of property 13 years and kind of promoting a... a... a
12 kind of positive response to jobs now when we
13 didn't have that from this applicant for the last
14 13 years? Is there... is there something that... that
15 the chamber is thinking about as far as zoning..

16 PATRICIA SMITH: I can't speak for the
17 Chambers...

18 COUNCIL MEMBER MENCHACA: Oh no no no
19 I'm sorry. No I... for... to Ms....

20 PATRICIA SMITH: Oh.

21 COUNCIL MEMBER MENCHACA: Ms... Melissa
22 Chapman, sorry.

23 PATRICIA SMITH: I'm sorry.

24 COUNCIL MEMBER MENCHACA: We'll let her..

25 PATRICIA SMITH: I'm sorry.

2 COUNCIL MEMBER MENCHACA: ...speak for the
3 Chamber, I'm sorry. I just...

4 PATRICIA SMITH: I'm sorry.

5 COUNCIL MEMBER MENCHACA: ...move.

6 MELISSA CHAPMAN: Well we see this as
7 just a... a... another business. So we think that that
8 being a business it will be generating jobs and we
9 see it not just being a regular business but it can
10 really serve as an anchor in the community. And so
11 we don't just see jobs from the nursing home per
12 say but we see jobs as a result of things that will
13 be gravitated to the nursing home; people buying
14 flowers, buying gifts for people that they visit,
15 and how that can kind of spread out not just to the
16 nursing home but to the surrounding small
17 businesses. And we see it having a direct impact in
18 terms of employment opportunities.

19 COUNCIL MEMBER MENCHACA: Thank you. And
20 then... [speaking Spanish] ...in Red Hook. [speaking
21 Spanish] ...in Walcott Street... Senior Center...
22 [speaking Spanish] in Walcott... [speaking Spanish]
23 in Red Hook. And so I'm asking a little bit about
24 just her experience working in Red Hook where
25 there's a... there was a nursing home that went

2 through some tremendous impacts from Sandy and... on
3 Walcott Street. Now it's somewhere else. It's a
4 senior...

5 KAREN BROTTON: Senior Center.

6 COUNCIL MEMBER MENCHACA: ...senior
7 center. Thank you Karen. And... and I'm asking
8 [speaking Spanish] if she can tell us a little bit
9 about where it is now and where... where it's located
10 specifically in Red Hook.

11 WANA NAVARIS: [speaking Spanish]

12 COUNCIL MEMBER MENCHACA: I'll... I can
13 translate that. I think that's just more like...
14 right... So this is... this is at 110 West 9th Street.
15 This is an... an... essentially a room or a building
16 next to the Miccio Center. And if you know Red
17 Hook, the Miccio Center and this new senior center
18 is outside the flood zone. And there's a real... and
19 I guess what I just want to kind of pull from that
20 is there was a real planning effort that NYCHA took
21 with residents to figure out where we replace the
22 nursing... sorry, I keep on saying nursing home, the
23 senior center, and put it into a place it will not
24 have impacts of a renewal and continued flooding
25 situation that Red Hook is... is poised to have or

2 sometime in the future probably forever. [speaking
3 Spanish] Okay.

4 CHAIRPERSON RICHARDS: Thank you all for
5 testifying. Alright we'll call the last panel now.
6 Barbara Smith, Lilly Marshall, Mickey Reed [sp?],
7 Robert Loxwood... Loxford, oh Loxford Bier, Beer...
8 Bieber got it, Robert Bieber and Betty Brown. I got
9 four out five right this time. Betty Brown, Robert
10 Bieber, Mickey Reed, Lilly Marshall, and Barbara
11 Smith. If anyone else is here to testify please
12 fill out a testimony slip and.. or if you have one
13 in your hand please give it out to the Sergeant at
14 Arms. So Barbara Smith, Lilly Marshall, Mickey
15 Reed, Robert Bieber, and Betty Brown. Alrighty and
16 we'll just ask you to identify yourselves and then
17 you may begin. Alrighty. We'll start with you.
18 You'll grab the mic, make sure it's lit up, it
19 should light up red, and you should speak into it
20 because you're broadcasting live on TV and they
21 have to hear you. So you'll project into that,
22 you'll pull that mic closer. Don't worry it won't
23 bite. There you go. Alrighty great. So you'll say
24 your name and who you're representing for the
25 record and then you may begin.

1
2 LILLY MARSHALL: I'm Lilly Marshall. I'm
3 the TA President for Red Hook West Housing. I came
4 to Red Hook January 27th, 1966. I was 23 years old
5 at the time. Today I'm 73. Over the years I've
6 fought for many things to come into this community.
7 A lot of them I want and some I didn't. Today we
8 are fighting for Oxford Nursing Home, a multi-
9 purpose facility with jobs and also well care
10 facility. Some state that this is a flood zone.
11 Yes, it has been a flood zone for years but this
12 does not mean that we must stop living and fighting
13 for the things we need, not what we need, not only
14 what we need... not... we stop fighting for things we
15 need. Not that we want it, it's what we need. Ikea
16 is one of our success stories which served Sandy
17 through technology. This building for Oxford will
18 be built to withstand whatever comes as Ikea did.
19 You... you cannot live in fear, who knows if there
20 ever be another Sandy storm. Some speak of Red Hook
21 being a commercial zone for jobs etcetera. It once
22 was. I came to Red Hook when we had lots of jobs.
23 Today you have more and more homes coming in. The
24 waterfront years ago was huge, lots of jobs, ships
25 coming in daily, long shoreman jobs. This part of

2 Red Hook has almost been demolished. We live in
3 NYCHA. Yes, we were without heat, light, hot water,
4 etcetera for a good while. But NYCHA learned going
5 forward they would make sure it never happen again.
6 Their boiler systems and what it will be restored
7 above flood zone. The question was asked if they
8 can guarantee space for this nursing home for Red
9 Hook people. It's not about that at all. It's about
10 if one get to go there we are pleased. We don't
11 worry about what happens just because we don't get
12 a home... a seat in that home as long as it can serve
13 as someone's. Please we are just asking you to
14 please make sure Oxford comes to Red Hook. We need
15 the facility.

16 CHAIRPERSON RICHARDS: Thank you for
17 your testimony.

18 BETTY BROWN: Good afternoon. My name is
19 Betty Brown. I'm a 79 year old retired postal
20 inspector. You know I was going to write something
21 but to me that wasn't important because I have to
22 really speak from my heart. I listen to what
23 everyone has to say. And you know one thing I did
24 not hear? Nobody spoke of what god can do. No one
25 spoke of what god can do. I've been a christian for

1
2 58 years and I know that he can do anything. Oxford
3 is one that have faith. The bible say faith is the
4 substance of those... the evidence of things not
5 seen. He say that without faith it's impossible to
6 please god. We must put our faith to work and
7 that's what Oxford did. Oxford put their faith to
8 work. And you know I believe that god is going to
9 grant us to be a... in the flood zone. And I tell ya
10 another thing. When hypothetically if we are
11 granted to build in the flood zone and there was a
12 flood you know what will happen? Everything around
13 Oxford Nursing Home will fail, Oxford will remain
14 standing. You know why? Because god has his hand in
15 it. I thank you so much for a listening ear.

16 CHAIRPERSON RICHARDS: Thank you.

17 ROBERT BIEBER: Good afternoon everyone.
18 My name is Robert Bieber. I'm the president of the
19 resident council at Oxford. I remember after the
20 last meeting that I went to I told everybody that
21 you know they were going to build a nursing home in
22 Red Hook, oh yeah when are we moving, when are we
23 moving? We can't wait. And a couple of people
24 actually voiced their opinion on... just like... like
25 having a car. There's only so many times you can

2 repair a car. It's the same thing with a building.
3 It's over 100 years old. And Red Hook as... as far as
4 I understand you know is... the building is built
5 with space, all the rooms and whatever are above
6 the flood level and are sturdy enough to withstand
7 the... the water pressure and everything. And plus
8 you know like when Sandy came we took in people
9 from other nursing homes until everything was back
10 to normal and then... then they left you know. And I
11 think a lot... lot of our... and I speak for some... some
12 of the staff too I guess. They... they went through
13 all the help and everything and I... if need be they
14 can do it again. You know. We're... we're... we... we
15 strive for betterness [phonetic], that's all. Thank
16 you.

17 CHAIRPERSON RICHARDS: Thank you.

18 BARBARA SMITH: Good afternoon everyone.
19 My name is Barbara Smith and I am a resident at Red
20 Hook. I'm going to piggyback off of my sister in
21 christ. Watch god show up and show out.

22 BETTY BROWN: That's right. Hallelujah.

23 BARBARA SMITH: For... for the simple
24 reason I've been heard enough. Everybody's
25 bickering about this and bickering about that. I've

2 been living in Red Hook for 13 years. I've been up
3 on Van Brunt almost 13 years going in and out in
4 and out. I've never seen so many trucks up there up
5 until the last three or four years. All of these
6 18-wheelers and everything all up on Van Brunt.
7 Oxford hasn't even gotten there yet and these
8 people are complaining already. What's the problem?
9 Where are these 18-wheelers going? And where are
10 they coming from? We do not know but it's not
11 Oxford. You understand me? It's not them. They are
12 not the culprits. These people are doing this just
13 to keep them out. Me, myself, I do need Oxford. I
14 have a respiratory problem. I can't keep going to
15 Brooklyn Hospital which is too far from me. I can't
16 go to Long Island College which is not there. Okay.
17 There are people that need Oxford. You understand
18 what I'm saying? So those people up on Van Brunt
19 they need to just sit down and be quiet. Thank you
20 for listening to me.

21 CHAIRPERSON RICHARDS: Thank you.
22 Apparently you have fans in the other room. I hear
23 clapping. And I missed church Sunday but I felt
24 like I got a little religion today. Thank you all
25 for coming and thank you. [cross-talk]

2 BETTY BROWN: I... I just want to add that
3 I do have a aunt in Oxford Nursing Home for the
4 past nine years. And I find no fault in them.
5 Excellent place. You need to come there some time
6 and try their meals. Delicious.

7 CHAIRPERSON RICHARDS: Well that
8 definitely would be useful now, you see what I
9 mean. Alrighty... alrighty we eat when we can in this
10 business. George Fiala [phonetic], alrighty... I have
11 two other... two other people who wish to testify,
12 I'm not sure if they still do, Berry Bronstein,
13 Howard Weiss, okay. Oh, come on. Got to let them go
14 after...

15 GEORGE FIALA: Hello I... my name is
16 George Fiala and actually I... I publish the local
17 Red Hook newspaper and we don't normally except in
18 our editorial pages take stands. I've tried to
19 report this as fairly as I could. Last year our
20 councilman after having a personal communication
21 and the presentation of Oxford expressed some
22 doubts about the feasibility of this idea. And he's
23 continued to research it. We have found as someone
24 who reports on what our councilman does we found
25 him to be very thoughtful. He spends a lot of time

2 studying issues and while we did not endorse him
3 when he first ran we have... we have found him to
4 become a very good representative of our
5 neighborhood and we trust him. And he... he's a good
6 representative all portions of the neighborhood
7 including the public housing area which is really
8 where he earned his... his credibility in the Red
9 Hook community right after Sandy. In any case I
10 just wanted to say that we are very much backing
11 our councilman because we know he's taking... he's
12 taking a lot of research. And I also want to say
13 that if this nursing home is not built on this land
14 it can be built someplace else. So the land has
15 become worth a lot of money. It could be sold and a
16 different area... land in a different area could be
17 found. So it's not a zero sum game here as some
18 seem to think. Thank you.

19 CHAIRPERSON RICHARDS: Thank you.

20 BARRY BRAUNSTEIN: Thank you gentleman.
21 Thank you Michael. My name is Barry Braunstein. I
22 was not planning to speak. I had a lot of people
23 represented me but I felt because the buck stops
24 here I should speak and I was hoping you'd have
25 some questions for me. You've had a lot of

1 questions Mr. Menchaca and we've answered the
2 questions. But a lot of times people ask questions
3 because they want to hear the question they don't
4 want to hear the answer. I'm getting that feeling
5 here. But anyway you... your... you're very well
6 representing your community and I'm here to try to
7 help you represent them better. I am a nursing home
8 administrator. I am also certified receiver for
9 nursing homes. That means that New York state
10 approves me to run troubled facilities. And I've
11 been doing this for 35 years. I'm also a nursing
12 home operator as opposed to nursing home investor.
13 I do not build nursing homes to invest in them. I
14 build the nursing home to operate that nursing
15 home. And that's what I've been hoping to do for
16 the last 13 years. To answer your question about
17 purchasing the land; when I bought this in 2003 I
18 was completely transparent. I said I am building
19 this property to build a nursing home, can I build
20 a nursing home there. The local council... council
21 person at that point said yes we need a nursing
22 home, please... the Department of Health told me
23 please build a nursing home there. And for whatever
24 happened... why it took so long I don't have to
25

2 rehash it but you all know why. But when I bought
3 this I bought it to build a nursing home, not to
4 keep it fallow. I bought it, it was fallow, it was
5 sitting there exactly the same thing that it was
6 for the last 50 years. It was housing a warehousing
7 for busses and for construction material. I have
8 not done a thing to upgrade that. I'm not going to
9 build a factory there when I want to build a
10 nursing home. So nothing has changed since I bought
11 it. And I haven't keep it... kept that way because I
12 said from day one that is what I want to do. Now in
13 light of the fact that... been mentioned, especially
14 the riveting story there is one nursing home
15 operator, that's me, I... I really have to go because
16 there's a lot at stake here. There's one nursing
17 home operator here who is trying to build a
18 facility and... where all of the New York City
19 seniors are losing their housing. Nursing homes are
20 being closed because there are nursing home
21 investors. Like I said I'm a nursing home operator.
22 I want to take this property and I want to take
23 nursing homes in New York City and in New York
24 state into the 21st century. And that is what we're
25 going to do there. Now because I'm an administrator

1 I am basically jack of all trades master of none
2 and that is why I have surrounded myself with the
3 masters. They know how to build nursing homes. They
4 know resiliency. They know evacuation. And not only
5 do I surround myself with professionals... my
6 employees that are here, your 1199 people are the
7 best damn employees when it comes to nursing homes.
8 And they've been in this facility for so many years
9 and they're the ones... I think it's testimony to the
10 fact that 1199, I'm an owner, I'm a manager, I'm an
11 administrator, and 1199 is here on my side. That is
12 very rare in today's day and age. And I really
13 thank 1199 for that because I know a lot of people
14 who... they don't get along with. They get along with
15 me very well. They want to see this facility. And
16 Mr. Bieber... our resident president who is my... who
17 is the president of our resident council, no... no
18 relation to Justin as he said, is... is here. And
19 because that I felt I have to speak because I want
20 to build a facility and I'm going to build the best
21 damn facility that New York City will ever see. Now
22 the reason I'm doing this is not because of the
23 money. You are right. This property is probably
24 worth a lot more money from when I bought it. I
25

1 don't remember what I paid for it. I have no idea
2 what it's worth now. I really have no idea. But I
3 know people are calling me to sell it. But I don't
4 want to sell it. I don't want to make money and
5 walk away and go back to my facility because I
6 don't know how long Oxford is going to stand where
7 it is. I don't know how much longer... I'm going to
8 try my damndest to keep it open but even if I keep
9 it open for another few years what about the 200
10 plus residents who are now living in conditions
11 which they could have so much better conditions.
12 Why should not... they not have the same benefit of
13 having a beautiful home that the people of...
14 residents of Red Hook now are enjoying, the
15 beautiful view? I am looking forward to be there
16 every single day. I currently work in the Bronx as
17 a full time administrator. I am looking forward to
18 be there every day on the job. That's what I do.
19 And I'm lucky because three of my children are
20 ready to follow in my footsteps. I followed my
21 dad's footsteps, my kids are in the business, and I
22 plan to run this new nursing home for many... many
23 years to come. And you will be very proud to come
24 10 15 years from now when Oxford is running and
25

1 we're providing the best damn care in the city. And
2 you're going to say Mr. Braunstein you were right.
3 I should have listened to you then. I did listen to
4 you then because you're going to eventually approve
5 this application. Thank you.

6 [applause]

7 HOWARD WEISS: Thank you Mr. Chairman,
8 Council Member Menchaca. Howard Weiss... Land Use
9 Council. So I've been doing this for 30 years at
10 the firm and before that 12 years in city
11 government doing land use, cut my teeth with Percy
12 Sutton actually. And notwithstanding that
13 background Ms. Betty Brown said something that
14 moves me to start my brief comments with the
15 following; god grant me the serenity to accept the
16 things I cannot to change, the wisdom to change the
17 things I can, and the courage to know the
18 difference. And that's really what has driven..
19 drives me professionally. So I sit here today at
20 this preceding before this body knowing that we
21 have some real challenges. But I was heartened by
22 something you said Mr. Chairman because we were one
23 of those who actually expressed concern and alarm
24 that this hearing was being held so quickly just a
25

2 week after the planning commission acted. But you
3 said today and I think it's heartening that it's...
4 the policy of this committee and this body under
5 the current leadership that these matters get
6 scheduled as early as possible to give the body the
7 maximum opportunity for the... deliberative process.
8 And what we will look forward to today, after today
9 is to try to go through that process. Maybe at the
10 end of the day I'm sorry to say this Mr. Braunstein
11 maybe we don't get there. But I really want to try
12 hard. What we want to do is really be able to sit
13 down if we can and discuss some of these issues
14 because for example I know Council Member Reynoso
15 who's very impassioned in terms of his mission and
16 the things he cares about said he doesn't believe
17 in restrictive covenant... this property in fact
18 would secure the... the building of the nursing home.
19 And if not that... then it would guarantee
20 manufacturing. Well I'm a Land Use attorney that's
21 been doing this for 30 years and I can assure you
22 we can come up with not a restrictive covenant but
23 a restrictive declaration that gives the council
24 standing to enforce it so that you would be insured
25 of what you need to be insured with. There's a lot

2 more that we want to do. All I'm asking for is that
3 after today we have that opportunity. Maybe we
4 don't get there but I have to say to you directly
5 Council Member Menchaca I have taken very seriously
6 and I respect everything you've said and every
7 concern you've expressed. And I know where it comes
8 from and I know the sincerity, I know the concern.
9 And that's why engage red land, that's what we
10 engage Vidaris. They were brought on after this
11 project was going forward but it was out of respect
12 for those concerns because quite frankly if they
13 couldn't have come back with what they came back I
14 might have then told [phonetic]... told the client
15 you know what we have to call a banker and sail
16 away. But after having got what we got from them
17 and having that confidence we really would like to
18 sit down and see whether we can satisfy these
19 concerns in the dialogue. And maybe we don't get
20 there but we really do over the next I guess we
21 have about 40 days left, we really want to try. And
22 thank you.

23 COUNCIL MEMBER MENCHACA: Thank you
24 again for... for all three of your testimonies.
25 Clearly I think we have some... some of the best

2 people working on this thoughtful process. And I
3 know Mr. Braunstein we've met several times in this
4 process in public rooms and also just conversations
5 to better understand the project itself. You've
6 been very helpful and... and open to time. And so I
7 just again want to publically thank you for that
8 work. In that time of our interactions...

9 BARRY BRAUNSTEIN: You... you did promise
10 me to come visit Oxford you haven't come yet.

11 COUNCIL MEMBER MENCHACA: Yeah.

12 BARRY BRAUNSTEIN: You might have a
13 different perspective.

14 COUNCIL MEMBER MENCHACA: Thank you for
15 that. What I want to say though about... about our
16 conversations is that there was never a doubt that
17 you are committed to making the best of what you
18 are in the business for which is nursing seniors in
19 your facilities. And that was never in question.
20 And that is not a question today. That is not in
21 question today. And that the fact that you have
22 1199 workers is a testament to you but also a
23 testament to the union itself and the work that
24 they do every day to protect our families and to
25 bring care. That is not in question today. And so I

2 guess what... what's important for us to realize is a
3 sense of... of... of the burden of proof and the burden
4 of responsibility. And what response... and... and I
5 guess what I'm trying to... to say here is that there
6 was a... there's a responsibility here today. And
7 there... there's different... a couple of questions
8 that you get to answer. Who's responsible right now
9 for figuring out the plan that was always known in
10 Oxford in Fort Green, who is responsible for making
11 sure that that facility transitions into a good and
12 safe place? If you can answer that. I... I'm assuming
13 to have an answer to that. But just from your
14 perspective as the owner, the operator, about who...
15 whose responsibility is it for making that long
16 term commitment to the senior center... sorry the
17 senior nursing home and the work that you did in
18 Fort Green.

19 BARRY BRAUNSTEIN: It is my
20 responsibility. And I take that very seriously and
21 proudly. And I could appreciate that you are
22 talking about your... the seniors and your seniors
23 who you have to... and they are the most vulnerable
24 population. I... I'm aware of that. I know exactly
25 how vulnerable they are because I've been running

2 nursing homes for 35 years. But at the end of the
3 day Mr. Menchaca they are your... they are going to
4 be your constituents but they're going to be my
5 residents. And ultimately I care as much as you do
6 about these... the welfare of these residents and
7 I'm... doubly that I am responsible for these
8 residents. That nursing home will be my
9 responsibility. And I'm going to make sure that
10 wherever it is those residents are they will be
11 very well taken care of. And I've proven that by
12 what I've been doing my whole life. Now you're
13 right. Is this the best place to build a nursing
14 home? I think Councilman Green... said it very well.
15 I don't know if any place is a good place... good
16 place to build a nursing home today. There are
17 better places and worse place but if we don't build
18 here this facility will not be rebuilt. It will not
19 be rebuilt. I will try to keep the old one open but
20 I don't know how long I could do it. There was a...
21 commission many years ago that said that we were
22 afraid the state was going to close us down. The
23 reason they didn't is because we told... they... number
24 one they knew who was running the facility but more
25 importantly they said we're not going to close down

2 Oxford because we know they're rebuilding the
3 facility. But had we not had plans to rebuild we
4 would not be open today anymore. So I... the
5 question... to answer your question I'm the one who's
6 responsible and I'm going to make sure it gets
7 done.

8 COUNCIL MEMBER MENCHACA: Great.

9 BARRY BRAUNSTEIN: With your help.

10 COUNCIL MEMBER MENCHACA: Thank you.

11 And... and... and I think that's my final note here.
12 The... the responsibility is with you and the
13 ownership of this facility. And what's important
14 here is that we're taking a responsibility as well
15 in the Land Use conversation and I think you've
16 kind of seen how we laid out a methodical and
17 thoughtful understanding of what this zoning is all
18 about, what the promise of this neighborhood as a
19 whole in... in a manufacturing district. And post
20 Sandy which happened after you purchased the
21 property. Even in a transparent move of yours where
22 you said very openly and publically that you wanted
23 to build a nursing home everything changed after
24 Sandy. We heard testimony from your team about how
25 the whole state is looking at how flood zones are

1 impacting building codes, how they're impacting
2 fuel refueling stations, and electrical grid... grid
3 work. The serenity prayer... I'll end with that
4 because I... I don't know if there's another panel
5 but I'll end with the serenity prayer. And you're
6 absolutely right. There are things that we can
7 change and there's things that we cannot change. We
8 are at a moment right now where we can change and
9 make a bold and visionary move against a 10 year,
10 13-year process. And that is... that is a bold move
11 that I'm... I'm incredibly... incredibly understanding
12 the leadership opportunity we have here as a city
13 to shift that planning process and shift the
14 ability for us to be building for vulnerable... the
15 most vulnerable populations. And I'm glad you agree
16 because we do... this is in constant conversations...
17 and this is not a place to do that. And we build it
18 in places where they are safest. That is my
19 commitment to our community that I currently
20 represent and anyone that I'm going to be in
21 potential future of representing. And that is a
22 commitment that I want to make to you and to
23 everyone here. Thank you.

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CHAIRPERSON RICHARDS: Well I want to thank you all for your testimony today. And I want to thank Council Member Menchaca and all of the different applicants and all of the people who came out today to testify whether in favor or in opposition of... of this particular project. I think it was a very respectful dialogue and whether people agree or not is another story. But it's... it's a good time to have conversations on creative tension in particular surrounding climate change which is a real thing. As the representative of the Rockaways I understand it well. And also as a representative of the Rockaways having probably more nursing homes than any part of the city I definitely get the challenges there as well and understand the importance of obviously still providing quality healthcare and building new facilities and not running away from that as well. So I... I want to thank everyone for coming out today to testify on this issue. We are now going to close the... the public hearing part of this on all preconsidered land use items today and we're going to lay these items for further consideration. Moving forward I want to thank everyone again... once

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SUBCOMMITTEE ON ZONING AND FRANCHISES

again for coming out and we look forward to
continuing the conversations on these items. Thank
you all. This hearing is now closed.

[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 June 8, 2016