

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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April 19, 2017
Start: 10:37 a.m.
Recess: 11:16 a.m.

HELD AT: 250 Broadway - Committee Rm
16th Fl

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

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

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

David Darcy, Architect
Appearing for: Clara Fazzino

2 [sound check, pause]

3 CHAIRPERSON RICHARDS: [gavel] Okay, good
4 morning. I'm Donovan Richards, Chair of the
5 Subcommittee on Zoning and Franchises. This morning
6 we are joined by Council Members Wills, Garodnick,
7 Vincent Gentile and we expect other to come over
8 shortly. We will be holding a public hearing on one
9 application today Land Use Item No. 592, the 901
10 Manor Road Commercial Overlay. We will be voting on
11 this item and three other items on our calendar after
12 the public hearing. Now, we will begin our public
13 hearing on Land Use Item No. 592, the 901 Manor Road
14 Commercial Overlay. This rezoning application would
15 establish a C1-1 Commercial Overlay District and
16 existing R3-1 district on property located near the
17 intersection of Manor Road and Tillman Street in
18 Staten Island. This rezoning would facilitate the
19 development of a 3,978 square foot commercial
20 building. The property is located in Council Member
21 Matteo's district, and he is submitting--submitted a
22 written statement expressing his support--and that
23 was spoken last week and I said two weeks--on this
24 application. I will now open the public hearing on
25 Land Use Item No. 592 and call up the applicant, and

2 we'll ask you to be brief, David Darcy representing--
3 am I saying this right? Clara Fazzino--Fazzino?

4 DAVID DARCY: [off mic] Fazzino is
5 correct.

6 CHAIRPERSON RICHARDS: Alrighty, I got it
7 right. I got it.

8 DAVID DARCY: [off mic] I'm here.

9 CHAIRPERSON RICHARDS: Oh, you're Darcy
10 okay, perfect. So you'll have a seat up there, sir.

11 DAVID DARCY: [off mic] Thank you.

12 CHAIRPERSON RICHARDS: Alrighty.
13 [background comments] And I'll just ask you to state
14 your name for the record and who you're representing
15 and then you may begin.

16 DAVID DARCY: Well, thank you. My name
17 is David Darcy. I'm the architect for--we're
18 representing Clara Fazzino for the 901 Manor Road
19 Project, which is located in Staten Island, New York,
20 and it pertains to a commercial zoning lay--overlay
21 extension. [background comments, pause] As was--as
22 was original--I'm sorry--as was originally briefed, the
23 project is located on the North Shore of Staten
24 Island in the Willowbrook section of Staten Island.
25 It is currently partially a Commercial C1-1 Zone, but

1 the C1-1 Zone does not align with my client's
2 ownership of her property. On the handout, the red
3 area of the site and along Manor Road is commercially
4 zoned, and the box area located behind is the
5 addition of my client's property, which is a total of
6 200 foot deep. My client is looking to have City
7 Planning extend the commercial zoning overlay 100
8 feet so it aligns with her ownership of that piece of
9 property since the—the 1980s. As you can see on the
10 map submitted, the—this is a commercial corridor of—
11 on Staten Island and there are adjacent commercial
12 properties to the north, and also to the south of my
13 client's property. One block away is a full block of
14 commercial property, which is actually occupied by
15 Walgreens and a large parking lot. Directly across
16 the street is also shopping, a laundrymat, and
17 various retail stores. On page 2 of the handout is
18 just a couple of site photographs showing that the
19 property is currently vacant. There's just some
20 miscellaneous shrubbery around, and it is controlled
21 by a traffic light on the intersection of Tillman and
22 Manor Road. Our proposal—turning to the page 3, or
23 proposal is to build a financial institution on the
24
25

2 corner of the property located on the corner of Manor
3 and Tillman.

4 CHAIRPERSON RICHARDS: You didn't say--
5 what is the financial? A bank or--?

6 DAVID DARCY: A bank yes.

7 CHAIRPERSON RICHARDS: Okay, got it.
8 Okay.

9 DAVID DARCY: And the parking would be
10 located behind that long Tillman Avenue. One of the
11 reasons why we located the financial institution or
12 the building towards the front of the property on
13 Manor Road is to align with the commercial
14 streetscape, and also to locate our driveway access
15 further down Tillman to alleviate any traffic
16 congestion located towards the--[coughs]-located
17 towards the corner. So that was the main reason for
18 locating our parking in the back of the property as
19 opposed to the front of the property. The final page
20 of the handout will show and represent that we're
21 looking to--based upon the contextual zoning in Staten
22 Island, we're also restricted looking to maintain a
23 one-story building, which will match the streetscape
24 on both sides of the street. Towards the north over
25 to the left side is individual buildings that look

2 like residential buildings and across Tillman is the
3 Manor House, which is a two-story restaurant bar and
4 catering facility. So it will be in the same height
5 portions with the surrounding neighborhood.

6 CHAIRPERSON RICHARDS: Great. Thank you.
7 I just have just one question. So, I'll ask you
8 what--did the community board or borough president
9 have any recommendations?

10 DAVID DARCY: Yes, the--

11 CHAIRPERSON RICHARDS: Okay, and then
12 lastly, I--so these are residential homes adjacent to
13 the property?

14 DAVID DARCY: That is correct.

15 CHAIRPERSON RICHARDS: It is. So, just
16 the question there is have you spoken to those
17 neighbors and will you have a rapport with them
18 moving forward in case any issues arise as we--as we
19 move through the process?

20 DAVID DARCY: I'll go with the first
21 question. Yes, it went through Community Board 2.
22 They're complete 100% supportive of the zoning
23 change, the zoning--commercial zoning lay--overlay
24 extension. They also appreciate and agreed with the
25 fact that we relocated our curb cuts further down

2 Tillman to alleviate any traffic congestions right at
3 the intersection itself. The Borough President also
4 supported the project and they also wanted and
5 requested that we widen Manor Road. Manor Road is to
6 be widened 4-1/2 feet at—from the edge of our
7 property, which actually will provide for a bus,
8 because there's a parking—there's a bus stop right on
9 the corner. So it will provide for a bus to pull off
10 to the side to allow traffic to continue down Manor
11 Road. So were supportive of those factors with this
12 development. In regards to the—the—my clients, the
13 Fazzinos have been long time neighbors, owning a
14 business in this area. So they are very familiar
15 with the families and people around, and they have
16 spoken to the neighboring people on their own block
17 surrounding their property.

18 CHAIRPERSON RICHARDS: Do they have any
19 concerns?

20 DAVID DARCY: Oh, no, no, no they—no they
21 were supportive and knew what they were looking to
22 do. Yes.

23 CHAIRPERSON RICHARDS: Alright. I'll go
24 to Council Member Wills.

2 COUNCIL MEMBER WILLS: Thank you, Mr.
3 Chair. Good morning, sir. Just have a really quick
4 question. You said that you were putting a bank?

5 DAVID DARCY: Yes.

6 COUNCIL MEMBER WILLS: Are you building
7 with respect for the bank?

8 DAVID DARCY: We will, yes. Right now
9 there is not a bank that has been signed on. They
10 have been in negotiations and discussions, but until
11 we have approval, nothing has moved forward.

12 COUNCIL MEMBER WILLS: And I can't be
13 sure, but I-I-I think it's not, but this is not a
14 baking district, is it?

15 DAVID DARCY: I know.

16 COUNCIL MEMBER WILLS: Are there other
17 banks in the area?

18 DAVID DARCY: No, actually not. That's
19 the reason why that the bank wants to come into the
20 area that there is a need for residential and
21 commercial banking n this area.

22 COUNCIL MEMBER WILLS: But you would be
23 open to a credit union also or is it just a specific
24 bank the commercial bank that you would want?

2 DAVID DARCY: The commercial bank. Yeah,
3 the commercial bank.

4 COUNCIL MEMBER WILLS: Alright, thank
5 you, thank you, Mr. Chair.

6 CHAIRPERSON RICHARDS: thank you. Any
7 other questions. Alrighty, thank you. Are there any
8 other members of the public who are here who wish to
9 testify on this issue? Okay, seeing none, I will
10 closet the public hearing on Land Use Item 592, and
11 we'll take a quick recess, and then come back.

12 [pause] Alrighty, we'll be voting on four items
13 today. We will be voting to approve Land Use Items
14 No. 591, the West 23rd Street Text Amendment; Land
15 Use Item No. 592, the 901 Manor Road Commercial
16 Overlay. We'll also be voting on modifications to
17 Land Use Items No. 589 and 590 and a motion to file
18 Land Use Item No. 601. Land Use Item No. 591, the
19 West 23rd Street Text Amendment would modify the bulk
20 regulations applicable to the Special West Chelsea
21 District to allow for the transfer of floor area
22 between portions of the proposed development, and
23 Council Member Johnson supports the approval of this
24 application. On Land Use Item 589 and 590, we will
25 be voting on a modification to restrict the Mandatory

1 Inclusionary Housing options on one of the two
2 development sites. The modification would allow for
3 Option No. 4, the so-called workforce option
4 requiring 30% of the building be set aside for units
5 affordable at 115% of the Area-Area Median Income on
6 one of the development sites. On the other site, the
7 committee will be voting on a modification, which
8 would eliminate the 30% at 115% AMI and instead the
9 development would be required to comply with Option
10 or Option 2 requiring either 25% of the development
11 at 60% of AMI or 30% at 80% AMI of the AMI as well.
12 In total, this rezoning will produce approximately 90
13 units of income restricted housing. This
14 neighborhood was identified in the Financial Study
15 that was prepared in preparation of the Mandatory
16 Inclusionary Housing program as a moderate housing
17 market. These types of housing markets who are
18 identified as areas where higher AMIs for the
19 affordability set-aside may be necessary to support
20 development. Here we were able to reach a compromise
21 thanks to the hard work of Council Member Levin. So
22 that the development as a whole will reach a wider
23 range of incomes. I know that Council Member Levin
24 worked long and hard with the need for additional
25

2 affordability and economic realities of the
3 development and its modification ensured that we push
4 further. These are not easy decisions, but with this
5 modification we are making this project significantly
6 better. So I want to thank Council Member Levin for
7 his work and turn it over to him. He did this all
8 with a newborn baby. I'm sure it added a few more
9 gray hairs to you, but appreciate your work on this.

10 COUNCIL MEMBER LEVIN: Thank you very
11 much, Chair Richards and members of the Subcommittee
12 and constituents who may be in attendance today.
13 I'll make this quick because I know that my
14 colleagues have to have other places to be, but I
15 want to thank particularly Community Board 3, their
16 Land Use Committee for working with this developer
17 and—and—and to Riverside for working for a number of
18 years on coming up with a—a responsible plan, and—and
19 so that was—is an exemplary level of community
20 engagement and the community board in particular,
21 community 3 and the Land Use Committee put a lot of—
22 of thoughtful work into this. So I want to just note
23 that. I want to thank Borough President Eric Adams
24 and Richard Bearak as his Land Use Director, and the
25 City Planning Commission for their work on this

1 matter, and I appreciate the recommendations that all
2 of those agencies put forward. I'd like to express
3 my gratitude to the Council Land Use Division Raju
4 Mann, Dylan Casey and Brian Paul as well as my staff
5 Legislative Director Julie Barrow, Communication
6 Directors Ed Paulino and Chief of Staff Jonathan
7 Boucher, all of whom spent countless hours with you
8 in this application. Additionally, I appreciate the
9 ongoing discussions that I've—I've had with the team
10 over the last several weeks at Riverside Development
11 and their representatives like Charlene Labelle and
12 Lisa Moore, and—and I appreciate those discussions
13 and their cooperation. Taking into consideration all
14 the issues and concerns raised by the community and
15 my colleagues, we have agreed to modify the
16 application to split the MIH to include a split of
17 MIH workforce option on one portion of the site,
18 which allows for 30% affordability at 115% average
19 AMI with a set-aside of 5% at 70%, and 5% at 90% of
20 AMIs. And MIH Option 2 or Option 1, but the
21 agreement was to allow Option 2, which is 30% and
22 average of 80% of AMI on the other portion of the
23 site. I'm pleased that this modification will
24 increase the number of—of more affordable units while
25

2 allowing the middle income units proposed in the
3 workforce to go through. I also want to note that in
4 conversation with the developer over the last several
5 hours they've agreed to continue conversations over
6 the next 24 hours before the full Land Use vote on
7 coming up with an agreement on-on prevailing wages
8 for building service workers. They've agreed to do
9 that in good faith. I want to urge them strongly to-
10 to ink an agreement over the never 24 hours before
11 the Land Use vote so that-so that we can ensure that
12 there are good jobs, good paying jobs, and
13 protections for building service workers in this
14 project. And so, it is, you know, it's my
15 expectation that-that-that-that good faith effort
16 will-will continue over the next 24 hours and hope
17 that there's a resolution at the time the Full Land
18 Use Committee votes tomorrow, and with that I'll turn
19 it back over to my co-chair. I want to thank also
20 sorry, Chair Richards and-and Chair Greenfield very
21 much for their help in-in getting this to a
22 conclusion. Thank you.

23 CHAIRPERSON RICHARDS: Thank you. I just
24 want to acknowledge we've been joined by Chair
25 Greenfield and also Council Member Antonio Reynoso.

2 Lastly, we'll—okay that would sit on this project.

3 Okay, lastly we'll be voting on a motion to file Land

4 Use Item 601, the Five-Mile Stone Café. This café

5 was withdrawn by the applicant. Lastly, we'll be

6 voting to approve Land Use Item No. 592, the 901

7 Manor Road Commercial Overlay. I will now call a

8 vote on the following items: The recommendation to

9 approve Land Use Items No. 591 and 592, a

10 recommendation to modify Land Use Item No. 589, and

11 590 as I described in my comments, and a motion to

12 file Land Use Item No. 601. A yes vote is a vote in

13 support of these recommendations. I will now ask the

14 Counsel to please call the roll.

15 LEGAL COUNSEL: Chair Richards.

16 CHAIRPERSON RICHARDS: I vote aye.

17 LEGAL COUNSEL: Council Member Gentile.

18 COUNCIL MEMBER GENTILE: Aye.

19 LEGAL COUNSEL: Council Member Garodnick.

20 COUNCIL MEMBER GARODNICK: Aye.

21 LEGAL COUNSEL: Council Member Wills.

22 COUNCIL MEMBER WILLS: Aye.

23 LEGAL COUNSEL: Council Member Reynoso.

24 COUNCIL MEMBER REYNOSO: Aye.

2 LEGAL COUNSEL: By a vote of 5 in the
3 affirmative, 0 in the negative and 0 abstentions,
4 Land Use Items 591 and 592 are approved. Land Use
5 Items 589 and 590 are approved with modifications,
6 and Land Use Item 601, motion filed is approved and
7 all items are referred to the full Land Use
8 Committee.

9 CHAIRPERSON RICHARDS: Okay. Thank you.
10 I want to thank all subcommittee. [pause] Alright,
11 we will hold this vote open for another 15 minutes.
12 [pause] [background comments]

13 LEGAL COUNSEL: Continued vote on
14 Subcommittee on Zoning and Franchises--

15 COUNCIL MEMBER WILLIAMS: [interposing] I
16 vote--

17 LEGAL COUNSEL: [interposing] Council
18 Member Williams.

19 COUNCIL MEMBER WILLIAMS: I'm sorry. I
20 vote aye on all except Land Use 589 and 590. I'm
21 going to abstain for now. I'm going to get
22 different--just new information before the full vote,
23 but I am extremely concerned about the horrendous use
24 of workforce option. Thank you. [pause]

2 LEGAL COUNSEL: The final vote count is 6
3 in the affirmative, 0 in the negative and 0
4 abstentions except for 58-Land Use Items 589 and 590,
5 which are 5 in the affirmative, 0 in the negative and
6 1 abstention.

7 COUNCIL MEMBER WILLIAMS: With that, the
8 hearing is now closed.

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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 April 30, 2017