

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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October 10, 2017
Start: 10:09 a.m.
Recess: 3:58 p.m.

HELD AT: Council Chambers - City Hall

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
Barry S. Grodenchik

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

Ann McCoy, Attorney
Law Firm of Eric Weinstein

Phillip Rampulla, Architect
Rampulla Associates Architects

Greg Fleischer, Principal Senior Scientist
Capital Environmental Consultants

Linh Do, Senior Vice President, AKRF

Pat Smith, Vice President of Real Estate
BJ's Wholesale Club

Beryl Thurman
North Shore Waterfront Conservancy, Staten Island

Andrea McArdle, Professor
CUNY School of Law

Linda Cohen

Jack Fondak, Coalition to Save the Wetlands

Gordon Neff, Professional Engineer

Emre Chella, (sic) Staten Island

Eric Goldstein, Environmental Director & Attorney
Natural Resources Defense Council

Tony Rose, Board of Directors
Natural Resources Protective Association
Eric Palatnik, Attorney

Jay Marcus
Fifth Avenue Committee, Site Developer

Dr. Daniel Honore, President
Northeastern Conference of Seventh Day Adventists

Stuart Markowitz, Architect

Ed Brown, Team Brown Consulting

Nora Martin, Real Estate Akerman, LLP

Emmanuel D'Amore, Architect
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Lisa Orrantia, Attorney
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Lauren George, Vice President
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Daniel Rad, Radson Development

Joe Cayre, Principal, Midtown Equities

Raymond Levin, Land Use Counsel
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Magnus Magnusson
Magnusson Architecture & Planning, PC MAP

Jeff Reuben, Environmental Consultant
Phil Habid Associates Environmental Consultants

Lee Silberstein, Real Estate Attorney
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Ron Ramos, Chair
Broadway Triangle Community Coalition

Alexandra Fennell, Network Organizer
Churches United for Fair Housing
Broadway Triangle Community Coalition Member

Luz Rosario, President
United Neighborhood Organization, UNO

Marty Needelman, Chief Counsel, Executive Director
Brooklyn Legal Services Corporation A

Shekar Krishnan, Legal Counsel and Director
Preserving Affordable Housing Program
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Rob Solano, Co-Executive Director
Churches United For Fair Housing, CUFFH

Jesus Gonzalez, Co-Executive Director
Churches United For Fair Housing, CUFFH

David Cohen, 32BJ SEIU

Varun Sanyal, Vice President, Economic Development
Brooklyn Chamber of Commerce
Appearing for: Andrew Hoan, President & CEO

Sam Levy, Real Estate Board of New York

Rabbi David Niederman
United Jewish Organization of Williamsburg

2 [sound check, pause] [background comment,
3 pause] [gavel]

4 CHAIRPERSON RICHARDS: Alrighty, good
5 morning. I'm Donovan Richards, Chair of the
6 Subcommittee on Zoning and Franchises, and today we
7 are joined by Council Members Gentile, Garodnick,
8 Reynoso, Torres, and Grodenchik. [background
9 comment] And we are also joined by Council Members
10 Rose, and also Council Member Barron as well. Today,
11 we have 11 applications on our agenda today. We are
12 going to have a lot of public hearings to get
13 through, so please remain patient if you are waiting
14 to testify. We are going to start with Land Use Item
15 No. 763, the Pop and Pour Sidewalk Café application
16 followed by the remaining public hearings. The
17 hearing on the Pfizer (sp?) application will be last,
18 and we hope to start by 11:00 a.m. Our first public
19 hearing is on—once again, on the Pop and Pour
20 Sidewalk Café, Land Use Item No. 763. The applicant
21 here is asking for approval of the sidewalk café with
22 12 tables and 21 chairs to be located at 200 Dyckman
23 Street in Council Member Rodriguez's district. I
24 will now open the public hearing for Land Use Item
25 No. 763. Is there anyone here to testify on this

2 item? Alrighty, are there any members of the public
3 who wish to testify on this item. Okay, seeing none,
4 I will now close the public hearing on Land Use Item
5 No. 763.

6 Our next public hearing is on the South
7 Avenue Retail Development, Land Use Item No. 759 and
8 760. This application is for zoning special permit
9 and city map amendment to facilitate the development
10 of a retail center located at 534 South Avenue in
11 Council Member Debbie Rose's district. The special
12 permit application would allow for large retail
13 establishments not currently permitted in the M1-1
14 Zoning District, and the Map Amendment would
15 eliminate several mapped by undevelopment-undeveloped
16 streets, and establish an extension of narrow
17 streets. I will now open the public hearing for Land
18 Use Item No. 759 and 760, and I'll just ask everyone
19 who speaks to identify themselves and who they're
20 representing, and I'll go to Council Member Rose if
21 she so wishes. Do you have any statement? No.
22 We'll go to the panel and McCarthy Lindau, Greg
23 Fletcher. Hopefully, I didn't butcher everybody's
24 name. Phil Rampulla, and I'll—and you may begin. Hi,
25 Ann.

2 ANN MCCOY: Hello. Good morning everyone
3 and Chair Richards, Council Member Rose and members
4 of the subcommittee, Council members. My name is Ann
5 McCoy. I'm from the Law Firm of Eric Weinstein. We
6 represent the applicant in the ULURP actions before.
7 I'm joined by our project team for these actions,
8 including Phil Rampulla or Rampulla Architects, Greg
9 Fleischer of Lindau (sic). We know the committee has
10 a long day. So, we're going to get right to our
11 presentation for the project that's in Council Member
12 Debbie Rose's district. Phil, just say your name.

13 PHILLIP RAMPULLA: Phillip Rampulla,
14 Rampulla Associates Architects. I'd like to turn
15 your attention to the aerial map to hone you in as to
16 where we are. To the left you'll the—an expressway,
17 and at the—to—to the left of the—to the left of the
18 screen, is actually the entrance to the Goethals
19 Bridge, which takes you right over to Jersey, New
20 Jersey. We're in the Mariners Harbor section of
21 Staten Island. The site you could see is—is outlined
22 in the middle of the picture. It has frontage on
23 Forest Avenue, and it has frontage on South Avenue.
24 South Avenue being the truck route. Directly across
25 the street from the site on Forest Avenue is an

2 existing Home Depot store. Ex-ex-exactly left to our
3 site is an existing United Artist movie theater.
4 There are--this entire section from South Avenue over
5 to your left is in a manufacturing zoning district.
6 To the right is an existing residential development.
7 Next slide, please. So, you--you can see from the
8 existing--from the--from the site plan, we are
9 proposing a traffic light on the right on South Ave--
10 on South Avenue with a dedicated left turn lane into
11 our site, and we are realigning the roadway through a
12 mapping action. There is an existing traffic light
13 that services the Home Depot. So, we wanted to align
14 with that traffic light. So, you'll see up on Forest
15 that we are shifting the roadway to the right in
16 order to have a four-way signalization at that
17 intersection. The larger bib box store, BJ's would
18 be at the bottom right, and there are two pad sites
19 up to the top, up at the top on either side, and
20 there is a BJ's service station. You'll see that
21 we're able to have a circu--circuitous route in the
22 shopping center itself for--for traffic, and all truck
23 deliveries will be to the rear of the larger
24 buildings. You'll see that there's a large swath
25 approximately 28 acres of green behind the large

2 buildings, which are wetlands, which I'll let our
3 environmentalist talk about. One of the things we
4 were conscious about was pedestrian access into the
5 site. There's an existing bus route on Forest. So,
6 I you can go to the next slide, please. We are
7 required to do bioswales in the parking lot. So,
8 instead of doing our regular 8-foot wide bioswale, we
9 increased the width of the bioswales to 16 feet, and
10 we put pedestrian access ways, which you can see on
11 the screen so that people have a safe way of getting
12 from the stores to the streets without having to walk
13 through a busy parking lot. Go ahead. Here is a
14 time lapsed view of the trees to be planted. At the
15 top are newly planted trees of 3-inch caliper. They
16 actually adapt well to the environment when they're a
17 smaller caliper. After five years is the middle
18 screen, and after ten years is the bottom screen, and
19 that is a different view of the larger building in
20 the rear with the same time lapse for trees.

21 ANN MCCOY: Ann McCoy again. I just-
22 briefly, I just wanted to outline the two actions
23 that are in front of you. First there is an
24 amendment to the city map, which you'll see our
25 project site is outlined in red. The streets that

2 are denoted in yellow are proposed to be the map.
3 They are paper streets. They're not built streets.
4 The vast majority of them are regulated wetland, and
5 we are removing that from the city map to ensure that
6 there would never be any development within those
7 areas. As Phil described, we are widening the
8 northern portion of Forest Street to provide a
9 properly T-lined intersection with the existing
10 traffic light on Forest Avenue with homes above.
11 (sic) And the area in blue would be land given from
12 us to the city to widen that street, and align it.
13 The section action is the special permit, and that's
14 pursuant to Section 74922 of the Zoning Resolution.
15 It has a very limited purpose, and that is to allow
16 certain retail uses to exceed 10,000 square feet in
17 size such as the BJ's Wholesale Club, which there is
18 inside these four, subject to these proceedings, and
19 also a proposed supermarket. I would note that all
20 of the uses that we're proposing are as-of-right M1
21 district, but again there is this limitation
22 certainly such as food stores cannot be larger than
23 10,000 square feet per establishment. So, we're not
24 asking for or receiving any additional floor area.
25 In fact, we're only developing approximately 18% of

2 the floor area permitted on this site. The special
3 permit simply gives the applicant what we believe tis
4 the needed flexibility to tenant the site with an
5 appropriate mix of tenants that is larger than the
6 limitation of the 10,000 square feet that works
7 within the neighborhood. Next, you're going to hear
8 from Greg Fleischer, who is our natural resources
9 expert. He's going to discuss what we believe we'll
10 be hearing later on in the morning is, and this is
11 referred throughout this public process, and that's
12 namely our Wetland Preservation Program, and our
13 Storm Water Management System. Greg will explain it
14 in greater detail with these next slides, but I would
15 just note that our plan that we have is the result of
16 literally decades of work with New York State DEC to
17 come up with an appropriate balance with the
18 conservation and development of this site. Over the
19 past couple of years, we've been working with Council
20 Member Rose, and she has been facilitating meeting
21 with us with residents and constituents and local
22 environmental groups to get the answers that they
23 need, and we're grateful and thankful that she's
24 facilitated those conversations so that we have the
25 opportunity to explain what this project does, and

2 even more importantly what it won't do. I'm going to
3 turn it over to Greg now for his presentation.

4 GREG FLEISCHER: Good morning, Greg
5 Fleischer, Capital Environmental Consultants.
6 Chairman Richards, Council Members, thank you for
7 letting us speak here this morning. Appreciate it.

8 CHAIRPERSON RICHARDS: Just speak into
9 the mic a little closer.

10 CHAIRPERSON GREENFIELD: Sure. How's
11 that?

12 CHAIRPERSON RICHARDS: Thank you. It's
13 good.

14 GREG FLEISCHER: So, the Wetland
15 Preservation and Enhancement Plan you see here is the
16 result of decades of work between the Ownership
17 Project Team and New York State DEC that culminated
18 in 2012 with the conditionally approved development
19 footprint for the project site located outside of the
20 DEC regulated wetlands. So, what you see on the
21 screen before you is the project design is basically
22 focused on the northern portion of the site, and on
23 the southern portion, what you're seeing is a 10.77
24 acre Wetland Preservation and Enhancement Area, and
25 the pointers aren't working. So, what—what you could

1 see and it's a little difficult here are the wetland
2 lines, which are—are sort of determining where our—
3 our actions are here, and we're preserving 6.94 acres
4 of wetlands, which are regulated wetlands on the
5 site, and then we're putting forth another 3.83 acres
6 of enhancements and buffer plantings, and the result
7 of this really is we're going to wind up putting in
8 2,200 new trees, 9,000 new shrubs and—and this is all
9 going to be providing great benefits and enhancing
10 this wetland that is existing, and which can provide
11 food and habitat and cover for area wildlife,
12 increased flood and storm sewer control capacity, and
13 most importantly here is to promote continuity among
14 the wetlands located south of the site, and adjacent
15 to the site, and that's Graniteville Swamp Park, the
16 southern portion of our site, and oak based crew
17 (sic) to the south, and we're basically protecting
18 and enhancing this entire area. And I think as—as
19 part of this process I'd like to just briefly explain
20 how we came to these wetland lines and a little bit
21 of the history here on the site, and the—the
22 applicant purchased the property in 1977, and that
23 was lot 1, which is primarily the central and western
24 portions of the site. And in 1981, New York State
25

2 DEC came out with tentative freshwater wetland maps,
3 which did not identify any wetlands on the subject
4 property. So, our applicant here Mr. Alpert then in
5 1984 purchased Lot 5, which the Lots 1 and 5 now
6 comprise the entire site, and at that time there were
7 no wetlands mapped on the site. DEC subsequently in
8 1986 and then in '87 came out with final wetland
9 maps, which did, in fact, now depict wetlands on the
10 subject property, and primarily there was one large
11 wetland, which is the wetland where—we're 100%
12 preserving on the southern portion of the site, and
13 there were three small isolated wetlands along the
14 northern portion of the site near Morrow Street,
15 Forest Avenue and the corner of Ramapo and south.
16 And what we did was we entered into a Freshwater
17 Wetlands Appeals Board action with the New York State
18 DEC for development of this site. As the wetlands
19 were not mapped, it was a hardship for the applicant
20 and we worked with DEC over the course of decades in
21 order to come up with a comprehensive site plan here,
22 which was overly protected by the wetlands in the
23 area, and this what you're seeing before you here
24 today is a culmination of those efforts with DEC in
25 2012, and again, it provides for just about seven

2 acres of preserved wetlands, just under four acres of
3 wetland enhancements all along the southern portion
4 of this property that would both help to protect the
5 wetlands, and to maintain very, very good protection
6 against storm surge in the event of large scale
7 storms that could potentially hit the area. In-in
8 this instance here, we're an inland property, and we--
9 as you all know in Staten Island and other areas they
10 do have resilience measures along the shoreline,
11 which they're implementing, and we don't have that
12 luxury here as an inland site, and so the idea to
13 protect against storm surge here is to really buffer
14 these wetlands, and create an area where they're
15 preserving and buffering, and that's the greatest
16 thing you can do here to protect here against storm
17 surge. So to go into storm water and water quality,
18 the-100% of the site's storm water will be retained
19 and treated on site. The design here shows that no
20 storm water absorbed under the predevelopment
21 scenario will migrate off the site in the post-
22 development scenario, and as Phil highlighted for
23 you, we're going to be having many things here:
24 Bioswales, a retention basin. We're going to be
25 infiltrating green GI practices, everything we can do

2 to maintain the storm water on this site at pre-
3 development levels come post-development. We're
4 required to do that by the city's general permit for
5 storm water discharges from construction activity.
6 We'll be held to those standards. The--the--there's no
7 risk at all to any of the adjacent properties of
8 flooding as a result of this project due to our
9 requirement to maintain the storm water quality and
10 quantity here on the project site.

11 ANN MCCOY: Last but not least, I'm going
12 to introduce Linh Do, who is from AKRF. They are the
13 authors of the Environmental Impact Statement, and
14 Lyn is just going to walk through our traffic
15 studies, mitigation and post-construction, our
16 management plan.

17 LINH DO: Good morning, Council Members.
18 I will briefly discuss the traffic concerns raised by
19 the community and by Council Member Rose. So, in
20 addition to natural resources, there's concern raised
21 regarding the traffic that will be coming to the
22 site. In consultation with City Planning and the
23 Department of Transportation, we considered about 28
24 intersections for analysis and for screening. Of
25 that, we conducted detailed analysis that indicated

2 there might be seven intersections that could be
3 adversely impacted for which we have provided and
4 proposed mitigation for to fully address those
5 issues. Those have been reviewed by DOT and City
6 Planning, and—and have been approved of. But in
7 addition to that, they have requested that we do a
8 Post-Opening Traffic Monitoring. That is to say once
9 the retail center is open and operational and the
10 traffic patterns have normalized, we would go back
11 and check to see whether or not the measures that we
12 have proposed are adequately addressing the traffic
13 situation caused by our project. As part of that and
14 in consultation and—and discussions with Council
15 Member Rose and members of the community including
16 the Homeowners' Association, as part of that traffic
17 monitoring plan, we will take into account some of
18 the issues that were raised by residents, the nearby
19 residents including diverted traffic and so on. So,
20 there is a continuation. It doesn't end with just
21 the Impact Statement, but also a commitment to do
22 further studies once the project is operational.
23 Thank you.

24 ANN MCCOY: And we're available for any
25 questions.

2 CHAIRPERSON RICHARDS: Thank you Ann.
3 Alrighty, so I'll start with a few and then turn it
4 over to Council Member Rose. So, what would you be
5 permitted to build if we did not give the Special
6 Permit today? What--?

7 ANN MCCOY: So, I show the as-of-right
8 alternative that was studied in the Environmental
9 Impact Statement, and it looks somewhat similar to
10 this except it would be—I believe what we studied was
11 228,000 square feet of commercial development. It
12 couldn't take this one. It—it—there are certain uses
13 that can exceed 10,000 square feet that include toy
14 stores, pet stores, liquor stores, commercial office
15 space. So, you probably have a series of smaller
16 tenants or ones that were permitted to exceed 10,000
17 square feet.

18 CHAIRPERSON RICHARDS: So like a strip
19 mall.

20 ANN MCCOY: Yes. Like s a strip mall.

21 CHAIRPERSON RICHARDS: And so, and what
22 type of retail? So, obviously this would give you
23 the tools to bring in big box? Are there any talks
24 of what type of retail would go into the area so far?

2 Have you been speaking to any organizations or
3 companies about coming in?

4 ANN MCCOY: Right. So, we do-BJ's
5 Wholesale Club, which is--

6 CHAIRPERSON RICHARDS: [interposing] BJ
7 is the wholesaler?

8 ANN MCCOY: Yeah, the whole-the
9 wholesaler club, right. Staten Island has--well,
10 you'll hear from the BJ's representative a little bit
11 later, but Staten Island has one wholesale club, and
12 that is Costco. So, BJ's has been involved in this
13 project. They have a signed lease for the site
14 pending the approval that we need here. That would
15 be the largest tenant on the site. It would be in
16 the building that's been marked Retail C. Approx-
17 approximately 90,000 square feet. The other-the
18 second largest tenant on this site is-is proposed to
19 be or the thought is it will be a supermarket, and,
20 you know, it depends on the outcome of these
21 proceedings in terms of our tenanting. (sic) The
22 past path sites, which are rotated closest to Forest
23 Avenue, those typically will take the form of a
24 restaurant-

25 ANTHONY: [off mic] Or banks.

2 ANN MCCOY: --or banks, telephone
3 service, et cetera. So, it is--it is the Special
4 Permit, which alleviates that constraint of 10,000
5 square feet for certain uses that--that we believe
6 gives us the needed flexibility to just make a better
7 tenant next to you that will serve the, you know,
8 what the community needs.

9 CHAIRPERSON RICHARDS: And let's talk
10 about impact for a second. So, this is a wetland,
11 and I'm assuming you have to get rid of trees. So,
12 how many trees are being removed from the site, and--
13 and I'm assuming DEC would tell you or you would have
14 to replace some. So, what's our net worth, and are
15 we going to see a net gain here?

16 GREG FLEISCHER: Absolutely. It's a good
17 question. So, as--as part of the process here, and
18 working with DEC to establish the plan, we have to
19 compensate for about 1,800 trees that are going to be
20 removed on a norther portion of the site for the
21 development with buildings and parking. But as a
22 requirement of our DEC permit, we have to plant 2,200
23 trees.

24 CHAIRPERSON RICHARDS: And that's not
25 including the bioswales?

2 GREG FLEISCHER: And then—and then we're
3 going to have another 100–241 trees within the
4 parking lot for landscaping.

5 CHAIRPERSON RICHARDS: Okay.

6 GREG FLEISCHER: So--

7 CHAIRPERSON RICHARDS: [interposing] And
8 does that include the bio—this does not include the
9 bioswales?

10 GREG FLEISCHER: [interposing] It does.
11 Some of those—those tree plantings would be within or
12 as part of the—the bioswale system.

13 CHAIRPERSON RICHARDS: And when would
14 start? And I'm—these trees are going to be in the
15 infant stages, right? So, it will take a while to--

16 GREG FLEISCHER: Yeah, that's—that's—
17 that's another good—good question. The—the trees
18 that we're putting here these native trees are
19 typically fast growing, and so a lot of the trees
20 that are coming in here are going to be, you know,
21 growing at around two, you know, a foot to two feet a
22 year, and what we're doing as part of the plan,
23 things in the—in the requirement that DEC has had, 2-
24 1/2-inch to 3-inch caliper trees, and the reason for
25 that is because those trees are able to establish a

2 lot faster than putting in mature trees or larger
3 trees, and they find that you have a greater
4 mitigation success rate in the long run if you had
5 these sort of 2 to 3-inch caliper trees rather than
6 larger trees rather than larger ones.

7 CHAIRPERSON RICHARDS: And this go
8 through. How many bioswales or do you have a
9 ballpark figure on--?

10 GREG FLEISCHER: Well, eight.

11 CHAIRPERSON RICHARDS: [interposing]
12 Because I'm—I'm assuming you can appreciate sort of
13 some of the concern here that this a wetland, and—
14 and, you know we're not going to build what you would
15 still have the right to do as-of-right, but in the
16 day of climate change, there are going to be concerns
17 around you removing a wetland. What state of the
18 wetland—what state was the wetland in prior, or what
19 state is it in now?

20 GREG FLEISCHER: Sure. (coughs)

21 ANN MCCOY: [interposing] If I could just
22 jump in here and just talk about the—the—we're not
23 building in the regulated wetlands. That's something
24 you may hear today, but we're not, but if Greg could
25 just elaborate on the—on the isolated former

2 regulated wetlands, and their condition and what the
3 plan is.

4 GREG FLEISCHER: Sure. So, so as-as you
5 look at the project site, again on-on the lower
6 portion of the site we're preserving this regulated
7 wetland, which is 6.94 acres. There's also three
8 very small isolated wetlands up by the-the small
9 retail building, the center by Dwarf Street, and on
10 the corners by-along south. And those wetlands were-
11 we reviewed those with the DEC and the DEC felt that
12 they only wanted to regulate the large wetland on the
13 lower portion of the site to maintain continuity with
14 the wetlands to the west on Graniteville Park, the
15 mitigation area behind United Artist Theater, and
16 then Old Place Creek. Now, the isolated wetlands
17 were also reviewed by the Army Corps of Engineers
18 numerous times, and we've gone out with them, and
19 they were determined to be isolated, and non-
20 jurisdictional. Meaning they didn't have any
21 connection to the larger wetland on-all the way on
22 the southern portion of the site, and-and the reason
23 for that dates back to the historical disturbances
24 that have occurred on this northern portion of the
25 site. In the northwest there was a go-cart track.

2 In the central portion there was some housing at some
3 point, and then along Garrick Street on the west side
4 there was some more housing. And then along South
5 Avenue, there was a widening of the road, and--and the
6 result of all those disturbances had let some storm
7 water from the surrounding streets at times make its
8 way into these little isolated pockets, and that's
9 what those isolated wetlands represent. They don't
10 really do much of anything else. They just function
11 to sort of pick up some isolated storm water off of
12 the roadways. They don't have a link or--or any
13 connection to the lower wetland on the southern
14 portion of the site.

15 CHAIRPERSON RICHARDS: Last question
16 before I go to Council Member Rose, and the
17 surrounding area obviously this area served as
18 buffer, right?

19 GREG FLEISCHER: Uh-hm.

20 CHAIRPERSON RICHARDS: Are familiar--have
21 you been in talks with DEP? Is there infrastructure
22 in the surrounding community that is sufficient
23 enough in case the storm water runoff plan is not at
24 100%?

25 GREG FLEISCHER: Well, we're--

2 CHAIRPERSON RICHARDS: [interposing] Are
3 you familiar—was there any flooding in the adjacent
4 areas now that DEP would need to put infrastructure
5 in?

6 GREG FLEISCHER: That's—that's not an
7 issue that we're in anyway aware of, and—and the
8 Storm Water Pollution Prevention Plan we have to put
9 together as part of the site and maintain over, you
10 know, in perpetuity has to treat 100% of the storm
11 water that falls in this site, and there is not to be
12 any impacts on adjacent properties whatsoever. You
13 can't—you just simply can't have that.

14 CHAIRPERSON RICHARDS: Okay. I'm going
15 to go to Council Member Rose for questions.

16 COUNCIL MEMBER ROSE: Thank you, Chair
17 Richards, and we've had several meetings to
18 facilitate the dialogue and to answer questions, but
19 I think it's very important that we give the public
20 an opportunity to—to express some of their concerns,
21 and some of them are regarding the wetlands as—as,
22 you very well know. And the fact that several sites
23 have been demapped. What kind of monitoring program
24 is required with the DEC permits that you were given
25 to sort of demap these sites?

2 GREG FLEISCHER: Typically, when you're-
3 when you're issued a DEC permit, you need to-on the
4 most part, usually for five years you need to monitor
5 the wetland plantings that are in place, and you need
6 to have a minimum a 90% survival rate, and that whole
7 area will need to be deed restricted in perpetuity.
8 So, so- the area will be protected. It will be
9 maintained, and it will make-you will have to make
10 sure as part of that deed restriction that the-that
11 the plantings are a success, and do whatever it takes
12 to make it successful.

13 COUNCIL MEMBER ROSE: And so, the
14 oversight of the monitoring only happens within a
15 five-year timeframe? Is there periodic oversight
16 with-before the five-year timeframe, and thereafter?

17 GREG FLEISCHER: So-so there would be-as
18 part of the permit there would be the five-year
19 monitoring period, and then as-as-also as part of
20 the-the Storm Water Pollution Prevention Plan, we-we
21 have the storm water basin that's on the southern
22 portion of the site. We need to maintain that in
23 perpetuity that maintenance plan. So, the idea here
24 would be to-to maintain and make sure the plantings
25 are a success after five years, and typically at that

2 point, you would have a natural succession to occur,
3 and if the planting is done right, and the mitigation
4 plantings are successful, that's exactly what should
5 happen. It should—it should sort of blend in with
6 the existing environment that surrounds the property.

7 COUNCIL MEMBER ROSE: And will this
8 monitoring program provide—also provide the data
9 that's necessary to determine how effective the
10 wetlands are in managing the storm water on the site?

11 GREG FLEISCHER: Well, the—the wetlands
12 won't be directly managing the—the storm water on the
13 site, but they will be—they will be—the storm water
14 will be making its way to those wetlands at the same
15 rate and the same quantity that it is now. We're
16 required for this SWIP to do that. But you will
17 absolutely see that these wetlands plants are a
18 success. They—they will have to be, and you will see
19 that in the tree growth and the shrub growth and the
20 wildlife that you'll see in the area. Those will be
21 good markers.

22 COUNCIL MEMBER ROSE: And what if the
23 data shows that you're not able to maintain or
24 contain the—the storm water runoff or—or how the
25 wetlands are being impacted?

2 GREG FLEISCHER: Sure, sure. So, so with
3 regard to the storm water runoff, you know, as-as
4 part of the design, we designed for a 1-year, a 10-
5 year and 100-year storm, and a 100-year storm here in
6 this basin and this storm water infrastructure can
7 accommodate say up to 9.1 inches of water, and as
8 sort of a benchmark or a reference, Hurricane Irene
9 in 2011 we had about 7.-I think it was 7.2 or 7.8
10 inches of water. So, the-the-the chance of any storm
11 water escaping this site and this designed system or-
12 or us impacting any adjacent properties, are really
13 no-you know, really non-existent, but should by some
14 chance there be an issue, part of your SWIP is to
15 have in a way adaptive management, and to come in
16 and-and adapt your system to better treat that storm
17 water if that were-if that as determined to be the
18 case, and the same would go for wetlands. As part of
19 the mitigation plan, if you're two to three years
20 into it, and you don't see that you have a planning
21 success, you have to adaptively manage that, and you
22 have to work with the department, and we would be
23 required to because we have to have a successful
24 planting.

2 COUNCIL MEMBER ROSE: Is there any
3 mechanism in place that would mandate that that
4 happens? Because, you know, often times--

5 GREG FLEISCHER: [interposing] Of course/

6 COUNCIL MEMBER ROSE: --we're--we're told
7 that okay, this is what we can expect. It exceeds
8 that expectation.

9 GREG FLEISCHER: Uh-hm.

10 COUNCIL MEMBER ROSE: But, what recourse
11 do we have to make sure that if, in fact, that is the
12 case, it's mitigated?

13 GREG FLEISCHER: Of course, it's--it's a
14 great question, and--and as part of the--the
15 Mitigation Plan, you--you have to have a restricted
16 declaration. You are required to do this monitoring
17 and maintenance. If it's not a success, the
18 department would know that--we know that not at the
19 five-year benchmark, but you would know that. You
20 know, a good two or three years into it, and you
21 would have to adaptively manage that. The department
22 would require it of you because you're--you're
23 required by the deed restriction to maintain it.

24 PHILLIP RAMPULLA: If I may, the deed
25 restriction will last in perpetuity, and the water

2 feature that we have in the back is very similar to
3 the Bluebelt Program that the city is instituting on
4 the South Shore of Staten Island in that we have a
5 path to get to that water feature to periodically
6 clean it of silts that settle at the bottom of it to
7 make sure that it works in a proper—in its proper
8 fashion.

9 COUNCIL MEMBER ROSE: If the—if it
10 exceeds the—the 7-inch—was it seven inch?

11 GREG FLEISCHER: Nine inches.

12 PHILLIP RAMPULLA: 9.1.

13 GREG FLEISCHER: 9.1 which is--

14 COUNCIL MEMBER ROSE: Okay, if it exceeds
15 the acceptable guidelines, what would be the impact
16 on the surrounding community? Would it—what would be
17 the impact on the surrounding community?

18 GREG FLEISCHER: Sure. No, but that's—
19 that's just another great question. So, in the event
20 that you had this—this huge storm event, and there
21 was, you know, something greater than a storm event
22 like Irene, which was 7.1 inches, there is first and
23 foremost a safety feature built into the storm water
24 system. So, although it can retain up to 9.2 inches
25 of water, in a huge storm there's a 15% emergency

2 capacity that allows you even more coverage and to-
3 the ability to do absorb even more storm water in
4 that. So, there-so, there's safety features built
5 into that basin, into that system.

6 COUNCIL MEMBER ROSE: Another issue is
7 the Graniteville Swamp, and so can you show us and
8 tell us what the boundaries of the Graniteville Swamp
9 and its proximity to the project, the actual project?

10 GREG FLEISCHER: Sure. Do-do you want me
11 to get up and show you, or just try-try to dictate
12 where it is?

13 ANN MCCOY: I can try that.

14 GREG FLEISCHER: I'll do it.

15 ANN MCCOY: You'll do it.

16 COUNCIL MEMBER ROSE: Can you-you have a
17 pointer.

18 GREG FLEISCHER: We do. It's not-it
19 doesn't work on this screen, though. So, starting on
20 the left, all the way on the west is Graniteville
21 Swamp Park, and then you can see that there's some
22 development, and some cleared area, and then there's
23 behind the United Artist Movie Theater there's some
24 uplands that related to the wetlands that's just
25 below it, and then as you move to the west, you come

2 to our property where we have this--this wooded area,
3 and then wetland, which we're preserving, which Phil
4 is outline. That's the 10.77 acre preservation and
5 enhancement area, and then what's south of that is
6 Old Place Creek. So, what we're doing from left to
7 right, from west to east is we're preserving this
8 huge swath of area, and keeping all the development
9 situated to the northern portion along Forest Avenue.

10 COUNCIL MEMBER ROSE: This is a--a huge
11 project. I think it's going to cover five acres,
12 right? About five acres?

13 ANN MCCOY: The project site in total is
14 28 acres, and the preservation area is approximately
15 11--

16 COUNCIL MEMBER ROSE: Okay.

17 GREG FLEISCHER: Yeah

18 ANN MCCOY: --or 7-17, approximately 17.

19 COUNCIL MEMBER ROSE: How many acres
20 separates Graniteville Swamp from your actual
21 hardened surface of this project?

22 GREG FLEISCHER: That's--that's a great
23 question. So, the wetland on the southern portion of
24 the property that we're preserving is about seven
25 acres, and then above that we're having a 3.83-acre

2 buffer and enhancement area. So, almost four acres
3 sits between the development and the majority of the
4 wetland.

5 COUNCIL MEMBER ROSE: And what impact
6 does this project have on the Graniteville Swamp?

7 GREG FLEISCHER: So, what it does is it--
8 it acts to preserve it, really. What--what we're
9 doing is we're preserving all those wetlands on our
10 property that are adjacent to the Graniteville Swamp,
11 and adjacent Old Place Creek, which sits below us.
12 So, we're protecting the wetland, and then providing
13 this buffer around it from the development.

14 COUNCIL MEMBER ROSE: And are there any
15 sustainable measures that you're taking that go above
16 and beyond the required wetland mitigation, renewable
17 energy, reducing the effects of urban heat, island
18 effects or reducing water or energy consumption, or
19 any other measures you're taking to mitigate the, you
20 know--

21 GREG FLEISCHER: Yes.

22 COUNCIL MEMBER ROSE: --issues?

23 [background comment]

24 PHILLIP RAMPULLA: Phillip Rampulla. One
25 of the things we did do is increase the size of the

2 bioswales so they have double the capacity that would
3 normally be required. So, in-in-in that-in that
4 realm, the parking lot and the hard surfaces would be
5 covered more by trees as the development matures
6 itself. We do not have a program for a green roof,
7 but we are doing water conservation, domestic water
8 conservation devices. [background comment]

9 COUNCIL MEMBER ROSE: Would the developer
10 considered any of these other mitigation tools?

11 PHILLIP RAMPULLA: Possibly, but because
12 of our large spans for a big box, the size of the
13 steel increases tremendously if we were to do
14 anything on the roof, but we'll take it under
15 consideration.

16 GREG FLEISCHER: I-I would also add that
17 as-as part of the Storm Water Pollution Prevention
18 Plan, we have to institute green infrastructure
19 practices to the maximum extent we possibly can here,
20 and to do that, we are doing the bioswales, as Phil
21 alluded to. We're going to have infiltration through
22 dry wells, and so, to-to the best that we can we're
23 going to try and infiltrate as much of the water on
24 site.

2 COUNCIL MEMBER ROSE: And your hard
3 structure, how will these buildings be resilient in
4 the face of future flooding events, and what are
5 doing that would go above and beyond Application G of
6 the Building Code?

7 PHILLIP RAMPULLA: Well, we're—we're not
8 in a—in a—we have set the buildings at elevation 16.
9 So, that's 16 feet above zero being the ocean. So,
10 we're well above any kind of flood that may happen in
11 the site. So, the buildings will be at or above
12 elevation 16.

13 COUNCIL MEMBER ROSE: What—what type of
14 maintenance program is required or will you involve
15 in maintaining the bioswales, the street trees, and
16 wetland mitigation areas?

17 EDWARD FERRIER: Sure. So, as—for the
18 wetlands, we're going to be bound by the—by the DEC
19 Restrictive Declaration or—or the deed restriction.
20 For storm water we're bound by the—the city's general
21 permit and our—Storm Water Prevention Pollution Plan
22 to maintain any device that we have on this site for
23 treating the storm water, and there's a comprehensive
24 maintenance plan that—that goes on a—a quarter—you
25 know, a yearly and a quarterly plan so that we're

2 always constantly evaluating these items, and them
3 storm water management practices to make sure that
4 they're functional.

5 COUNCIL MEMBER ROSE: The—the removal of
6 the trees is a huge concern, and—and primarily
7 because of the canopy. It's—it's—it's a beautiful
8 canopy that exists now. That won't exist when you
9 replace the trees, and it will take about ten years
10 before the trees are of some size. Will you make a
11 commitment to maintain those trees, and if they die
12 in the interim that they'll be replaced?

13 PHILLIP RAMPULLA: Yes.

14 ANN MCCOY: Yes.

15 PHILLIP RAMPULLA: We're required by—by
16 Zoning to maintain those trees in the parking lot.
17 They're—they're part of a—a zoning requirement.

18 ANN MCCOY: Ann McCoy. Yes, so when we
19 have the—the front, the development particularly in
20 the front has over 1.5 acres of the trees and the
21 bioswales. It's 4, as is the zoning requirement.
22 The applicant also has a vested interest in having an
23 attractive site for its tenants, and would—and so, in
24 addition to being required under the Zoning

2 Resolution they would have an interest in doing that
3 as well.

4 COUNCIL MEMBER ROSE: In our conversations
5 we've had with the community, there's the concerns
6 about the traffic, and—and how we plan to mitigate
7 the traffic. What are we going to do about
8 monitoring the traffic, and what measures could we
9 take to mitigate in the case of when we find—if we
10 find that traffic is going to be an impediment to the
11 community?

12 LINH DO: So, Councilman Rose, as I noted
13 before, we have been reviewing the plans and
14 obviously any of the mitigation proposals that we
15 have must be vetted and approved by the Department of
16 Transportation since it's their network. Among the
17 things that we had originally proposed was a traffic
18 light specifically at the entrance on Forest—on South
19 Avenue into our site. DOT originally did not—did not
20 value that, and asked us to remove it, but I think
21 after conversations with the Community Board and with
22 actually your office, we were able to get them to say
23 that this made sense. We're able to do some re-
24 striking without necessarily widening the road to
25 allow for exclusive left turns. That way you get

2 the—you get those turning cars out of the flow of
3 traffic and still maintain through-through traffic,
4 through the intersection. That's one measure. There
5 are other measures along the way that—that we'll
6 daylighting, for example, or changing the signal
7 timings to be more progressive and connect our
8 signals with upstream and downstream signals to make
9 sure we try to keep the flow going. Obviously, we
10 also had committed to doing a post-opening traffic
11 mitigation plan, and there is really where all of the
12 projections become a reality. So, we have a whole
13 bunch of assumptions that we assumed in the document.
14 The question is once it's operating, and people come
15 to the site, what is the real time issues there, and
16 this monitoring plan allows us the opportunity to see
17 what the current conditions at that time is, and to
18 adjust and talk to the—the Department of
19 Transportation to come up with a cohesive plan
20 because they may be making other—other network
21 changes. At the time that we're open, we want to
22 make sure we're in sync with them.

23 COUNCIL MEMBER ROSE: And what is the
24 timeframe for—for the review of the—the traffic
25 issues?

2 LINH DO: Well, traditionally we-we
3 usually proposed about six months after the-the
4 retail is open, and the reason for that if people
5 still have to discover and find the right route and
6 the right time, and so you need the patterns in the
7 area to stabilize a bit before you actually go out
8 and do a comprehensive study. So, in our estimate
9 we-when we wait for about six months, if it turns out
10 that-that things have stabilized in the patterns a
11 little bit earlier, that would be great. Obviously,
12 we don't do the monitoring programs during Black
13 Friday because that is not what we consider
14 reasonable daily operation. So, all of that goes
15 into the time of how you roll out the monitoring
16 plan.

17 COUNCIL MEMBER ROSE: I-I understand that
18 six months is a reasonable amount of time for your
19 review, but I would like to leave it open to a review
20 in a much shorter period of time. Six months can be
21 an unwieldy amount of time for a community that is
22 being overwhelmed and daily with traffic if, in fact,
23 that's what bears out.

24 LINH DO: That's right.

2 COUNCIL MEMBER ROSE: So, I-I would like
3 for the review to come and take place sooner than the
4 six months. And my last question is about the
5 overall impact, economic impact on a community that
6 frankly we have a lot of strip malls that are not
7 fully occupied. We have small businesses. So, when
8 you did your study, did you look at the economic
9 impact on the community and the surrounding
10 businesses, and the fact that we are now going to
11 have several larger projects like Amazon that's going
12 to be built sort of upland of-of the wetlands that
13 will impact the wetlands. Can you tell me-give me a
14 comprehensive view of what you studied in terms of
15 the impact of these other projects that will impact
16 the wetland system, but also the economic impact on
17 the surrounding businesses.

18 LINH DO: Okay. So, let me try to break
19 that up into a couple of smaller parts. The first
20 question had to do with cumulative effects of all
21 those developments that are taking place in area, and
22 as part of the environmental review, we did have to
23 take a look at what are we-what is considered to be
24 background. So, there could be. We identified those
25 projects that we knew would be built or under

2 construction by the time our project is open, and in
3 addition to that, we add on what's called a
4 background group. So that's a normal percentage
5 that's not—that's not attributed to any particular
6 project just as an added level of conservatism. With
7 respect to Amazon coming in, because that was a newer
8 project that was announced after our environmental
9 review had already started through the ULURP process,
10 we had not really accounted specifically for that
11 discrete use. However, they are responsible for
12 accounting for s as part of their overall cumulative
13 effects. So, there is what I call cumulative look
14 with our document and that—that really goes into the
15 traffic impacts, and what, you know, the activities
16 that are generated by those projects to ours. With
17 respect to the economics, under the environmental
18 review process, we have to take a look at certain
19 criteria. Will those prop-will our proposal in any
20 way affect a particular industry? How much direct
21 and indirect displacement might there be? But, the
22 situation here with our project is that we could
23 actually built as-of-right a very similar sized
24 project. Here we are asking for a specific type of
25 use that is not currently found in the corridor, in

2 the community. So, the retail and the commercial
3 that would be proposed for this site would not be
4 able or would not really fit into some of the
5 existing street (sic) laws and retail strips that are
6 in the area because they--what we have is the--is over
7 10,000 square feet. So there's different types of
8 uses, and there's a different type of market that
9 would go into here, and because we already have a
10 lease agreement with BJ's, we already know that there
11 is one large use here. That could become an anchor
12 for the retail agreement, and--and I'll give it back
13 to Ann.

14 ANN MCCOY: I would just--just to further
15 to Linh's point about the--the environmental one is
16 the applicant's side of the tenant's demand for the
17 area and I--

18 CHAIRPERSON RICHARDS: [interposing]
19 Speak a little closer, please.

20 ANN MCCOY: Oh, I'm sorry. I may be
21 previewing a little bit of--of BJ's testimony, but so
22 the project is expected to generate in total about
23 440 permanent jobs. (coughs) Staten Island is
24 underserved per resident for supermarket uses. BJ
25 finds that \$15 million of there--of their sales in New

2 Jersey come from Staten Island. There isn't another
3 wholesale club on Staten Island. Costco is the only
4 game in town. So, the project presents several
5 opportunities of economic recapture job creation,
6 and--and again striking that balance between taking an
7 underutilized site and doing conservation and
8 development, you know, with the blessing DEC and--and
9 City Planning.

10 COUNCIL MEMBER ROSE: And--and I--the--

11 CHAIRPERSON RICHARDS: And can BJ's come
12 up if they're here? Pat Smith. We'll--we'll just have
13 him come up now because this--

14 COUNCIL MEMBER ROSE: Okay. [background
15 comment, pause]

16 PAT SMITH: Good morning, Chair Richards,
17 Council Member Rose, and so committee smith. My name
18 is Pat Smith. I'm the Vice President of Real Estate
19 for BJ's Wholesale Club.

20 COUNCIL MEMBER ROSE: Thank you. Ann.

21 ANN MCCOY: I think Mr. Smith had a
22 statement, but I guess you have questions. So, I'm--
23 however, you want to proceed with him.

24 PAT SMITH: Yeah, we can skip right to
25 the point.

2 CHAIRPERSON RICHARDS: We don't need a
3 long statement. We'll go the--

4 ANN MCCOY: Right.

5 CHAIRPERSON RICHARDS: I mean questions.
6 So, I mean my question I think I raised this with you
7 last week is how are locals--how are you going to work
8 with the Council Members and ensure local residents
9 have access to the 440 permanent jobs with BJs.

10 PAT SMITH: Yeah, we're--we're about 150
11 to 200 of the--

12 CHAIRPERSON RICHARDS: [interposing] I
13 mean on con-is that construction and--?

14 PAT SMITH: No, that addressed the
15 permits. That's just the members in our club.

16 CHAIRPERSON RICHARDS: Okay.

17 PAT SMITH: What we will do is we'll work
18 with the Council Member to make sure that--that--that
19 members of her district get first crack at the jobs.
20 We'll have--we'll have job fairs in her district.
21 We'll give her some early notification before we do
22 the hiring, and we've had a lot of success in doing
23 this, and in our other clubs in New York City, and
24 most recently with Councilman Gentile in our club in

2 Bensonhurst. Of course, with the other district we
3 were in, and we-we--

4 CHAIRPERSON RICHARDS: And do you set a
5 goal on local hiring.

6 PAT SMITH: Yes.

7 CHAIRPERSON RICHARDS: Okay.

8 PAT SMITH: Well, the goal is 100%.
9 Obviously, we want as many people in the local area.

10 CHAIRPERSON RICHARDS: [interposing] So
11 you're going to give that to us in writing?

12 PAT SMITH: Yes. [laughs]

13 CHAIRPERSON RICHARDS: Okay, we like
14 those. I like the benefits.

15 PAT SMITH: No, we-typically, we will-we
16 will have-first of all, we'll-we'll make our
17 applications specifically open to team members
18 within-within the-within our chain like Anthony here.
19 Wait you hear what he has to tell you, how he got
20 here today. Like people like Anthony will get first
21 crack at the jobs, and then we will then look out for
22 new hires, and work-work with the local Council
23 Member

24

25

2 CHAIRPERSON RICHARDS: No, offense on New
3 Jersey so we're not going to anticipate a lot of New
4 Jersey people.

5 PAT SMITH: There won't be a lot of New
6 Jersey people. You know, what, actually it's quite--
7 you're going to have some Jersey people coming back
8 because right now there's about ten people that work
9 in New Jersey who live on Staten Island. So, they'll
10 be looking to come back. Anthony works in one.

11 CHAIRPERSON RICHARDS: And--and will there
12 be a reporting mechanism for the local--?

13 PAT SMITH: [interposing] Sure.

14 CHAIRPERSON RICHARDS: How many are like
15 once they are hired?

16 PAT SMITH: [interposing] We, yeah, yes,
17 we are. We--we, yes we will. The same thing we did
18 with Council Member Gentile. We didn't do anything
19 formally--

20 CHAIRPERSON RICHARDS: Okay.

21 PAT SMITH: --but after we--we did all the
22 hiring, he reported back to Councilman Gentile and
23 also Councilman Treyger since we were sitting on the
24 border of how many members, how many team members
25 came from their--from their respective--

2 CHAIRPERSON RICHARDS: [interposing] And
3 we like formal so--

4 PAT SMITH: Okay.

5 CHAIRPERSON RICHARDS: --some sort of
6 whatever you can work out--

7 PAT SMITH: [interposing] Absolutely, we
8 will.

9 CHAIRPERSON RICHARDS: --and we'll be
10 looking for that in writing before we both just
11 tighten it up. (sic)

12 PAT SMITH: [interposing] Absolutely. We
13 have no problem with giving you that.

14 CHAIRPERSON RICHARDS: If we proceed to
15 go to that. Alrighty, I'll go to Council Member
16 Rose.

17 COUNCIL MEMBER ROSE: So, on the site
18 that's proposed to be BJ's and a grocery store, and
19 then there's other--two other retail sites. Who has
20 oversight over all of this entire site? Is there one
21 person ore one entity that has oversight?

22 PHILLIP RAMPULLA: Yes, the Trico
23 Corporation. Their representative is here today.
24 They currently operate the shopping center that's on
25 New York Lane and Highland Boulevard. They've--they

2 have been there for about 15 or 20 years. They want
3 to make a commitment to hire local Staten Island
4 contractors to construct the building, and they have
5 other shopping centers in the region, but they will
6 be—they will be the boots on the ground day-to-day
7 operations.

8 COUNCIL MEMBER ROSE: And so, they will
9 determine sort of who the tenants will be on—the
10 ground?

11 PHILLIP RAMPULLA: Yes, they will
12 negotiate with the tenants on the—for the property,
13 yes.

14 COUNCIL MEMBER ROSE: Will the community
15 have any in—input into any of these decisions?

16 PHILLIP RAMPULLA: The tenant mix?

17 COUNCIL MEMBER ROSE: Yes.

18 PHILLIP RAMPULLA: They can definitely
19 make recommendations.

20 COUNCIL MEMBER ROSE: Uh-hm.

21 PHILLIP RAMPULLA: It's—it's a business
22 transaction for leases but we—we've already, already
23 encouraged them as to the type of restaurants that
24 they should try to attract to the two pad sites up at
25 the top of the site.

2 COUNCIL MEMBER ROSE: So, there is—BJ is
3 proposing to have a gas station. There is a gas
4 station not far from this location. Has there been
5 any conversation? I know we brought this up in one
6 of our meetings about the impact that a BJ's gas
7 station would have on the surrounding businesses, the
8 surrounding gas stations that are within a mile or
9 two radius of—of the BJ gas station.

10 PAT SMITH: Yes, council member, we have
11 met with the—the owner of Sunoco station. What we've
12 told him is that this—this gas station will only be
13 available to BJ's members. So, it's not open to the
14 general public. You have to be a BJ's member to—to
15 use the gas station. In our history, we don't see a
16 lot of gas stations going—going out of business when
17 we come in especially gas stations like the—like the
18 Sunoco because they're—they're better located with a
19 better proximity to the highway. They also have a
20 convenience store, which we don't have and—and their—
21 their prices will be competitive with—with ours. So,
22 we don't really see it having a really drastic
23 negative impact. We're competing with Costco right
24 now, which is really not that far away, and Costco is
25 a—is a gorilla when it comes to—to gas. They just

2 pump out gas crazy there, and he is competing with
3 them now. I don't see he's going to have any problem
4 competing with us.

5 COUNCIL MEMBER ROSE: Well, I-I don't
6 think you can compare Costco with the BJ site because
7 Costco is--there really aren't local gas stations in a
8 very close proximity to--to Costco, but--

9 PAT SMITH: [interposing] I'm sorry,
10 Council Member, there's about four gas stations
11 within a mile of that Costco. So, they're--they're
12 finding ways to compete with--with Costco, and Costco
13 does pump probably three to four times more gallons
14 of gas than BJ's does on--on average.

15 COUNCIL MEMBER ROSE: So, are your prices
16 going to sort of undercut the price that the local
17 gas stations will be able to endure?

18 PAT SMITH: They'll--they'll be able to
19 endure and we will be cheaper. I mean we--we have to
20 be the cheapest on the street. Our members are paying
21 \$50 a year. So, they expect to be able to get their
22 gas cheaper than what's--than what's out there.
23 Typically, what happens is there we'll be--we'll be a
24 lot cheaper to start. He'll basically have to bring
25 his prices down because lately his prices are pretty

2 high if you look at other-other gas stations on-on
3 Staten Island. So, he'll have to come down to get
4 competitive with us. He won't have to come all the
5 way down to us because (a) he's not-he's not required
6 to-he doesn't have the membership model, and (b) he
7 also has a better location than us, and (3) he has a
8 convenience store. So, he's-he's got-he'll-he'll be
9 very well positioned to compete with us.

10 COUNCIL MEMBER ROSE: And my chair has
11 been very gracious with time, and so my time is up,
12 but I want to know are you willing should this
13 proposal pass, are you willing to work with the
14 community to-to do-to make sure that they're engaged
15 and that they have input, and-and involvement with
16 this site?

17 PAT SMITH: Absolutely, Council Member.
18 You know at clubs we have what we call community
19 captain. Every club has that, and-and that person's
20 job is work with-with your office, with the community
21 board and other local leaders to-to make sure that
22 BJ's is being a good--a good corporate neighbor. We
23 kind of-kind of go to locations that if you need-if
24 you need some money for a Little League, if you need
25 some money for Halloween candy, Thanksgiving turkeys,

2 we adopt schools. So, we—we are very, very engaged
3 with—with the—with the—with the local community, and
4 we've been very successful in our other clubs in New
5 York City and we'll be equally successful here.

6 COUNCIL MEMBER ROSE: Thank you, and
7 we're going to be very involved in hiring.

8 PAT SMITH: Absolutely.

9 COUNCIL MEMBER ROSE: Thank you.

10 CHAIRPERSON RICHARDS: Thank you. Thank
11 you all for your testimony.

12 PAT SMITH: Do you know Dan Ford? (sic)

13 PHILLIP RAMPULLA: Can she say something?

14 ANN MCCOY: We have one--

15 CHAIRPERSON RICHARDS: Sure.

16 ANN MCCOY: It's—it's a little out of
17 order. We have one testifier in support, and then I
18 think you'll move to the rest of the—to—

19 ANTHONY: Good morning, Chair—Good
20 morning Chairperson Richards, Council Member Rose and
21 members of the committee. I want to thank you all
22 for the opportunity to speak to you this morning and
23 explain the tremendous opportunity BJ's and Mariners
24 (sic) Harbor remain to me and hundreds of other
25 Staten Island job seekers and shoppers. I grew up in—

2 I grew up in Brooklyn, and I have been living in
3 Bulls Head with my—with my wife Eleanor Marino me and
4 my two teenagers. They go Ryder High School. My
5 daughter Melanie she's 18, and hopefully, she's going
6 to St. John's University, and my son is 16. In order
7 to pay our mortgage we—and provide for our children
8 my wife and I both work. Eleanor is a member of SEIU
9 1199 at Staten Island University Hospital. I work
10 two jobs. I work maintenance in a building on Union
11 Square. Also, I work part-time as a store clerk at
12 BJ's in Bensonhurst. I love both my jobs. More
13 importantly, I need both my jobs. In juggling these
14 two jobs is a full-time job itself with the 9:00 to
15 5:00, and also the 11:00 to 7:00. I'm at BJ's and I
16 have at least 2-1/2 hour to 3 hour commute everyday
17 with the train, the subway and the buses. Sunday is
18 the only family day time that I have. BJ is going
19 to, of course, provide with not only eliminate a big
20 portion of that commute, but would allow me to work
21 more hours and still spend more time with my family.
22 So, it will be greatly appreciated if BJ's was to
23 come to Staten Island.

24

25

2 CHAIRPERSON RICHARDS: Great. Thank you.
3 Thank you for your testimony. He deserves a
4 promotion, by the way. He need to-[laughter]

5 PAT SMITH: I hope-I hope he's not--

6 CHAIRPERSON RICHARDS: He needs to go to
7 the Steve's (sic) office or something. Thank you for
8 your testimony--

9 ANTHONY: Thank you.

10 CHAIRPERSON RICHARDS: --and I'll just
11 let Debbie, first-Okay.

12 COUNCIL MEMBER ROSE: Can we just ask how
13 many Staten Islanders work at your Jersey BJ's? Do
14 you know?

15 PAT SMITH: Yeah, we have about ten-about
16 ten team members that work in Jersey from Staten
17 Island, and we have three-you-yeah, three that work
18 in-in-in Bensonhurst in Brooklyn.

19 ANTHONY: That's in Brooklyn.

20 PAT SMITH: Three from Staten Island.
21 So, it's about 13. I think it's 15 overall. I think
22 we have a couple of Staten Islanders that actually
23 work in Pennsylvania, which is-that's-that's a real
24 heck of a commute.

2 COUNCIL MEMBER ROSE: And I commend you
3 for going to BJ's in Jersey by public transportation.
4 That--that seems to be quite an arduous trip.

5 ANTHONY: Yeah, I go--I go from Brooklyn--I
6 go from Staten Island--from Island--

7 COUNCIL MEMBER ROSE: Oh, okay.

8 ANTHONY: Staten Island to Brooklyn,
9 Bensonhurst all the way at the end.

10 COUNCIL MEMBER ROSE: Oh, okay, okay.

11 ANTHONY: And then I've got to go back to
12 14th Street to my full-time job. That's every day.
13 I only got one day off so--

14 COUNCIL MEMBER ROSE: Okay, thank.

15 PAT SMITH: Anthony then goes for two
16 months and he'll be starting with the full-time very
17 soon.

18 CHAIRPERSON RICHARDS: Awesome. Alright,
19 thank you all for your testimony. We're going to
20 call up the next panel. Our sergeant-at-arms is
21 going to bring two more chairs up. We're going to go
22 to Beryl Thurman, North Shore Waterfront Conservancy.
23 Forgive me if I butcher your names. Jack. I won't
24 say it. The last name Grantville Coalition for--I
25 can't understand your handwriting. Linda Cohen,

2 Andrea McArdle, CUNY School of Law, Gordon McNeff,
3 South Avenue Retail Corridor, Americk Shala, South
4 Avenue Retail Corridor. [background comment] And
5 sergeant-at-arms I'm going to ask you to put two
6 minutes on the clock. [background comment] We have
7 everyone. So once again Beryl Thurman, Jack
8 Matribelham Back-Belham Backle (sic), Linda Cohen,
9 Andrea McArdle, Gordon McNeff, Americk Shalla.(sp?)

10 CHAIRPERSON RICHARDS: I'll ask each one
11 of you to state your names and who you're
12 representing before you begin and then you may begin,
13 and you just make sure the mic is lit up. When you
14 speak, press the button. [pause] You may begin. Is
15 it red?

16 BERYL THURMAN: Nope.

17 CHAIRPERSON RICHARDS: Alright, there you
18 go. You do this all the time.

19 BERYL THURMAN: I know I do.

20 CHAIRPERSON RICHARDS: [laugh] Bring your
21 mic a little closer as well.

22 BERYL THURMAN: Okay.

23 CHAIRPERSON RICHARDS: Thank you. You
24 may begin.

1 BERYL THURMAN: Good morning. On behalf
2 of the Northshore Waterfront Conservancy of Staten
3 Island, and the Waterfront Environmental Justice
4 communities on the North Shore that we advocate on
5 behalf of, we are respectfully submitting this letter
6 of opposition to the developer's request to demap
7 streets within the above property. We're asking that
8 the Zoning and Franchise Committee deny the
9 developer's request of the demapping and mapping of
10 streets because of its ultimate intentions, and
11 because the final Environmental Impact Statement is
12 flawed and full of environmental omissions that are
13 relevant to the impacted community. This is the very
14 first environmental impact statement that we have
15 ever seen that does not talk about the demographics
16 of this impacted community. Mariners Harbor
17 community is just like the entire North Shore of
18 Staten Island. It's an environmental justice
19 community as per the U.S. Environmental Protection
20 Agency. Not nearly enough has been done on the parts
21 of local, state and federal government to mitigate
22 these environmental conditions that were mentioned as
23 making initially the North Shore of Staten Island an
24 environmental justice community, which is we have
25

2 children with high lead levels, higher than the rest
3 of the city of New York. The air pollution that we
4 breathe not only comes from the Staten Island water-
5 industrial waterfront, but it also comes from New
6 Jersey and as far away as Pennsylvania and Ohio. The
7 Environmental Impact Statement that the developer is-
8 has proposed, will destroy 1,850 mature trees and
9 fill in six freshwater wetlands on this 27.8 acre
10 property. His No Action Plan is almost identical to
11 what he is talking about in terms of his proposed
12 plan, and he does mention that he is going to have
13 bioswales, and that this will be part of his green
14 infrastructure, but the problem is that this is an
15 environmental justice community, and we don't even
16 have bioswales in our communities, and we already are
17 experiencing flooding conditions. What's going to
18 happen is if this project is developed, our people
19 that are right in those houses that are across from
20 the-that proposal that he's doing will be flooded
21 out, and they will lose their possessions and even
22 possibly their lives because we don't have the storm
23 water infrastructure to support our communities.

24 Thank you.

2 CHAIRPERSON RICHARDS: Thank you.

3 [background comment, pause] Can you move the mic
4 over? She wants to be next, and I'll just ask you to
5 pull it as close as you can and speak as highly as
6 you can, too.

7 ANDREA MCARDLE: Thank you. Good morning,
8 Mr. Chair, and committee members. My name is Andrea
9 McArdle. I'm a Professor at CUNY School of Law, and
10 I teach and write on urban land use and climate
11 resilience. I'm speaking to register concerns about
12 the proposed development. Just last Friday my
13 colleague Rebecca Braskies(sp?) and I—her and I
14 hosted a conference at the law school on Climate
15 Change, Environmental Justice and Urban Resilience
16 incorporating community voices, which the city's
17 Chief Resilience Officer Dan Zarrilli appeared and
18 spoke. Among the eloquent community voices, we heard
19 at the conference were various residents of the North
20 Shore area including Beryl Thurman as a panelist at
21 the conference, and President of North Shore
22 Waterfront Conservancy. We learned a great deal
23 about the North Shore area, and the environmental
24 justice community, as you've heard, that has suffered
25 in the past from unremediated contamination from

2 prior industrial uses, and limited green space.

3 Because the construction as we see it when we move
4 upward of 1,700 trees from a mature woodland and
5 implicate adjacent wetlands, there's very real danger
6 that the area's ecological balance will be disturbed,
7 storm water management will be implicated and
8 compromised, and public health and safety will be at
9 risk. It's well recognized that wetlands, woodlands
10 and pulp lands serve as natural barriers to storm
11 surges and absorb excess rainfall, and it provides
12 significant protection against flooding. The
13 proposed development will add incoming surfaces that
14 will inhibit flood water absorption. We've already
15 seen the effects of storm surges on coastal areas
16 after Super Storm Sandy and we see the increasing
17 intensity of storms in other parts of the country
18 from the influence of climate change. It would seem
19 to be misguided to remove natural protections against
20 flooding from this areas as well as precious green
21 space that benefits the community in light of climate
22 scientists' projections of increasing sea level rise
23 when accompanying this with storm surges. I just
24 want to say I think we can all appreciate the
25 benefits of general economic development, but when

2 balanced against the disturbances to ecosystems, and
3 the risks to health and safety that are posed by this
4 construction, I think the presumed benefits are
5 being-at risk of being over valued. We can't be
6 saying that there will be no flood risks from this
7 development. Appreciate the evidence of mitigation
8 that's been introduced, but it doesn't with other
9 indications of the disturbance that remains to the
10 wetlands and ecosystem. For these reasons, I con-I
11 concur with the objections that have been raised.
12 Thank you very much.

13 CHAIRPERSON RICHARDS: Thank you.

14 LINDA COHEN: Hi, my name is Linda Cohen.
15 I'm representing myself. I'm opposed to this project
16 and the zoning changes that the developer is
17 requesting. I came here today because I witnessed
18 some of the destruction and devastation of Super
19 Storm Sandy on the South Shore of Staten Island, and
20 I feel that there are lessons from Sandy that are
21 important here on the North Shore. The site of this
22 project is known as Graniteville Woods, an area
23 containing a forest and seven wetlands. For many
24 years DEC would not allow the owner to build her
25 because of the wetlands, but that changed in August

2 of 2012 just a couple of months before Sandy when DEC
3 settled with the owner. Across the street from the
4 Graniteville Woods is a diverse community of
5 thousands of residents. During Sandy the storm surge
6 flooded the Graniteville Woods and came to the edge
7 of South Bay Avenue, which separates the woods from
8 the residents. The waters did not cross South Avenue
9 to the residents. These Graniteville Woods saved the
10 neighborhood homes from flooding. Having witnessed
11 some of the devastation that occurred on the South
12 Shore of State Island from Sandy, I believe in saving
13 wetlands because many studies show that they are the
14 best way to slow down storm surge. Many of those
15 affected on the South Shore blamed excess development
16 in coastal areas. Since there were not enough
17 undeveloped areas to contain the waters, homes
18 flooded even more. This BJ's project will call for
19 cutting down 1,800—approximately 1,800 mature trees
20 and paving over more than 18 acres. It will also
21 raise the land with many feet of fill. All of this
22 will cause more water to go towards residents. While
23 the developers claim that they will give us
24 alternatives that are better than what nature
25 provided, I have yet to see that work. It certainly

2 did not work on the South Shore during Sandy, and it
3 did not work in Houston during Harvey. Assertions
4 are being made by the developers that by planting
5 many new trees and shrubs and supply retention basins
6 that those will suffice to stop flooding, but those
7 are poor substitutes compared to what nature has
8 supplied. Now that sea levels are rising and storms
9 are more frequent and intense, the Department of City
10 Planning should have more stringent rules. Many
11 recent studies since tropical storm Harvey in Texas
12 show that preserving coastal wetlands reduces
13 property losses. DCP should consider that when
14 writing zoning regulations. I understand that Debbie
15 Rose may support this project because she's
16 interested in providing jobs for her constituents.
17 The effort to provide jobs is very appreciated, but
18 the location here is not. Graniteville Woods is the
19 wrong place for this project. In a couple of weeks
20 it will be the fifth anniversary of Super Storm
21 Sandy. I would hope that City Council members have
22 learned some of Sandy's lessons regarding saving
23 wetlands in coastal zones. Therefore, please do not
24 allow for any of the zoning changes that the builder
25 is requesting. Please do whatever you can to keep

2 these Graniteville Woods intact so that they continue
3 helping North Shore residents during storms. Thank
4 you.

5 JACK FONDAK: Hi, my name is Jack
6 (coughs) Fondak. I'm a member of the Coalition to
7 Save the Wetlands and the Forests like Forest Avenue
8 and South Avenue. I'm opposed to the project because
9 of the value of the-of the woodlands that are there.
10 There's 18 acres, 17 acres of woodlands that are
11 going to be destroyed. These woodlands are-co-exist
12 with the wetlands that are there now. It's part of a
13 natural ecosystem. If you destroyed one part of it,
14 you could upset the balance of the-of the wildlife
15 and nature that's there now. Another importance that
16 we should address here is the welfare of the children
17 living in the neighborhood. There's roughly in three
18 communities of Graniteville, Arlington and Marines
19 Harbor roughly about 145,000 people. I checked it
20 last night on the 2010 census on the Internet and
21 about 53, 55% are minorities, and the issue is that
22 in most parts of Staten Island you have a lot of
23 parkland and preserved land, with this particular
24 area there's no woodlands. There' nothing for the
25 children to go-no place for the children to go to

2 experience nature, and it's very, very important to
3 keep these 18 acres of woodlands, because if they're
4 gone future generations will not have the opportunity
5 to appreciate it nor will current generation—nor will
6 the current generation. So, I think this park—these
7 woodlands should be made into a park, into a natural
8 preserve. It's very important to the health of the—
9 the health of the citizens for the quality of life
10 and for the values of homeownership. I don't live in
11 the neighborhood, but I'm here. I had bone
12 transplant, but it is important to me to be her to
13 speak, and I just want to emphasize that—that it's
14 very, very important to protect this environment. And
15 I worked for the New Yorkers DEP for 37 years in high
16 voltage electrical, and I know the infrastructure. I
17 know the cost of—of putting in a lot of sewage
18 systems. The Wastewater Treatment Plant at Port
19 Richmond is a combined sewage operation. It takes in
20 storm water, it takes in sanitary waste. During times
21 of surge during the tremendous storm, which they say
22 is once every 100 years, it could be much more as
23 climates change. [bell] Just where this—we just
24 witnessed several hurricane. So I would—I would
25 recommend that this study—this project be studied

2 very carefully that City Council Members I invite you
3 to go to the site, take a look at the woodlands that
4 are going to be destroyed, and the feeling is that
5 with pollution coming from New Jersey, which was
6 state earlier, you have chemical plants that are
7 pouring out carcinogenic material that people are
8 breathing. The woodlands especially in the summer
9 time act as buffer, and it can help mitigate some of
10 the pollution. S o, it's very, very important that
11 his project be looked at very carefully, the
12 woodlands be preserved through this value to a BJ's.
13 I'm just going to finish up now. There's value to a
14 BJ's. There's jobs that will be created, a tax base,
15 but the overall long run of demise of these
16 woodlands, the value is far greater if they're
17 protected than to be destroyed especially for the
18 future, especially in a place like Staten Island and
19 North Shore where there's urbanization, and suburban
20 communities densely packed. These kids need a place
21 that a carpet place--

22 CHAIRPERSON RICHARDS: Thank you, thank
23 you.

24 JACK FONDAK: --now exists.

25 CHAIRPERSON RICHARDS: Thank you. Sir.

2 GORDON NEFF: [off mic] (coughs) Good
3 morning. My name is—I'm sorry. [on mic] Good
4 morning. My name is Gordon Neff. I am a professional
5 engineer with expertise in traffic engineering and
6 transportation planning, and I've been retained by
7 South Avenue Retail Association to perform an
8 independent review of the—the transportation
9 component of the EIS document for this project. I
10 have—based on that review I found three areas that I
11 think this—this committee should really ask more
12 questions about before acting on this application.
13 First is the trip generation assumptions that were
14 based—for which traffic was estimated. The—the
15 wholesale club component was taken from if one traces
16 back to where it was referenced. The Gateway Center
17 Complex in Brooklyn, which is a 640,000 square feet
18 retail complex there's a wholesale club in there.
19 It's 10% of the area, but more importantly has no
20 gasoline component. The gasoline component is really
21 not part of the trip generation used that, and that
22 really needs to be considered in this application
23 particularly since it's a members only gasoline
24 component. It's not like your typical gas station,
25 which draws a lot of traffic from passing by traffic.

2 The other component is really the restaurant portion.
3 It turns out the restaurant trips are estimated based
4 on a 1975 publication of a restaurant in Times Square
5 if one traces back, and I really think that should be
6 looked at with greater scrutiny. From a safety
7 perspective there are five intersections within the
8 study that had more, three or more pedestrian crashed
9 per year. Oh, sorry, over a three-year period
10 studied. One of them had ten pedestrian hits, and
11 that's the main focus of mitigation in the study.
12 That would be the intersection of Forest Avenue and
13 Richmond Morningstar. The—the other intersection
14 that's really of concern would be South and Forest,
15 which there were three pedestrian crashes within
16 three years, and that intersection wasn't even
17 studied even though it's 150 feet from the proposed
18 site. Finally, I think the mitigations really need to
19 be looked at because they're—they're really not real
20 changes. They're changing the timing by a second or
21 changing a left turn lane by one to two feet. I
22 don't think in real terms that will actually effect
23 change. Thank you.

24 CHAIRPERSON RICHARDS: Thank you. Thank
25 you for your diligence. [pause]

2 EMRE CHELLA: [off mic] Respected Council
3 Members, thank you for your time. I--

4 CHAIRPERSON RICHARDS: Is your mic on?

5 EMRE CHELLA: [on mic] Can you hear me
6 now?

7 CHAIRPERSON RICHARDS: Yes.

8 EMRE CHELLA: Okay. I said respected
9 Council Members thank you for your time. My name is
10 Emre Chella (sic). I represent several retail
11 businesses in the area including own, and there's a
12 summary sheet in front of you that's--that's Titled
13 the South Avenue Development Changes and
14 Recommendations. It's a one-pager. I think the
15 first two points in there around traffic and
16 environmental have been covered by colleagues here
17 that are sitting next to me and my associates here or
18 friends sitting here next to me. And I'll focus
19 largely I think on the economic impact then to talk.
20 I actually discussed with the local retail
21 businesses, in fact, even the retail businesses next
22 to Costco about their gas opening in the effect, and
23 three out of the four locations that are near the
24 Costco have already been sold by the owners because
25 they can't keep with the--the competitiveness on the gas

2 rates. We have 10 to 12 gas stations along Forest
3 Avenue and South Avenue, which are likely going to
4 have the same effect being priced under market by 10
5 to 20 cents, which effectively turns out to
6 approximately 100 jobs. Also, neighboring are plenty
7 of other small businesses that employ between 2 and 4
8 employees as well as two large super markets that
9 already exist that well over 100 employees. I would
10 argue that this is no job creating, but rather job
11 transfer, and—and I think the economic impact is—is—
12 is going to be pretty negative. I think the other
13 two main points have already been made largely around
14 the traffic load and the extent to environmental
15 issues, and so on behalf of all the other retail
16 businesses that exist across the different areas of,
17 you know, they're submitting opposition to this
18 project.

19 CHAIRPERSON RICHARDS: I want to thank
20 you all.

21 EMRE CHELLA: Thank you.

22 CHAIRPERSON RICHARDS: Thank you all for
23 coming out and testifying, and I know we'll be
24 working very closely with Council Member Rose who
25 cares deeply about Staten Island over the course of

2 the next few weeks to ensure that your voices are
3 heard through this process. I want to thank you all
4 for coming out and testifying. Do you have anything?

5 COUNCIL MEMBER ROSE: I-I just want to
6 thank all of you for-for your diligence and for the
7 research and the efforts that you've put forward to
8 save our natural wetlands, and to look at this
9 project in its totality. So, I want to thank you for
10 taking your time, and-and we are going to discuss
11 these issues that you brought forward, and-and we'll
12 let you know when we're going to have the next vote.
13 Thank you.

14 CHAIRPERSON RICHARDS: Thank you. Thank
15 you all for your testimony. I'm going to Eric
16 Goldstein up from the Natural Resources Defense
17 Council and then we will proceed to the next hearing
18 item. [pause] (coughs) You may begin and always good
19 to see you.

20 ERIC GOLDSTEIN: Thank you very much, Mr.
21 Chairman. Good morning to you, members of the
22 committee and to dedicated staff. My name is Eric
23 Goldstein. I'm the New York City Environment
24 Director with the Natural Resources Defense Council,
25 which is a national non-profit legal and scientific

2 organization. NRDC usually doesn't get involved
3 individual matters coming before this committee, but
4 the proposed development project is so worrisome on
5 so many levels that we simply could not ignore this
6 hearing. First, the proposed project is inconsistent
7 with the letter and the spirit of the environmental
8 review process. The DEIS fails to fully analyze the
9 alternatives including acquisition by the city or
10 state of this important parcel. Second, it fails to
11 fully mitigate the environmental harms including the
12 loss of over 17 acres of trees through less intensive
13 design schemes. Beyond that, the proposal is in
14 conflict with the city's sustainability goals and
15 objectives. This Council under both Mayor Bloomberg
16 and Mayor de Blasio has carved out important policies
17 and procedures designed to protect New York City in
18 the wake of climate change, which we all acknowledge
19 is real now. However, this project seems to ignore
20 all of those admonitions and city policy designed to
21 protect its residents. And finally, the project
22 doesn't make sense from a practical standpoint. Why
23 destroy acres of irreplaceable North Shore wetlands
24 when every indication is that there will be more
25 frequent and more intense flooding. Why level 17

2 acres of trees, which helps capture storm, provides
3 shade and cooling and makes neighborhoods livable,
4 and why overlook the environmental justice impacts of
5 this project on already over-burdened community. We
6 agree on the importance of jobs creation and that
7 much more needs to be done to create entry level blue
8 collar in this city, but this project is not the
9 answer. This is not a project that should be rubber
10 stamped by the Council. We urge this committee and
11 the counsel to reject this application at least until
12 the developer comes back with the Revised
13 Supplemental Environmental Impact Statement that
14 fully explores the impacts of this project, and thank
15 you, Mr. Chairman for your continuing leadership on
16 these issues and for allowing me the opportunity to
17 testify this morning.

18 CHAIRPERSON RICHARDS: Thank you and
19 thank you for your testimony, Eric. Always good to
20 see you. Alrighty, are there any other members of
21 the public who wish to testify on this issue?
22 [pause] Did you fill out a slip? [background
23 comment] You're late, but come on down. [pause] He
24 could fill a slip out after, right. Okay.
25 [background comment] Alrighty, you may begin.

2 TONY ROSE: Sorry for the dramatic
3 entrance.

4 CHAIRPERSON RICHARDS: No problem.
5 [laughs]

6 TONY ROSE: Yeah, I thought at 11:00 I
7 was—that I was too late. My name is Tony Rose. I'm
8 a nurse, I'm an educator. I am an environmental
9 activist. I sever as a member of the Board of
10 Directors for the Natural Resources Protective
11 Association. We've been following activity in the
12 Graniteville site for over a decade. An old native
13 American said that we don't inherit the earth from
14 our parents. We borrow it from our children. I'm
15 here today to ask you to deny permission to
16 developers to destroy this valuable area in Staten
17 Island. (coughs) Graniteville Swamp has been
18 recognized for over 20 years as a significant and
19 integral part of the drainage system in the northwest
20 corner of Staten Island. There's an informative
21 video available on You Tube: *The Wetlands of Staten*
22 *Island* (coughs) and it shows how this area quietly
23 saved the nearby community during Hurricane Sandy.
24 The swamps are composed of low-lying marsh and
25 forested area that feeds the creeks and streams.

2 It's historically been classified as wetland. An
3 attempt to develop the site was turned down in 2011
4 because the wetlands and the natural drainage just
5 seemed to be unsuitable for development. Sea levels
6 have risen not fallen since that time. The Parks
7 Department has viewed this a-as a necessary area. The
8 Harbor Estuary Program identified it as a significant
9 beach. The Trust for Public Land wrote a book 20
10 years *An Island of Nature*, a compendium of natural
11 spaces. Other areas of-had more pressing needs. We
12 needed to buy Goodhue. We needed buy Pouch Camp. We
13 only initiated a long litigation against the state.
14 In a compromised settlement, there was thought we
15 could build them a forest, but have no impact on our
16 remaining wetland. You cannot build on the upland
17 site without impacting the entire area. Let us all
18 remember the Graniteville Forest was deprived of its
19 wetland designation not by scientists but by lawyers.
20 We don't need to evoke another use to talk about the
21 folly and fault so with development. Forty New
22 Yorkers died in Hurricane Sandy, 26 of them lived in
23 Midland Beach, South Beach, Oakwood, Fox Beach, and
24 many other wetlands of Staten Island where developers
25 relied on short memories and the naivete of strangers

2 to make a fast buck. There's no need to clear a
3 forest to do this. It's true Mariners Harbor is a
4 food desert, but you hardly—no one can be against
5 additional food options, but is a members only pay to
6 get in operation, the one we want to see here? Maybe
7 a food co-op, and as important as ecological
8 components are. Thank you, but I'm almost done.
9 Flooding overrides other concerns. The forest drains
10 many underground springs that lie beneath the housing
11 developments. When the land when is compacted,
12 filled and asphalted, this impermeable parking lot
13 will drain anti-freeze, motor oil dripped from cars
14 into the over-burdened sewage systems. The Port
15 Richmond facility, which is already overdue, it's
16 already obsolete, already overflows fecal material
17 into the harbor and the winter brings salt. The
18 developers are charged with not impacting the streams
19 and increase along with their accompanying life.
20 They cannot. When the next 100-year storm arrives,
21 as we know will, will these developers come to the
22 city government looking for a handout, looking for
23 taxpayers to make them whole in response to this
24 unexpected? A lie. Unprecedented, a lie.
25 Unprecedented. A lie. Unpredictable. Another lie,

2 natural event, and should lives be lost, enraged
3 citizens will storm the Council with torches and
4 pitch forks, demanding to know who left this happen?
5 Who was responsible for eliminating the absorptive
6 ashes of thousands of life giving trees? Look left,
7 look right. Who shall we tell then? Thank you so
8 much for your time.

9 CHAIRPERSON RICHARDS: Thank you, sir for
10 your time. Thank you. Alrighty, are there any other
11 members of the public who wish to testify on this?
12 [background comment] Alrighty, seeing none, I will
13 close the public hearing on Land Use Items No. 759
14 and 760, and we'll move onto the next public hearing,
15 which will be on the Northeastern Towers and exact
16 location. This application is for a zoning map
17 amendment changing R3X district to a R6 District and
18 a zoning text amendment that would apply the
19 Mandatory Inclusionary Housing program to the site.
20 The application would affect property located at 131-
21 10 Guy R. Brewer Boulevard in Southeast Queens. The
22 approvals would follow, would allow for the
23 development of a 12-story non-profit residence for
24 seniors with a senior center, community room,
25 library, media room, numerous common spaces and 90

2 accessory parking spaces. I will now open the public
3 hearing for this preconsidered land use application,
4 and we will call the applicants up. They're already
5 up. Stu Markowitz, Northeastern Towers, Jonathan
6 Williams, Northeastern Towners, Eric Palatnik, a
7 lawyer, Honore, Northwestern-Northeastern Towers and
8 Jazz Marcus, Northeastern Towers, and with that, you
9 may begin.

10 ERIC PALATNIK: Good morning, Eric
11 Palatnik, and I'm proud to be here on behalf of the
12 Northeastern Towers and the Northeastern Conference
13 of Seventh Day Adventists.

14 SERGEANT-AT-ARMS: [interposing] Quiet
15 please.

16 ERIC PALATNIK: Sitting next—we're here
17 for a rezoning and we're here with Jay Marcus. Jay
18 is with the Fifth Avenue Committee—Fifth Avenue
19 Committee, which is developing the site and acting as
20 the developer. Also with us to my right is the
21 President Dr. Honore of Seventh Day Adventists, and
22 he's at the far right, and in between us is Jay
23 Markowitz and Jay is the architect on the project.
24 This should be a TV up to my left here. I don't know
25 if anybody wants it to go up. It's not up now, but

1 if not, we gave you the handouts as well. This is a
2 fantastic rezoning. We think that the Council would
3 be very pleased with. This is a rezoning to rezone
4 from R3X to an R6 zoning district that will
5 facilitated the development of a 10-story 128,000
6 square foot, 147 unit senior permanent affordable
7 housing area development. The action that is being
8 requested today are two actions, and I see the TV is
9 my left, but you have the handouts anyway. One
10 action is map the area as a Mandatory Inclusionary
11 Housing zone and the other action is to rezone it
12 from R3X to R6. The R6 district that we're
13 requesting is a natural extension. You'll see it in
14 the maps if they should ever come up over there, and
15 I can see they're putting up boards in lieu of the
16 maps next to me so, that's good. We rely entirely on
17 technology, right. So, you could see the zoning map
18 to my left shows you the area surrounded in dots is
19 the proposed district, which will become an R6
20 district should grant this approval. The Seventh Day
21 Adventists has been in the community operating as a
22 neighborhood based community educational and
23 religious based organization with housing for the
24 past 30 years or so. They are operating right now an

2 existing senior housing development on the property
3 right next door, and hopefully an image will come up
4 any second, and this will complement that existing-
5 existing senior housing development. So, while the
6 are going through and trying to get everything set
7 up, I'll let Jay to my right speak a little bit more
8 about the development and then we'll go over to Stu
9 because the plan are not up yet, and I'll let Stu
10 speak about the plans. I'll go a little out of
11 order, Chairman, if that's okay.

12 JAY MARCUS: This will be developing--

13 CHAIRPERSON RICHARDS: [interposing] Hit
14 your mic or press it, but not hit it literally.

15 JAY MARCUS: This will be developing 147
16 affordable housing units. That will be 109 1-
17 bedrooms, and 47 studios, and 1-2-bedroom for the
18 super for seniors. This will be very low income and
19 extremely low income seniors using the city's SARA
20 Program. So, it will be including 30% homeless. The
21 residents will pay 30% of their incomes to rent and
22 this is for people earning anywhere from zero to
23 approximately \$38,000 for a household of one or two,
24 and they'll pay a pay a third (sic) when they come to
25 rent and Section will pick up the difference. There

2 will also be on-site staff both a 24-hour front desk
3 as well a program staff of at least four people, four
4 to six people that will be providing case management
5 activities and linkages. We met a lot with seniors at
6 the senior centers and asked what they wanted in
7 their housing. So in every floor there's going to be
8 a laundry room adjacent to a community room.
9 Separately, of course, there will be a community
10 room, a media room, separately as well, and a
11 computer room as well for the residents, a wellness
12 center where we'll be able to have some of the health
13 services that can be provided on site like vaccines
14 for the residents. And again, we'll have the staff
15 available to link people to the available services in
16 the area. We're going to have a lot of services on
17 site, but we also recognize we are very—it's a
18 community very rich with senior centers, with four
19 senior centers within a one-mile area, and we'll be
20 having a van to take people to whichever senior
21 center they prefer as well, as well as having the on-
22 site activities. So, I'll turn it over to Stu to
23 talk a little about the design of the building and--
24 [background comment]

2 STUART MARKOWITZ: Yes, I know. Okay.
3 So, the illustration on the—on the easel shows an
4 aerial photograph of the existing building and our—
5 our proposal is that we—we use the southern half of
6 the site to develop the—the new project, and it will
7 and in doing that, we're going to re-orient the
8 vehicular entrance to the site so that it coincides
9 with an intersection to make is safer.

10 CHAIRPERSON RICHARDS: And that's on the
11 Guy R. Brewer side?

12 STUART MARKOWITZ: No, no that's actually
13 on 161st Street.

14 CHAIRPERSON RICHARDS: Oh, okay.

15 STUART MARKOWITZ: Yeah, we don't get a
16 lot of traffic, but right now, the entrance is 132nd
17 Avenue and it's very tight. Cars are parked there all
18 the time. It—it makes it very difficult especially
19 for the vans that come to service the—the residents.
20 So, we'll be doing that, and we've also modeled the
21 building so that it—it has a number of roof lines,
22 three and four stories or nine and ten stories,
23 lower—lower than the existing building and lower than
24 Rochdale (sic) Village across the street. As, Jay
25 mentioned, we have a very large common space program,

2 and what we're doing in this project is actually
3 augmenting the common space that is missing in the
4 existing building that was—that was built under some
5 difficult, you know, economic requirements and so
6 we're—we're going to be providing common space for
7 residents to both buildings large enough to
8 accommodate everybody and—and enhanced in scope as
9 well as size. We'll be increasing the parking.
10 We've—we've done our own studies, and we're—we're in
11 excess of—of the parking requirements because this
12 neighborhood is very—very stressed on—on parking.
13 The Rochdale Village is an enormous parking load on
14 the neighborhood. So, we make sure that—right now we
15 have a surplus and you will continue to have a
16 surplus based on—on the numbers that we've—that we've
17 experienced to date. The materials are—are that are—
18 are going to varied to break down the—the bulk of the
19 building, which is not inconsiderable, but we'll be
20 using different colors of brick and the metal panels.
21 We—this is the illustration to the left on the
22 screen. We're showing the new—the new vehicular
23 access, our little garden, which will be used by
24 community center and—and the residents, and I guess

2 in short that's--that's it. I'll take any question
3 that you might have.

4 CHAIRPERSON RICHARDS: Sure. I want to
5 thank you and commend you on a great project. You
6 know, when projects come before this committee
7 there's always a lot of debate, but I think you all
8 struck the right balance here in terms of
9 affordability, common space, a community from the
10 process, and we want to thank you for the work that
11 you've done on this project. I know there's
12 currently a vacancy in the City Council seat, but I
13 did speak to the person this morning who I believe
14 will be the Council person in November and will Chair
15 the community board as well who is in support of this
16 application as well. So, I want to thank you for the
17 work you're doing. Just two questions quickly. I
18 wanted to ask you about--so the Guy R. Brewer side has
19 never been friendly to the eye. So, are you--do you
20 have any plans on sort of street scrape, you know,
21 the--it's not a very welcoming feel when you're
22 driving by on the Guy R. Brewer side. So, have you
23 thought of--and I know you have to keep it enclosed
24 for a certain reason but--

2 STUART MARKOWITZ: [interposing] Right
3 but-but our--

4 CHAIRPERSON RICHARDS: --has there been
5 any thought process around planting trees and making
6 it more aesthetically friendly to the eye?

7 STUART MARKOWITZ: Right I mean our-our-
8 our-just so that we didn't hide the building our
9 initial renderings didn't-didn't this but, of course,
10 we'll be planting street trees along the entire-
11 where-whenever-whenever they aren't. We'll be trying
12 to save the mature trees that are there and then
13 spacing-and spacing the street trees around the
14 entire site. We also just to the south of the new-
15 the existing pedestrian entry, which is-which is very
16 long. The building is set very far, the existing
17 building is set very far back from the street. So,
18 it-it-it's-it's problematic in the respect that you-
19 that you raised it. But-but our community center
20 will be accessed right off that-just south of there
21 and so there will be-there will be a new entry there,
22 and as well as-as well as a fairly low-rise section
23 of the building on-on Guy R. Brewer so that you-you
24 get some sense of movement of-of vines and some light
25 and shadow, too. So, we hope that that will improve

2 and then yes we will be working to improve the—the
3 pedestrian entry that's along—along there as well and
4 we're looking at new designs for the enclosure.

5 CHAIRPERSON RICHARDS: And lastly, just
6 so any green space, plaza space, outside space set
7 aside for seniors?

8 STUART MARKOWITZ: Yeah. Let's see.

9 CHAIRPERSON RICHARDS: Because, you know,
10 my grandmother lived across the street from this
11 site. So, I know it very well, but you never see
12 humans like interacting at the site. It's like does
13 anyone live there.

14 ERIC PALATNIK: Yes, someone does.

15 CHAIRPERSON RICHARDS: So, will we see a
16 little bit more traffic outside. [laughs]

17 STUART MARKOWITZ: Yes, the exiting
18 building has a garden area that will be moved, but
19 enlarged at the same time. Plus there'll a fifth
20 floor of roof deck for the residents, and I'm trying
21 to think what I told you.

22 CHAIRPERSON RICHARDS: But I'm saying
23 like even from the Guy R. Brewer side. I don't say
24 second to the Guy R. Brewer side, but will we see—
25 will it be more interactive? Will we have sitting

2 benches or something out there for people to enjoy
3 themselves?

4 STUART MARKOWITZ: Yeah, yeah, yes and--

5 CHAIRPERSON RICHARDS: [interposing] And
6 I understand the entrance is enclosed on the 137th
7 Avenue side, but you have so much untapped and
8 underutilized land on this parcel.

9 STUART MARKOWITZ: Right. We're actually
10 showing an open plaza--

11 CHAIRPERSON RICHARDS: [interposing]
12 Okay.

13 STUART MARKOWITZ: --between the two--
14 between the two buildings, but it is--it's--right now,
15 it's--you can see it from Guy R. Brewer, but we will
16 be working on the--on the pedestrian entry as well.

17 CHAIRPERSON RICHARDS: Okay, and I see
18 the entrance reflected here. Okay. Get some more
19 benches out there.

20 STUART MARKOWITZ: Yes.

21 CHAIRPERSON RICHARDS: [laughs]

22 STUART MARKOWITZ: And, of course, we--we--
23 -

24 CHAIRPERSON RICHARDS: [interposing] Just
25 benches. Nothing too greatly but--

2 STUART MARKOWITZ: [interposing] Yes.

3 No, that's right.

4 CHAIRPERSON RICHARDS: You sort of get a
5 feeling when you pass by like no one exists in the
6 building like it's just, you know.

7 STUART MARKOWITZ: [interposing] You can
8 raise suggestions, and-and, but we-we are maintaining
9 the green on that-on that--

10 CHAIRPERSON RICHARDS: [interposing]

11 Yeah.

12 STUART MARKOWITZ: --on that Guy R.
13 Brewer side.

14 CHAIRPERSON RICHARDS: Alright, great.
15 Get some benches out there.

16 STUART MARKOWITZ: Yes.

17 CHAIRPERSON RICHARDS: Alrighty.

18 Alright, we'll go to Council Member Barron for
19 questions.

20 COUNCIL MEMBER BARRON: Okay. Thank you,
21 Mr. Chair. Thank you to the panel for coming. I
22 just have a few questions. What did you say was the
23 façade for the building that will be going up?

24 STUART MARKOWITZ: I'm sorry.

25 CHAIRPERSON BARRON: What type of façade?

2 STUART MARKOWITZ: Oh, it's-it's a
3 combination of brick and metal panels. We have some
4 illustrations here.

5 CHAIRPERSON BARRON: Okay, and you have
6 37, studios. Can you give me the square footage of
7 the studio? What's the size of the studio that you
8 plan to construct?

9 STUART MARKOWITZ: The-the-the SARA
10 program at HPD, you know, calls for studios like 400
11 square feet. We have included a number that are
12 actually more than the required-the code required
13 number of-of-of the units that are already
14 accessible-accessible to the mobility impaired. We-
15 the program allows us an extra 25 square feet for
16 that. So, we have rights of between 400 and 425 for
17 the studios. We're actually---

18 CHAIRPERSON BARRON: [interposing] You
19 said 400 to 425?

20 STUART MARKOWITZ: 25, right. Yeah,
21 because we're-the program allows for an maximum of
22 400 square feet for the-for the base studio, and
23 allows us an extra 25 square feet if they are
24 accessible. Actually the interior-the design of each
25 of the units provides for accessible kitchens and

2 bathers wherever, but-but we're-but-but the ones that
3 are so designated as-as we are compliant, we actually
4 get 25 square feet extra. I'll just at NEC and with
5 them that we are very-very dedicated to ensuring this
6 could be a place people can age in place. That means
7 having some space for a caregiver when that's needed.
8 So the two things we-we really pushed on number one
9 is as you see, we have a higher percentage of 1-
10 bedrooms. So there will be some extra space then--

11 COUNCIL MEMBER BARRON: Uh-hm.

12 STU MARKOWITZ: --for a caregiver when
13 while having some privacy and even on those-on those
14 as well, we went-we are making the higher percent
15 accessible. Number one is so if people over time end
16 up needing the accessibility features, we'll be able
17 to-they'll be there for them. So that they can be
18 accessible. Number two, under the HPD Guidelines it
19 allows us the slightly larger both 1-bedrooms and
20 studios but allowing an extra 25 square feet when
21 they're fully accessible. So, we're doing a much
22 higher percentage fully accessible than the minimum
23 5% that's required, and-and then the other thing
24 again is we're doing more of the one-bedrooms. So,
25 we are very sensitive. We-we-we do feel these are a

2 little small, but we understand the city's need to-to
3 also get the most as soon as possible. So, we feel
4 good about this with the new designs we're able do
5 that will both enable some privacy while people age
6 in place with caregivers as well as meet the city
7 goals for maximizing units.

8 CHAIRPERSON BARRON: Well, I-I commend
9 you from what I have seen presented here regarding
10 your project. Because we certainly know that seniors
11 are really stressed. We know that they don't have
12 the capacity to expand what there is. They're on
13 fixed incomes, and I think I heard you say therefore
14 income levels are zero to \$34,000?

15 STUART MARKOWITZ: Uh-hm.

16 CHAIRPERSON BARRON: And I commend you on
17 that, and I think I said to you earlier I'm waiting
18 for you to come to my district [laughter] to bring
19 this type of project that respects people's dignity,
20 and is not looking to be motivated by greed, and have
21 people compacted in small spaces so that there are
22 more units so that they can get more subsidies. So
23 thank you for your presentation. One other question
24 about the parking. Is-you said you have an excess of
25 parking?

2 STU MARKOWITZ: Yes.

3 COUNCIL MEMBER BARRON: Is it restricted
4 just for the residents or are you looking to see
5 about offering parking?

6 STU MARKOWITZ: Well, the—the former city
7 Council member did ask and us to create five spaces
8 for the school across the street. So, we are having
9 the five spaces there, and we are anticipating also
10 that the—some of the senior services on site may be
11 used people off site who might be driving as well.
12 So, there was a—a reason. There was a strong
13 community demand for us to have excess. It was kind
14 of the one big issue from the local community who
15 otherwise were supportive of the project, and
16 separately it also met our program needs to have some
17 excess parking.

18 STUART MARKOWITZ: Thank you. Thank you,
19 Mr. Chair.

20 CHAIRPERSON BARRON: Thank you. Thank
21 you all for your testimony. Thank you.

22 ERIC PALATNIK: If—if I may, just sorry
23 to interrupt, but Dr. Honore is here. He's the
24 sponsor of the project. And I don't want to—I know

25

2 you have a busy agenda, but I think he would very
3 much like to just address you for a moment—

4 CHAIRPERSON RICHARDS: Sure.

5 ERIC PALATNIK: If that's okay.

6 And I don't want to prolong the hearing—

7 CHAIRPERSON RICHARDS: Say your name and
8 where you're from.

9 DANIEL HONORE: Daniel Honore. I'm the
10 President of the Northeastern Conference of Seventh
11 Day Adventists. We have operated this project for
12 more than 30 years. We see it as a responsibility to
13 our community. Right now we have a five-year waiting
14 list on the existing units, and that's why we felt—

15 CHAIRPERSON RICHARDS: [interposing] How
16 big is your waiting list?

17 DANIEL HONORE: --we were needing more
18 space. What's that?

19 CHAIRPERSON RICHARDS: How big is your
20 waiting list?

21 DANIEL HONORE: It's about 500 names
22 right now, but we thank you for your consideration of
23 this project.

24 CHAIRPERSON RICHARDS: Great. Thank you
25 so much for all—

2 DANIEL HONORE: Thank you.

3 CHAIRPERSON RICHARDS: --your work and
4 diligence on this project. Are there any other
5 members of the public who wish to testify on this
6 issue? No. Okay, seeing none, I will now close the
7 public hearing on Northeastern Towers Land Use
8 Application. Alrighty, we're getting to a vote soon.
9 Next, we are going to hold a public hearing on an
10 Article 11 Tax Exemption Application associated with
11 1675 Westchester Avenue Application. We held a
12 hearing on the Zoning Map Amendment and Zoning Text
13 Amendment applications at a prior meeting, but had
14 not received the tax exemption application at the
15 correct time. This application would exempt the
16 development from property taxes for 40 years. I will
17 now open the public hearing on this preconsidered
18 Land Use application, and we call Jordan Press from
19 HPD.

20 JORDAN PRESS: Thank you, Mr. Chairman.
21 This preconsidered item consists of a proposed
22 Article 11 tax benefit for an exemption area known as
23 1675 Avenue, which is privately owned land located at
24 Block 3780, Lots 1 and 51 in Bronx Council District
25 18. The sponsor for the project currently has before

2 the—the Zoning Subcommittee a zoning text amending
3 and establishment of he Mandatory Inclusionary
4 Housing area related to Land Use Items 752 and 753.
5 Summarizing the 1675 Westchester Avenue project the
6 sponsor will construct one building under HPD's Mix
7 and Match Program. The project will be developed by
8 a joint venture between Phipps Houses and the Acacia
9 Network. The project will consist of one building
10 comprised of approximately 222,120 gross square feet
11 of residential space, approximately 12,050 gross
12 square feet of retail space, approximately 5,830
13 gross square feet of community facility space and
14 9,536 gross square feet of cellar space. The
15 community facility will be included in the Article 11
16 exemption area. Of the 255 units in the project, a
17 minimum of 51 units will be permanently affordable
18 under MIH. In addition, 15% making a total of 89
19 permanently affordable units will be included because
20 HPD is providing subsidy. Some the amenities will
21 including laundry, a community room, a fitness
22 center, rear yard recreational space and a roof deck.
23 The project will contain a range of incomes including
24 10% of units for formerly homeless households under
25 the Our Space Program, and units ranging between 30%

2 and 80% of AMI with no more than 40% of units at 80%
3 AMI as agreed to with the Council Member. Upon
4 completion we're expecting 33 studio units, 89 1-
5 bedrooms, 102 2-bedrooms and 30 3-bedrooms. As
6 mentioned, HPD is before the Council seeking approval
7 of an Article 11 Tax Exemption for a term of 40 years
8 that will coincide with the regulatory agreement in
9 order to assist with facilitating long-term
10 affordability.

11 CHAIRPERSON RICHARDS: Thank you and how
12 many units at 30? I mean what percentage of 30%
13 anyway?

14 JORDAN PRESS: There are—we're
15 anticipating 26 units to be Our Space units and an
16 additional 26 units to be at 30% of AMI.

17 CHAIRPERSON RICHARDS: Yes. Alrighty,
18 thank you, and we also have a letter of support for
19 this application from Council Member Palma, and I
20 want to thank all the people who worked to bring this
21 project to fruition including 32BJ, the
22 administration and—and everyone who sought to ensure
23 that we can maximize affordability and create good
24 jobs on this project. So, with that, I want to say
25 thank you, and we have a support letter from Council

2 Member Palma. I'll go to Council Member Barron for
3 questions. I also want to acknowledge we've been
4 joined by Chair Greenfield.

5 COUNCIL MEMBER BARRON: Thank you. Just
6 one question I believe. So, 26 units for Our Space,
7 and 26 are at 30%. Do you have bands for the other
8 AMIs or is it just 30 to 80 or do you have designated
9 bands?

10 JORDAN PRESS: Currently, as we discussed
11 with the Council Member, we are project 10% of Our
12 Space, 10% at 30, 30% of units at 50% of AMI, 10% of
13 units at 60% of AMI, and 40% of units at 80% of AMI.

14 COUNCIL MEMBER BARRON: Thank you.

15 CHAIRPERSON RICHARDS: Thank you.

16 Alright, are there any other members of the public
17 who wish to testify on this issue? Any other
18 questions from my colleagues? Alright, seeing none,
19 we will now close the public hearing on Land Use
20 Item—well actually on 1675, Westchester Avenue Tax
21 Exemption, and once again, I just want to
22 acknowledge—do you want me to read this thing or no?
23 [background comment, pause] Alrighty. So, we're are
24 now going to pause to hold a vote to approve the
25 Presconsidered Northeastern Towers Application for a

2 Zoning Map Amendment and Zoning Text Amendment. We
3 also will vote to approve Land Use Items No. 757 and
4 758, the 135-01, 35th Avenue Rezoning in Council
5 Member Koo's district that we laid over from our last
6 meeting and he has a statement that I'll read into
7 the record from Council Member Koo: I'd like to
8 testify today in favor of rezoning 135-01 35th Avenue
9 from M1-1 to R7A, which would allow for a purely
10 residential building. The building will also provide
11 the MIH option requiring at least 30% of the floor
12 area to be affordable to housing at an average of 80%
13 AMI. This will mean a max income of \$68,720 for
14 \$1,660 monthly rent. It will bring nine units at 60%
15 AMI, 9 units at 80% AMI and 9 units at 100% AMI. All
16 tolled, this property would create 93 units in total
17 with 27 being affordable. The developer has also
18 agreed to create 52 self-parking spots while only 37
19 are required. This rezoning also removes the
20 commercial overlay. I urge my colleagues to vote in
21 favor. Alright, next we will move onto vote approve
22 Land Use Item No. 763 the Pop and Pour Sidewalk Café
23 application with a modification to reduce the size of
24 the café to six tables and 12 chairs, and now we will
25 move onto 1675, Westchester Avenue. We are voting

2 today to approve with modification Land Use Items No.
3 752 and 753, and a preconsidered application for an
4 Article 11 tax exemption for a project at 1675
5 Westchester Avenue. I know Council Member Palma has
6 worked long and hard to address concerns on
7 affordability levels, community space and employment
8 opportunities. The resulting project will be fully
9 affordable with incomes ranging from 30% AMI to 80%
10 AMI. The committee will also be voting to modify
11 this application to replace MIH option 2 with MIH
12 option 1 and I will read a letter from Annabel Palma
13 on the record. First, I want to thank everyone who
14 diligently worked on the 1675 Westchester Avenue
15 development. Mayor de Blasio, Speaker Melissa Mark-
16 Viverito, Committee Chair Richards, Joe Toronto, Raju
17 Mann, Jeff Ewing, Amy Levitan, and the entire Land
18 Use team have all been vital to bringing this project
19 to fruition. From the beginning, I was confident
20 this development had significant potential. The
21 Acacia Network is known for building cultural-
22 culturally responsive health and housing programs
23 while Phipps Houses remains a long standing not-for-
24 profit developer of affordable housing. Thankfully,
25 Phipps and Acacia have committed to addressing any

2 and all outstanding issues. Together, these
3 community partners have worked close with 32BJ SEIU
4 to produce a development plan that will not only
5 benefit our affordable housing market, but will
6 protect our property service workers by providing
7 good paying jobs with appropriate benefits. I must
8 extend—extend my sincere gratitude to all parties for
9 their collaborative efforts, and I fully support the
10 1675 Westchester Avenue development without
11 reservation and look forward to bringing this
12 affordable housing development to my district.
13 Sincerely, Council Member Annabel Palma. Alrighty,
14 and now I will now move back onto my list. Do any of
15 the Subcommittee members have any questions or
16 statements on these applications? Okay, seeing none,
17 I will call on a vote to approve Land use Items No.
18 757, 758 and the two Presconsidered Northeastern
19 Tower Applications and approve with modifications
20 Land Use Items No. 763, 752, 753, and the
21 Preconsidered tax exemption. Council, please call
22 the roll. [pause]

23 LEGAL COUNSEL: Chair Richards.

24 CHAIRPERSON RICHARDS: I want to
25 congratulate all parties who worked very hard to

2 strike the right balance on these project, and with
3 that I vote aye.

4 LEGAL COUNSEL: Council Member Gentile.

5 COUNCIL MEMBER GENTILE: Congratulations
6 to all. I vote aye on all.

7 LEGAL COUNSEL: Council Member Williams.

8 COUNCIL MEMBER WILLIAMS: Abstention on
9 Land Use 757 and 758 and aye on all the rest.

10 LEGAL COUNSEL: Council Member Reynoso.

11 COUNCIL MEMBER REYNOSO: I vote aye on
12 all.

13 LEGAL COUNSEL: And Council Member
14 Grodenchik?

15 COUNCIL MEMBER GRODENCHIK: Aye.

16 LEGAL COUNSEL: Land Use Items or the
17 Preconsidered Northeastern Towers Applications and
18 Land Use Items 757 and 758 are approved by a vote of
19 5 in the affirmative, 0 in the negative and 0
20 abstentions, except Land Items 757 and 758, are
21 approved with a vote of 4 in the affirmative, 0 in
22 the negative and 1 abstention, and Land Use Item 763,
23 752, 753, and the Preconsidered Tax Exemption are
24 approved with modification by a vote of 5 in the
25 affirmative, 0 in the negative and 0 abstentions.

2 CHAIRPERSON RICHARDS: Alrighty. Thank
3 you. Alright, we'll next—we'll move on now to our
4 next hearing, which is on the Tillary and Prince
5 Street Rezoning Application. This application is for
6 a zoning map amendment changing an R6 district to a
7 C6-4 district, and a zoning text amendment that would
8 apply the Mandatory Inclusionary Housing project—
9 program option 1 to the site. The application would
10 affect property located 202 to 208 Prince Street in
11 Council Member Cumbo's district in Brooklyn. This
12 application would facilitate the development of two
13 mixed-use buildings of 21 and 23 stories with 25% of
14 the development being set aside for families making
15 an average of 60% of the Area Median Income. I will
16 now open the public hearing for this preconsidered
17 Land Use Application and call the first panel, who I
18 think is up, Ed Brown, and we're going to hold the
19 vote open for another half an hour, and we're going
20 to go to Ed Brown, Team Brown Consulting, Emmanuel
21 D'Amore and Nora Martin, and you may begin.

22 NORA MARTIN: Good morning, Chair
23 Richards, Council Members. My name is Nora Martin
24 from Akerman, LLP here on behalf of the applicant.
25 I'm Emmanuel D'Amore from Aufgang Architects, the

2 project architect and by Ed Brown from Team Brown
3 Consulting. We're here today [background comment,
4 pause] to present the land use application for 202,
5 208 Tillary Street, which as you can see is on the
6 Corner of Tillary and Prince Street in Downtown
7 Brooklyn in Community District 2 adjacent to the
8 Ingersoll Houses. We'll discuss this in greater
9 detail in our presentation, but this proximity to
10 Ingersoll Houses and our early engagement of the
11 tenants association has informed this project in
12 several way. We're happy to have received their
13 support both in writing and in testimony at the
14 Community Board, the Borough President and the City
15 Planning Commission hearing. As shown in the land
16 use area map, the project area is currently zoned R6
17 and a predominantly residential area. The proposed
18 rezoning would extend—I'm sorry—will extend the
19 existing C6-4 in Special Downtown Brooklyn district
20 that's currently located to the west just across
21 Prince Street from the project site to include the
22 project area, and the development site, which is an L
23 shaped property with frontage on both Tillary and
24 Prince Street. It's shown in purple on the map. As
25 you can see from the aerial photo, the site here,

2 which is the L-shaped property not the corner
3 property, is currently occupied by a Joy (sic)
4 substorage facility. You can see it when you're
5 driving on the beach. It's a red, white and blue
6 American substorage. You can see the Ingersoll
7 Houses, which is—takes up the majority of the block,
8 as well existing high-rise development in Downtown
9 Brooklyn. Some additional photos of the development
10 site. The lot area is 92,523 square feet, as I said
11 R6 zoning. So the substorage is actually a non-
12 conforming use in the—in this R6 zoning district.
13 The proposed zoning actions include the Zoning Map
14 Amendment to extend the adjacent C6-4 zoning district
15 as well as two zoning text amendments, which include
16 a Mandatory Inclusionary Housing designation. Option
17 1 has been selected by the applicant, which is 25% of
18 residential floor area at an average of 60% AMI, as
19 the Council is very familiar as well as a change to
20 the Special Downtown Brooklyn district maps to
21 include the project area within the district and also
22 within the Flatbush Avenue height limitation area,
23 tight restrictions of 400 feet. This drawing
24 illustrates the Zoning Change Map showing the
25 existing zoning, which is R6 for the entirety of the

2 block, and then the proposed rezoning, and Mandatory
3 Inclusionary Housing designation. I'll turn it over
4 to Emmanuel to discuss the development that will be
5 facilitated by 3 zone.

6 EMMANUEL D'AMORE: Good morning Emmanuel
7 D'Amore from Aufgang Architects. So, as our mission
8 before we're proposing structures, one is fronting on
9 Prince Street. It's 21-story building. The other
10 one is on Tillary, a 23-story building, approximately
11 220,000 square feet of residential working class, and
12 square foot of commercial, and a 20-34,000 square
13 feet total. Approximately 262 residential units, and
14 44 parking spaces in the cellar as well as mechanical
15 rooms and bicycle storage. The next page we could
16 see that the schematic floor plan for the site where
17 we propose the two towers. We also are dedicating
18 some 500 square feet of car-within our development
19 for the existing adjacent development tenant
20 association's office as well as we're planning to
21 work with NYCHA with the organization to have a
22 landscape area in between the two developments to
23 provide a much safer and invited area for both
24 developments to-to use. In the same line with
25 NYCHA's authorization, we're planning to improve the

2 garbage disposal are, which has caused a lot of
3 problems doing this worth months, you know, in 11
4 months because of the pest infestation they have.
5 So, we're planning to provide an enclosed
6 refrigerated trash disposal facility for them. On
7 the next page you will see our schematic elevation on
8 Tillary, which we're trying to provide elements that
9 will match within the context of the neighborhood as
10 well as sustainability metrics for—for these
11 developments that's solar panels, green roof, and we
12 also are studying the option to provide bioswales for
13 the tree pits on the sidewalk. And then on the next
14 page, we are planning to provide—again the façade for
15 the buildings. We are trying to make it attractive
16 from all sides. So, it's a building designed—there
17 is no back of the building. So, there will be design
18 facades for the—the façade facing the NYCHA
19 development in the back to make it much more
20 attractive all around. I know on the next page
21 we'll—we'll see the context of our building fitting
22 with the background of the existing downtown skyline
23 of the Brooklyn District. [pause]

24 NORA MARTIN: As I mentioned previously,
25 the applicant here has worked closely with Ingersoll

2 Houses Tenants Association as our conversations with
3 the Community Board, the Borough President, and
4 Council Member Cumbo regarding this project, and
5 we'll continue to maintain that close relationship
6 with the Ingersoll House, both in the design of the
7 building during construction, which I will speak to
8 shortly, and also once the building is occupied, and
9 operational. As Emmanuel mentioned, there will be a
10 landscaped open space that's currently fenced off
11 between our property and the Ingersoll Houses and the
12 use of parking that will be open, accessible,
13 accessing the ground floor, commercial uses that will
14 be proposed at the site. There will also be the
15 refrigerated garbage and a brand new office space for
16 the Tenants Association to be housed in the proposed
17 building, currently an apartment in-in the building.
18 The commercial space based on discussions with the
19 Tenants Association and the needs of the community
20 will likely with a daycare and/or medical use such as
21 an urgent care, and other local retail. Nothing big
22 boxes or chains. The unit will actually serve the
23 local residences—the residents, and at the suggestion
24 of Council Member Cumbo, we'd be pleased to feature
25 the work of local artists in the building, which we

2 think will be a fantastic contribution to the
3 building. The Mandatory Inclusionary Housing units,
4 which will be approximately nearly 80 units out of
5 the total of 262 units we would seek to market those
6 as aggressively as possible to residents of Engersoll
7 Houses and other local residences—residents to ensure
8 that maximum complete and correct applications are
9 submitted by local residents to maximize their
10 opportunity for the permanently affordable units, and
11 work with the local and non-profits administering
12 agents—agent that we've been discussing with Council
13 Member Cumbo as well. And then to conclude our
14 presentation, I'll hand it over to Ed Brown to
15 discuss the jobs—local job and training program
16 he's been working on for this project.

17 ED BROWN: Good afternoon Council
18 Members. Ed Brown from Team Brown Consultants, and
19 we've been brought on to this project to provide our
20 workforce development, and just a—a brief background.
21 We have an ongoing working relationship with
22 Engersoll Houses in reference to getting more local
23 residents hired on construction jobs in the
24 community, and we'll work directly with the Engersoll
25 Tenants Association as well as the Farragut and Walt

2 Whitman Tenants Association to recruit new residents
3 to be a part of working on this project. We already
4 have a database of Engersoll, Whitman and Farragut
5 residents on hand because of the work we've—we're
6 currently doing and the work we've done in the past
7 in that community. We also are going to provide OSHA
8 training and possibly flag-flagger training and
9 scaffolding training, and the mission is to provide
10 as many skilled and unskilled construction
11 opportunities on this project for the local residents
12 of Engersoll.

13 NORA MARTIN: Thank you. So, that
14 concludes our presentation. I look forward to any
15 questions.

16 CHAIRPERSON RICHARDS: Yeah, great.
17 Thank you and I often pass by this site, and sort
18 been like why is this storage facility like plunked
19 in the middle of the block? So, I'm glad you guys
20 are doing something different with it. Can you speak
21 to—so, let's go back, let's go to affordability
22 quick. So, how many units again?

23 NORA MARTIN: Overall 2—about 252, and
24 nearly 80 will be Mandatory Inclusionary Housing.

2 CHAIRPERSON RICHARDS: Say that again.
3 I'm sorry.

4 NORA MARTIN: It's that-so, of-of the
5 approximately 252 units, nearly 80 would be-79 would
6 be Mandatory Inclusionary Housing.

7 CHAIRPERSON RICHARDS: Great. So option
8 1.

9 NORA MARTIN: Option 1.

10 CHAIRPERSON RICHARDS: And can you give a
11 breakdown again of what those-well, obviously you
12 know where the rates. So, I'm just interested in
13 knowing sort of the why no-so you're not going to use
14 any city subsidy?

15 NORA MARTIN: [interposing] Right. This
16 is entirely privately funded.

17 CHAIRPERSON RICHARDS: And why did you
18 choose that option not to go to the city for
19 financing?

20 NORA MARTIN: The developer here does do
21 a lot of--

22 CHAIRPERSON RICHARDS: [interposing]
23 Speak a little louder.

24 NORA MARTIN: The developer here does
25 have a background in affordable housing development,

2 actually working on a project that will come before
3 the committee in the coming months that is just a few
4 blocks away that will be 100% affordable. They do
5 many of those projects. I think thousands of units in
6 the city, but on this site, given the location and
7 the land value, it made sense for this project to
8 move forward as a--an MIH project.

9 CHAIRPERSON RICHARDS: And just going to
10 the rationale a little bit. So, you mentioned land
11 value so--

12 NORA MARTIN: Yes, so here in Downtown
13 Brooklyn, you know, acquisition of the site makes it
14 difficult to make this a 100% subsidized affordable
15 housing development, but we're, you know, 80
16 Mandatory Inclusionary units is--I meant that's the
17 size of many developments, affordable developments
18 just standing on its own.

19 CHAIRPERSON RICHARDS: Okay, and can you
20 go through so obviously you're going to be right
21 across the street from the Engersoll Houses, correct?

22 NORA MARTIN: On the same block.

23 CHAIRPERSON RICHARDS: On the same block,
24 and this--this self-storage facility was there. Did
25 that building give a shadow impact to public housing

2 residents and has there been a shadow study done on
3 your particular site?

4 EMMANUEL D'AMORE: Well, do you want me
5 to-to take that? We-we haven't performed a-a shadow
6 study analysis. However, the impact of the existing-

7 CHAIRPERSON RICHARDS: And just speak a
8 little bit louder into the mic, please.

9 EMMANUEL D'AMORE: I'm sorry. We-we
10 haven't done any shadow study analysis. However, the
11 existing building is about 30, 40 stories high a
12 straight wall on the back of the NYCHA development.
13 The proposed development is a one-story building, and
14 then it's recessed about literally like 60, 80 feet
15 where the building starts. So, we assume that that
16 will be an improvement to the existing NYCHA
17 development. So of use.

18 CHAIRPERSON RICHARDS: And just go
19 through the interconnectivity. So, obviously, you're
20 going to be right across the street from public
21 housing. So, can you speak to-I know you spoke of
22 the jobs, and you'll be working very closely with the
23 Tenants Association?

24 NORA MARTIN: Uh-hm.

25

2 CHAIRPERSON RICHARDS: Can you speak to
3 how we're going to ensure both sites? You know, the
4 residents there don't feel like this building has
5 just been propped up, and they have no access to it.
6 So, can you speak to how we're going to grow it to
7 make sure there are particular parks? They try to be
8 dedicated to both the existing residents and the
9 local community. So, can you speak to that that a
10 little bit more?

11 NORA MARTIN: Sure. I just pulled up the
12 site plan again. I think—and you have it in front of
13 you also and like you have pull (sic) with that.
14 The—currently if you see the narrow strip of property
15 between the Engersoll Houses and between the
16 development site that fronts on Tillary Street,
17 that's currently fenced off. It's NYCHA property,
18 but it's been fenced off, paved and used for parking
19 for decades, and it's effectively blocked off
20 Engersoll Houses from the development. But as part
21 of this proposed development, we would remove that
22 fence. We would landscape at the developer's cost,
23 pending NYCHA's approval as it's their property, but
24 at the developer's expense. We'd landscape that area
25 with some passive recreational elements, tables,

2 chairs, which could be use openly by residents of our
3 building and also Engersoll Houses residents. It
4 would—the ground floor uses especially if you have
5 some local retail would open onto that area. They
6 would face Engersoll Houses. So they would be
7 accessible and inviting. The only area that we
8 fenced off would be at the rear of our building,
9 which is currently is the garbage area for Engersoll
10 Houses, and we would have fenced that off as a
11 benefit. It would include refrigerated containers
12 for the garbage. Again, at the developer's expense.

13 CHAIRPERSON RICHARDS: Can I—can I just—
14 take one minute.

15 NORA MARTIN: Sure.

16 CHAIRPERSON RICHARDS: I just need to
17 have Council Member Garodnick vote and then we'll
18 continue.

19 COUNCIL MEMBER GARODNICK: Thank you very
20 much for that.

21 CHAIRPERSON RICHARDS: Counsel, please
22 take the vote.

23 LEGAL COUNSEL: Council Member Garodnick.

24 COUNCIL MEMBER GARODNICK: I vote aye.
25 Thank you. Sorry to interrupt.

2 CHAIRPERSON RICHARDS: No problem.

3 Alright. Sorry.

4 NORA MARTIN: No, problem. I'll move on,
5 and then to make sure that this isn't just a building
6 going up with its back to Engersoll Houses, it has
7 been designed so that the rear—the rear of the
8 building, the parts that don't face street signages
9 are not just a solid blank wall so that it's dynamic,
10 and it works with Engersoll, and as Emmanuel was
11 saying, the commercial base is one story, and then
12 there are two residential towers that are set back.
13 So, the view actually, and the amount of light that
14 gets to Engersoll Houses that are closest to the
15 development site will actually be improved by this
16 design as opposed to the very bulky five-story self-
17 storage facility that's currently built in activity
18 extent of lot line.

19 CHAIRPERSON RICHARDS: I see some out
20 parcels, but I'm not sure are NYCHA owned—NYCHA owned
21 parcel, and then an out parcel. Are those the cites
22 you're considering doing anything on there?

23 NORA MARTIN: No, for the corner site,
24 which is included in the rezoning area sort of the
25

2 way the--the lines are drawn is currently an 8-story
3 building. It's occupied as homeless housing, but--

4 CHAIRPERSON RICHARDS: [interposing] Okay.

5 NORA MARTIN: --but to non-profits. Not
6 under-controlled by the developer on this project.

7 CHAIRPERSON RICHARDS: Alright, do any of
8 my colleagues have questions? Alright, Council--I'm
9 going to go to Council Member Barron.

10 COUNCIL MEMBER BARRON: Thank you, Mr.
11 Chair. Thank you to the panel as well for coming.
12 So, you indicated that 30% roughly of the 226
13 apartments will be affordable. What's the AMI for
14 those?

15 NORA MARTIN: It's a maximum average of
16 60% AMI with 10% of the residents average actual at
17 40% AMI.

18 COUNCIL MEMBER BARRON: Say that again,
19 please.

20 NORA MARTIN: The requirement under
21 Mandatory Inclusionary Housing is that that floor
22 area would be of an average of 60% AMI, but that
23 leaves 10% at 40% AMI. We don't have the exact
24 breakdowns yet like we would with the 100% affordable

2 housing project, but those are the statutory
3 requirements.

4 COUNCIL MEMBER BARRON: And what is the
5 rental for the other apartment the other 70%.

6 NORA MARTIN: They would be market rate
7 depending on the market, and 2-2-1/2 years on this
8 project is completed.

9 COUNCIL MEMBER BARRON: And these
10 affordable—so, 70%. So, this is—okay 70/30 and these
11 affordable apartments where will they be
12 located?[background comment]

13 NORA MARTIN: I'm sorry, they'll be—where
14 will they be located? Oh, they will be evenly
15 distributed throughout the building. There's one
16 entrance. All of the apartments will have the same
17 amenities. There will be no distinction between the
18 inclusionary housing units and the market rate units.

19 COUNCIL MEMBER BARRON: And is that in
20 writing?

21 NORA MARTIN: That's required by law.

22 COUNCIL MEMBER BARRON: Right, but okay.
23 So, it's not going to be a line that has some. It's
24 not going to be a particular floor or floors within
25 that has them?

2 NORA MARTIN: No, absolutely not. No.

3 COUNCIL MEMBER BARRON: Thank you, Mr.
4 Chair.

5 CHAIRPERSON RICHARDS: Thank you, and
6 just lastly before we close out, can you speak to
7 jobs again? So, very happy that you're working with
8 the local MBE-MWBE. Can you speak to the percentage
9 of jobs that we anticipate? How many jobs do we
10 anticipate will be created and is three a set goal on
11 how many jobs will go to the local community?

12 ED BROWN: Well--

13 CHAIRPERSON RICHARDS: [interposing] And
14 how--and--and is there a tracking mechanism as well?

15 ED BROWN: Okay, in reference to the
16 percentage, there's no current percent at this
17 moment, but as we meet with the GC, the General
18 Contractor of the project, we'll sit--we'll sit down
19 and go through all the--all of the trades, and--and see
20 what the needs are, and then based on the needs of
21 the--each individual contractor, you know, we'll place
22 people accordingly, and as far as tracking, what we
23 do is what we've done previously on for example the
24 Dock Street project in Dumbo, and also Bay and South,
25 which was just completed. Because we have an on-site

2 project manager who actually stays on site during
3 work hours and he actually tracks the local residents
4 who are hired on the--on the job, and we--we committed
5 and we've done in the past to report to the local
6 Council Member either monthly or bi-monthly the
7 amount of our residents, and we use zip codes and--and
8 addresses to be able to gather the data in reference
9 to how many local residents are hired. And I just
10 want to add one piece. Previously, the reason--the
11 reason why the Tenants Association actually works
12 directly with us, is because previously, as you know,
13 many projects have been built around that
14 development, and to date, you know, a lot of
15 residents don't get those jobs. So, we--we actually
16 work directly with them to ensure that residents are
17 benefitting from these projects that are--that are
18 taking place around the--

19 CHAIRPERSON RICHARDS: [interposing] And
20 that will bring me to my point on it is we want to
21 see a minimum goal commitment from the developers on--
22 --on how they're hiring. I--normally--we like to
23 normally at least me personally like to see at least
24 a minimum of 30%.

25 ED BROWN: Thirty percent, right.

2 CHAIRPERSON RICHARDS: And also on MBES
3 as well. You know, where are we looking to ensure
4 that we're getting opportunities to a lot of talented
5 Brooklyn people I'm sure that live in the surrounding
6 area?

7 ED BROWN: Yep.

8 CHAIRPERSON RICHARDS: I also heard that
9 you're working with Builder Service—Building Service
10 Workers as well on this project. So, you don't have
11 to go into details, but I think we've heard that as
12 well. So, yeah, so I just wanted to see a little bit
13 more teeth in where we're going on the local jobs
14 situation, and I'm going to go back to Council Member
15 Barron got another question.

16 COUNCIL MEMBER BARRON: Thank you, Mr.
17 Chair, and I was going to ask the question about your
18 goals for MWBEs. So, it's going to be stated what
19 your goal is for the MWBEs?

20 ED BROWN: Yes, we're going to sit down
21 and go—go over the percentages.

22 NORA MARTIN: Yes, we'll provide that
23 information.

24 COUNCIL MEMBER BARRON: And in terms of
25 preference, will there be any kind of community

2 preference especially for the affordable housing for
3 the local community board members?

4 NORA MARTIN: Yes, that's gen-generally
5 there's a 50% preference at a local community
6 district, and here the developer has experienced that
7 generally. Since they do a lot of affordable housing
8 development, they have a lot experience in marketing
9 and in helping local residents apply for these
10 housing opportunities because basically, you know, a
11 lot of times the issue is not just submitting
12 applications, but submitting a complete application
13 that actually makes it through the process.

14 CHAIRPERSON BARRON: And in terms of the
15 construction jobs, will they be union, non-union?
16 Will there be particular agreements for particular
17 trades?

18 NORA MARTIN: It would depend. Likely
19 mostly non-union, but the emphasis is on--

20 COUNCIL MEMBER BARRON: [interposing] I'm
21 sorry, say again.

22 NORA MARTIN: It depends on the trade.
23 There hasn't been a commitment made yet on the union
24 labor, and this emphasis on this project is--

25 ED BROWN: [interposing] Local.

2 NORA MARTIN: --local hiring.

3 COUNCIL MEMBER BARRON: Thank you.

4 CHAIRPERSON RICHARDS: Alrighty, thank
5 you all for your testimony.

6 NORA MARTIN: Thank you.

7 CHAIRPERSON RICHARDS: Alright, are there
8 any members of the public who wish to testify on this
9 issue? Okay, seeing none, I will now close the
10 public hearing on the Tillary and Prince Street
11 Rezoning, and then we'll move onto our next hearing,
12 and then we will go up the links and then we're
13 Pfizer that. Our next hearing is on the Linden
14 Boulevard Rezoning Application. This application is
15 for a zoning map amendment changing an R4 district to
16 an R8A with a C2-4 overlay, 3-R7A and in R6A
17 districts. Any zoning text amendment that would
18 apply the Mandatory Inclusionary Housing program to
19 the site. The application would affect property
20 bounded by Linden Boulevard, Emerald Street, Warring
21 Avenue and Amber Street in Council Member Barron's
22 district in Brooklyn. This application would
23 facilitate the development of-for-for 8 to 12-story
24 predominantly residential buildings containing over
25 500 units of affordable housing for incomes ranging

2 between 27 and 80% of the AMI. I will now open the
3 public hearing for this Preconsidered Land Use
4 application, and we'll hear from our first panel.
5 [background comment] Oh, and we'll go to Council
6 Member Barron for an opening statement, and—and I'll
7 just introduce the first panel Lauren George, Lisa
8 Aron--Orrantia, Carolyn Canviaton (sp?), Don--Dan Rad
9 and Anthony Been. I think I got it right. Alright,
10 we'll go to Council Member Barron for an opening
11 statement, and then you may begin.

12 COUNCIL MEMBER BARRON: Thank you, Mr.
13 Chair. Thank you to the panel for coming. I'm
14 excited about the prospect of this project coming to
15 fruition. We've been talking. We have some points
16 that I'm looking to hear if they've been resolved.
17 At our last meeting we talked about parking. We
18 talked about the height on Loring Avenue. We talked
19 about the jobs being able to be available to the
20 local hires as well as union. We talked about
21 setting a goal for MWBEs, and I indicated I am not
22 supporting Option 2, and the other concern that I did
23 have was that 36% of the units were set at 80% of the
24 AMI, which is from \$53,000 to about \$68,000, and is
25 my concern is that in East New York, 36% of the

2 residents aren't in that band. Only 15--less than 15%
3 is in that band. So, if this project were to go
4 forward, we wanted to see a reduction in that 36% so
5 that we do not displace long-term residents because
6 they don't meet that requirement. So, those are some
7 of the issues that we discussed, and I'm looking
8 forward to hearing where we are presently. Thank
9 you, Mr. Chair.

10 CHAIRPERSON RICHARDS: Alrighty. You may
11 begin.

12 LISA ORRANTIA: Good afternoon, Council
13 Members. My name is Lisa Orrantia from Akerman LLP,
14 and I represent--our firm represents Canyon Sterling
15 Emerald, the applicant in this zoning map amendment
16 and text amendment, and text amendment. I'm joined
17 by Lauren George from Constantinople and Vallone, and
18 Daniel Rad from Radson Development. Ken and Sterling
19 Emerald is seeking a zoning map amendment and zoning
20 text amendment to designate the area as a Mandatory
21 Inclusionary Housing area in connection with the
22 proposed development of the vacant block. The site
23 is located in East New York neighborhood of Brooklyn
24 and it's one block west of the Queens Borough border.
25 The surrounding area includes residential, community

2 facility and commercial uses. The site is 100,000
3 storm water bounded by Linden Boulevard, Emerald
4 Street, Loring Avenue and Amber Street. The block is
5 currently zoned R4 with a C1-2 overlay that's 100
6 feet deep from Linden Boulevard. The propose
7 district are R8A with a C2-4 overlay on Linden
8 Boulevard, R6A in the midblock, R7A on Loring Avenue
9 and the proposed districts are designed to pub the
10 greatest bulk distributed on the wider streets.
11 Loring Avenue is 70 feet wide and Linden Boulevard is
12 170 feet wide. The median density residential zoning
13 districts will allow a significant amount of
14 affordable housing. The proposed districts are also
15 consistent with the density and bulk of the
16 surrounding neighborhoods. Within three blocks to
17 the west of the site you have two 8-story buildings.
18 The Pink Houses are a complex of 22 buildings with
19 1,500 apartments, and at 873 Elder Lane is another 8-
20 story building that has 176 apartments, and also the
21 west is Linden Plaza, which consists of four 17-story
22 buildings. The City Planning Commission approved the
23 actions in connection with a proposal to build four
24 new buildings ranging in height from 8 to 12 stories.
25 The residential floor area consisting of

2 approximately 400,000 square feet is going to be 100%
3 affordable. There will also be 17,000—approximately
4 17,000 square feet of commercial floor area, 21,000
5 square feet of community facility floor area and
6 accessory parking for 100 cars. Building 1 on Linden
7 Boulevard is a 12-story building containing 235
8 dwelling units, retail use and parking. Building 2
9 is 8 stories with 109 dwelling units, community
10 facility and parking. Building 3 on Loring Avenue is
11 77 dwelling units, and a community facility, and
12 Building 4 is an 8-story building with 100 dwelling
13 units and parking. All residential units will be
14 affordable pursuant to a regulatory agreement with
15 HPD and HDC. The development will comply with MIH
16 Option 2. Thirty percent of the residential floor
17 area will be designated as permanently affordable to
18 households at an average of 80% of the Area Median
19 Income. The development will make use of efficient
20 design. The development will be certified under—in
21 the —by its Green Communities Programs, which is the
22 equivalent of LEAD's Silver, and this will set
23 environmentally friendly affordable housing criteria
24 including energy efficiency, resource conservation,
25 efficient operation of the building. It will also

2 make use of passive house design elements. So,
3 energy—and energy efficient system will be used to
4 heat and cool the building using the VRFH VAC, which
5 is an improvement over the PTAC system. It will also
6 have double and triple paint glazing and insulation
7 that exceeds energy code requirements, LED lighting
8 and residential appliances and fixtures will be
9 selected to reduce energy and water use. As for
10 amenities, there will be 16,500 square feet of
11 landscaped roof and terraces, and 11,900 square feet
12 accessory to the residential use. In each building
13 there is a laundry room, computer room, fitness
14 center and community room, and 100 parking spaces
15 will satisfy zoning requirements. The proposed
16 parking is at grade. It will be covered by a
17 landscaped terrace we use as an outdoor recreation
18 area. Required venting will be sense and screened,
19 and I'll turn it over now—turn this presentation to
20 Lauren George who will present on affordability,
21 proposed uses and labor.

22 LAUREN GEORGE: Thank you. I'm Lauren
23 George from Constantinople and Vallone representing
24 Canyon Sterling Emerald. Again, this building has a
25 total of 514 affordable units. Three hundred and

2 thirty-seven of those units will be affordable to
3 families earning less than 60% AMI. The first,
4 Building 1, which is the largest building at 234
5 units is proposed as a mix and match. The other
6 three at this time are being proposed ELLA, Extremely
7 Low and Low-Income Affordable buildings. The average
8 unit sizes exceeds the feet of one (sic) by joining
9 the sizes of HPD Term Sheet Requirements, and the 2-
10 bedroom and 3-bedroom unit sizes are at the highest
11 band of the range. For the community facility use
12 we're hoping to attract a day care center or another
13 community based non-profit. We've partnered with a
14 day care center and other sites in the community.
15 So, we're looking to continue that relationship with
16 the new facility there. For the retail use we're
17 eager to work with the Council Member and community
18 stakeholders to find local business partners that
19 will serve the community. We're also in touch with a
20 healthcare clinic and open to a supermarket-
21 supermarket tenant use. We're working with local
22 organization Man Up Inc. on local hiring to fulfill
23 local source hiring goals, and it is our practice to
24 consistently solicit MWBE contractors. This
25 developer has worked extensively for many years on

2 affordable housing projects, and has worked with MWBE
3 subcontractors on many of its projects, developing
4 more 2,600 units across the city. In other projects,
5 past projects the organization has gained 15% MWBE
6 utilization. In this project we can commit to a goal
7 of 40% MWBE utilization, and again, as I said, work
8 with Man UP Inc. as the local hiring partner to work-
9 to satisfy the highest possible local hiring goals.
10 There will be approximately 150 to 200 construction
11 jobs created through this project, and depending on
12 the retail use that's finally located here it will be
13 between 20 and 30 permanent jobs created. So, that's
14 the basics, and if you have any specific questions,
15 we'll be here to answer questions.

16 CHAIRPERSON RICHARDS: Okay, thank you
17 and thank you for your testimony. So, Council Member
18 Barron raised that you're-you're applying MIH Option
19 2 and she's looking at Option 1. So, has there been
20 any progress in talks with the Administration or on-
21 on turning the tide a different way?

22 LAUREN GEORGE: Well, we are working with
23 HPD to satisfy the goals here and get to the highest
24 portion--

2 CHAIRPERSON RICHARDS: [interposing]

3 Jordan, do you want to talk on this thing? [laughs]

4 Okay.

5 LAUREN GEORGE: So, we're—we're
6 negotiating and trying to get to a higher proportion
7 for the three remaining buildings. For Building 1
8 it's proposed as a mix and match.

9 CHAIRPERSON RICHARDS: Alrighty, and oh,
10 it's a mix and match. Okay, and can you just go
11 through your unit count and breakdown.

12 LAUREN GEORGE: Yes.

13 CHAIRPERSON RICHARDS: Are you prepared
14 to talk about it? So, I know you selected Option 2.
15 What would the scenario be like under Option 1 or are
16 you prepared to talk about the differences?

17 LAUREN GEORGE: We would have to come
18 back with a more detailed analysis of Option 1 with a
19 higher proportion of 60% AMI units.

20 CHAIRPERSON RICHARDS: Okay.

21 LAUREN GEORGE: And we're prepared to do
22 that.

23 CHAIRPERSON RICHARDS: Okay.

24 LAUREN GEORGE: We are presenting today
25 this—this scenario, which is--

2 CHAIRPERSON RICHARDS: [interposing]

3 Different scenarios. Okay, and just go through the
4 job situation again, and then also I'm interesting in
5 hearing—So, I see there are some R4 districts that
6 abut the site, and can you speak to setbacks, and how
7 you're going to ensure that you're not casting a
8 shadow over these R4 Districts that abut your site?

9 LAUREN GEORGE: Yes. So, we agreed to
10 reduce Building 3, which is the building along Loring
11 Avenue to a 5-story street wall with a setback, which
12 entailed a loss of a certain number units in order to
13 satisfy community concerns about the height, but
14 there were also some shadow studies and analyses done
15 that indicated no shadows would be cast on the—to the
16 south on the Loring Avenue adjacent homeowners, and--

17 CHAIRPERSON RICHARDS: Building 3?

18 LAUREN GEORGE: Building 3.

19 CHAIRPERSON RICHARDS: Okay.

20 LAUREN GEORGE: So, it's as proposed
21 currently has a five story street wall.

22 CHAIRPERSON RICHARDS: Okay and then on—
23 what else did I see here, and there's another R4 on—
24 so I seen Linden Boulevard there's some R4 and then
25 on 79th Street, on the 79th Street side. So, on both.

2 LAUREN GEORGE: I think that may be
3 different. The--the outlines of our project are
4 Amber, Emerald, and Loring Avenue and Linden
5 Boulevard.

6 CHAIRPERSON RICHARDS: Okay.

7 LISA ORRANTIA: Right and the EIS
8 concluded that none of the buildings will result in a
9 significant adverse shadow impact. [background
10 comment, pause] Okay, okay, actually no, you're
11 good. I'm sorry. I misread your zonings we have.
12 Okay. Alright and can you go into jobs and is there
13 a local organization reporting mechanism? What are
14 you doing for jobs, and is there a specific
15 percentage goal you're looking to, and I'm very
16 happy. I have no questions on the environmental
17 benefits. I think it's excellent that you're doing
18 Passive House, which is one of the best standards you
19 can utilize in a building. So, can you just speak to
20 that, and then I'll got Council Member Barron for
21 questions.

22 LAUREN GEORGE: So then we're working on
23 an agreement with Man Up, Inc. to do the maximum of
24 possible local hiring. The percentage would be at
25 least 30%--

2 CHAIRPERSON RICHARDS: [interposing]

3 Which is good.

4 LAUREN GEORGE: --but, you know, we would
5 like to go beyond that--

6 CHAIRPERSON RICHARDS: [interposing]

7 Good.

8 LAUREN GEORGE: --and focus really on as
9 many jobs as possible.

10 CHAIRPERSON RICHARDS: And MBEs as well?

11 LAUREN GEORGE: Yes, and as I said, we're
12 committing to a goal of 40% MWBE subcontractors. So,
13 as many local MWBEs as possible.

14 CHAIRPERSON RICHARDS: And tracking
15 mechanisms?

16 LAUREN GEORGE: Thought the--

17 CHAIRPERSON RICHARDS: [interposing] You
18 hear me say that every week because I--

19 LAUREN GEORGE: [interposing] Of course
20 and we--

21 CHAIRPERSON RICHARDS: --because our goal
22 is a number--Okay. [laughs]

23 LAUREN GEORGE: We will track them
24 closely, and--and report to the local Council Member--

25

2 CHAIRPERSON RICHARDS: [interposing]

3 Okay.

4 LAUREN GEORGE:--on the construction
5 process.

6 CHAIRPERSON RICHARDS: And community
7 board as well?

8 LAUREN GEORGE: Yes.

9 CHAIRPERSON RICHARDS: Okay. Alrighty.
10 We'll go to Council Member for questions.

11 COUNCIL MEMBER BARRON: Thank you, Mr.
12 Chair. So, at this point you're not committing to
13 Option 1? [pause] That's the first question. I have
14 many. [pause]

15 DANIEL RAD: Hi. Hi-hi, Council Member.
16 We—we would like to commit to Option 1, but as we
17 discussed, there's multiple phases, and I think that
18 we're still working with HPD to see how that would
19 work for the first phase. The remaining three phases
20 don't have an issue with Option 1. So, it's a
21 conversation we're still continuing with HPD to see
22 how we could accommodate that request.

23 COUNCIL MEMBER BARRON: Okay, well, I
24 want to be very clear that I support projects that
25 come to the district that I represent that contain

2 Option 1. I want that to be very clear at the
3 outset, and in terms of the 36% of the units at 80%
4 did you come up with any other kinds of figures to
5 present?

6 DANIEL RAD: No—yeah, Council Member. We
7 were able to work with HPD and we changed Phase 3
8 from the mix and match to an ELLA. So, all the
9 remaining buildings after the first phase will be
10 ELLA, and by doing that we brought down—we were able
11 to bring it down to 34% from 36%, 80 of AMI by doing
12 so. WE were able to do that by bringing the 80% AMIs
13 into 60 and 50 of AMI.

14 COUNCIL MEMBER BARRON: I'm sorry. Say
15 that last part again.

16 DANIEL RAD: We—were able to do that by
17 bringing those units that were moved from 80 of AMI
18 into 60 and 50 of AMI.

19 COUNCIL MEMBER BARRON: Okay. Can you
20 give me that so that I can have a hard copy to look
21 at so that I can review that because I don't have
22 that?

23 DANIEL RAD: Yes, we can.

24

25

2 COUNCIL MEMBER BARRON: And in terms of
3 we talked about jobs providing some union jobs, as
4 well as local hires for a particular trade perhaps.

5 DANIEL RAD: So, yeah, we've—we've
6 committed to work with the—the local group Man Up,
7 Inc. to help us--

8 COUNCIL MEMBER BARRON: Yes.

9 DANIEL RAD: --identify more MW--local
10 MWBE entities.

11 COUNCIL MEMBER BARRON: Right.

12 DANIEL RAD: And we have also accepted to
13 bid with union contractors and we have engaged
14 conversations with union contractors for the carting
15 and for the pile—the pile driving for the site.

16 COUNCIL MEMBER BARRON: Thank you that's
17 good. A few other questions. The façade. What are
18 you proposing the façade of this building to be?
19 Because I think most people know that I like brick.

20 LISA ORRANTIA: Right. So, the—the façade
21 is iron sod brick for the lower level.

22 COUNCIL MEMBER BARRON: What is it?
23 Iron--?

24 DANIEL RAD: It's called iron sod. It's
25 the color. It's for the darker gray brick, lead

2 (sic) bearing façade for the lower floors, and then
3 [background comment] And then for the upper floors
4 it's fiber cement equitone panels, and they are a
5 variation between light gray and bluish darker gray.

6 COUNCIL MEMBER BARRON: Okay. I think I
7 know what that looks like, but if you could direct me
8 to a building that has exactly what it is that you're
9 proposing then I can give you a definitive answer as
10 to whether or not I think it is in context with what
11 already exists in the community and what in my
12 opinion is more appealing to the eye, and finally
13 you—did you talk about parking, the number of spaces,
14 and the cost? We discussed that at the last meeting.

15 LAUREN GEORGE: Right. So, currently
16 there are 100 spaces proposed here, and, you know,
17 that was approved by the Community Board as being
18 sufficient, but we did talk about the—if there is a
19 need for more spaces in case there's overflow there
20 we could be considering making this into an attended
21 lot, which would maximize and increase the capacity
22 of parking. There also two other lots owned by the
23 same owner that could be utilized for that purpose,
24 and we have--

2 COUNCIL MEMBER BARRON: Say that again.
3 There are other--two other lots?

4 LAUREN GEORGE: Two other nearby lots
5 that could--could be utilized for tenant parking if
6 that becomes needed.

7 COUNCIL MEMBER BARRON: Is, are they
8 owned by the same person here?

9 LAUREN GEORGE: Yes.

10 COUNCIL MEMBER BARRON: I think that's
11 the first time that that's been shared with me.

12 DANIEL RAD: (coughs) Many--

13 COUNCIL MEMBER BARRON: [interposing]
14 Yes.

15 DANIEL RAD: At--at this site we're able
16 to make it attended, which would roughly give you 140
17 spaces, and if--if there was even demand above that, a
18 mile away we have another development that has a
19 parking lot that's--that is currently not being used.
20 So, we'd be able to have tenants go there as well.

21 COUNCIL MEMBER BARRON: Well, we still
22 have some issues that we have to resolve. The
23 biggest one is Option 1, not Option 2, that's--that's
24 the biggest one. It's the biggest hurdle that we
25 have to address, and the others follow behind that.

2 DANIEL RAD: Council Member, we can—we
3 can work with you to work on Option 1.

4 COUNCIL MEMBER BARRON: Okay, and then,
5 of course, the other issues that I have again
6 referred. If we can look at having some meetings to
7 address those, that would be good, and we can try to
8 move forward. Because otherwise, the project is I
9 think one that would be beneficial to the community,
10 and the fact that it will be an area contained in the
11 interior where children will have an opportunity to
12 play, and the people have an opportunity to relax and
13 have open space. But we do have some major hurdles
14 to overcome.

15 DANIEL RAD: Okay.

16 COUNCIL MEMBER BARRON: Thank you. Thank
17 you, Mr. Chair.

18 CHAIRPERSON RICHARDS: Thank you. Any
19 other questions from my colleagues?

20 LISA ORRANTIA: Excuse me. If I—Council
21 Member Barron may—I just—I wanted follow up on---

22 CHAIRPERSON RICHARDS: And can you state
23 your name and who you represent?

24

25

2 CAROLYN KENDZIA: Sure. I'm Carolyn
3 Kennedy. I was listed on the panel, but I wasn't
4 sure if I was going to be needed. I'd like to

5 CHAIRPERSON RICHARDS: And you're from?

6 CAROLYN KENDZIA: I'm Radson Development.

7 CHAIRPERSON RICHARDS: Okay, got it.

8 CAROLYN KENDZIA: With Canyon, Sterling
9 and Emerald. I would just like to follow up on the
10 MIH Option 1 as well as the AMI mix. In terms of
11 Building 1, I think if we're planning to speak to you
12 again, I think we can look at Building 1 and see if
13 Option may be able to apply there. I'd like to go
14 back and talk to our architect on that. I would also
15 like to say that on Buildings 2, 3 and 4 because as
16 the phasing nature of this project, by switching
17 Building No. 3 to an ELLA we now have three ELLA
18 buildings, which gives us less flexibility under
19 HPD's current Term Sheets to lower the 80% band and
20 bring them—bring additional units into the 60% AMI,
21 and by doing so, I think we can get much closer to
22 your goal of having only 30% of the project at 80%.

23 COUNCIL MEMBER BARRON: Well, I didn't
24 set that as my goal. I didn't give you a number, but
25 [laughs] I'm hearing what you're saying, but that was

2 not what I had said because as I indicated, or I
3 don't recall. That may have been brought up in the
4 meeting that we had. I'll take that back. That may
5 have been put out there as a-as an-as something for
6 us to consider. I do recall somebody saying that.
7 Yes, but in terms of the height on Loring, that's
8 another concern that we have because it faces--the
9 Councilman alluded to the fact that these are three-
10 family--three-story buildings here on Loring, and we
11 talk about the street wall, but these houses are not
12 at street level. They're at third floor. So,
13 they're going to be looking, and they're going to be
14 seeing a taller building. Street wall talks about
15 people walking along the street looking up and that's
16 they see, but people who are living facing that, are
17 looking up and they're seeing more than just the five
18 stories at the street wall. So, it's still a concern
19 that I have.

20 DANIEL RAD: So, so we can--when we come
21 to meet with you again, we can bring you diagrams
22 from the architect so we can demonstrate--

23 COUNCIL MEMBER BARRON: [interposing]
24 Okay.

2 DANIEL RAD: --heights and how people
3 would see from--from the third floor of the
4 neighboring street.

5 COUNCIL MEMBER BARRON: That's fine.
6 That's good. Thank you. Thank you, Mr. Chair.
7 Alrighty. Thank you. Thank you for your testimony.

8 DANIEL RAD: Okay.

9 CHAIRPERSON RICHARDS: We'll look to hear
10 from Brian Brown 32BJ SEIU. [background comment,
11 pause]

12 BRYANT BROWN: Hello. Good afternoon,
13 Council Members. My name is Bryant Brown and I'm
14 here testifying on behalf of my union 32BJ SEIU. As
15 you all know, 32BJ is the largest property service
16 workers union in the country. We represent over
17 4,000 members that live in Community District 5, and
18 I am testifying today to urge you to consider how
19 important it is that Canyon Sterling Emerald LLC
20 commit to creating high quality jobs at 2846 Linden
21 Boulevard. The development on Linden Boulevard
22 should provide the community with high quality
23 building service jobs. These jobs at the building
24 will affect the wellbeing of the community for years
25 to come. Developments that pay building service

2 workers the industry standard prevailing wage and
3 benefits package allow workers to stay in the city
4 and support their families. It is especially
5 important that Canyon Sterling Emerald, LLC provides
6 high quality building service jobs at 2846 Linden
7 Boulevard because this development will serve as the
8 model for the developments that will follow the
9 approved rezoning of East New York. The Zoning and
10 Franchises Subcommittee can help ensure that the
11 Linden Boulevard rezoning sets a strong precedent for
12 responsible development in Brooklyn. This is why
13 32BJ is calling on you to disapprove of this project
14 unless Canyon Sterling Emerald, LLC commits to
15 providing good building service jobs that pay the
16 prevailing wage for local residents. Thank you.

17 CHAIRPERSON RICHARDS: Thank you for your
18 testimony. Thank you.

19 COUNCIL MEMBER BARRON: [off mic] I have
20 some questions.

21 CHAIRPERSON RICHARDS: Alright, and I'm
22 going to go to Council Member Barron for her
23 comments.

24 COUNCIL MEMBER BARRON: Thank you so much
25 for coming. Thank you for your testimony, and that

2 is certainly something that needs to be considered as
3 the project goes forward.

4 BRYANT BROWN: Thank you very much.

5 CHAIRPERSON RICHARDS: Thank you.

6 Alrighty, any other members of the public wish to
7 testify on this issue? Alright, seeing none, I will
8 now close the public hearing on Land Use hearing on
9 the Linden Boulevard Rezoning. Sorry. I'm so used
10 to the numbers. Alrighty, we'll move on. This is
11 our last item before we get to Pfizer. Our next panel
12 will be on the 661 8th Avenue Signage Text Amendment.
13 This application would modify the signage
14 requirements in Section 81 and 73 to facilitate the
15 installation of an advertising signage on the roof of
16 an existing 2-story retail building located at 661
17 8th Avenue in Council Member Johnson's district. I
18 will now open the public hearing for this
19 preconsidered land use application. [background
20 comment, pause] And we could keep it very simple.
21 [laughs] I know you have a very explicit diagram and
22 portfolio. So, let's keep it basic. [background
23 comment] And—and I have Kenneth Fisher. How you
24 doing, Ken?

25 KENNETH FISHER: Good, Council Member.

2 CHAIRPERSON RICHARDS: You doing alright?
3 We got you down here today.

4 KENNETH FISHER: Yes.

5 COUNCIL MEMBER RICHARDS: Great.

6 KENNETH FISHER: Thank you Council
7 Member. I—I think I'm signed in as a witness. With
8 your permission, instead of going through the Power
9 Point, if we could ask that it be spread on the
10 record as if we had presented it. We'll save you a
11 little bit of time.

12 CHAIRPERSON RICHARDS: Please say that
13 again.

14 KENNETH FISHER: I said if instead of
15 going through the Power Point--

16 CHAIRPERSON RICHARDS: [interposing] Yes.

17 KENNETH FISHER: --we could, if—if you
18 would deem it included in the record, as if we had
19 presented it, it might save you a few minutes.

20 CHAIRPERSON RICHARDS: You are presenting
21 it on the record. All the great things you just
22 said. [laughs] [background comment]

23 JOE CAYRE: Alright, great. Well, thank
24 you very much, Chairman, and members of the
25 committee. Good afternoon. My name is Joe Cayre.

2 I'm with Midtown Equities, the principal there
3 representing the ownership of 661 8th Avenue. As you
4 could see in the presentations, 661 8th Avenue is the
5 northwest corner of 42nd Street and 8th Avenue. It is
6 the only corner within the intersection today that
7 does not have digital advertising signage. The text
8 amendment before you is to allow for this corner to
9 be treated with the same zoning that would allow for
10 consistent signage across all four corners of this
11 intersection, which is the main gateway to Times
12 Square. As you will see in the Zoning Map, the
13 residential areas are to the northwest of the site.
14 Our sign will face southeast. Thereby mitigating any
15 concern that the residential neighbors would have.
16 We worked very closely with the members of Community
17 Board 4, and I'm very proud to say that they are
18 enthusiastically in support of this as is the Borough
19 President's Office. We have some images. As you go
20 though I think it's page 3 of the presentation that
21 showed the other three signs that are of the other
22 three corners. All that have multiple signs as I--

23 CHAIRPERSON RICHARDS: Is this the one
24 that says yes we bottle But Light?

25 JOE CAYRE: [laughs]

2 CHAIRPERSON RICHARDS: What if we like
3 Heineken here.

4 JOE CAYRE: [laughs] It's actually—it's—
5 it's not that slide, but the third slide, which is
6 the one up on the screen--

7 CHAIRPERSON RICHARDS: Okay.

8 JOE CAYRE: --which shows A, B and C
9 across the right, third from the front.

10 CHAIRPERSON RICHARDS: And are there any
11 other plans for development at this site. So, I know
12 you are--

13 JOE CAYRE: Not at this time.

14 CHAIRPERSON RICHARDS: Okay.

15 JOE CAYRE: So, to—to continue on, I will
16 select the next slide. So, part of the rationale for
17 this site as I—as I mentioned, you know, to—to have
18 all four corners treated consistently, which is not
19 the case today, and this text amendment creates the
20 mechanism that will do that. It is located within the
21 intersection of two large streets, and for those
22 familiar with the intersection of 42nd and 8th, it is
23 a gateway into Times Square, and I'm going to need up
24 the next slide. We also have some renderings here as
25 well, which show the proposed sign from various

2 different angles. This is just the last side. So in
3 summary, we would like to ask for--for the support
4 here of the committee. I'm happy to answer any
5 questions that the committee may have.

6 CHAIRPERSON RICHARDS: Okay, great. I
7 think it makes sense. This corner is sort of a
8 little dreary when you get off the train, as someone
9 who takes the E-Train often and gets off there, I
10 certainly see that there's a need to sort of clean
11 up, and I think there is some community. So, there
12 were some things the community board--

13 JOE CAYRE: [interposing] Yes.

14 CHAIRPERSON RICHARDS: --is looking for.
15 So, can you speak to that?

16 JOE CAYRE: Yes. So, well, the community
17 had two concerns, one has been the dangerous
18 condition that existed on the sidewalk just in front
19 of the site between 42nd and 43rd Streets. We had
20 worked together with DOT and came up with a design
21 that was acceptable to both them and the community,
22 and we're very proud to say that the work is not only
23 started but been complete. It's a beautiful
24 addition. It doubles the size of the sidewalk in a
25 very much visually appealing way, and also very safe.

2 The second part of what the community was looking for
3 when we sat down, was more rehearsal space for—that
4 was affordable. If you're familiar with a lot of
5 developments happening there, it's been taking up a
6 lot of that space. So, we totally separate and aside
7 from—from this application have entered into an
8 agreement with a not-for-profit whereby we'll be
9 supporting the construction and vision of rehearsal
10 space in Community Board 4.

11 CHAIRPERSON RICHARDS: Thank you and I
12 think your treatment made sense on the corner. I
13 will go to Chair Greenfield for questions.

14 CHAIRPERSON GREENFIELD: Oh, I just had a
15 question for Ken.

16 CHAIRPERSON RICHARDS: Yeah, go ahead.

17 CHAIRPERSON GREENFIELD: When I become a
18 former Council Member do I also not have to wear a
19 jacket and tie any more? Is that the procedure?

20 KENNETH FISHER: Well, Council Member,
21 with all due respect, you're going to headed for the—
22 for the Social Service area and I can't speak of
23 that, but I hang out with a lot of developers, and
24 this is the way they dress.

2 CHAIRPERSON GREENFIELD: Well, I don't
3 know. I think they normally wear jeans and sneakers.

4 COUNCIL MEMBER WILLIAMS: Mr. Chair, not
5 every--Council Member Cohen who wears shirts and
6 ties. [laughter]

7 CHAIRPERSON RICHARDS: I am mortified,
8 but Jumaane Williams will be back and you are
9 promised some. Alright, I'll accede the floor to
10 Council Member Williams. Thank you.

11 CHAIRPERSON RICHARDS: It's always the
12 home and Social Services for everyone here. Alrighty,
13 thank you so much for your testimony.

14 JOE CAYRE: Thank you.

15 CHAIRPERSON RICHARDS: Alright, we're
16 going to take five-minute recess, and then we will
17 begin the Broadway Triangle hearing. [background
18 comment] [Meeting in recess]

19 SERGEANT-AT-ARMS: Everyone at this time
20 please find your seats.

21 CHAIRPERSON RICHARDS: Say it in Espanol.

22 SERGEANT-AT-ARMS: Thank you very much.
23 Silence your cell phones. Quiet down. Thank you.

24 CHAIRPERSON RICHARDS: Alrighty, thank
25 you. We're going to ask everybody to quiet down. So

2 we can proceed. Alrighty, our last hearing today
3 will be on Land Use Item No. 761 and 762, the Pfizer
4 Sites Rezoning Application in Council Member Levin's
5 district. In this application, the developer is
6 seeking a zoning map amendment to change the existing
7 manufacturing zoning to a mix of R7A, R7B and R8A
8 zoning districts with a commercial overlay. This
9 would allow for a mix of 7 to 14-story buildings on
10 the site with over one million square feet of
11 residential area and 60,000 square feet of ground
12 floor retail space. Publicly accessible open space
13 would be provided in a corridor running down the
14 center of the development. In addition, a zoning
15 text amendment would subject the property to the
16 city's Mandatory Inclusionary Housing program.
17 Option, which would require 25% of the new
18 development be set aside for families making an
19 average of 60% of the AMI. We understand that this
20 area of Brooklyn has been and continues to be a flash
21 point for controversy and concern about housing and
22 Land Use policies. The 2009 Broadway Triangle
23 Rezoning of the neighboring properties and unresolved
24 litigation on the disposition of the city-owned land
25 underscores the need for us to approach development

2 here carefully, and learn lessons from recent
3 history. The location of this particular site is at
4 the confluence of different neighborhoods and
5 communities all challenged by the city's shortage of
6 affordable housing. New development of affordable
7 housing should be able to help address these problem,
8 but any such development needs to be fair and
9 inclusive. Our goal at this Council hearing is to
10 seek every opportunity to ensure that these goals are
11 recognized. To this end, we look forward to hearing
12 from a diversity of perspectives today. We ask that
13 everyone remain respectful of other people's time to
14 testify. As per our normal rules, please hold
15 applause or disruptions during other's testimony. We
16 will hear first from the applicants, then from panels
17 of five speakers alternating panels in favor and in
18 opposition. Due to the number of speakers, we have
19 signed up, we will be limiting testimony to around
20 two minutes per person. I will now open the public
21 hearing for Land Use Items No. 761 and 762, and we'll
22 hear from the first panel, and I'll ask you to state
23 your names for the record as well. Raymond Levin,
24 representing Harrison LLC, Magnus Magnusson,
25 Representing Harrison Street Realty; Jeff Reuben,

2 Harrison Realty; Stefanie Marazzi (sp?)—Am I saying
3 this right. Harrison, right? Harrison Realty; Iris
4 Wayne, Lee Silberstein and Mark Weprin. Alrighty,
5 we'll hear from them. [pause] [background comment,
6 pause]

7 CHAIRPERSON RICHARDS: Thank you. You
8 may begin.

9 RAYMOND LEVIN: Good afternoon, Chair
10 Richards, members of the subcommittee on Zoning and
11 Franchises. I am Raymond Levin of the Law Firm of
12 Slater and Beckerman, and we are Land Use Counsel to
13 Harrison Realty, LLC applicant for the Proposed
14 Pfizer Sites Mandatory Inclusionary Housing
15 Redevelopment Plan. With me today are Magnus
16 Magnusson of MAP Architects and Jeff Reuben of Phil
17 Habid Associates Environmental Consultants. Today
18 after nearly 30 years we are at the CUFFH of
19 something historic. With your support, we will at
20 last reactivate this long dormant site as something
21 that contributes positively to the community while
22 addressing a number of important needs. Let me begin
23 by explaining what this plan is intended to
24 accomplish. In developing a vision for these sites,
25 our team has had five key objectives in mind. First,

2 at its core this project will reactivate long dormant
3 privately owned site, and return it to productive use
4 for the community. Second, and perhaps most
5 importantly, it will provide much needed housing,
6 including 287 affordable units as well as
7 neighborhood retail. Both are sorely lacking in the
8 immediate community. Third, it will generate
9 economic opportunity for residents including good
10 jobs. Notably, the developer has committed to local
11 hiring and contracting ensuring that opportunity
12 benefits the community first and foremost. The plan
13 also will implement thoughtful design principles that
14 are in keeping with the neighborhood context, and
15 finally, it will demonstrate the viability of private
16 sector participation in the Mandatory Inclusionary
17 Housing program put forth by Mayor de Blasio and
18 enacted last year by this Council. So, let me talk
19 about this site for a moment. As some of you know,
20 Pfizer in 1989 halted its manufacturing operations in
21 Brooklyn. At that time under former Mayor Ed Koch,
22 much of this area including a portion of the property
23 we're discussing today was designated as an Urban
24 Renewal Area. Sadly, in the nearly 30 years since
25 that time these two blocks have remained largely

2 unused. Several attempts dating as far back to the
3 Dinkins' administration, have not succeeded in
4 bringing about the reuse of this property. In 2009,
5 the portion of the site that was in the Urban Renewal
6 Area was removed from that plan and Pfizer then
7 considered its options. In 2012, as the city's
8 housing crisis was esca—escalating, Harrison Realty
9 won a competitive bidding process and purchased the
10 site and began this redevelopment process. The
11 applicant proposes a new vision that would replace
12 blighted sites that had become a void in the heart of
13 these converging neighborhoods. By removing what is
14 now a barrier between communities, the project will
15 create new connections. In doing so, we've been
16 working with Beginning With Children's School. We've
17 engaged in conversations with them so that they would
18 not—they would be positively impacted rather than
19 negatively impacted by this development. The
20 centerpiece of the Pfizer site's MIH plan is its 1146
21 mixed income apartments, which make it the largest
22 private application to date on the MIH program. The
23 plan includes 287 permanently affordable units, which
24 would represent the largest influx of affordable
25 housing in tis community in many years. These

2 affordable apartments will be available to families
3 making an average of 60% AMI, and for the benefit for
4 those in the room who are not aware I want to call
5 special attention to this point: Residents are
6 selected for the affordable units through a lottery
7 prescribed by the city and overseen by HPD, meaning
8 the developer does not determine who will occupy the
9 affordable units. Additionally, as part of the
10 regulatory process, the developer has designated an
11 independent administering agent, which must be
12 approved and overseen by HPD and is responsible for
13 coordinating resident applications with program
14 requirements. HPD also must approve the unit mix as
15 part of the legally enforceable regulatory agreement.
16 As Mayor de Blasio said at a recent town hall co-
17 hosted by Council Member Reynoso, he will ensure the
18 vast—the vast majority of the affordable units will
19 be three bedrooms or fewer, and we will adhere to
20 that. As proposed, approximately 25% of the
21 affordable units will be 1-bedroom, 25% 2-bedroom,
22 25% 3-bedroom, and 25% 4-bedroom. To further ensure
23 the opportunities for affordable housing are
24 available to everyone in the area who qualify for it,
25 the developer has committed to sponsoring a series of

2 community based workshops produced by the Brooklyn
3 Chamber of Commerce to help residents understand the
4 application process. The developer will notify the
5 community board, and other community based
6 organizations including Churches United, Los Soros,
7 UJO, Saint Nicks and others prior to the affordable
8 units becoming available so they can assist in
9 getting out the word to—to the local community. The
10 applicant will also advertise the availability of the
11 affordable apartments in local press. The 859 market
12 rate units will include 1, 2 and 3-bedroom units and,
13 of course, will be open to all. One of the things
14 that are most exciting about the Pfizer site MIH
15 Redevelopment Plan, is the economic opportunity it
16 will generate. The developer has committed to
17 awarding 25% of the contracts to minority, women and
18 local contractors and to ensure that local residents
19 are hired at this site. At least 25% of the
20 construction jobs will be filled by local residents,
21 and through an agreement reached recently with 32BJ,
22 New York City's largest property service works union,
23 the project will create good prevailing wage jobs for
24 the operation and the maintenance of the buildings.
25 While the affordable housing and economic

2 opportunities are central to this project, a lot of
3 thought went into the design as well with smart
4 design principles ensuring the project will fit
5 seamlessly into the neighborhood. To discuss those,
6 I'd like to turn things over to Magnus Magnusson of
7 MAP Architects.

8 MAGNUS MAGNUSSON: Thank you, Ray. We
9 planned this site in collaboration with Brooklyn City
10 Planning to fit within the neighbor--neighborhood to
11 contextually fit within the neighborhood. On this
12 rendering--aerial rendering you can see Union Street,
13 which runs roughly north/south and is the wider,
14 busier street, and we located the taller buildings
15 along that street, the 12 to 14-story buildings and
16 then in the middle of the sites are 8 to 10-story
17 buildings, and along Harrison on the east side it
18 goes down to five and seven stories. This is a plan
19 of the ground floor areas that are grammatically
20 showing retail where the site would be rezoned for
21 commercial, for retail, and there would be retail in
22 the base of all of the buildings facing the streets
23 and in the public open space. One of the major
24 features of our project is the public open space that
25 runs roughly north/south right through the middle of

2 our project dividing the two blocks into four parcels
3 where we're proposing eight buildings. This site
4 plan shows that the buildings will have internal
5 courtyards, which will be on the second floor over
6 the first floor retail or parking, and the public
7 open space will include (coughs) That's in the next—
8 move to the next slide. Okay. So, the public open
9 space is about 65 feet wide, which is a little bit
10 more than the side streets in the project, which are
11 about 60 feet wide . here you can see the—the
12 entrance to the public open space. This view is from
13 Union Street showing that the taller buildings along
14 union and then showing the entrance to the public
15 open space that leads to the heart of the project as
16 a gateway to the new development. [pause] The
17 public open space links the existing community with
18 the new development and the entire neighborhood will
19 be able to enjoy this-this open space, which will be
20 safe, accessible and will remain active throughout
21 the day. It is also important to note that this
22 corridor will be open to the pedestrians only, which
23 will not make—which will not only make the experience
24 safer for people, but it would also make the
25 neighborhood safer by ensuring the now dormant area

2 will remain active. And again, the whole space is
3 designed at a human scale with plenty of trees and
4 tables, chairs, street furniture for people to enjoy.
5 Here you can see that we've prioritized larger corner
6 windows, which helps connects—further helps connect
7 the site to South Williamsburg. We are also
8 providing large transparent glass area for the retail
9 on the first floor. This rendering shows the lower
10 building the 5 and 7-story buildings along Harrison,
11 which—which acknowledges the community across the
12 street from it and the scale and—and allows and—and
13 we're proposing a setback that will allow open space
14 for them of the units and landscaping. We're also
15 proposing a—we're also proposing a sustainable
16 project that will meet the goals of HPD's Enterprise
17 Green Community Program. That will include a
18 resilience design, ground fill remediation, storm
19 water management, water conserving fixtures, energy
20 efficient systems and healthy materials. Thank you.

21 RAYMOND LEVIN: Finally, I'd like to
22 reiterate—reiterate a couple of points. The Pfizer
23 sites MIH Redevelopment Plan is an opportunity to
24 take a long dormant site and at last put it to work
25 for this community. We know this is a neighborhood

2 that needs affordable housing, needs jobs, needs new
3 neighborhood retail and needs safe inviting open
4 space. The plan before you addresses these needs.
5 I'm sure Council Member Levin will tell you this is a
6 community that desperately needs affordable housing.
7 I know each of you is committed to helping the most
8 vulnerable among us. We on this team share that
9 commitment. That is why we are passionate about this
10 project. The Mandatory Inclusionary Housing Program
11 that Mayor de Blasio put forth and the City Council
12 overwhelmingly voted to enact can make a real
13 difference in addressing the city's affordable
14 housing crisis. We strongly believe that. Since MIH
15 was enacted, a number of projects have been approved.
16 However, few of those were proposed for privately
17 owned land without use of the discretionary public
18 funds. The proposal is a test. Is MIH a viable way
19 for the private sector to help meet the growing needs
20 for affordable housing? Approving this project will
21 send a positive signal that the answer is yes, and
22 will help make the case to other developers that
23 there is a role for them to play as well. We ask you
24 to vote yes and thank you for your consideration.

2 CHAIRPERSON RICHARDS: Thank you and
3 thank you all for your testimony. So, I'll start off
4 with the million dollar, which I think is why this
5 project is so controversial is how can we ensure if
6 multiple parties are involved in this project and
7 obviously the Council has seen projects of this field
8 broken up and resold to other developers after a
9 rezoning is approved. And if this site is divided
10 and—and developed by multiple partiers. How can we be
11 sure that the key aspects of your vision that you
12 presented today are upheld? And, you know, the
13 community is not in uproar for no reason. We don't
14 take it lightly here. You know, we like to hear from
15 a little bit of everyone, but we also understand that
16 promises have been promised, and those promises were
17 not kept in the past. So, how are we going to ensure
18 that the promises and the things that you presented
19 today down to the unit sizes, down to the diversity,
20 down to the lottery, how are you going to ensure that
21 these promises are kept?

22 RAYMOND LEVIN: Alright, there's been a
23 lot of discussion about who the residents will be in
24 this project. I think it's important that we remind
25 ourselves. In terms of the affordable units, the

2 developer has no say in the selection of tenants.
3 There will be a regulatory agreement legally
4 enforceable. As each building is developed, that
5 regular, regulatory agreement attaches. So,
6 therefore, if these buildings are sold off, which is
7 not the intent of-of the applicant, the-the-
8 regulatory agreement will-will flow with them.

9 CHAIRPERSON RICHARDS: So, can we get the
10 developer to put that on the record today that there
11 is no intention for these buildings to be sold off?

12 RAYMOND LEVIN: Yes, sir.

13 CHAIRPERSON RICHARDS: So you are going
14 full steam ahead with the thought process that this
15 project is going to happen, and it's going to happen
16 the way you're presenting it today?

17 RAYMOND LEVIN: Yes, Council Member we
18 are. We've been pursuing it for how many years it
19 now. Three or four years, and the developer who-who
20 has developed many projects they've been in business
21 for nearly 30 years, have developed over 16, 1,700
22 units throughout Brooklyn, Brooklyn and Queens. So,
23 yes this is -this will-this will be developed by-by
24 the developer. He has no intention of selling it
25 off.

2 CHAIRPERSON RICHARDS: Okay. We have
3 long memories here. Well, alright, let me get into a
4 few other questions before I turn it over to my
5 colleagues. So, why didn't you or did you explore
6 entering into any outside of MIH, why didn't you
7 pursue HPD financing for any programs like ELLA or
8 Mix and Match here, or what was your thought process
9 around that. I know you're not forced to. That's
10 why we have Mandatory Inclusionary Housing in place,
11 but why didn't you pursue more financing, which have
12 helped you reach deeper depths of affordability?

13 RAYMOND LEVIN: I think the--this is the
14 developer acquired this. He looked to pursue the
15 MIH, and--and as other projects he's done four
16 affordable projects, and to my knowledge they are
17 without any HPD financing. He--he sees this as being
18 easier to pursue, but, you know, HPD does have a role
19 in the affordable component in approving it, and you
20 have to build the units to HPD standards and there's
21 a regulatory agreement, but beyond that, he has not--

22 CHAIRPERSON RICHARDS: So, he's not
23 interested.

24 RAYMOND LEVIN: --pursued--pursed it.

2 CHAIRPERSON RICHARDS: Okay, you can say
3 it straight. He's not interested in HPD's funds.

4 RAYMOND LEVIN: As far as I know. I
5 don't--

6 CHAIRPERSON RICHARDS: Okay and so you
7 spoke of an administering agent. Are you prepared to
8 talk about who that organization is?

9 RAYMOND LEVIN: It has not--has not been
10 elected at this point.

11 CHAIRPERSON RICHARDS: It has not been
12 selected.

13 RAYMOND LEVIN: In--in other projects he
14 is--done an RFP, and this is with almost 300 units.
15 This is a very large project that HPD I know is--that
16 was concerned about having an administering agency
17 who can handle this scale of project.

18 CHAIRPERSON RICHARDS: [interposing] And--
19 and they--and they--and they would just be responsible
20 more so for the lottery process for the affordable
21 units. How about--

22 RAYMOND LEVIN: [interposing] Yes.

23 CHAIRPERSON RICHARDS: --for the market
24 rate units as well?

2 RAYMOND LEVIN: There is no marketing
3 plan that I'm aware at the moment.

4 CHAIRPERSON RICHARDS: It's for the
5 market rate units--

6 RAYMOND LEVIN: [interposing] for the
7 market rate.

8 CHAIRPERSON RICHARDS: --there would be
9 no one to administer. Have you given thought to
10 that? Because I think that if we're trying to
11 achieve the goal of--

12 RAYMOND LEVIN: Uh-hm.

13 CHAIRPERSON RICHARDS: --what many people
14 are concerned about diversity in the project. Why
15 not bring on an--

16 RAYMOND LEVIN: [interposing] Well, the
17 marketing.

18 CHAIRPERSON RICHARDS: --an organization
19 as well for the market as well to make sure that we
20 can--

21 RAYMOND LEVIN: [interposing] Sure.

22 CHAIRPERSON RICHARDS: --ensure the
23 diversity is real and that if people have concerns we
24 can quiet their fears, right. So I think everyone
25 has the same goal to--to make sure that there's a

2 diversity of housing for different incomes. So, why
3 just stop at the affordable units when you can also
4 achieve, you know, there's still market rate as well.
5 So, you don't have to answer the question today, but
6 it's something that I would love to hear a little bit
7 about as we move through this process.

8 RAYMOND LEVIN: Certainly. Absolutely.

9 CHAIRPERSON RICHARDS: Yeah, so you're
10 saying you would be open to working with an
11 organization even on the market--

12 RAYMOND LEVIN: [interposing] On the
13 market rate?

14 CHAIRPERSON RICHARDS: Yeah.

15 RAYMOND LEVIN: I'd have to--I'd have to
16 talk to--

17 CHAIRPERSON RICHARDS: [interposing]
18 Okay.

19 RAYMOND LEVIN: --our client about that.
20 Normally, you know, market rate units are handed out
21 to brokers and--and get marketed--

22 CHAIRPERSON RICHARDS: [interposing]
23 Right.

24 RAYMOND LEVIN: -that way but we could
25 certainly bring it up with him.

2 CHAIRPERSON RICHARDS: Okay. I'm going
3 to move onto the next question. So, just go through
4 the--the units again. So, how many units altogether.
5 Give me the breakdown--

6 RAYMOND LEVI: [interposing] Yep.

7 CHAIRPERSON RICHARDS: --of 1-bedrooms,
8 2s, 3s, studios.

9 RAYMOND LEVIN: Oka, the 287 affordable
10 units.

11 CHAIRPERSON RICHARDS: Uh-hm.

12 RAYMOND LEVIN: They'll be approximately
13 25% 1-bedroom, 25% 2-bedroom, 25% 3-bedroom and 25%
14 4-bedroom. The--

15 CHAIRPERSON RICHARDS: Uh-hm.

16 RAYMOND LEVIN: --you know, whether--

17 CHAIRPERSON RICHARDS: [interposing] It's
18 still nice.

19 RAYMOND LEVIN: --whether it's--whether
20 it's 24 and 26 or whatever--

21 CHAIRPERSON RICHARDS: Okay.

22 RAYMOND LEVIN: --it has to do with HPD
23 when we do the regulatory agreement.

24 CHAIRPERSON RICHARDS: Uh-hm.

25

2 RAYMOND LEVIN: And what was the second
3 part of your question? I'm sorry.

4 CHAIRPERSON RICHARDS: Yeah, and--and go
5 through and what's the breakdown on the market units?

6 RAYMOND LEVIN: Oh, the market units, the
7 market units are--

8 CHAIRPERSON RICHARDS: [interposing] I
9 like to talk about market and affordable

10 RAYMOND LEVIN: Sure.

11 CHAIRPERSON RICHARDS: So it's--

12 RAYMOND LEVIN: [interposing] Okay.

13 CHAIRPERSON RICHARDS: --sort of--

14 RAYMOND LEVIN: The--the market will
15 include 1, 2 and 3 and 4-bedroom units, and the exact
16 breakdown of those depends on the--on the market. We
17 don't have that right now.

18 CHAIRPERSON RICHARDS: Okay. So, you'll
19 have that before we pass the rezoning or--?

20 MAGNUS MAGNUSSON: [off mic] I don't
21 know.

22 CHAIRPERSON RICHARDS: Would you have a
23 better understanding of what those unit breakdowns--?

24 RAYMOND LEVIN: We will--we will try to do
25 that.

2 CHAIRPERSON RICHARDS: And just go
3 through the AMI. So, how high are you going to go
4 with the market units?

5 RAYMOND LEVIN: Sure do we have the--the
6 AMI? Put on the AMI.

7 CHAIRPERSON RICHARDS: The AMI.

8 RAYMOND LEVIN: The--the AMIs, we're--we're
9 doing Option 1, so, you have of the 25--of the overall
10 project--

11 CHAIRPERSON RICHARDS: Uh-hm.

12 RAYMOND LEVIN: --the 25% is broken down
13 with 5% at 100% AMI.

14 CHAIRPERSON RICHARDS: And this is on
15 the--right on the Mandatory Inclusionary--

16 RAYMOND LEVIN: [interposing] On the 287.

17 CHAIRPERSON RICHARDS: --on the 287.

18 RAYMOND LEVIN: Yes.

19 CHAIRPERSON RICHARDS: Okay.

20 RAYMOND LEVIN: Yes, and then the--and 10%
21 at 60 and 10% at 40 AMI, and you can see that the
22 star. That's what that--that would mean.

23 CHAIRPERSON RICHARDS: [interposing] So,
24 did you put this in here or not? I'm sorry. I have
25 that in here. Okay.

2 RAYMOND LEVIN: So, that--that will give
3 you depending on your--on your--on your family size and
4 the size of your unit what the income levels are and,
5 therefore, what--what rent you would pay so--

6 CHAIRPERSON RICHARDS: And everyone would
7 have access to the same amenities and all of that
8 stuff?

9 RAYMOND LEVIN: Absolutely.

10 CHAIRPERSON RICHARDS: No, poor doors or
11 anything like that, right?

12 RAYMOND LEVIN: Yes.

13 CHAIRPERSON RICHARDS: Can you go through
14 how you are going to ensure that the open spaces is
15 open--

16 RAYMOND LEVIN: [interposing] Certainly.

17 CHAIRPERSON RICHARDS: --not only just to
18 this new development if we pass this but also to the
19 local community outside. How are you creating that
20 interconnectivity between communities? And I know
21 the borough president had a recommendation of closing
22 Gerry Street. Have you given a look to that as well
23 the mapping and also opening up Gerry Street as well?

24 RAYMOND LEVIN: We have not--we have not
25 given attention, attention to that. I know that

2 Beginning With Children fronts on the other side of
3 Gerry Street and the borough president was I think
4 was talking about that becoming part of open space-

5 CHAIRPERSON RICHARDS: Yes.

6 RAYMOND LEVIN: --Beginning With Children
7 has a large open space that they use, and I'm not
8 sure that--this could be in addition to that, but we
9 have not explored that.

10 CHAIRPERSON RICHARDS: Okay.

11 RAYMOND LEVIN: In terms of the open
12 space on our site, there will be a restricted
13 declaration which mandates that this happen. It will
14 be required to be built before we get TCOs for the
15 buildings. It will require that in the event, as you
16 mentioned earlier, of selling individual buildings
17 that--that all the properties will become part of
18 Property Owners' Association. So, like a--a condo
19 that would maintain the open space. The open space
20 was designed in coordination with--with City Planning.
21 It--it includes trees, benches, bike racks, and all of
22 that--all of those elements in the open space are part
23 of the Restricted Declaration. Also, at both ends
24 and in the middle since it crosses a street, we're
25 working with DOT to do a depressed--a depressed curb

2 and some side of—some kind of—of pedestrian either
3 the stop sign or something else that would allow the
4 connectivity that connects from—from the lower end,
5 which is with the beginning with Children's School
6 and the old former Pfizer plant, which has a lot of
7 food start-ups. On the north end there's PS 318. On
8 one corner is an MTA, the G-Train—the G-Train
9 entrance. So, it—it will provide a connection and—
10 and provide—it would be lined with retail, which this
11 community—if you walk around this community there
12 isn't very much. So that should also enliven it
13 besides connecting, you know, the northern and
14 southern parts of the community to the south besides
15 the old Pfizer plant is Morrissey Houses.

16 CHAIRPERSON RICHARDS: So, let's stay on
17 the retail. What—what is your vision for the retail,
18 the small stores, large stores?

19 RAYMOND LEVIN: Small—the largest option,
20 if you—Chris, could you put up the—the first full
21 frame. The—the way that the project lays out you
22 could see the—the pink is retail. You can see that
23 it's—it's divided into small units, and—and that was
24 the intent. The largest unit I think is—is what's
25 show on this map as H, which is something like 13,

2 14,000 square feet, which is not a huge space but
3 everything else is smaller. So, we're anticipating
4 local stores to occupy the space, and they're--and as
5 you can see the way it's laid out, it's not--you can't
6 combine the spaces because they're separated by
7 garage entrances and entrances to the building. So,
8 you sort of are, you know, locked into these smaller
9 spaces, and that was the intent.

10 CHAIRPERSON RICHARDS: Okay and you're
11 going to be looking at any affordable rents, any
12 community facility spaces for local organizations?

13 RAYMOND LEVIN: At the moment we haven't--
14 -

15 CHAIRPERSON RICHARDS: I wonder if you
16 have any thought process n that?

17 RAYMOND LEVIN: --we haven't--we--we
18 haven't--we haven't gone there yet.

19 CHAIRPERSON RICHARDS: Okay. Alrighty,
20 we would like you to.

21 RAYMOND LEVIN: I hear you.

22 CHAIRPERSON RICHARDS: [laughs] I'm gong
23 to go to Council Member Levin. I do have other
24 questions, and I'm sure my colleagues do, but I will

2 respect he members of this district who this is in,
3 and will go to him—Council Member Levin.

4 COUNCIL MEMBER LEVIN: Thank you very
5 much, Mr. Chairman. Do you mind if I say a few words
6 in a statement.

7 CHAIRPERSON RICHARDS: You have a right
8 to say whatever you want.

9 COUNCIL MEMBER LEVIN: Than you very
10 much, Mr. Chair. So, I want to thank everybody for
11 being here today. I want to thank the applicants for
12 putting forward this proposal. I want to thank
13 everybody that's here in the audience to voice
14 whatever it is that you want to voice your support,
15 your opposition, your concerns or whatever. I think
16 it's important that there's a community dialogue
17 around development in our communities. I want to
18 thank obviously our Land Use staff and our—and our
19 Chair of the Subcommittee Donovan Richards and the
20 Chair of the full committee David Greenfield. One
21 thing that is on my mind as this proposal has been
22 put forward and—and having been involved in North
23 Brooklyn politics for the last 13 years, the—the
24 communities of—of Williamsburg of North Brooklyn, the
25 Orthodox Community, the Latino community, have been

2 there for a long time for 70 years or—or longer, you
3 know, the Hasidic Community has been in the community
4 for about 70 years. There's an Orthodox community in
5 South Williamsburg before that that wasn't Hasidic.
6 The Puerto Rican community has been there for
7 probably over a century, and over the last 20 years,
8 all of these communities have been feeling the
9 squeeze. I work with a lot of constituents. They
10 can be senior citizens, they could be young families,
11 they could be African-American, they could be Latino.
12 They could Orthodox Jewish, they could be a hipster,
13 they could be Yuppies that moved in the 90s to
14 Williamsburg and working with these families facing
15 an increase in their rent. If they're—if they're
16 lucky to be rent stabilized sometimes they're
17 harassed by their landlords and they need legal
18 representation. If they're unlucky enough not to be
19 rent stabilized, they don't have much of a shot of
20 being able to keep their apartment, and there are a
21 lot of families that my office works with. There's a
22 lot of families that my office has worked with.
23 There are so many more families that my office has
24 not worked with because they didn't reach out to us
25 or we didn't reach out to them or we missed them or w

2 missed that case, and they may have been in their
3 apartment for a generation or two, and there's
4 nothing to save them. At some point we have to get
5 past the fights of a previous generation. We have to
6 move past training our fire on one another. We have
7 to be constructive because if we're not constructive
8 the situation is going to get worse. In fact, I
9 don't know if there's anything we could do to make
10 the situation not get worse. I think the situation
11 is going to continue get worse no matter what we do.
12 We can build as much affordable housing as we're able
13 to build, and the situation is probably for a lot of
14 people going to continue to get worse, but it's going
15 to be that much worse if we do nothing, and
16 ultimately it can't just be zero sum game. We have
17 to come together, talk about our-our issues honestly,
18 treat each other like the neighbors that we are, and-
19 and work toward the future so that we're leaving our
20 community to a future generation that's-that's better
21 than what it is now. So, thank you, Mr. Chairman. I
22 wanted to-to put that on the record. So, I wanted to
23 just ask if there are some kind of technical things I
24 wanted to talk about here. The overall scheme of
25 this proposal what is the-what is the density

2 involved here? What is the zoning framework put
3 forward, and how does that compare to the surrounding
4 community? Not just the—the blocks around it but you
5 know, say the—the quarter mile around it?

6 RAYMOND LEVIN: Well, the—the way that
7 site has been worked out with City Planning, it's
8 divided into three different zoning districts. The
9 reason for that is that each of these districts are
10 contextual and, therefore, have different height
11 limits to ensure that what you see is going to be
12 what you get, and the overall density is—is the floor
13 area ratio of six, which means that you can build
14 buildings that are six times the size of your zoning
15 lot, and in the surrounding area, the—the rezoning of
16 the surrounding blocks is an R7A. It's a zoning
17 district that I think with—with inclusionary housing
18 will get you up around 4FAR, something—something
19 less.

20 COUNCIL MEMBER LEVIN: Less?

21 RAYMOND LEVIN: And then—and then going
22 beyond that you've got some of the old—the old
23 concepts, which is tower in the park like Morrissey
24 Houses is an example of—of that.

2 COUNCIL MEMBER LEVIN: Is this Lindsay
3 Park?

4 RAYMOND LEVIN: Lindsay Park is to the
5 north, Morrissey is to the south. They're all that--
6 that sort of, you know, tower buildings with a lot of
7 open space. So, their density is not--is not great,
8 and prob--prob--

9 COUNCIL MEMBER LEVIN: [interposing] So
10 while--just-just and sort of to--to drill down tight,
11 I'm looing at the zoning map right now. Lindsay
12 Park, which the buildings I think about 21, 24
13 stories.

14 RAYMOND LEVIN: Yep.

15 COUNCIL MEMBER LEVIN: They're very tall
16 buildings, but their density is R6.

17 RAYMOND LEVIN: Is much less.

18 COUNCIL MEMBER LEVIN: So, an R6 FAR is--?

19 RAYMOND LEVIN: Is--

20 COUNCIL MEMBER LEVIN: [interposing]
21 2.43. It says very. (sic)

22 MAGNUS MAGNUSSON: Three with
23 inclusionary.

24 RAYMOND LEVIN: Yeah, with inclusionary
25 correct.

2 COUNCIL MEMBER LEVIN: Three was--?

3 Sorry.

4 RAYMOND LEVIN: Three with inclusionary.

5 COUNCIL MEMBER LEVIN: Three with
6 inclusionary?

7 RAYMOND LEVIN: Yes, yes.

8 COUNCIL MEMBER LEVIN: So, if this is an
9 FAR of 6, that's--that's about actually double the
10 density of--of the Lindsay Park, right?

11 RAYMOND LEVIN: Yes, yes. This is--this
12 is a--this a fairly dense project in--in working with--
13 with the city and trying to create a project that's
14 not way out of scale with the community, but also
15 provides the maximum number of affordable units.
16 This scheme was arrived at and--

17 COUNCIL MEMBER LEVIN: [interposing] And
18 just--just to explain the difference between height
19 and density because this is--maximum height is 14
20 stories. Whereas Lindsay Park is like 24 stories--

21 RAYMOND LEVIN: Right.

22 COUNCIL MEMBER LEVIN: --so, how this be
23 denser than that? It's because it's--more is packed
24 in, which means more apartments, right?

25 RAYMOND LEVIN: Yes.

2 COUNCIL MEMBER LEVIN: I mean the bottom
3 line is that it's more apartments overall per-per
4 acre-

5 RAYMOND LEVIN: [interposing] Correct.

6 COUNCIL MEMBER LEVIN: --or per square
7 foot. Whatever unit you want to use. Then you would
8 have in what appears to be a much taller building,
9 but it's actually, then you bring it back down.

10 RAYMOND LEVIN: [interposing] Yes. The
11 taller building has a lot of open space around it.
12 In fact, I'm sure that everyone knows that the
13 Housing Authority is looking to try and monetize some
14 of those open spaces by building housing in those
15 open spaces.

16 COUNCIL MEMBER LEVIN: Not, at Lindsay
17 Park because Lindsay Park is--

18 RAYMOND LEVIN: [interposing] No, not in
19 the--not in the projects--

20 COUNCIL MEMBER LEVIN: [interposing]
21 Mitchell Lama--

22 RAYMOND LEVIN: --but other projects--

23 COUNCIL MEMBER LEVIN: Right.

24 RAYMOND LEVIN: --where they've--where
25 they've looked at that open space.

2 COUNCIL MEMBER LEVIN: Now, okay. So
3 then that leaves—so this is a fairly dense project.
4 How does this project anticipate dealing with
5 sublines, public transportation that will be
6 increasing the task by—So what is—what is the local
7 subway stops, and—and what's the status? What's the
8 state of those subway stops right now?

9 RAYMOND LEVIN: Well, I—I can tell you
10 what they are and then Jeff Reuben of Environmental
11 Consultants can talk about them. I mean the G-Train
12 is—has an entrance on the—on the corner of this
13 project site, and then the JM is an elevated subway a
14 couple blocks away. Jeff can talk about what the
15 Environmental Study did when it looked at those
16 stations. [background comment]

17 JEFF REUBEN: Is that better? Okay. Yes,
18 thank you, and—and just to reintroduce myself, Jeff
19 Reuben for Habib and Associates. Our firm was the
20 lead consultant on preparing the Environmental Impact
21 Statement. To address your question, the analysis
22 looks—the analysis of the project and the EIS looks
23 at where people who would live in these apartments
24 how they would travel to work, to school to other
25 places, and given that it's a very—as you noted, it's

2 a dense development. It's also a very transit well
3 served development with two subway stations, the G
4 and very close by the J and the Lorimer Street
5 Station, plus the signs as well. And what the
6 analysis found in the Environmental Impact Statement
7 is the station that would receive the lion's share of
8 the transit generated trips from these apartments,
9 would be the Lorimer Street Station and the J and the
10 stop, and that—that sort of critical sort of point in
11 a subway station in terms of processing people coming
12 in and out of this. For a station of this type or
13 actually the stairways and the—the—the fareways, the
14 fare control areas, and the Environmental Impact
15 Statement found that this station would continue to
16 operate at a—at a—at-at—pardon me, at an acceptable
17 level of service with the added trips that would come
18 from this development as well as some other
19 developments that are anticipated in the area.

20 COUNCIL MEMBER LEVIN: Okay. So, starting
21 in the spring of—of 2019, the L-Train is going to
22 have a shutdown for 15 months. Now, obviously the L-
23 Train is not really close to this project, but one of
24 the mitigations for that that the MTA is—is going to
25 be relying on significantly is bringing down capacity

2 on the J and Z line. So, diverting people at part of
3 the junction, diverting people onto the M Line at
4 some point, you know, the Wyckoff. Have—have you
5 reached out to the MTA to—because that might coincide
6 with, you know, maybe the rounds when you're opening.
7 I don't know when you plan on—on starting to—to fill
8 up the apartments, but if somewhere within that
9 constant, you're going to see a—a level, you know,
10 that's just got to be coordinated because there's
11 going to be a lot. With our plan adding more
12 capacity to the—to the J and to the J-Line I think
13 but—but it's still going to need to have some kind of
14 coordination so that it's—so that it's—it's no adding
15 a, you know, a significant overburdened right at the
16 Lorimer stop, which I think is actually a local stop
17 as well. So, it gets a little more complicated
18 depending on with an express train, with a local
19 train all that.

20 JEFF REUBEN: So, to your point, the—the
21 first is it's our judgment that again the—the
22 critical local point with stairways and so much and
23 so forth would not change at this local location
24 because of the—the change in the L-Train. There's
25 already a lot of people in this area, and we would

2 expect the residents of this unit--of this development
3 to also use that--those stairwells, and that really
4 would not be affected by what we were talking about,
5 and then I think what you're talking about is really
6 a bigger issues than--than this project. We didn't
7 have detailed information about--we know that, you
8 know, we're aware that--the L-Train is not going to be
9 in service for a period of time, and that could
10 overlap with the opening of this development. We're
11 also aware that they intend to increase service, but
12 we couldn't in a sense on our sort of project
13 discreet basis analyze that for the EIS. I--I mean I
14 would guess I would just have to defer to the MTA,
15 which I think has to look at a bigger pictures rather
16 than this project in isolation.

17 COUNCIL MEMBER LEVIN: Could you talk a
18 little bit more about the public open space, and what
19 that--what that's going to--is it--it's hard scape or
20 is it--is it--How is it envisioned?

21 JEFF REUBEN: [interposing] It's-it's--
22 it's-it's-it--

23 COUNCIL MEMBER LEVIN: How is--how is the
24 use of it envisioned?

2 JEFF REUBEN: It its hardscape. It is-it
3 is passive. It's 26,000 square feet. As we said, 65
4 feet wide, and it will have benches. It will have
5 plantings. It will have, you know, bicycle racks,
6 lighting. The surface will be hard, paver-pavers
7 most likely. Part of-part of the reason that it's
8 designed the way it is because there has to be a fire
9 lane, which means that for about half of it, you
10 can't really have anything because the--

11 COUNCIL MEMBER LEVIN: [interposing]
12 They'll be able to drive on it.

13 JEFF REUBEN: --the Fire Department has
14 to be able to get through there. Not that they will
15 do that often, we hope, but-but in terms of the
16 design, that had to be taken into consideration. So,
17 it's-it's basically a passive open space sitting,
18 people congregating, a lot of trees, and, as I said,
19 it was surround-it's going to be surrounded by retail
20 uses. So, we're hoping that maybe there will be a
21 café that opens up onto it. So, it will be-it will
22 be nice. There are lobbies to several of the
23 buildings there off-off that space. So, it will be
24 an active space.

2 COUNCIL MEMBER LEVIN: And sorry, I-I
3 didn't understand with-with regard to demapping Gerry
4 Street is that something that-that you would be in
5 support of or that-I mean is anything about the
6 design of this project making the idea of demapping
7 all or part of Gerry in, you know, impractical?

8 JEFF REUBEN: After it's built, no.
9 Before it's built, there are height and setback
10 requirements that relate to streets and things that
11 aren't streets.

12 COUNCIL MEMBER LEVIN: Uh-hm.

13 JEFF REUBEN: So, in that sense, and I
14 have-we haven't looked at it. So, I can't tell you
15 exactly how it might cause us to have to redesign,
16 but philosophically I don't believe there's any-any
17 opposition to it. At this point, if you did it-if
18 you did it tomorrow, and we all know that there's a
19 long ULURP process in order to do it, if it was done
20 tomorrow, it would have an impact, but by the time it
21 could be accomplished probably it would not have an
22 impact.

23 COUNCIL MEMBER LEVIN: So, it's not
24 loading docks or anything on Gerry Street that you
25 have--

2 JEFF REUBEN: [interposing] No, no, no.

3 COUNCIL MEMBER LEVIN: --that-that would
4 be. Okay, with regards to the school, are there any
5 measures that you are taking above DEC requirements?

6 JEFF REUBEN: Before we-we jump to this--

7 COUNCIL MEMBER LEVIN: [interposing] Oh,
8 I'm sorry.

9 JEFF REUBEN: --we do-we do have some
10 entrances to-to garages off Jerry Street, but they
11 could conceivably relocated-be relocated. I'm sorry.

12 COUNCIL MEMBER LEVIN: If-if-if that's
13 something that DOT would want to consider.

14 JEFF REUBEN: Okay.

15 COUNCIL MEMBER LEVIN: Okay. Sorry, with
16 regard to beginning Children's School--

17 JEFF REUBEN: Yes.

18 COUNCIL MEMBER LEVIN: --which is, you
19 know, they've been there at this point longer than,
20 you most other neighbors in the Broadway Triangle. I
21 mean they were--

22 JEFF REUBEN: [interposing] Yes.

23 COUNCIL MEMBER LEVIN: --they were there
24 starting in the early '90s when it was mostly, you

2 know, scrap metal shops or-or-or auto shops or other
3 types of--

4 JEFF REUBEN: Right.

5 COUNCIL MEMBER LEVIN: --of manufacturing
6 use, heavy manufacturing use. Is there anything
7 above what is required by-by DEC that you're
8 contemplating doing to-to make sure that, you know--

9 JEFF REUBEN: Yes.

10 COUNCIL MEMBER LEVIN: --children are
11 protected during remediation?

12 JEFF REUBEN: Yes, we-we-we've met with-
13 with-with Beginning with Children. We discussed with
14 them a number of things we were-we were going to do.
15 One, while construction is going on, we're building
16 a-a-a 12-foot high wall along Gerry Street to protect
17 them from noise and-and airborne sand and dirt as
18 construction is going on. We've talked to them about
19 truck routes for delivery of materials not going
20 adjacent to them to have access to the site off Roll-
21 About Street rather than off of Gerry Street, and so,
22 we've begun those-those discussions with them, and we
23 will continue to have those discussions. We-as-as we
24 develop the trucking plan, materials handling plan,
25 So, the remediation plans.

2 COUNCIL MEMBER LEVIN: Yeah.

3 JEFF REUBEN: We've—we've spoken to them
4 that we would definitely be in touch with them and
5 work with them to make sure that—that they can
6 ensure—assure the parents of the kids that this
7 construction work will not adversely affect them, and
8 we--

9 COUNCIL MEMBER LEVIN: [interposing] How
10 about like—so—so vapor monitors and things like that?

11 JEFF REUBEN: Yes, yeah. I mean that's
12 part of the--

13 COUNCIL MEMBER LEVIN: [interposing] Part
14 of the deed.

15 JEFF REUBEN: And part of the Remediation
16 Plan, yes.

17 COUNCIL MEMBER LEVIN: Right, so that—
18 what's the environmental profile of the site. It's
19 said it's a Brownfield?

20 JEFF REUBEN: It's Brownfield site, yes.

21 COUNCIL MEMBER LEVIN: Right, so it's
22 starts—so it's regulated under the State Brownfield
23 Program, right?

24 JEFF REUBEN: Yes, it's been partially
25 cleaned to industrial standards. Pfizer partially

2 cleaned it, and there are consent decrees, and it
3 will be cleaned further to bring it up to residential
4 standards.

5 COUNCIL MEMBER LEVIN: But industrial
6 standards are—are nowhere near what--

7 JEFF REUBEN: [interposing] Near--nowhere
8 near residential standards, Correct.

9 COUNCIL MEMBER LEVIN: Basically
10 unrestricted residential standards, which is what you
11 would want---

12 JEFF REUBEN: [interposing] Yes.

13 COUNCIL MEMBER LEVIN: --next to an
14 elementary school obviously.

15 JEFF REUBEN: Yes, yes.

16 COUNCIL MEMBER LEVIN: So, do I have your
17 commitment that--is that something, you know, we'll be
18 working closely with the school, and be seeing
19 throughout the process if--if, you know, if--if they
20 have concerns, you know, that it's--it's all kind of--
21 that there's kind of ongoing dialogue--

22 JEFF REUBEN: Yes.

23 COUNCIL MEMBER LEVIN: --maybe in even
24 some formalized way that through that Brownfield
25 process so that like, you know, if they're having a--a

2 complaint to you or there's—or to the developer
3 there's a—there's a specific point person that they
4 could talk to and—and that that—that loop is closed
5 and it's just, you know, they're not just calling to
6 an answering that never calls them back?

7 JEFF REUBEN: We make that commitment to
8 you. We've already made that commitment to Beginning
9 with Children. We've identified a point person.
10 We've had the head of our construction meet with
11 them. He has done remediation and done a number of
12 other sites.

13 COUNCIL MEMBER LEVIN: Yeah.

14 JEFF REUBEN: Hopefully he had—he had
15 assured them, and hopefully they understood that he
16 was, you know, going to make sure that this site, the
17 development of this site does adversely affect them,
18 but we'll make that commitment again to you and to
19 them.

20 COUNCIL MEMBER LEVIN: Because there are
21 time I mean like I—there is lots of development going
22 on in Greenpoint Williamsburg and—and sites. I
23 represent Brownville sites and state Superfund sites,
24 and federal Superfund sites, you name it, right? So,
25 and there are times where the heating causes certain

2 smells, you know, like a petroleum smell or, you
3 know, sometimes it gets into the air, it's like, you
4 know, it's obviously it's like people will have
5 concerns on a Friday afternoon and need to be able to
6 talk to somebody.

7 JEFF REUBEN: Yep. No, we-we-we
8 committed to work with Beginning With Children, and
9 not just Beginning With Children. There were other
10 schools. There's Yeshiva to the east of the site.
11 There's the PS 318 to the north of the site there.

12 COUNCIL MEMBER LEVIN: I-S- I-S. I'm
13 sorry.

14 JEFF REUBEN: I-S I'm sorry.

15 COUNCIL MEMBER LEVIN: IS 318.

16 JEFF REUBEN: I'm sorry. I demoted those
17 children, but there are schools surrounding the site,
18 and obviously we're-we're concerned and sensitive to
19 all of them and-and the children that are-are going
20 to be on the sidewalks on all sides of the site.
21 Absolutely.

22 COUNCIL MEMBER LEVIN: Okay. I've got a
23 few more questions, Mr. Chairman, if that's okay.

24 CHAIRPERSON RICHARDS: Yes.

2 COUNCIL MEMBER LEVIN: Community vote,
3 what was the Community Board—Board you met with this
4 project?

5 JEFF REUBEN: I don't remember.

6 COUNCIL MEMBER LEVIN: Alright.

7 [background comment] I don't remember what the number
8 was. [background comment] You remember.

9 MALE SPEAKE: There was a lot of support,
10 Council Member. The name of the committee was--

11 CHAIRPERSON RICHARDS: [interposing] Come
12 to the mic, come to the mic and identify yourselves.

13 LEE SILBERSTEIN: My name is Lee
14 Silberstein, working with Rabsky. He—as I remember
15 it, Council Member, the Land Use Committee was
16 unanimous in support and the full community board a
17 week later was something like a 2 to 1 margin. I can
18 get you the precise number, but it was overwhelmingly
19 in support as well.

20 CHAIRPERSON RICHARDS: 2 to 1 in support?

21 LEE SILBERSTEIN: Yes.

22 COUNCIL MEMBER LEVIN: It was in support.

23 I don't know—

24 LEE SILBERSTEIN: 15 to 16 in support.

25

2 COUNCIL MEMBER LEVIN: Sorry, what was
3 it?

4 CHAIRPERSON RICHARDS: Okay, we have the
5 number. It was 25, 15, and 1.

6 COUNCIL MEMBER LEVIN: 25 to 15. Okay.
7 25 to 15 is the vote. The community board did vote
8 on the record to support the project?

9 LEE SILBERSTEIN: Yes.

10 COUNCIL MEMBER LEVIN: With some
11 recommendations I'm sure.

12 LEE SILBERSTEIN: Yes.

13 COUNCIL MEMBER LEVIN: Okay, is there any
14 subsidy contemplated as part of this development from
15 any federal, state or local sources?

16 JEFF REUBEN: No discretionary subsidy is
17 contemplated.

18 COUNCIL MEMBER LEVIN: Okay, so, and
19 that--so when you, so that gets to like AMI levels and
20 the number of affordable units. I mean I voted for
21 the Mandatory Inclusionary Program because I was
22 tired of--I wanted to see a standard in place so that
23 developers were legally required to do what they say
24 they're going to do that there wasn't side agreements
25 or flimsy commitments that didn't have any

2 enforceability mechanisms. So, what-what we require
3 through MIH is what we require of all private
4 developers lacking any city subsidy. I you were to
5 receive city subsidy, would you be able to do-lower
6 affordability levels, greater AMIs? If-if the city
7 were to say, you know what, we want to subsidize this
8 project an additional \$10 million in discretionary
9 HPD funds that could affect the amount of affordable
10 units, and the levels of affordability, correct?

11 JEFF REUBEN: I would-I would assume so.

12 COUNCIL MEMBER LEVIN: But that would
13 require the city under the direction of HPD to-to-to
14 make that happen?

15 JEFF REUBEN: Yes, correct.

16 COUNCIL MEMBER LEVIN: Okay, or the
17 state, if the state were to want to give funds to
18 this project? So, with regard to this issue of-of
19 unit size and this issue of-of-of discrimination, I
20 want to just ask this very clearly, and I would
21 appreciate a very clear and concise answer. Has-has
22 Rabsky ever been-has there ever been an accusation of
23 housing discrimination against Rabsky?

24 JEFF REUBEN: No.

2 COUNCIL MEMBER LEVIN: So in any of the
3 developments that they've done, market rate
4 affordable, there have been no on-the-record
5 accusations with the City Human Rights Commission or
6 any other agency or publicly or any other type of
7 accusation against Rabsky that they've been
8 discriminatory in any way?

9 JEFF REUBEN: Correct.

10 COUNCIL MEMBER LEVIN: Okay. I think
11 that's important to note because there's--there might
12 be a lawsuit about--about--I don't know, but what is
13 the lawsuit? I--I don't know. Is there a lawsuit?
14 [background comment] But that--that--that claims
15 discriminatory practices against individuals?
16 [background comment] Okay, so if you could speak to
17 that, I think when--when you testify, but--but there
18 are individuals that claim--so that's a matter of--of
19 dispute, but you're saying here on the record that
20 there's been no accusation with the Human Rights
21 Commission of--of an individual having been
22 discriminated against when going to apply for an
23 apartment or purchase an apartment or anything of the
24 sort?

25 JEFF REUBEN: Not to my knowledge, sir.

2 COUNCIL MEMBER LEVIN: Okay. Somebody on
3 the panel should be able to answer this. What is the
4 family composition for an affordable unit under HPD
5 Guidelines when apply for a 3-bedroom apartment? How
6 many—how many—what's the family composition? How
7 many people in the family?

8 JEFF REUBEN: I do not know the answer to
9 that.

10 COUNCIL MEMBER LEVIN: You don't know
11 that?

12 JEFF REUBEN: We can—we can find it out.

13 COUNCIL MEMBER LEVIN: I would say that
14 it's five.

15 JEFF REUBEN: Okay.

16 COUNCIL MEMBER LEVIN: So, if you have a
17 five-person family and you apply for a 3-bedroom
18 apartment. I think if you have a six or seven person
19 family you'll apply—you're going to apply for a 4-
20 bedroom apartment. So—but does anybody—so does that
21 include like intergeneration families? If you are
22 living with a parent, and you have children, are you
23 allowed to apply for a—an affordable apartment under
24 HPD rules.

2 JEFF REUBEN: My understanding is the
3 answer to that is yes.

4 COUNCIL MEMBER LEVIN: And that counts as
5 your family composition?

6 JEFF REUBEN: Yes.

7 COUNCIL MEMBER LEVIN: So, a three-
8 generation family. So, if you and say you have—say
9 you have two parents [coughing] and you're married
10 and you have two children, that's a family of six.
11 So you would either be applying for a 3—that would be
12 a 3-bedroom apartment, and if you had three kids, and
13 your parents you could apply for a 4-bedroom
14 apartment correct? Is that your understanding?

15 JEFF REUBEN: Yes.

16 COUNCIL MEMBER LEVIN: Okay. so, I wanted
17 to get out there just to be clear that family—family
18 size units whether it's 2, 3 or 4-bedroom apartments,
19 it's—that is—the family composition can be—it can
20 take different configurations, but there are
21 different types of family configurations that could
22 meet—that could qualify for that type of apartment.

23 JEFF REUBEN: It's my understanding, yes.

24

25

2 COUNCIL MEMBER LEVIN: Alright, so, two
3 parents, two grandparents, and three kids would—could
4 apply for then a 4-bedroom apartment? Yes, okay.

5 JEFF REUBEN: If they can all live with
6 each other, yeah. [laughter]

7 COUNCIL MEMBER LEVIN: Okay, that's it
8 for now. I want to thank the panel for—for your
9 answers. Mr. Chairman, I appreciate the—the time
10 and—and I may have additional questions at the end of
11 the hearing.

12 CHAIRPERSON RICHARDS: I'm going to go to
13 Council Member Reynoso.

14 COUNCIL MEMBER REYNOSO: [Speaking
15 Spanish] So, I want to speak to history as well.
16 This community over four years ago fought against the
17 original rezoning of the Broadway Channel, and we
18 were called Anti-Semites. We were called wrong. We
19 don't want affordable housing. Everything that has
20 been said now has been said in the past. Without our
21 ability to sue, without the court and the justice
22 system, we would get no justice. It was a judge that
23 has said that the rezoning and the city's actions
24 will perpetuate segregation within the Broadway
25 Triangle. That is not an opinion. That is not

2 something that I—that I asked for your opinion. I'm
3 letting you know a fact that this is what the judge
4 said that the actions of the City of New York and
5 this Council and this body would perpetuate
6 segregation along the Broadway Triangle. That's how
7 we got justice. So, this whole notion that this
8 community or that one community is pitted against
9 another is—is real. It's exists. It is not something
10 that we can just sweep under the rug, sing Kumbaya,
11 hold hands and walk in through to the glory of life.
12 That's not going to happen. That's not how it works.
13 Without justice there is no peace, and our community
14 will not stand for injustice. They will fight every
15 single time. So long as there is no justice, there
16 will never be peace. I want to be clear about it.
17 That is a foundation of how we move forward. The
18 second thing I want to mention is there is a—a suit
19 against Rabsky right now that he discriminates
20 against disability laws. He's not in compliance with
21 disability laws. So, tat this point he discriminates
22 against people with disabilities as well as the
23 claim. So, just want to be clear that you know that
24 he is getting sued for discriminatory actions.
25 Whether or not that's real, we'll find out through

2 the justice system. So don't let—let's not opine
3 about that, but there is a lawsuit against him. The
4 next thing I want to say is that this—this whole
5 thing that this section has no affordable housing and
6 it's been lying vacant, two things: There was a
7 rezoning of the Broadway Triangle that included
8 private sites. It included private sites of which
9 this body had pretty much guaranteed or—or written
10 off, but 400 of those—400 units of affordable
11 housing, more than what you can possibly build, more
12 than double that you want to build, and we were going
13 to get that in affordable housing from something
14 called Voluntary Inclusion Area Zoning. That was
15 promised to them, but everyone here said 900 units of
16 affordable housing. How can this community be
17 against 900 units of affordable housing? To this
18 date, over 50% of the private sites are built, and do
19 you know how much affordable housing is in there—in
20 that—in those sites? Zero. Zero units of affordable
21 housing because of a zoning that this body approved.
22 I want to be clear, we—we know that. We—history has
23 absolved us. I want to be clear. We're winning
24 these fights on the merits, on the merits. Every
25 time you do something political, we fight it on the

2 merits, and we win every single time. So this
3 history does exist, and in the rezoning that happened
4 in the waterfront of Williamsburg in 2005, and 2006,
5 Council Member—the Council Member Diana Reyna was
6 very in the room when it came to those negotiations.
7 The development happened along the waterfront, and
8 the community that was most impacted is the community
9 that she represented in which 25% of the Latino
10 population is now gone since that rezoning happened.
11 Over 15,000 Latinos gone. In the similar—across the
12 street on Broadway, that population has not seen a
13 decrease in population at all, and actually they've
14 seen an increase in population. There are more people
15 than there were before south of Broadway. North of
16 Broadway the demographically a lot of Latinos are
17 gone. That impacted my district and it adversely
18 impacted by district. It's important that I have a
19 voice for my people because things that are happening
20 across the street affect them. So, that's also very
21 important. Then I want to talk about Rabsky himself,
22 the person or the Rabsky Group, the organization. We
23 did a rezoning in Weinberg in Bushwick in my
24 district. In Bushwick there was a—an agreement that
25 we're going to get 30% affordable housing, that he

2 was going to get 32BJ employees, that they were going
3 to do 25% contracts with MWBEs, that 25% of the jobs
4 were going to go to local residents. To this date,
5 all those commitments have not been followed through
6 on. 32BJ just signed a contract with Rabsky because
7 this is important for them. So, they just signed it.
8 How long ago? Ray, I'm gong to ask you a question.
9 How long ago did you agree with 32BJ to get them
10 their jobs?

11 RAYMOND LEVIN: Within the last couple of
12 weeks.

13 COUNCIL MEMBER REYNOSO: With the last
14 couple of weeks. So, the Rheingold to this date was
15 an agreement between the Reed Group and the community
16 that they would get 32BJ jobs. That was not
17 officially agreed to by Rabsky until a couple of
18 weeks ago. Two, we wanted 30% affordable housing.
19 Six percent was going to be built off site in a
20 private site that is now managed and owned by Los
21 Sudos or South Side United HDFC, and Churches United
22 for Fair Housing. The other 20—and then there's 24%
23 still missing that we're still looking for that's
24 unaccounted for. Rabsky's agreed to do the bare
25 minimum, 20% is what you guys are going to do, the

2 bare minimum, and then we also agreed on paper to
3 have 2 and 3-bedroom apartments of a certain size.
4 You guys modified that project and now have mostly 1s
5 and studios, because there's no regulatory agreement
6 that made it so that you have to build the 2s and 3s
7 that the community wanted. Instead, you said, you
8 know what, that's an agreement that was done by a
9 previous developer, not by us. So, we're going to
10 wash our hands of it. What good are these
11 commitments, these general person's agreements if you
12 don't follow through on them even if it's so. Know,
13 Rabsky knowing that still didn't have him committed
14 to—to doing what we've asked. You guys are making
15 mostly studios, and one 1-bedrooms instead of putting
16 families in those locations but what we agreed in
17 Community Board 4. Given the history of his
18 inability to comply with community agreements, why
19 would we ever approve a project in this Council that
20 doesn't mandate the commitments that you're making
21 right now? That's what I'm asking for. I want 25%
22 MWBE. I want 25% of the people in this district to
23 get those jobs. Whatever breakdown you agreed to
24 with Council Member Levin, agree to it on paper.
25 Make it legally binding. Do a deed restriction. I

2 you don't do that, then we are failing as an
3 institution, and allowing for this discrimination to
4 continue to happen, and forcing my community to keep
5 suing and keep winning. Those are the things that
6 are important to us, and it's something that you have
7 recognize, and we're not going to just stand idly by
8 while this injustice happens in our district. We
9 will keep fighting, and you've seen us fight. We
10 kicked you out of Brooklyn. You had to move to a
11 separate site off location because the community
12 didn't want to hear your nonsense without them having
13 input. I also want to be clear that the first time
14 this rezoning happened, UJO and Richard Bushwick got
15 the property without an RFP through a sole
16 designation through political means, politics again,
17 and guess what, you lost there, too, because that go
18 taken away, and you're going to go through another
19 process. I also want to say that there is a current
20 lawsuit that is happening that we've won, but there
21 is no settlement yet on this case where the city was
22 found that it was perpetuating segregation and that
23 it was moving forward with discriminatory practices.
24 We're going to sue you. We sued the city and we won.
25 We beat the city as well, and now they're in

2 negotiations for a settlement. Those are all things
3 that are relevant here that we can't deny and we
4 can't ignore and you can't walk away from. Those are
5 merit based facts and items that I'm giving you.
6 None of that is a lie. None of it is my opinion. It
7 is my opinion. It is the truth of what's happening
8 in my district, and that's why I will always fight
9 for that. So, now, I want to ask you some questions.
10 The Brooklyn Chamber of Commerce what history does
11 the Brooklyn Chamber of Commerce have with affordable
12 housing marketing in our district? What history does
13 it have in our district? I want to say in Community
14 Board 1. [background comment]

15 LEE SILBERSTEIN: [off mic] So my name
16 again is Lee Silver. [on mic] My name again is Lee
17 Silberstein. The Chamber I believe is here later,
18 and you can ask them that question directly. It is
19 my understanding that the Chamber has run a number of
20 community workshops in the borough in terms of job
21 development, job training. [background comment] Oh,
22 thanks. Thank you. Alright, job development, job
23 training, working with other community not-for-
24 profits community-based organizations to make
25 opportunities aware for them. They have put together

2 a proposal, which we'll be happy to share with you
3 regarding these workshops. The intention there is so
4 that people understand what the opportunity is and
5 how to qualify for it. We think the Chamber has a
6 very strong track record. They can speak to their
7 own merits, but we're very proud of the Chamber, and
8 happy to work with them.

9 COUNCIL MEMBER REYNOSO: I just want to
10 be clear that we have community organizations in the
11 district that can do that job second to none
12 including the four organizations that you talked
13 about earlier or you referenced and Churches United
14 for Fair Housing, La Sudas, Saint Nick's Alliance and
15 UJO. All organizations that are qualified to get
16 this information out to the public, more qualified I
17 want to be clear than organization that I do love and
18 respect in Brooklyn Chamber of Commerce. Those
19 organizations do that better, and if you wanted to
20 call concerns about marketing, that's how you would
21 have done it.

22 LEE SILBERSTEIN: So, again, this is not
23 to market the units, but to have people aware of how
24 to qualify and participate in the lottery. I believe
25 it to make a commitment, and we're happy to work with

2 any organization that wants us—wants to work with us
3 to help market the units. We have committed that we
4 will notify every organization. We will advertise
5 wherever we're asked to advertise. This is not going
6 to be a secret by any stretch of the imagination.

7 COUNCIL MEMBER REYNOSO: The next question
8 I have is what is your property worth today? Let me
9 say this differently. What was your property worth
10 ten years ago? What was this property worth? But
11 when you purchased today, what is the purchase price
12 of this property by Rabsky, what did he pay for it

13 LEE SILBERSTEIN: I don't know.

14 COUNCIL MEMBER REYNOSO: Okay, what—what
15 is it going to be worth after this rezoning is done?

16 LEE SILBERSTEIN: More.

17 COUNCIL MEMBER REYNOSO: A lot more or a
18 little more?

19 LEE SILBERSTEIN: More.

20 COUNCIL MEMBER REYNOSO: More. Can I
21 give you—can you tell me if I'm wrong? Is it going
22 to be like over \$100 million, the property?

23 LEE SILBERSTEIN: Don't know. I'm not a—
24 I'm not a real estate broker.

2 COUNCIL MEMBER REYNOSO: Alright, do we-
3 is there a real estate broker on the panel? We need
4 an appraisal.

5 LEE SILBERSTEIN: Afraid not.

6 COUNCIL MEMBER REYNOSO: Okay, so I just
7 want to say it's going to be more than \$100 million,
8 and I want to tell you that you're converting
9 something called manufacturing and M3, not light
10 manufacturing. M3 to residential. In those cases,
11 we're talking about pennies on the dollar, and all
12 you're giving us is 25% affordable housing. You're
13 going to go from a project that probably nets you \$18
14 a square foot only in large scales to something
15 that's going to be about three to four times more
16 valuable than that. I am doing so. So, you're
17 getting a three to four times more valuable, but
18 you're only going to give us 25% more value. So, so-
19 so the-the math doesn't add up that you would only do
20 25%. Why not enter into a contract with the City of
21 New York to do more affordable housing given the
22 windfall profits that you're due to make in this
23 project. If-if you care so deeply about affordable
24 housing-- [background comment]

2 LEE SILBERSTEIN: Well, it's--your
3 statement that--that this project as is proposed with
4 the 25% will get windfall profits. I don't know
5 whether that's true or not.

6 COUNCIL MEMBER REYNOSO: [interposing]
7 Well, you're too smart.

8 LEE SILBERSTEIN: We are--we're complying--

9 COUNCIL MEMBER REYNOSO: You're too smart
10 for that, man.

11 LEE SILBERSTEIN: We're complying--we're
12 complying with--thank you.

13 COUNCIL MEMBER REYNOSO: Okay. You're
14 really too smart for that.

15 LEE SILBERSTEIN: We're--we're--we're
16 complying with--with--with the MIH, which was the
17 benchmark that the Council adopted, and that's the
18 law of the city, and that's what we're--

19 COUNCIL MEMBER REYNOSO: [interposing]
20 Yes, you're doing the bare minimum. You're doing
21 what is legally obligated for you to do. If you
22 really cared about affordable housing, you would
23 enter in--with an agreement with the city to either
24 get lower--lower AMI or more units. You can do that
25 right now. When you call the city you can tell them

2 hey we want to do more affordable housing if you give
3 us subsidies, and I guarantee that the city will be
4 interested in doing that, and then you would be true
5 to your word that you care about affordable housing.
6 You can do that. That is something you can do right
7 now, more affordable housing and we'll pay for it. I
8 want to be clear, you have to initiate that. The
9 city doesn't initiate that. They'll try. The state
10 doesn't initiate that. The applicant initiates that.
11 Are you committed to building more affordable housing
12 given the squeeze and how--how much we need affordable
13 housing in this area?

14 LEE SILBERSTEIN: The proposal as we put
15 forward is where we are.

16 COUNCIL MEMBER REYNOSO: So the bare
17 minimum. So you're going to give us only what is
18 legally mandatory. You're not looking to build more
19 affordable housing in this project?

20 LEE SILBERSTEIN: We're committed to the
21 proposal that we put forward.

22 COUNCIL MEMBER REYNOSO: Okay, thank you.
23 So, I just want to make sure that, yeah, your--your
24 claim to the advocates of affordable housing fall
25 short when you can do it for free because the city

2 would pay for it. IT would help. I just want to
3 make sure that—that that is on the record as well.
4 I'm going stop because I know a lot of people here
5 have more to say, but I would actually like to be
6 second on the second round of questioning if I can,
7 Chair. Thank you.

8 CHAIRPERSON RICHARDS: Thank you. I'm
9 going to start winding up on my questions, running
10 down actually. Let me ask you, have you given
11 thought to perhaps putting together some sort of
12 community advisory board that consists of a diverse—a
13 diverse group of individuals from the local
14 community? Perhaps you'll work with Council Member on
15 doing that through not only at the beginning of this
16 process, but throughout the process, and I think that
17 that may be one way, one constructive way of ensuring
18 that everybody's voice is in the room. So, perhaps,
19 you know, and we did this in Far Rockaway. I just
20 finished a rezoning. You know, you can have a non-
21 profit, you can have perhaps a community board
22 resident, local residents, business owners, and I
23 mean from everywhere so that we can get past and move
24 forward I think in a direction all of us intend to

2 do. So I think if you don't want to give a yes today,
3 we were saying--

4 LEE SILBERSTEIN: [interposing] I-I can
5 give a yes.

6 CHAIRPERSON RICHARDS: --yeah by the time
7 we voted it out--

8 LEE SILBERSTEIN: [interposing] Well, let
9 me give you a yes.

10 CHAIRPERSON RICHARDS: I think it's a
11 good idea.

12 LEE SILBERSTEIN: Easy to say a yes.
13 Yes.

14 CHAIRPERSON RICHARDS: Good. Boom. So, I
15 think that that--that's something good that we can do,
16 and lastly, can you touch on local hiring and MWBE
17 procurement and--and what are your goals there, and
18 will you be working with any local organizations on
19 local hiring as well as MWBE procurement, and maybe--
20 and perhaps if you don't have that, that's something
21 perhaps the Advisory Board could sort of work with
22 you guys on.

23 LEE SILBERSTEIN: On MWBE and--and local
24 hiring. Yeah, we're confident we're going--we're
25 confident that we'll be able to meet the 25% in terms

2 of contracting as well as 25% in terms of local
3 hires.

4 CHAIRPERSON RICHARDS: Local hiring.
5 Okay, great, and you'll work with local
6 organizations-

7 LEE SILBERSTEIN: [interposing] Well,
8 well the contracting level? Correct.

9 CHAIRPERSON RICHARDS: --and reporting,
10 which is something you always say has run (sic) over
11 again. Alrighty, I'm going to go-I'm going to go to
12 Council Member Torres to vote quick. Council, please
13 call the roll.

14 LEGAL COUNSEL: Let see, continued vote
15 on-to approve Murphy's Towers Preconsidered
16 applications, and LU 757 and 758, and approve with
17 modifications LU 763,752, 753 and Preconsidered Tax
18 Exemption. Council Member Torres.

19 COUNCIL MEMBER TORRES: I vote aye.

20 CHAIRPERSON RICHARDS: Alrighty.

21 LEGAL COUNSEL: The vote stands at 7 in
22 the affirmative, 0 in the negative and 0 abstentions,
23 except for those of us-for 6 in the affirmative, 0 in
24 the negative and 1 abstention on LU 757 and 758.

2 CHAIRPERSON RICHARDS: Council Member
3 Reynoso for a quick question.

4 COUNCIL MEMBER REYNOSO: In the Rheingold
5 project what is your MWBE—have you met MWBE goals and
6 local hiring goals of 25%?

7 LEE SILBERSTEIN: [background comment]
8 I'm not aware of where we are on that, but we can get
9 back to you.

10 COUNCIL MEMBER REYNOSO: Okay, I mean I
11 should work with you guys to—so no, you haven't met
12 those goals. I actually have that information. So,
13 I just want to be clear there is no grinding teeth to
14 you saying 25% MWBE and 25% local hiring, there's
15 noting that legally mandates that you achieve that?
16 Do you understand that every time you guys make
17 commitments that are not legally binding you fall
18 short, and it doesn't matter. So, I want to be clear
19 you—there's nothing in the law that states you have
20 to meet those requirements. What happens if you
21 don't meet them? Do you stop building? Do you not
22 get a TCO? What happens if you don't achieve those—
23 if you don't achieve those goals? Are there self-
24 imposed restrictions on you?

2 LEE SILBERSTEIN: First-first-first of
3 all, on Rheingold that was those commitments that
4 you've read off were not a commitment by the-either
5 of the current developers of that property. This is
6 a commitment--

7 COUNCIL MEMBER REYNOSO: [interposing]
8 What commitment?

9 LEE SILBERSTEIN: This is a commitment
10 that is being made by this developer, which is
11 different, and we believe that we'll have a plan in
12 place that will achieve those goals--

13 COUNCIL MEMBER REYNOSO: [interposing]
14 How is it different?

15 LEE SILBERSTEIN: --and we'll--and we'll--
16 How is it different? That-that he's agreeing to it
17 now, but it's in the past. It was in this agreement.

18 COUNCIL MEMBER REYNOSO: [interposing]
19 Well, the Bushwick community--the Bushwick community
20 is also a different standard than the Williamsburg
21 community.

22 LEE SILBERSTEIN: [off mic] This
23 developer-- [on mic] Council Member, it is my
24 understanding that this developer has kept every word
25 and every commitment he made on the project he has

2 executed. He was not the developer that—with which
3 an agreement was made on Rheingold, but when he
4 brought—bought this site, he fulfilled his
5 commitments.

6 COUNCIL MEMBER REYNOSO: Let's just—let's
7 just stop. That's just not true. Just because you
8 say it doesn't mean it's true. I want to be clear.

9 LEE SILBERSTEIN: I understand that,
10 Council Member.

11 COUNCIL MEMBER REYNOSO: You do not—you
12 do—you have not met the job hiring goals including
13 the 32BJ goal, right, that you—that was committed
14 until two weeks ago. So, how—how come you spent—
15 Two weeks ago, you made an agreement with 32BJ that
16 I'll guarantee includes the Rheingold project as
17 well.

18 LEE SILBERSTEIN: It—no actually it
19 doesn't. It includes this property.

20 COUNCIL MEMBER REYNOSO: So, then you
21 haven't met—so have you reached any goal—any
22 agreement with 32BJ regarding the building staff in
23 Rheingold?

24 LEE SILBERSTEIN: We have not, and again
25 we can elaborate on that--

2 COUNCIL MEMBER REYNOSO: So, you go--

3 LEE SILBERSTEIN: --we can elaborate on
4 that agreement, but we--

5 COUNCIL MEMBER REYNOSO: [interposing]
6 You have not.

7 LEE SILBERSTEIN: We--

8 COUNCIL MEMBER REYNOSO: You have not.
9 In writing--in writing there's a community base
10 agreement in writing that says 32BJ will have those
11 jobs, and you have not delivered to them.

12 LEE SILBERSTEIN: [interposing] And with
13 that it is my understanding, Council Member, that
14 Rabsky was not a party to that agreement.

15 COUNCIL MEMBER REYNOSO: It doesn't
16 matter what he bought for property, he assumes all
17 responsibility including commitments to communities.
18 If he can't do that, then when you sell this property
19 everything you're--you're claiming you would do, the
20 next developer can say I don't need to do any of
21 that. I wasn't a party to that agreement. Whatever
22 we say here should be something that is consistently
23 held to. That's why I believe that everything that
24 you're doing needs to be put in writing and has be
25 something that is legally binding. Should that not

2 happen, I'm very concerned with your ability to
3 follow through on this commitment.

4 CHAIRPERSON RICHARDS: Thank you. We're
5 going to go to Council Member Greenfield, Chair
6 Greenfield for Questions.

7 CHAIRPERSON GREENFIELD: Thank you,
8 Chair. So, you know, one of the things I try to do
9 for those folks who watch at home is try to sort of
10 parse out and figure out exactly what's going on.
11 There's obviously a lot of passion when it comes to
12 land use hearings, and we certainly have folks who
13 are very committed to their particular side, and
14 there's a lot of things that were said today. I just
15 want to just make sure we're all on the same page.
16 So, maybe you folks, the panel of the distinguished
17 experts here representing with the law (sic) that
18 perhaps can help me take this up. It seems to me
19 from my understanding listening to the conversation,
20 essentially there are three different issues than
21 have become one. The first is the Broadway Triangle
22 lawsuit having to deal with the public portion of the
23 Broadway Triangle property, is that correct?

24 LEE SILBERSTEIN: That is correct.

2 CHAIRPERSON GREENFIELD: Okay, are you
3 part of that lawsuit? Do you have anything to do
4 with that lawsuit? Does that have anything to do
5 with you, the developer? I don't mean you as a law
6 firm because you probably sue a lot of people red
7 zone out there, but the developer that you're
8 representing today which is Rabsky Group, are they
9 party to this suit? I think Broadway Triangle
10 Community Coalitions is the Bloomberg. I believe is
11 the lawsuit.

12 LEE SILBERSTEIN: The—the—the Broadway
13 Triangle lawsuit was brought against the properties
14 that were rezoned. These properties were not.
15 Rabsky is not party to that lawsuit. These
16 properties were not included in that lawsuit.

17 COUNCIL MEMBER GREENFIELD: Okay. So, we
18 have item 1. We have a lawsuit Broadway Triangle
19 Community Coalition versus Bloomberg. It's working
20 its way through the process. The Council Member
21 trusted the Council Member on what he said in terms
22 of where that lawsuit is at, but that has to do with
23 the public portion not the private portion, which we
24 are discussing here today, right? So, it's a
25 separate lawsuit?

2 LEE SILBERSTEIN: Correct, there's a
3 preliminary injunction against the city from selling
4 properties, correct.

5 COUNCIL MEMBER GREENFIELD: Not your
6 property, different property.

7 LEE SILBERSTEIN: Not our property, no.

8 COUNCIL MEMBER GREENFIELD: Not private
9 property, public property?

10 LEE SILBERSTEIN: Public property.

11 COUNCIL MEMBER GREENFIELD: Okay, good.

12 That's item 1. So, that's—that's nothing really to
13 do—I mean it's history obviously there, and as
14 Council Member Levin has referred to it, there's a
15 lot of passion about that ,but that's not related to
16 this particular piece of property here today?

17 LEE SILBERSTEIN: Correct.

18 COUNCIL MEMBER GREENFIELD: Okay. Item
19 Number 2, just trying to break this up so that
20 everybody has an understanding of what's going on
21 especially the folks, the 11 people who like to watch
22 this between 12:00 tonight or at 1:00 in the morning
23 on reruns because nothing else is good on television,
24 and believe you me, I've met all 11 people. They—
25 they come to me and they say Council Member, we

2 really appreciate when you break this all up. So,
3 I'm going to break it up for those people the
4 insomniacs as they were. So, item number two is
5 Rheingold. I'm honestly a little perplexed over
6 here. Rheingold has nothing to do with Broadway
7 Triangle, the first lawsuit. Right, which is the--

8 LEE SILBERSTEIN: [interposing] Yes.

9 COUNCIL MEMBER GREENFIELD: --public
10 property. It has nothing to do with this site, which
11 is the private Pfizer site. Explain to us what
12 happened over here a Rheingold. Do you guys--it
13 sounds to me like you purchased your company that
14 you're representing--Rabsky purchased property from
15 another developer who made an arrangement, which we
16 don't really like her in the Council, which is I
17 guess what we call a side agreement, and that's what
18 we're referring to? Is that correct? I just want to
19 make sure we're on the same page for Item Number 2.

20 LEE SILBERSTEIN: That's correct.

21 COUNCIL MEMBER GREENFIELD: Okay. So is
22 that basically what happened? Your clients bought a
23 property from another developer--

24 LEE SILBERSTEIN: Yes.

2 COUNCIL MEMBER GREENFIELD: --and that
3 developer made some side agreements and your--which
4 are not legally binding, which is Council Member
5 Reynoso's point, and Council Member Reynoso wants you
6 to abide by those agreements that are not legally
7 binding. So, the question beyond the law, which
8 obviously, you're going to say well, so, I don't have
9 to abide? Why aren't you abiding to those
10 agreements?

11 LEE SILBERSTEIN: We purchased the
12 property. It was on a site that was before Mandatory
13 Inclusionary. It was a Voluntary Inclusionary. We
14 did not have to build any affordable housing.
15 However, we have built affordable housing. In fact,
16 the building is--is tapped out. There's a regulatory
17 agreement with HPD, and--and that's what we've done.
18 The developer did not sign that agreement. In fact,
19 many people in this office came to his office
20 demanding that he sign it and he did not. Many of
21 the things in that side agreement were already
22 concluded at that point, and he didn't--he didn't sign
23 it. So, he--he didn't see why it is--

24 COUNCIL MEMBER GREENFIELD: [interposing]
25 Okay, so--so the short answer is a new developer, new

2 realities, new financial realities. You did some of
3 it. You're going to do other of it. It wasn't. It
4 wasn't binding on you. We all know that, to be fair.
5 I mean I'm the Chair of the Land Use Committee. I
6 always advise Council Members and say, hey, the side
7 deals are really not worth the paper that you're
8 printing it on, but people do it anyway, and you hope
9 that it will work out, and certainly if it's the same
10 developer, you could go back in the future. But when
11 a project gets flipped, as it does, then that—that is
12 a concern. Okay. To take you to the third point, so
13 now—but that's—we're not discussing it today. It's
14 just sort of a different project that just sort of
15 we're discussion, but it's not really what that topic
16 is. So the final topic that we're discussing today
17 has to do with this particular project, which are the
18 Pfizer sites, which, in fact, are privately owned,
19 right. So, separate from the original .1, which is
20 the publicly owned sites, and that's what we're
21 discussion today. So, the—the—I believe it was Chair
22 Richards who—who brought up and I'm gong to echo
23 Chair Reynoso's concern. So, now you're proposing,
24 and I know the answer to this, by the way, because I
25 just want everyone at home to know it. Because it

2 will make it clear. So, now you're proposing and
3 you're saying we're going to build 25% affordable
4 housing, right--

5 LEE SILBERSTEIN: Correct.

6 COUNCIL MEMBER GREENFIELD: --at Option
7 1, which is the lowest option of affordability, and
8 you described to us what the breakdown will be of
9 that affordable housing.

10 LEE SILBERSTEIN: Yes.

11 COUNCIL MEMBER GREENFIELD: Right. Is
12 that, in fact, going to be binding, the new
13 requirement for those following at home, and if so,
14 why is this binding versus the Rheingold project, for
15 example, that wasn't binding?

16 LEE SILBERSTEIN: Well, this will be
17 binding--

18 COUNCIL MEMBER GREENFIELD: So, yes,
19 that's the first--the first answer to my question is
20 it is binding. Is that correct?

21 LEE SILBERSTEIN: It will be binding when
22 we enter into the regulatory agreement with HPD.

23 COUNCIL MEMBER GREENFIELD: Okay, but it
24 will also--but the--the minimum of 25% on Option 1 will
25 be binding as required--

2 LEE SILBERSTEIN: [interposing]

3 Absolutely.

4 COUNCIL MEMBER GREENFIELD: --as required
5 by the zoning, right?

6 LEE SILBERSTEIN: Yes, yes.

7 COUNCIL MEMBER GREENFIELD: So, there's
8 no way to get out of this?

9 LEE SILBERSTEIN: No, no, no, no, no.

10 COUNCIL MEMBER GREENFIELD: But we all
11 agree that this will have 25% affordable housing--

12 LEE SILBERSTEIN: [interposing] Right.

13 COUNCIL MEMBER GREENFIELD: --and Option
14 1, which is 60% of AMI or below?

15 LEE SILBERSTEIN: Correct.

16 COUNCIL MEMBER GREENFIELD: So, explain.
17 You're a prominent real estate attorney. You charge
18 \$1,000 an hour. So, I'm going to ask you now to--to
19 explain to those folks watching at home--explain to us
20 why--

21 LEE SILBERSTEIN: Those watching at home,
22 I don't make \$1,000 an hour.

23 COUNCIL MEMBER GREENFIELD: I didn't say
24 you make \$1,000 an hour. I said you charge \$1,000 an
25 hour.

2 LEE SILBERSTEIN: [laughs]

3 COUNCIL MEMBER GREENFIELD: I was a
4 corporate lawyer as well. I understand the
5 distinction between how much you charge and how much
6 you actually get back at the end of the year. But
7 the point I'm making is that you're very good at what
8 you do. So, I am burning your client's money over
9 here for the public service to explain to us why it
10 is that on this the third project, there will
11 definitely be 25% affordable housing at the lowest
12 AMI Option 1 versus there wasn't the other project
13 with had side letter. Can you explain that to us?

14 LEE SILBERSTEIN: Well, the-part of the-

15 CHAIRPERSON GREENFIELD: [interposing] I
16 like burning developer's money. So, I'm getting a
17 little bit of joy out of this, and I know you charge
18 by the hour regardless of what you say. Yes.

19 LEE SILVERSTEIN: [laughs] Part-part of
20 the approvals that we're seeking is-is designating
21 these sites as Mandatory Inclusionary Housing Area,
22 which requires, and that affordable housing component
23 mandates an affordable housing component. There are
24 several options. Option 1 is the one that we
25

2 selected, which has the lowest AMIs, and that's what
3 we have to do. We did—we were--

4 CHAIRPERSON GREENFIELD: [interposing]

5 Okay, I'm going to—I'm going to do this because I
6 actually teach at Brooklyn Law School. So, I'm going
7 to take over for this portion. So, basically, what
8 happened is that last year the city passed a law that
9 we worked on with the Mayor, which essentially
10 requires that we're not happy more. We don't like
11 these sides, but it's for this exact reason because
12 sometimes side letters don't live up to their snuff,
13 and if, in fact the project goes sideways or if the
14 project flipped or whatnot, we end up with a project
15 that we don't get all of our commitments. So, we
16 decide to do something revolutionary at the time and
17 we said listen, we're going to make no longer
18 voluntary, which as the Council Member pointed out on
19 other projects where it was voluntary, they didn't
20 build the affordable housing, we're going to make it
21 mandatory. So we are going to force you to build
22 affordable housing, and that's what we're doing here
23 today. Is that correct?

24 LEE SILVERSTEIN: Yes.

25

2 CHAIRPERSON GREENFIELD: This is
3 mandatory. So, the mandate will be, there's no way
4 to get out of this one. The mandate will be 25%
5 affordable at the lowest AMI, which is Option 1,
6 a/k/a 60% or below of AMI and that is guaranteed that
7 that will be built if we approve this project.

8 LEE SILVERSTEIN: Yes, sir, you can buy a
9 radio. (sic)

10 CHAIRPERSON GREENFIELD: Okay, two final-
11 two final-Yes, my-my law students in Brooklyn also
12 like me as well. So thank you. Too, for the other
13 people watching at home, I hope they'll Tweet at me
14 and tell me if they're happy with this explanation.
15 So, two final points I want to address because both
16 of which are important here as well and I want to
17 address both of them separately. For this first
18 part, there's a lot of history over here. I'm not-it
19 is not upon me. I have not been designated by the
20 President to be the-the peace representative for
21 Williamsburg and Bushwick to come in and settle these
22 matters. So, I'm not certainly going to attempt to
23 do that today. But certainly there's a lot of
24 history and angst in the room over past history that
25 clearly is not necessarily related to this project,

2 gut there's angst. So, explain to us, please, on the
3 portion, and you explained this earlier, of the
4 affordable housing, the guarantees that will now have
5 it. We never had it before, but we're going to have
6 25% of affordable housing. How will we be sure, in
7 fact, that everybody will have the ability to get
8 this piece of housing whether they are, in fact,
9 Jewish, Hispanic, Asian or indigenous people. I
10 heard that's a new holiday that some folks are trying
11 to start? Right, so how do we—how do we ensure that
12 everyone—how will it be ensured that everyone will
13 have access to affordable housing? Will your client
14 be in charge of choosing who has the affordable
15 housing?

16 LEE SILVERSTEIN: No.

17 CHAIRPERSON GREENFIELD: So, who will be
18 in charge of this?

19 LEE SILVERSTEIN: HPD is in charge of it.
20 They over see it.

21 CHAIRPERSON GREENFIELD: For the city of
22 New York?

23 LEE SILVERSTEIN: Yes.

24

25

2 CHAIRPERSON GREENFIELD: The New York
3 City Department of Housing, Preservation and
4 Development--

5 LEE SILVERSTEIN: Yes.

6 CHAIRPERSON GREENFIELD: --they will be
7 overseeing this independent non-partisan, non-ethnic,
8 non-political lottery?

9 LEE SILVERSTEIN: Yes.

10 CHAIRPERSON GREENFIELD: Okay, it has
11 nothing to do with you?

12 LEE SILVERSTEIN: Nothing to do with us.

13 CHAIRPERSON GREENFIELD: Okay, good. So,
14 we solved that part. The final question for you.
15 Final question. This is a very important question.
16 This has come up. So, on the private portion, I
17 presume you folks are business people. Is this sort
18 of what you do for a living? Your--yours is the
19 business people, your clients are business people.
20 They developed housing for profit. Is that the case?

21 LEE SILVERSTEIN: Yes, for-profit
22 developers. Yes.

23 CHAIRPERSON GREENFIELD: Oh, and I want
24 to be clear, by the way. I--I want to agree with
25 Council Member Reynoso. I don't think any developer

2 comes in and says yeah, I want to develop affordable
3 housing. That's why it's mandatory. We're forcing
4 developers now to build affordable housing. So, your
5 clients are being forced to build 25% on a 75%. It's
6 open to everyone. You can charge pretty much
7 whatever the market is, which is healthy. I mean
8 it's probably -you don't necessarily know the units
9 right now, but they're going to be expensive units
10 like the rest of New York City. Is that correct?

11 LEE SILVERSTEIN: They'll be--they'll be
12 whatever the market is in that area.

13 CHAIRPERSON GREENFIELD: [interposing]
14 Whatever we can do.

15 LEE SILVERSTEIN: As a--

16 CHAIRPERSON GREENFIELD: [interposing]
17 Okay, very good. Now, for that portion--for that
18 portion how do we know that--that your--that your
19 client isn't going to rent it just one kind of person
20 or ethnic group? Is there, I don't know, some sort
21 of law in the City of New York or some sort of agency
22 perhaps that oversees this as well?

23 LEE SILVERSTEIN: I believe there is some
24 sort of agency and some sort of law.

2 CHAIRPERSON GREENFIELD: You're really
3 making it a lot more difficult for here, aren't you?
4 Alright, I'm not inviting you to come to Brooklyn Law
5 School to get a lecture.

6 LEE SILVERSTEIN: [interposing] I-I can
7 go on-

8 CHAIRPERSON GREENFIELD: The New York
9 City Commission on Human Rights along with the New
10 York City Housing, Preservation and Development they
11 have very clear laws, which are based on the city,
12 states and federal laws call Fair Housing Laws that
13 make it very clear on what you can and cannot
14 discriminate against, and there are multiple examples
15 and scenarios. You can go on and strike them out.
16 You cannot discriminate against people who for a
17 certain ethnicity. You can't discriminate based on
18 taking Section 8. You can't discriminate based on a
19 whole hose of issues. So, these will be enforced the
20 way they are in the rest of the city. Is that
21 correct?

22 LEE SILVERSTEIN: That's correct.

23 CHAIRPERSON GREENFIELD: Okay, and
24 there's nothing to indicate so far an allegation of a
25 lawsuit that's fair, but to be fair, if there were no

2 lawsuits your company as a law firm would probably
3 not be in business, but beyond that, there have no
4 confirmation have there of this developer that they
5 have ever discriminated against anyone before in any
6 sort of development. Is that correct?

7 LEE SILVERSTEIN: That's correct.

8 CHAIRPERSON GREENFIELD: Alright, thank
9 you for helping us clarify for those 11 people who
10 are watching at home.

11 CHAIRPERSON RICHARDS: I would love to be
12 in our class. I wish I had you as a professor. It's
13 very-

14 CHAIRPERSON GREENFIELD: I teach in the
15 spring semesters. You're welcome to join, Mr. Chair.

16 CHAIRPERSON RICHARDS: Thank you.

17 CHAIRPERSON GREENFIELD: And you are
18 always welcome as a guest lecturer for the record.

19 CHAIRPERSON RICHARDS: Oh, I would be
20 honored. We're going to go back to Steve Levin for a
21 question.

22 COUNCIL MEMBER LEVIN: Thank you very
23 much, Mr. Chairman. One other question that I had
24 that I forget to ask you for. With regard to subway
25 entrances. So, we didn't talk about the G-Train.

2 The G-Train, the Flushing stop is-is right at the end
3 of -of the corner of this development site, right? I
4 mean it's on Flushing Avenue, but-but adjacent to it.

5 RAYMOND LEVIN: The corner of Flushing
6 and Union, yes.

7 COUNCIL MEMBER LEVIN: Is-is there
8 another-the Borough President's Report mentioned
9 another-another entrance possibly to-to the G-Train--

10 RAYMOND LEVIN: [interposing] There's a--

11 COUNCIL MEMBER LEVIN: --it's adjacent
12 to the site and the other end of the site, right?

13 RAYMOND LEVIN: Yes, it's at the northern
14 end of the site. There's another entrance that was
15 closed a number of years ago I guess when MTA was
16 cutting back on employees to man turnstiles and thing
17 like that.

18 COUNCIL MEMBER LEVIN: Have you-did they
19 ask that you guys explore, your client explore
20 reopening that with the MTA? Is this something
21 you've been able to do?

22 RAYMOND LEVIN: We-we have not been able
23 to do that, but we intended to speak to the MTA and
24 see what their-what their judgment is.

2 COUNCIL MEMBER LEVIN: Is it possible to
3 do that in the next couple of days as it's before we-
4 -

5 RAYMOND LEVIN: We could certainly reach
6 out.

7 COUNCIL MEMBER LEVIN: ---before-before
8 we vote because I think--

9 RAYMOND LEVIN: Yep.

10 COUNCIL MEMBER LEVIN: I mean obviously
11 the MTA as an--as an agency--capital projects for the
12 MTA are mind bogglingly expensive, you know, as--as
13 indicated by L-Train costing about \$900 million,
14 \$900--almost a billion dollars for that--for that
15 project. So, you know something like that as simple
16 as--as reopening an entrance to the subway might, in
17 fact, be a very capitally intensive project. So, but
18 it would be helpful to know exactly what the cost
19 would be and whether that kind of cost would be, you
20 know, born out by the proceeds of the development.

21 RAYMOND LEVIN: We certainly cold reach
22 out to them. It was our intention to do that anyway,
23 and we'll get--get back to you.

24 COUNCIL MEMBER LEVIN: Okay, thank you.

2 CHAIRPERSON RICHARDS: Thank you, and I
3 want to thank you all for testimony today. We look
4 forward to receiving a very extensive list of the
5 things that we spoke about today, the commitments
6 that you're making, and we look forward to continuing
7 to work through this process. If you have not heard
8 from the community, I would urge at least few of you
9 to stick around. It would be nice to have all of you
10 to stick around to hear directly as well. So, thank
11 you for your testimony.

12 LEE SILVERSTEIN: Thank--thank you very
13 much. Thank you--

14 RAYMOND LEVIN: [interposing] Thank you.

15 LEE SILVERSTEIN: --Subcommittee.

16 CHAIRPERSON RICHARDS: Alrighty, we're
17 going to call the next panel. Alright, Luz Rosario;
18 Juan Ramos, Broadway Triangle Coalition; Alexandra
19 Fennell, Churches United for Fair Housing; Martin
20 Needle, Brooklyn Legal Services; Shekar Krishnan
21 (sp?), Brooklyn Legal Services, and we're going to
22 call again Luz Rosario, Juan Ramos, Alexandra
23 Fennell, Martin Needleman, Shekar Krishnan. Okay, go
24 it. He got it. Alright. [background comment, pause]

2 CHAIRPERSON RICHARDS: And we'll ask
3 everyone just to state their name for the record, and
4 who they're representing, and then you may begin, may
5 begin. [pause]

6 JUAN RAMOS: Good morning. My name is
7 Ron Ramos. I'm the Chair of Broadway Triangle
8 Community Coalition, a coalition comprised of
9 different organizations and residents living in both
10 Williamsburg and Bedford-Stuyvesant, Brooklyn.

11 (coughs) I'm going to be very brief because I'm not
12 going to come here to give you statistics that are
13 going to be challenged or statistics that are going
14 to be on people's minds that we've been arguing for
15 over a decade now. Over a decade ago, our coalition
16 got together because of what was happening on the
17 Broadway Triangle. Over a decade ago we argued that
18 on the Broadway Triangle there was going to be a
19 level of discrimination and segregation that would
20 take place to the levels that we haven't seen in New
21 York City in—in decades, and to this point until
22 today, I can guarantee you that what we claimed
23 almost a decade ago if you go to the Broadway
24 Triangle today, and walk the Broadway Triangle, I
25 challenge any one of the Council Members to go and

2 take a tour of the Triangle. We will not see any
3 faces of color coming out of any of the developments
4 that have been, that have gone up there since, and
5 that was our claim from the beginning. That's our
6 claim today, and that's why we understand that the
7 development that's about to—that you guys are hearing
8 about today is going to perpetrate that level of
9 segregation and discrimination. So, while we're here
10 asking people to get, you know, come together in a
11 Kumbaya moment, or come together in disregard, the
12 atrocities committed against people of color in this
13 city and in this country, right, to even disregard
14 the level of people asking for justice to even make
15 fun of people asking for justice, and being
16 acknowledged, for the discrimination and the
17 segregation, and even as I heard here today disregard
18 the genocide that took place of indigenous people in
19 this country is absurd to me. And to the point that
20 we're here today, I will say to you that I started
21 this fight over 10 years ago as a resident of Bed-
22 Stuy, Brooklyn, where I grew up on a part of Brook-on
23 Bed-Stuy where we had the highest concentration of
24 Latinos to Lafayette Avenue to Flushing Avenue, and
25 where I lived together with my brothers and sisters

2 in the Black community. And that is sad to me that
3 to this day when we look at the Broadway Triangle,
4 the population of the Latino community has gone down
5 significantly, and as you've heard our council member
6 say and that black community in Williamsburg
7 continues to decline from a 5%, but it was even back
8 then. That's why that we're here today arguing this
9 point and arguing against this developer who, as you
10 can see here today, came to say-say a lot about
11 nothing. Say a lot about nothing because the plan
12 that they have in place doesn't include the people in
13 the community that has been saying for over a decade
14 that all we want is to have a voice in the process.
15 All we want is to be represented in the process. We
16 are not politically connected. We are not
17 religiously connected, and that is a problem that we
18 face in the Broadway Triangle because if you look at
19 all the development that has gone up in the Broadway
20 Triangle and you go to any one of those developments
21 and knock on the door, you will not see a face of
22 color come and answer the door. We have a problem
23 when they say that the local jobs are going to be
24 going at a 25% rate for the local community because
25 we know, and although they don't want to make the

2 connection to it because it seems that, you know, we
3 get amnesia from what happens right down the block at
4 Rheingold, but those level of commitments that they
5 made to the community will never be fulfilled. And
6 what we're seeing today is a developer who not only
7 has a history about development around the city, who
8 claims to have affordable housing, yet refuses to go
9 on--on the record today to give us more of that if
10 they could, right because they could. Let's be
11 honest about that. They just choose not to. And I
12 look at a community that I've been chairing a
13 coalition for 40 organizations and residents, and
14 every time that we meet I have to say, though to
15 them, maybe this is our chance to get this done. But
16 I'll be honest with you. This is the most
17 progressive body of the City Council in a long time.
18 Many people say that. Some of you even self-proclaim
19 that to be part of the most progressive body of City
20 Council in history, in the history of the City
21 Council. What I will say to you is that you failed
22 us almost a decade ago as a body.

23 CHAIRPERSON RICHARDS: We weren't here a
24 decade ago.

2 JUAN RAMOS: I want to get to that point.
3 I understand, Council member.

4 CHAIRPERSON RICHARDS: [laughs] Okay.

5 JUAN RAMOS: But as a body this Council
6 failed us and every Council Member up there including
7 the one that represented me at the time that I had
8 the most admiration and respect for, Councilman Van
9 said, I'm voting with the Council Member of the
10 district next to me simply because this is the
11 political process by which we get this done, but I
12 have concerns. I have concerns what that means for
13 the people of my district because of the segregated
14 effect of this, and because of the discrimination
15 that we will see happening here. Yet, he vote for it
16 but there were eight members of you body who back
17 then in a less progressive City Council dared to
18 challenge the rest of this body and say we will not
19 stand by and do politics as usual if it's going
20 against the humanity of the people that are seeking
21 to live in this area. So, I'm asking all of you to
22 join those eight people, who by the way were led by
23 Council Member Barron who was the first one to say
24 presente, and Council Member Rosie Mendez who said
25 presente right with them. I join those eight people

2 in saying that the people sitting here today aren't
3 wasting their time being here since 9:00 a.m. to give
4 this bad developer another sweetheart deal under this
5 inclusionary zone-rezoning, right, because to us
6 it's, you know, it's affordable to who? Inclusionary
7 for who? All we've seen on the Broadway Triangle is
8 exclusionary housing. Exclusionary because none of
9 us sitting here who came here today have had an
10 opportunity--no we will have an opportunity to--to be
11 part of this process, and I will say this to you
12 know, and I want everybody here to listen to this. A
13 decade ago, we stated that there was a problem here
14 and we were filled by every level of government from
15 our community board to this Council, to our Mayor's
16 Office. You have the right-of-way right now as a
17 council as a committee to vote no on this simply
18 because you know that it's the right thing to do, and
19 simply because as you said, Council Member, you
20 weren't here. But you have the opportunity to right
21 the wrongs of the people that came before you, and
22 give these people and opportunity to say I can live
23 there because two--when you're looking to your left
24 and to--and to your right at the Pfizer site, you have
25 Morrissey Houses, Thompkin Houses with over 90%, a

2 waiting list of people waiting to get into some form
3 of affordable housing who can never get into the
4 affordable housing right across the street because of
5 the way this is going to be developed. You have a
6 community across the street from that in the Latino
7 community who's declining since it's the place who
8 want to say I want to say in my neighborhood. We
9 need to give them a fighting change. We need to stop
10 going and taking you guys to court in order to
11 receive justice as our council member. If we can't
12 do that--

13 CHAIRPERSON RICHARDS: Can I ask you to
14 wrap up?

15 JUAN RAMOS: If we can't do that, we
16 cannot do that if you guys allow our city of New York
17 and officials in the city and the city of New York
18 including our Mayor to give the luxury, to give these
19 guys sweetheart deals, and they don't have to commit
20 to us in the way that our Council Member has asked
21 for them commit to us because they don't want to do
22 that. It's not in their interest. We're not in
23 their interest because we don't pay the rents that
24 they want us to pay. We will never be able to afford
25 the rents they want us to pay. Therefore, we don't

2 mater to them, and I say we matter because all these
3 people sitting here believing you guys, and you guys
4 have to make it work in order for us to continue be
5 the progressive body that you claim to be.

6 CHAIRPERSON RICHARDS: Thank you.

7 ALEXANDRA FENNELL: Good afternoon. My
8 name is Alexandra Fennell, and I am the Network
9 Organizer with Churches United for Fair Housing,
10 which is a member of the Broadway Triangle Community
11 Coalition. I'm here on behalf of our members who are
12 largely Black and Latino residents of North Brooklyn,
13 and who have lived in the Broadway Triangle for
14 decades. Our community is in desperate need of truly
15 affordable housing, and this project will not provide
16 the housing that we require, but rather, it will
17 actively worsen the racial division in the Broadway
18 Triangle. Simply put, this is segregation. Although
19 the lawsuit from 2009 that has been mentioned many,
20 many times was based on an allocation of public land.
21 That doesn't make this lawsuit or these issues
22 irrelevant. These issues continue to plague our
23 community and we're faced with them every single day.
24 I second what Ron Ramos said when he said that since
25 2008, there have been roughly a thousand units of

2 new-of new housing created in the Broadway Triangle
3 area, and every single one of those units has gone to
4 a white family. In addition to that, not a single
5 unit of affordable housing has been constructed. In
6 light of this history, the inability of the Rabsky
7 Group to present a legally binding agreement to
8 specify bedroom sizes in both the Mandatory
9 Inclusionary Housing as well as the market rate
10 housing, leads this coalition to strongly believe
11 that despite the testimony we heard today, this
12 proposal will follow the same trends as segregatory
13 construction that we have seen over the last ten
14 years. Council Member Levin has publicly supported
15 this rezoning since its proposal even in light of the
16 community's concerns that this will be exclusionary
17 housing. By doing so, and by publicly disagreeing
18 with city's ruling in the discriminatory 2009
19 rezoning, Council Member Levin in supporting
20 segregation. This rezoning is not occurring in a
21 vacuum. It is proposed in an area that has
22 experienced nearly 90 years of segregative housing
23 practices largely imposed by the federal and city
24 governments. This city has an obligation under the
25 Fair Housing Acts affirmatively furthering their

2 housing mandate to actively promote the integration
3 of our communities. And I agree with Council Member
4 Levin that we have to be constructive and that it's
5 likely that this situation will get worse, but we do
6 not have abet and accelerate that process. To move
7 this project forward is to affirm that the government
8 of New York City continues to support segregated-
9 segregatory housing practices. We urge you to
10 recommend against this project and send it back to
11 the drawing board to create a housing solution that
12 serves all members of the community, and actively
13 works to combat the racial divisions of the Broadway
14 Triangle. We ask you, Council Members, to
15 demonstrate that you do not support segregation in
16 New York City.

17 CHAIRPERSON RICHARDS: Thank you for your
18 testimony.

19 LUZ ROSARIO: [Speaking Spanish]

20 TRANSLATOR: Good afternoon. My name is
21 Luz Rosario. I'm the president of the organization,
22 United Neighborhood Organization, UNO.

23 LUZ ROSARIO: [Speaking Spanish]

24 TRANSLATOR: We're here because we're
25 concerned about the plans for Pfizer in the area of

2 the Broadway Triangle, which has been historically-
3 there has been historic racial discrimination.

4 LUZ ROSARIO: [Speaking Spanish]

5 TRANSLATOR: We believe that the Pfizer
6 project is going to increase the problems of
7 discrimination in the neighborhood.

8 LUZ ROSARIO: [Speaking Spanish]

9 TRANSLATOR: We want affordable housing
10 for everybody with no regards to the race or
11 religion.

12 LUZ ROSARIO: [Speaking Spanish]

13 TRANSLATOR: Affordable housing is right
14 for everybody, and we're not going to stop fighting
15 until we win that.

16 LUZ ROSARIO: [Speaking Spanish]

17 TRANSLATOR: Thank you.

18 CHAIRPERSON RICHARDS: Thank you for your
19 testimony.

20 LUZ ROSARIO: [Speaking Spanish]

21 CHAIRPERSON RICHARDS: Gracias.

22 MARTY NEEDLEMAN: Hi. My name is Marty

23 Needelman. I'm the Chief Counsel and Executive

24 Director of Brooklyn Legal Services Corporation A.

25 There's actually a Brooklyn Legal Services, which is

2 not us, and we're counsel, and we're co-counsel in
3 the Broadway Triangle Community Coalition, and also
4 actually we're—I think we're part plaintiffs in the
5 case as well. I'm also a member of the Broadway
6 Triangle Community Coalition, and I'm also President
7 for Congregation of the Congregation of Beth Jacob
8 Ohev Sholom in Williamsburg, which is the oldest
9 orthodox congregation in Brooklyn, Queens and Long
10 Island. It's not needed at the congregation itself.
11 I'm also president of a small loans and co-op, a non-
12 profit corporation on South Third Street in
13 Williamsburg. I've lived on that block for 45 years,
14 and probably I've been at Brooklyn Legal Services
15 Corporation A for about 45 as well. So, I'm against
16 displacement. I'm against big changes, but one—a
17 couple of things I just wanted to correct in terms of
18 people's understanding of the situation. The
19 litigation about Broadway Triangle was not against
20 the developers, it was against the city of New York
21 and the rezoning itself. Because it's not that this
22 developer or another developer will promote
23 segregation themselves, but the—the market rate
24 housing itself is not going to be for the people—for
25 people of color. It's—it's basically when you're

2 talking about market rate on a little block on South
3 Third Street, which is overwhelming growing with
4 people. They created—they built housing on two
5 vacant lots. The one a couple houses down from me,
6 \$1.4 million for a 2-bedroom apartment. You're
7 talking about millions of dollars in market rate
8 housing in these areas so that it's not for people of
9 color who are from a—are of low-income scale—scale
10 even the working class people. And the affordable
11 housing that's very often included is two problems:
12 One is the 60% level, even the 60% level, which is
13 the lower lever does not apply to the overwhelming
14 majority of people in our—in our communities. And
15 secondly, it's not even that. If you build the
16 majority of market rate housing there's massive
17 displacement impacts, which we refer to—which has
18 been reflected throughout our communities of
19 Williamsburg, Greenpoint. By the way, Williamsburg,
20 Greenpoint you have to know this also because it's
21 decisions you must make. Williamsburg, Greenpoint
22 Community Board 1, I mean District 1 is less than 5%
23 black, and that's—it's not a small little community.
24 It's a very large Williamsburg, Greenpoint, but the
25 borderline is Flushing Avenue. Across the border,

2 it's 50% black and it's been like that for ages. In
3 fact, it's going down. I mean unfortunately it's
4 been significant places, the African-American
5 community and Community Board 3 as well as the-as
6 well as there has never been a black community in
7 Williamsburg, Greenpoint. It's a like a-it's like a
8 wall. The Flushing area has been an historic
9 segregated wall, and it's-and part of it has to do
10 with these rezonings. Not that they were zoned only
11 for whites or only for blacks. It's how you set it
12 up. If you had the majority, overwhelming majority
13 of market rate housing, you're chasing after the-the
14 surrounding community because the landlords who did-
15 because it's a magnet for wealthier people who are
16 wealthy whites, and it's not just a magnet for the
17 housing that's being built, it's a magnet for the
18 surrounding area. As a result, this massive
19 displacement because landlords if you can get \$5,000
20 or \$3,000 a month rent for a rent stabilized
21 apartment that's currently paying you \$833 a month,
22 the landlords will do anything to get them out and
23 they succeed and have succeeded. So, you're talking
24 about massive loss of truly affordable housing, rent
25 stabilized housing by building 25% or 20% or 30% of

2 affordable units. The loss of affordable housing is
3 much, much greater and it has—it has overtly racial
4 impacts not because I hate blacks or I love blacks.
5 It's not that because it's the economics of that
6 (coughs) situation, and to concerned about, you know,
7 the availability of nondiscrimination for market rate
8 housing. The market rate housing is totally
9 unaffordable to 99% of people of color. That's just
10 the reality of this—of the world we live in. And
11 also, just a couple of things about the Broadway
12 Triangle litigation. The preliminary injunction that
13 was issued by Judge—Justice Goodman, I have in
14 writing. The first statement that that applied to
15 the entire rezoning, not to a specific transaction
16 although that was part of it, but the entire rezoning
17 on the grounds that that would have a segregatory and
18 a discriminatory impact, and that included the
19 private. She specifically said that her preliminary
20 injunction applied to the entire rezoning including
21 the rezoning of the private party of those
22 properties. It is the city's action that's
23 problematic in adopting these rezonings that allow
24 for this to happen, and you have to stop it because
25 you guys will become part of it. Not because you

2 hate whites or something like that or hate blacks or
3 hate Puerto Ricans or Dominicans or Mexicans. It's
4 the result of these rezonings. The other thing--

5 CHAIRPERSON RICHARDS: [interposing] I'm
6 going to ask you to begin to wrap up.

7 MARTY NEEDLEMAN: Last thing, the thing I
8 say and it's true at the Williamsburg and we own
9 housing unfortunately the Williamsburg, the rezoning
10 of the Williamsburg Waterfront that is true here
11 also. Manufacturing industry is dead. Those jobs
12 are dead. Look, it's been vacant for years. The
13 reason why it's vacant for years, the reason why the
14 Williamsburg Waterfront was vacant for years was
15 because the developers who owned that land knew that
16 ultimately they can make much, much, much, much more
17 money on market rate housing. They just waited it
18 out knowing that it was going to happen, and you had--
19 you want the proof of that? The Navy Yard is
20 booming. The Navy Yard right next door to the
21 Williamsburg Waterfront is booming although it's
22 completely vacant right next door, and that is true
23 here also. This has been vacant for years, but Modus
24 is the--is the Pfizer plant now, almost fully
25 occupied. They're looking for them, the Navy Yard is

2 fully occupied. They're looking for sites, for the
3 small, for the small start-up businesses. So, let's
4 not lie to ourselves. The impact of zoning,
5 rezonings that allow for the majority of market rate
6 housing killed the surrounding existing affordable
7 housing much more than any affordable housing that's
8 included and secondly there's no need to rezone
9 commercial industrial areas in this area--

10 CHAIRPERSON RICHARDS: [interposing] Can
11 I ask you to conclude?

12 MARTY NEEDLEMAN: --to build market rate
13 housing because it's a need for these opportunities
14 to expand commercial, industrial uses and jobs.

15 CHAIRPERSON RICHARDS: Thank you for your
16 testimony.

17 SHEKAR KRISHNAN: Good afternoon
18 everyone. (coughs) My name is Shekar Krishnan. I'm
19 the Director of the Preserving Affordable Housing
20 Program at Brooklyn Legal Services Corporation A. I
21 am also Counsel with Marty Needelman to the Broadway
22 Triangle Community Coalition. I am counsel on the
23 2009 litigation as well. Let's be fair about exactly
24 what is happening I sat here and in 2009 in this very
25 same seat with all of us here today calling on the

2 Council to stop the 2009 rezoning. We warned that it
3 was a violation of the Fair Housing Act. We warned
4 that it perpetuates segregation. That was the
5 testimony that we gave. The Council went ahead and
6 overwhelmingly approved this rezoning back then. We
7 then wen to court and obtained a permanent injunction
8 that declared exactly what we said, that this was a
9 violation of the Fair Housing Act. Back then the
10 decision by the Council was based on a local council
11 member at the time and the concept of member
12 deference. We sit here in the same area on the very
13 same issue of housing discrimination and the very
14 same question in front of the Council of this policy
15 of deferring to the local council member. I
16 understand the Council's policy of member deference,
17 but it must be, it is limited by compliance with the
18 law, especially civil rights laws, and let me give
19 you three reasons why this rezoning must be rejected.

20 First of all, the 2009 litigation
21 revealed the massive extent to which this area in
22 Broadway Triangle is driven by segregation for
23 decades. One side of the Broadway Triangle is the
24 Latino community of Williamsburg. One side of the
25 Broadway Triangle is the Hasidic Jewish community of

2 Williamsburg and one side of the Triangle is the
3 African-American community. It has stayed that way
4 for decades. That is not just my allegation. That
5 is 40 years of consent decrees and litigation brought
6 by our office that showed how segregated this area
7 is, how development after development particularly by
8 the city of New York has steered housing to the
9 Hasidic Jewish community to the exclusion of Latino
10 and African-Americans. You've heard the statistics.
11 The Broadway Triangle was an extension of that. The
12 reason why, and I've heard some comments today about
13 whether the lawsuit matters or not. Here's why it's
14 very relevant. The city of New York is the largest
15 recipient of Federal HUD funding in the country.
16 Under 36.08 of the Federal Fair Housing Act, is
17 required to affirmatively further fair housing when
18 it develops any land in the city. That is not a
19 requirement to stop segregation. That is the
20 requirement to affirmatively further fair housing to
21 affirmatively further integration. Our lawsuit
22 demonstrated and the court has found the city of New
23 York did not do that with the Broadway Triangle
24 rezoning, and it has not done that here. Back then
25 it was—now it's impediments of—impediments to fair

2 housing choice scenario and how a project would
3 overcome that. Now, under Obama's rules it's changed
4 but it's the same FHA (sic) analysis. That has not
5 been undertaken here, and that is very relevant.
6 Those findings from the lawsuit are very relevant
7 today. They show that the city cannot comply. There
8 can be no compliance with Fair Housing Laws when
9 there has been no effort to do so. Not one study
10 preceding this rezoning on how segregate this area
11 is, what the need is for housing in this area, and
12 how this project will achieve that need. That is a
13 violation of 36.08 of the Fair Housing Act, a
14 violation of federal HUD funding that the city of New
15 York receives. The second condition is that this
16 rezoning on its face will perpetuate segregation.

17 1. The economic bands we are talking
18 about, the bulk of the housing 80% of it will not
19 benefit families of color. Exceeds the income
20 eligibility criteria for these families, and again
21 the question is not affordable in general term.

22 CHAIRPERSON RICHARDS: Can I ask you to
23 being to wrap up?

24 SHEKAR KRISHNAN: Sure, but affordable to
25 the community at issue. Most importantly we never

2 heard anything about the unit sizes 'til today. The
3 unit size s was the crux of the Broadway Triangle
4 litigation, and now we find out that 50% of the units
5 are 3 and 4 bedrooms. That's very similar to the unit
6 proposals in the 2009 lawsuit that was undone as a
7 violation of the Fair Housing Act. Twenty-five
8 percent of the units are 4-bedrooms. The need for 4-
9 bedroom apartments is miniscule in this area, and it
10 does not come from Latino or black communities in
11 this area of Brooklyn. Finally, this developer
12 Rabsky, has a notorious track record of (a) not
13 complying with affordable housing permits as
14 discussed earlier; workplace safety problems included
15 death and injuries to individuals, and (3) already
16 problems for fair housing compliance. This is not
17 some—I understand it's a lawsuit, there are
18 allegations. This lawsuit was brought by the Fair
19 Housing Justice Center, one of the nationally most
20 reputable leading organizations in he country of fair
21 housing issues on serious claims of disability rights
22 violations. This is a lawsuit right now, but it
23 raises very, very serious allegations about this
24 developers practices. In sum, I cannot understand
25 how this Council could approve this rezoning. As

2 again, as we did eight years ago, standing here
3 documenting what the need is for housing in this
4 area, the history of segregation in favor of the
5 Hasidic Jewish community to the exclusion of Black
6 and Latino communities, and how this project
7 perpetuate that. So, for all of these reasons, both
8 legal and advocacy based here and factual, we call on
9 the Council to reject this rezoning. Thank you.

10 CHAIRPERSON RICHARDS: Thank you. I'm
11 going to go to my colleagues for questions. Council
12 Member Levin.

13 COUNCIL MEMBER LEVIN: Thank you. So,
14 the first question for me if this were to be a
15 different developer that was putting forward a
16 private application on private land that is under the
17 guidelines of Mandatory Inclusionary Housing that is
18 just—it would be the basic contours of the law that
19 we have now with Mandatory Inclusionary Housing,
20 would that be discriminatory?

21 MARTY NEEDELMAN: Yes. The reason is the
22 city is not required to rezone. It is not—there's no
23 right to have a property rezoned although most
24 developers believe it's so, and the—if you—and the
25 city is required to evaluate the impacts of these

2 changes. It is clear that this will exacerbate not
3 because of these developers--

4 COUNCIL MEMBER LEVIN: [interposing] Okay,
5 so just to be clear--

6 MARTY NEEDELMAN: It will exacerbate the
7 continuing discrimination, the impacts.

8 COUNCIL MEMBER LEVIN: So, any--any MI--any
9 MIH project at this site would be discriminatory?

10 MARTY NEEDELMAN: Let me--let me--yes, and
11 let me--

12 COUNCIL MEMBER LEVIN: [interposing] Okay,
13 okay, wait--wait, okay, that's just--

14 MARTY NEEDELMAN: Okay.

15 COUNCIL MEMBER LEVIN: --just now is any
16 MIH project anywhere discriminatory?

17 MARTY NEEDELMAN: There is a difference--
18 and let's clear this up for everyone right now--
19 between affordable housing and fair housing.

20 COUNCIL MEMBER LEVIN: No, no, no. Wait.
21 That's just--just--sorry--sorry. Is--is--is MIH on its
22 face discriminatory anywhere in New York State?

23 MARTY NEEDELMAN: No, it depends upon the
24 area. If the area is--

2 COUNCIL MEMBER LEVIN: [interposing]

3 What? It depends upon the area?

4 MARTY NEEDELMAN: If the area—if the area
5 is fully integrated then—then its protection is not a
6 big problem, but if—if the area suffers from major
7 discriminatory—major segregatory situations, then
8 there's an obligation to address to—to address that
9 and--

10 COUNCIL MEMBER LEVIN: So, if it's on
11 125th Street, is it discriminatory?

12 MARTY NEEDELMAN: What the city has to do
13 for a project not to be discriminatory particularly
14 in the Broadway Triangle until the city has
15 undertaken a study that demonstrates how this project
16 will address and identify impediments to Fair Housing
17 Choice, yes, that project in violation of Fair
18 Housing.

19 COUNCIL MEMBER LEVIN: Any project
20 proposed--

21 MARTY NEEDELMAN: [interposing] Any as
22 recipient--

23 COUNCIL MEMBER LEVIN: --is
24 discriminatory--

25

2 MARTY NEEDELMAN: [interposing] and a
3 recipient--

4 COUNCIL MEMBER LEVIN: [interposing] -by
5 anybody?

6 MARTY NEEDELMAN: There can be no project
7 that is no discriminatory unless the city first
8 understand the segregation issues in the area and
9 then shows how this project will either address that
10 segregation or exacerbate it. Without it there no
11 compliance with the--

12 COUNCIL MEMBER LEVIN: [interposing]
13 Okay, I do want to—I just want to—talk for one
14 second.

15 MARTY NEEDELMAN: [interposing] if the
16 area—if the area does not—is not segregated then you
17 just look at that as not segregated. So, it's not a
18 problem. So, you don't have to deal with. It's only
19 here when you--

20 COUNCIL MEMBER LEVIN: [interposing] Now,
21 I do want to speak on that for a second here because
22 you—you brought up that—Marty, I—I do want to correct
23 or at least amend what you said where you said that
24 an area like—Williamsburg, Greenpoint and Bed Stuy

2 are segregated because of rezonings, which is what
3 you said, and I would say—I would—I would say that--

4 MARTY NEEDELMAN: [interposing] well, I
5 just moved. (sic)

6 COUNCIL MEMBER LEVIN: --that they're-no
7 they go back to—I'm going to—they go back to
8 redlining in the—in FHA redlining in the Depression
9 Era where—where African-American Black families were
10 not allowed to get a mortgage in certain
11 neighborhoods, and that's why in certain
12 neighborhoods, I mean I'm just—so in a—in an
13 neighborhood like Bed-Stuy, which is largely a
14 homeowner based neighborhood, that's—that's a very
15 strong explanation. Now, I know that you know that.
16 Lots of neighborhoods in New York City were subject
17 to redlining, and so are you saying that every
18 neighborhood in New York City and every neighboring
19 neighborhood in New York City that was either
20 redlined or a neighboring redlined neighborhood going
21 back to the 1930s can't have an MIH private
22 application go forward without a proactive study by
23 the city of New York in a private application without
24 being discriminatory, because that would mean that--

25 MARTY NEEDELMAN: [interposing] Yes.

2 COUNCIL MEMBER LEVIN: --that--that--that
3 would mean that--that--I--I would say that. Look, we
4 have a--we all know New York City is a segregated
5 city. You--you only need to look at our schools to
6 know how segregated this city is. Our elementary
7 schools are very, very segregated, right, throughout
8 New York City. You can go to any school district.
9 New York City because of redlining, going back now
10 almost 100 years, is in large part a segregated city.
11 And so, almost every neighborhood suffers from
12 segregation. I mean so, and so my question is then--

13 MARTY NEEDELMAN: Sure.

14 COUNCIL MEMBER LEVIN: --does every--does
15 every rezoning anywhere near a segregated or
16 redlined--historically redlined neighborhood on its
17 face discriminatory? Because that would mean that
18 90% or 100% of the private--the private applications
19 that come before us are on their face illegal.

20 MARTY NEEDELMAN: That is absolutely
21 correct. The city of New York--I understand there's
22 segregation in public schools, in public houses--or in
23 housing and communities. It is the obligation of the
24 city of New York to address segregation and integrate
25 neighborhoods, and so long as you are not doing that,

2 so long as no project is studied for its segregated
3 effects, you are in violation. The city of New York
4 is in violation of civil rights laws. That is an
5 obligation placed squarely on government.

6 COUNCIL MEMBER LEVIN: Can I ask you,
7 did—did Domino when they came—when Two Trees came to
8 the City Council did they do that—that obligatory
9 study? Did the city do that obligatory study when
10 they went for a rezoning 2010, and did they do it
11 again when they went for a rezoning in 2014?

12 MARTY NEEDELMAN: The city of New York
13 has consistently—and this is testimony by a city--

14 COUNCIL MEMBER LEVIN: [interposing]
15 That's a simple question. Did they—did they do a--

16 MARTY NEEDELMAN: I'm answering your
17 question. The city of New York has consistently
18 failed to comply with this obligation under fair
19 housing.

20 COUNCIL MEMBER LEVIN: Okay, but did—but
21 did—did CUFFH or—or Corp A support the Domino
22 rezoning?

23 MARTY NEEDELMAN: We addressed the same
24 issue back then, but it was not that they had not

2 studies the impediments of the fair housing choice in
3 the area, and they done that consistently.

4 COUNCIL MEMBER LEVIN: [interposing] That
5 was on the record—at the hearing for—when Two Trees
6 came before this council to rezone Domino, CUFFH
7 testified that they—what they were doing was illegal
8 on its face?

9 MARTY NEEDELMAN: No, but by the way, if
10 it was our mistake just as it was the City Council's
11 mistake, it's time for us not to let that stuff
12 happen again. It's time for us to stop this from
13 happening and if indeed we acquiesce to cycle--

14 COUNCIL MEMBER LEVIN: [interposing]
15 I'm—I'm pretty sure that—I'm sorry, but I'm pretty
16 sure that--

17 MARTY NEEDELMAN: --and be-be out there--

18 COUNCIL MEMBER LEVIN: --you
19 affirmatively supported the—both rezonings in '10 and
20 '14.-

21 MARTY NEEDELMAN: [interposing] It
22 applies—applies to whoever we represented, but if
23 indeed—if indeed it was a mistake, which I think it
24 was, the we cannot do it again. We can't say oh, we
25 made a mistake. Now, we have to make more mistakes

2 again and make the situation worse and worse and
3 worse.

4 COUNCIL MEMBER LEVIN: I'm just trying--

5 MARTY NEEDELMAN: [interposing] It's been
6 my neglect. It's just Monahan. Rezone, get rich
7 people here and Bloomberg also.

8 COUNCIL MEMBER LEVIN: But--

9 MARTY NEEDELMAN: [interposing] And--and
10 if none of my people have to move out that's--
11 Listen, that's all good.

12 COUNCIL MEMBER LEVIN: [interposing] With
13 all due respect--with

14 MARTY NEEDELMAN: [interposing] What
15 people did is wrong.

16 COUNCIL MEMBER LEVIN: [interposing] With
17 all due respect, with all due respect, both Domino
18 rezonings were in the intermittent time between
19 Broadway Triangle and today.

20 MARTY NEEDELMAN:

21 COUNCIL MEMBER LEVIN: [interposing] So,
22 the argument was made in--in '09 against Broadway
23 Triangle, selectively not made during the first
24 Domino rezoning hearing. Then, it was up for another
25 hearing.

2 MARTY NEEDELMAN: And therefore?

3 COUNCIL MEMBER LEVIN: Another rezoning,
4 and it wasn't made the second.

5 MARTY NEEDELMAN: But you know what--

6 COUNCIL MEMBER LEVIN: So, the
7 opportunity to correct it.

8 MARTY NEEDELMAN: And, therefore, what,
9 I'm good?

10 COUNCIL MEMBER LEVIN: No, the--the--
11 therefore--

12 MARTY NEEDELMAN: [interposing] It was
13 considered good.

14 SHEKAR KRISHNAN: Council Member Levin--

15 COUNCIL MEMBER LEVIN: Therefore, it's--
16 it's a selective. It's a selective argument--

17 CHAIRPERSON RICHARDS: [interposing] I'm
18 trying to say like, Council Member--

19 COUNCIL MEMBER LEVIN: --against one
20 development and not versus because you said before
21 every development in New York City or at least every
22 development in Williamsburg, Greenpoint and Bed-Stuy
23 that goes forward for a rezoning is on it's face
24 discriminatory.

2 SHEKAR KRISHNAN: And—and, you know—you
3 know what, Council Member Levin, I have—I have two
4 responses to that. The first one is, withal due
5 respect, this is a burden placed squarely on the City
6 Council and the City of New York. It is not our—it
7 is not our responsibility to approve or disapprove
8 rezoning. It is on your guys. You guys now-

9 COUNCIL MEMBER LEVIN: I'm—I'm just
10 trying to say it's a--

11 SHEKAR KRISHNAN: Let me—if I could just
12 finish. If I can just finish. This is a
13 responsibility that rests squarely city government.
14 We are telling you as we did in 2009, the Broadway
15 Triangle Rezoning, that this rezoning violates Fair
16 Housing Laws. It is on government to decide whether
17 or not we will be complicit in the violation of Fair
18 Housing Laws or—or will actually promotion
19 integration.

20 COUNCIL MEMBER LEVIN: So, so—okay.

21 SHEKAR KRISHNAN: My second point—my
22 second point that in, and I think you know very well
23 in your district, too, there is a serious problem of
24 housing discrimination documented by decades of court
25 litigation when it comes the Latino community and the

2 Hasidic Jewish community. This is not racial
3 tension. It is not, you know, race wars. This is
4 overt discrimination in favor of the Hasidic Jewish
5 community. The Second Circuit in 2011 ruled explicit
6 that because of the decades of housing discrimination
7 byt the city of New York the vast majority of large
8 apartments in Williamsburg are almost still entirely
9 100% Hasidic Jewish. So, therefore, some rezonings
10 like Broadway Triangle that also cater explicitly to
11 the Hasidic Jewish community, will have far greater
12 segregative effects in this area than other
13 rezonings, and that is a problem here.

14 COUNCIL MEMBER LEVIN: [interposing] This
15 is in the Hasidic Jewish communities?

16 SHEKAR KRISHNAN: Yes.

17 COUNCIL MEMBER LEVIN: And this project,
18 and this project you think it caters exclusively to
19 the Jewish community?

20 SHEKAR KRISHNAN: There is a very, very
21 serious concern with the unit sizes, with the
22 developer involved that it will cater
23 disproportionately in violation of the--

24 COUNCIL MEMBER LEVIN: [interposing] Then
25 why is the developer involved? Because--?

2 SHEKAR KRISHNAN: Two reasons. One that
3 the-the-the developer involved is very well connected
4 t the Hasidic Jewish community, number one.

5 COUNCIL MEMBER LEVIN: [interposing]
6 Because he's-he's Hasidic, right?

7 SHEKAR KRISHNAN: Number two-No, that is-
8 the anti-Semitic argument does not comport with this.

9 COUNCIL MEMBER LEVIN: Oh, we've already-
10 would you-not even in the-? Okay.

11 SHEKAR KRISHNAN: Number one, number two-
12 number two, the unit size of that issue-

13 COUNCIL MEMBER LEVIN: Interesting.

14 SHEKAR KRISHNAN: --50% 3 and 4 bedrooms,
15 especially 25% 4-bedrooms caters very heavily in
16 Williamsburg to the Hasidic Jewish community over the
17 Latino and a virtually non-existent communities.

18 COUNCIL MEMBER LEVIN: So--

19 SHEKAR KRISHNAN: That is demographic
20 data that-

21 COUNCIL MEMBER LEVIN: [interposing]
22 Mine, too. (sic)

23 SHEKAR KRISHNAN: That-that is--

24 COUNCIL MEMBER LEVIN: [interposing]
25 Okay.

2 SHEKAR KRISHNAN: --very evident on its
3 face in our current relation.

4 COUNCIL MEMBER LEVIN: Alright, can you
5 explain to me what--what that meant, please.

6 MARTY NEEDELMAN: Yep.

7 COUNCIL MEMBER LEVIN: Because that
8 wasn't--that wasn't on the verbal right? What does
9 this mean?

10 MARTY NEEDELMAN: Rabsky and some of the
11 connections he has especially with the Hasidic
12 community, is a money connection. Not necessarily
13 just because he--he likes to so he's doing it or he's
14 Hasidic or whatever it is. I mean Dashinsky (sp?)

15 CHAIRPERSON RICHARDS: Speak a little bit
16 more into the mic.

17 MARTY NEEDELMAN: Yeah, just, it's--it's
18 not as much Dashinsky whose the prince--the principal
19 of Rabsky' development, that they are just favoring
20 the Hasidic community because they love--they love the
21 Hasidic Jews. It's because there's money
22 relationships there and they know that the UJO is a
23 very powerful force politically in this area.

24

25

2 COUNCIL MEMBER LEVIN: I'm not sure what
3 that--any of that means. I'm going to ask--I'm going
4 to ask one other question

5 MARTY NEEDELMAN: Other people do.

6 COUNCIL MEMBER LEVIN: Okay, is the
7 Domino project--since every--since kind of everything
8 is fair game right now, is the Domino project
9 discriminatory?

10 MARTY NEEDELMAN: Well, remember all
11 these things are not like overtly I-I-I--

12 COUNCIL MEMBER LEVIN: [interposing]
13 Based on the definition that you provided before--

14 MARTY NEEDELMAN: [interposing] The--the
15 impacts--

16 COUNCIL MEMBER LEVIN: --is it
17 discriminatory?

18 MARTY NEEDELMAN: Yes, the answer is the
19 impacts of all these rezonings that allow for
20 majority market rate housing have a racial impact
21 and--and particularly in areas where there's already
22 been racial impacts.

23 COUNCIL MEMBER LEVIN: And, therefore,
24 there--it's--it's a discriminatory project.

2 MARTY NEEDELMAN: That's it has a
3 racially—a racially discriminatory impact.

4 SHEKAR KRISHNAN: [interposing] [off mic]

5 ANDREA SAENZ: And on segregation.

6 MARTY NEEDELMAN: The impact—the impact
7 isn't--

8 COUNCIL MEMBER LEVIN: [interposing] And—
9 and, therefor--and therefore it's discriminatory, and
10 therefore, it's illegal?

11 MARTY NEEDELMAN: Yes, yes.

12 COUNCIL MEMBER LEVIN: Okay.

13 MARTY NEEDELMAN: It has—it has a
14 discriminatory impact, and it's done over the— But
15 by the way, I've just got to say this because some
16 people don't know this stuff. When—when Shekar was
17 talking about the history here, he's was talking
18 about the New York City Housing Authority imposed
19 from 1964 through tons of litigation ending finally
20 in 2012, strict racial quotas in publicly—public
21 housing and publicly subsidized housing. The
22 projects, the public housing projects this is the
23 City Housing Authority. This is New York City 75%
24 Jewish, not whites, Jewish and originally it was not
25 just Hasidic it was Jews in general, and 20–25% non-

2 Whites. Later on when they congregated the growing
3 power of the—of the Latino community, they made it
4 75—Bedford Gardens, 75% Jewish then Hasidic, 20%
5 Latino and only 5% Black. To reflect the growing
6 power of the Latino community, they should have the
7 bigger impact of the 25% that was for non-whites, and
8 these were strict racial quotas that were imposed,
9 and that was—that was—that were supervised by HPD and
10 the New York City Housing Authority, and—and Lindsay
11 Park, by the way, which was middle-class wouldn't get
12 involved in it. Lindsay Park, which you described
13 six 22-story buildings or seven 22-story buildings
14 was originally rented up in 1964 under city
15 supervision, 50% Black, 50% Jewish, and when the
16 Blacks--

17 COUNCIL MEMBER LEVIN: [interposing] No,
18 no Hasidic, thought.

19 MARTY NEEDELMAN: No, no because and when
20 the Jews moved out, I'm seeing there's patterns of
21 incredible, you know, segregation. When the Blacks
22 moved out—when the Jews moved out, the Black
23 leadership in—in Lindsay Park did not want to see the
24 Puerto Ricans moving in. So, what they did is they
25 started making arrangements so one-third of the

2 occupants of those 2,700 apartments are currently
3 Asian, Chinese from Chinatown, and not the Black not
4 the-not the--the Latinos that were on the waiting
5 list. So, don't—I mean, so it's not just this or
6 that, it's a lot of craziness that goes on, but we
7 have to stop it. We can't let this continue.

8 COUNCIL MEMBER LEVIN: Okay, I—I would
9 just as a rejoinder, it appears to me having been
10 here for eight years, and having been involved for 13
11 years now, that there's a selective argument being
12 made here because I don't recall this argument being
13 made during other rezonings that have come before.
14 Just part of the Triangle and this, and again I'll
15 point at two. There was a—there was—there was—I
16 don't recall it being made at Rose Plaza on the
17 river. I don't recall it being made at Domino when
18 CPC came became this Council in 2010. I don't recall
19 the argument being made. In fact, you know, just
20 candidly, there was support for Domino both times
21 from CUFFH. I remember the Domi yes teachers.

22 MARTY NEEDELMAN: Right.

23 COUNCIL MEMBER LEVIN: So, it's—it's a
24 selective.

2 ROB SOLANO: [interposing] Chair, I think
3 that they keep mentioning CUFFH's--

4 CHAIRPERSON RICHARDS: Can you--can you
5 identify yourself?

6 ROB SOLANO: I'm the Rob Solano, Co-
7 Executive Director of CUFFH. So he keeps mentioning
8 it. Do you remind if I respond to him because he
9 keeps mentioning CUFFH?

10 CHAIRPERSON RICHARDS: Okay, yes. Okay,
11 no problem.

12 COUNCIL MEMBER LEVIN: Oh, and yeah I--

13 CHAIRPERSON RICHARDS: Do you want to
14 switch.

15 ROB SOLANO: Okay.

16 COUNCIL MEMBER I was there.

17 CHAIRPERSON RICHARDS: [off mic] Please
18 say your name.

19 ROB SOLANO: Oh, okay. Rob-Rob Solano,
20 Co-Executive Director of--of CUFFH, and Levin and I go
21 way back on--on many Land Use Items, but this
22 specifically speaking about Domino. Domino in--
23 where were in charge of that organization was a
24 rezoning or it was--it was a rezoning that was already
25 residential. It was a residential--

2 COUNCIL MEMBER LEVIN: [interposing] Not
3 the first time.

4 ROB SOLANO: I--

5 COUNCIL MEMBER LEVIN: Sorry, Rob, but it
6 was--

7 ROB SOLANO: If I could answer that.

8 COUNCIL MEMBER LEVIN: --the first time
9 in 2010. It wasn't already residential.

10 ROB SOLANO: In 2012. If I can just get--
11 if I can through. If you can just control yourself
12 and interrupt me that would be great. So, when I was
13 the chair [applause].

14 CHAIRPERSON RICHARDS: No outbursts.

15 ROB SOLANO: And I'm--I'm sorry. I'll go
16 back, but I'm as in charge of our organization, the
17 co-the Co-Executive Director, we were in charge of
18 our organization it has been through a struggle in
19 the Broadway Triangle and in 2012, whenever we got
20 started Domino came along and it was a residential
21 project and under our leadership. We said okay, it's
22 a residential project that's going to make it better,
23 and took the poor door out, included the housing
24 together. It made it-it went from segregated housing
25 to inclusive housing, and it met the tier-at that

2 time our level of importance. So, I disagree with
3 him. CUFFH supported a project that was a
4 residential project that went into a better
5 residential project. This is a deep manufacturing
6 project that is going into residential in area this
7 is already segregated. So, it's—to make the point
8 about Domino—I'm going to make the point about
9 Domino, too, Council Member, but it was a residential
10 rezoning that went into better residential rezoning
11 plan, if you want to speak factual.

12 COUNCIL MEMBER LEVIN: In 2010--

13 ROB SOLANO: [interposing] I wasn't part--
14 I wasn't in touch.

15 COUNCIL MEMBER LEVIN: [interposing] You
16 were not—you were not—you were not--

17 ROB SOLANO: [interposing] Not at all.

18 COUNCIL MEMBER LEVIN: --testifying in
19 favor of 2012--

20 ROB SOLANO: Oh, then I'm sorry.

21 COUNCIL MEMBER LEVIN: CUFFH wasn't--

22 ROB SOLANO: I was not. There was no
23 CUFFH.

24 COUNCIL MEMBER LEVIN: [interposing] Or
25 Churches United for Fair Housing?

2 ROB SOLANO: That was established from
3 their corp--those people don't exist. Those people
4 are--that organization is defunct.

5 COUNCIL MEMBER LEVIN: [interposing]
6 There was--

7 ROB SOLANO: There's a new group of
8 strong black and brown people that's called CUP in
9 your district, and they're telling you in your
10 district the segregated housing and the Broadway
11 Triangle. The new Domino--the new Domino project that
12 you're referring to went from residential to a better
13 residential program.

14 COUNCIL MEMBER LEVIN: In 2010.

15 ROB SOLANO: That's an organization that--

16 COUNCIL MEMBER LEVIN: You weren't there?

17 ROB SOLANO: --that if you call Paul
18 Cogley (sp?) who is probably in California he rant
19 that organization that doesn't exist. That
20 organization you're talking about doesn't exist.

21 COUNCIL MEMBER LEVIN: There was--

22 ROB SOLANO: Churches United Corp. does
23 not exist. It is a defunct organization.

24 SHEKAR KRISHNAN: [interposing] Robert,
25 in fact--

2 ROB SOLANO: Yeah.

3 SHEKAR KRISHNAN: --that organization
4 that you're referring to that he's speaking about--

5 ROB SOLANO: [interposing] Yes.

6 SHEKAR KRISHNAN: --was part of the
7 original problem with you guys--

8 ROB SOLANO: [interposing] Yes.

9 SHEKAR KRISHNAN: --but you and Vito gave
10 them--the--the rights with UJO to go ahead and try to
11 do something on the Broadway Triangle. So that
12 organization was actually part of the problem.

13 ROB SOLANO: Yeah, without our group.
14 No, hold on. That group, we're not representing. We
15 represent CUFFH.

16 CHAIRPERSON RICHARDS: [interposing] That
17 part again that's being said, because can go back
18 and--

19 COUNCIL MEMBER LEVIN: Rob, with all due
20 respect, I was here in 2010. There were people with--
21 many people who--

22 ROB SOLANO: [interposing] Who were you
23 working for in 2010?

24 COUNCIL MEMBER LEVIN: I was a City
25 Council Member, Rob.

2 ROB SOLANO: Oh, so good.

3 COUNCIL MEMBER LEVIN: I was here.

4 ROB SOLANO: Yes.

5 COUNCIL MEMBER LEVIN: I voted on the
6 project.

7 ROB SOLANO: Yes, you're talking about
8 Domino 2.

9 COUNCIL MEMBER LEVIN: With Domino 1.

10 ROB SOLANO: I did not—we did not
11 represent that organization or at least it doesn't
12 exist. I would love—we can go to the—we can go
13 Google it together. Just to be very clear--

14 COUNCIL MEMBER LEVIN: I want that to be
15 on record.

16 ROB SOLANO: --that organization doesn't
17 exist. His name is Paul Cogley. He's the Executive
18 Director in California and his organization shut
19 down. There's a new organization called CUP, which
20 is right here, and we supported Domino Part 2 because
21 it went from poor door to inclusive, which you
22 supported, and we got--

23 COUNCIL MEMBER LEVIN: So, you never
24 supported the CPC application for Domino the first
25 time?

2 ROB SOLANO: I didn't support that
3 project. That project was segregated housing.

4 CHAIRPERSON RICHARDS: Okay, we're going
5 to begin to wrap this panel up, but-but--

6 MARTY NEEDELMAN: [interposing] But just
7 with the-I-I-just in terms of your-of our focus on
8 one kind of rezoning, I had made a motion as a
9 Committee Board Member of Community Board 1, which is
10 Williamsburg, Greenpoint that we should have a
11 moratorium, a one-year moratorium on all new
12 rezonings, because I think that we have to have a
13 serious look about what's going on here.

14 SHEKAR KRISHNAN: If I could just make a
15 short comment, I think the two points I would say:
16 One, all of Brooklyn A's clients here are not on
17 trial today. This is not hearing from us about the
18 prior rezonings. This is about a rezoning from the
19 Council right now, and the responsibility of the
20 Council on whether they will approve, this body will
21 approve or reject the rezoning that will facilitate
22 segregation. My second point is the Broadway
23 Triangle it doesn't matter who the developer is,
24 whether it's a Latino developer, a developer who came
25 from the Black community or the Hasidic community.

2 It does not matter. In an area marred by decades of
3 discrimination and segregation, which the Broadway
4 Triangle is, and I would encourage any Council Member
5 here to visit the Broadway Triangle just as the judge
6 did in our court case, in an area that is so marred
7 by decades of court founded discrimination and
8 segregation. Any developer catering to any community
9 must first understand the fair housing needs of the
10 area before it proposes a project.

11 COUNCIL MEMBER LEVIN: [interposing] Can
12 I—can I—

13 SHEKAR KRISHNAN: When we don't do that,
14 when you don't do that there is no way that any
15 developer can comply with fair housing laws because
16 you don't know what the fair housing needs of the
17 area are.

18 COUNCIL MEMBER LEVIN: Then—then as a
19 question then of rejoinder. What about when Rheingold
20 was rezoned in 2013?

21 SHEKAR KRISHNAN: What about that?

22 COUNCIL MEMBER LEVIN: Did they do that
23 analysis.

24 SHEKAR KRISHNAN: That analysis was not
25 done there either.

2 COUNCIL MEMBER LEVIN: And did CUFFH
3 support or did Corp A support that rezoning
4 ultimately--

5 SHEKAR KRISHNAN: [interposing] We had--

6 COUNCIL MEMBER LEVIN: --at the end of the
7 day. (sic)

8 SHEKAR KRISHNAN: We had serious problems
9 with that rezoning.

10 COUNCIL MEMBER LEVIN: But did you
11 support it at the end of the day?

12 SHEKAR KRISHNAN: We--we did not. We had--
13 we did not support it. It's the same kind of fair
14 housing concerns we're rating--raising today. We
15 raised the same issues of affordability.

16 COUNCIL MEMBER LEVIN: But this Council
17 voted on it with the support of Council Member Green
18 at the time.

19 MARTY NEEDELMAN: [off mic] Our client
20 supports it.

21 COUNCIL MEMBER LEVIN: Sorry.

22 MARTY NEEDELMAN: Our client supported
23 it.

24 COUNCIL MEMBER LEVIN: Your client
25 supported it.

2 SHEKAR KRISHNAN: But that's--but that's
3 not the point. The point, right that we're talking
4 bout the Broadway Triangle.

5 COUNCIL MEMBER LEVIN: But, no, no, it--it
6 kind of is the point.

7 SHEKAR KRISHNAN: No, I don't think so.
8 That's has nothing to do--

9 COUNCIL MEMBER LEVIN: Because it's--
10 because there's an argument being made now that
11 wasn't made in '14. It wasn't made in '13, it wasn't
12 made in '10, but was it was made in '09.

13 SHEKAR KRISHNAN: [interposing] Just as
14 the Council--

15 COUNCIL MEMBER LEVIN: So, it's something
16 that seems like--

17 SHEKAR KRISHNAN: [interposing] Just as
18 the Council approved--

19 COUNCIL MEMBER LEVIN: --it's being
20 selectively applied.

21 SHEKAR KRISHNAN: --just as the Council
22 approved the discriminatory rezoning, which you know
23 well, in 2009, but we're not talking about that now.

24 COUNCIL MEMBER LEVIN: [interposing] But
25 was--was the Rheingold--

2 SHEKAR KRISHNAN: We're talking--

3 COUNCIL MEMBER LEVIN: --the Rheingold
4 rezoning discriminatory?

5 SHEKAR KRISHNAN: You know, Council
6 Member Levin, I can go back and forth if you want on
7 each rezoning the same way this Council approves a
8 rezoning that was found to violate the Fair Housing
9 Act in 2009.

10 COUNCIL MEMBER LEVIN: [interposing] So
11 then--

12 SHEKAR KRISHNAN: [interposing] You're
13 talking about--

14 COUNCIL MEMBER LEVIN: [interposing] Yeah.

15 SHEKAR KRISHNAN: --the Broadway Triangle
16 right now--

17 COUNCIL MEMBER LEVIN: [interposing] Then
18 it was--if it was discriminatory--

19 SHEKAR KRISHNAN: --and a rezoning in
20 front of the Broadway Triangle.

21 COUNCIL MEMBER LEVIN: --then it was
22 illegal. If it was discriminatory then it was
23 illegal, and that applies to that one and to
24 Rheingold in '14-'13--

25

2 SHEKAR KRISHNAN: [interposing] And it
3 applies--

4 COUNCIL MEMBER LEVIN: [interposing] It
5 applies to Domino in '14. It applies to Domino and--

6 SHEKAR KRISHNAN: [interposing] And those
7 rezonings have all passed as the Broadway Triangle.
8 One did violating again--

9 COUNCIL MEMBER LEVIN: [interposing] But
10 they've all been--

11 SHEKAR KRISHNAN: --the Fair Housing Act.
12 Now, we're talking about another one coming up here
13 where history doesn't have to repeat itself where the
14 same concerns are being raised except now with the
15 court injunction in place--

16 COUNCIL MEMBER LEVIN: [interposing]
17 They're not the same.

18 SHEKAR KRISHNAN: --with the litigation--
19 there is pending litigation area over this very issue
20 with our injunction in place right now in the
21 Broadway Triangle. To talk about this connected to
22 that rezoning or that one is entirely disingenuous.
23 There is a court order and litigation in this area.
24 How the Council can approve a development with going
25 on without holding the developer accountable--

2 COUNCIL MEMBER LEVIN: [interposing] this
3 development—I'm sorry but—but--

4 SHEKAR KRISHNAN: --or understanding what
5 it means, is absolutely disingenuous.

6 COUNCIL MEMBER LEVIN: [interposing] But
7 to be clear, this development has as much to do with
8 the Broadway Triangle rezoning as it has to do with
9 the Domino rezoning as it has to do with the
10 Rheingold rezoning.

11 SHEKAR KRISHNAN: This has far more to do
12 with the Broadway Triangle rezoning that took place
13 in the very same area that is now subject to this
14 rezoning as well.

15 MARTY NEEDELMAN: So that if you have
16 segregation in the south, and you are part of it and
17 you agree to it, then you can never challenge it
18 again after the fact. You can never try to correct
19 your mistakes in the past. You can never to-deal
20 with the situation as it goes on. You cannot—we have
21 to do that.

22 COUNCIL MEMBER LEVIN: [interposing] But
23 I'm saying--

24 MARTY NEEDELMAN: It's our obligation to
25 do it, and I feel as responsible and as liable for

2 allowing this stuff to continue, and I think we have
3 to stop it. You guys have to stop it and we have to
4 have to stop it and we will. We'll do whatever is
5 necessary.

6 COUNCIL MEMBER LEVIN: But here but not
7 in any other--

8 MARTY NEEDELMAN: [interposing] As we
9 have with the group at Rheingold. What?

10 COUNCIL MEMBER LEVIN: Here but not--not
11 at Domino?

12 MARTY NEEDELMAN: Let me repeat. I made
13 a motion to--to--to have a moratorium on all rezonings
14 in Williamsburg, Greenpoint because of the situation
15 in the in Williamsburg, Greenpoint. It did not have
16 to do with that. It could have been Greenpoint or
17 wherever it was because we have to figure out what's
18 going on here. We have to stop it. Having--having an
19 area like Williamsburg, Greenpoint that's less than
20 5% Black is incredible especially when right across
21 the line it's not. So, I think we have to stop
22 thinking about the realities here, and not be a part
23 of, you know, the--the segregation or the--the bad
24 things that go on, and these rezonings have that
25 impact. To say that 20% affordable is going to help

2 the community you lose much, much, more affordable
3 housing, much, much more housing that's currently
4 occupied by non-white people than any house—any of
5 this new housing that gets built because the magnetic
6 impact of these rezonings from market rate housing
7 pulls in people from the outside, decent people, but
8 they have, but the people who own the property have
9 the impact of getting everybody out because I can
10 make much, much more money, and I think we have to
11 stop—

12 CHAIRPERSON RICHARDS: [interposing] I'm
13 going to ask you to—I'm going to ask this panel to
14 wrap up, and I'm going to allow Jesus to say some—You
15 go—go ahead and state your name for the record, and
16 then we'll finish this panel. You've got to move it.

17 JESUS GONZALEZ: Hi, my name is Jesus
18 Gonzalez. I'm the Co-Executive Director at Churches
19 United for Fair Housing. (coughs) These are some
20 questions that I want to pose. It doesn't need to be
21 answered, but it's for every Council Member. Why is
22 Jesus Gonzalez to the rezoning, right, and I can
23 quickly say because I want housing for Black and
24 Latino families, right. The difference between us
25 saying it is because I'm also inclusive of saying

2 that I want housing for all communities, right. Why
3 is Rabbi Needleman present right now? That's
4 Needleman present right now. You can ask yourself
5 that question, right? Why is he backing this
6 developer politically Rabsky Property Group, right?
7 Because he wants housing for his city clients,
8 probably. It's likely, but I don't want to speak for
9 him, but that's—that's the likelihood. You can also
10 ask yourself this question: How long has Council
11 Member Steve Levin known Rabbi Needleman.

12 [background comment] Oh, Neiderman, before—

13 CHAIRPERSON GREENFIELD: [interposing]
14 I'm sorry, Mr. Chair, absolute unsupervised, we—we
15 now have witnesses asking questions of the clergy?

16 JESUS GONZALEZ: [interposing] No, no, I
17 think this is totally relevant. What I'm saying is—
18 is this: Why if Rabsky Property wants to do good and
19 it's honest about this commitment to be inclusive,
20 why doesn't he make it binding? Why won't he make it
21 a binding agreement? Why would you back a project
22 that doesn't guarantee housing for your community?
23 These are—these are obvious questions. We just need—
24 that we need to pose, and—and so, I'll leave it at
25 that. It's something for you guys to—to consider if

2 Rabsky Property Group is serious, it will make
3 binding agreements that will have deed restrictions
4 moving forward to ensure that all communities are
5 included in this project. Mr. Chair-

6 CHAIRPERSON RICHARDS: And so-

7 JESUS GONZALEZ: --until then we are-

8 CHAIRPERSON RICHARDS: [interposing] So,
9 we're going—we are going to wrap up.

10 JESUS GONZALEZ: [interposing] I also
11 want to just remind—a simple reminder to everyone--

12 CHAIRPERSON RICHARDS: We've got to get
13 to the next panel and get out of here. I've got to
14 get to the next panel.

15 JESUS GONZALEZ: --that the common
16 denominator here also in all of this conversation
17 that we've had the one common denominator that these--
18 this two communities in Rheingold and the Broadway
19 Triangle have in common is that this also—Mr. Levin
20 has been involved in the Broadway Triangle issue from
21 the very beginning because it was his boss with his
22 knowledge and his background--

23 CHAIRPERSON RICHARDS: [interposing] His
24 boss is no longer here so he's a—he's a Council
25 Member now.

2 JESUS GONZALEZ: --that-that cut the
3 deal--that cut the deal--

4 CHAIRPERSON RICHARDS: Okay.

5 JESUS GONZALEZ: --that made sure that
6 black and brown faces would not ever touch

7 CHAIRPERSON RICHARDS: Okay.

8 JESUS GONZALEZ: --the Broadway Triangle
9 or live in the Broadway Triangle.

10 CHAIRPERSON RICHARDS: Okay, we're going
11 to wrap this panel up. Thank you so much for your
12 testimony. I have to because we have to get out of
13 here.

14 SHEKAR KRISHNAN: Thank you very much.

15 CHAIRPERSON RICHARDS: We're going to go
16 to the next panel, David Cohen, 32BJ; Varun Sanyal,
17 Brooklyn Chamber of Commerce; Sam Levy, REBNY; Rabbi
18 David Niederman, United Jewish Organization in CB1
19 and Sam--I guess he's filled out two slips. Sam, REBNY
20 the same person unless there's two Sams. [background
21 comments, pause] Okay, David, you may begin.

22 DAVID COHEN: Thank you. (coughs) Thank
23 you, Chair Richards. Good morning. My name is David
24 Cohen, and I'm here to express 32BJ SEIU support for
25 the proposed project at the old Pfizer site, 32BJ

2 from our just property service union representing
3 nearly 85,000 members in New York. 32BJ member
4 maintain clean and provide security services and

5 CHAIRPERSON RICHARDS: [interposing]
6 Speak a little louder, David. I know you have a loud
7 voice.

8 DAVID COHEN: Alright, okay.

9 CHAIRPERSON RICHARDS: Alright, there you
10 go.

11 DAVID COHEN: We're good. We provide
12 security services in school--

13 CHAIRPERSON RICHARDS: [interposing] You
14 were just yelling at me downstairs a little while
15 ago, right. Come on.

16 DAVID COHEN: I can yell also--

17 CHAIRPERSON RICHARDS: Alrighty.

18 DAVID COHEN: --greetings to all the
19 council members. Thank you. We provide--sorry.
20 Clean and provide security services in schools,
21 commercial and residential buildings both market rate
22 and affordable all across New York City. Almost 600
23 of our members live in the Broadway Triangle area.
24 Across New York our members are struggling to say in
25 their homes as housing costs continue to rise. 32BJ

2 believes that the solution to the housing crisis
3 cannot be disconnected from the creation of more good
4 jobs. We need jobs that pay workers enough to
5 sustain families in New York City. As long as there
6 are hardworking people earning too little to afford
7 the rising housing costs, families are going to
8 continue to getting priced out of their homes, and
9 the affordable housing crisis will continue. We're
10 happy to confirm that developers committed to
11 creating high quality jobs at the site, jobs that pay
12 the prevailing wage and come with good benefits. We
13 are, therefore, able to give our support to a project
14 that will also create almost 300 units of affordable
15 housing at the site that is currently going unused.
16 Thank you.

17 CHAIRPERSON RICHARDS: Thank you.

18 VARUN SANYAL: [off mic] Good afternoon
19 [on mic] Chairman Richards, Council Members Levin,
20 Greenfield and Reynoso. I'm Varun Sanyal, Vice
21 President of Economic Development at the Brooklyn
22 Chamber of Commerce. I'm here to testify on behalf
23 of the President and CEO of the Brooklyn Chamber of
24 Commerce, Andrew Hoan. With over 2,100 active
25 members the Brooklyn Chamber is the largest Chamber

2 of Commerce in New York State. We promote economic
3 development throughout the borough as well as
4 advocate on behalf of our member businesses. We
5 respectfully urge that you lend your formal support
6 for the development proposed here today. As you all
7 read, a project would at last revitalize the form
8 Pfizer site that sat vacant for decades. As the
9 leading voice of this—of Brooklyn's business
10 community, we see this project as a tremendous
11 opportunity to address one of the greatest obstacles
12 for doing business in the borough: Finding available
13 commercial and affordable residential space. The
14 project will help satisfy this demand. With this
15 proposal 1,146 residential units and 64,807 square
16 feet of neighborhood retail space. When completed,
17 this project will add nearly 300 much needed
18 affordable apartments to Brooklyn's housing stock.
19 The demand for housing for low-income New Yorkers is
20 on the rise in Brooklyn. This is a chance to help
21 fulfill the city's ambitious vision to create more
22 affordable housing, an objective that is critical to
23 our borough's continued growth and vitality. Our
24 members tell us repeatedly that we must continue—to
25 continuous every support and effort to ensure

2 Brooklyn remains a place where the workers can afford
3 to live. You know, I'm here to tell you that there's
4 a talented and diverse workforce that exists in the
5 borough, and they need a place to stay and reside.
6 The neighborhood retail component of the project will
7 be a welcome addition for businesses looking to
8 relocate and/or expand. This will not only offer
9 community residents new shopping options, but also
10 will create job opportunities together with the
11 hundreds of construction jobs that this project will
12 create. On behalf of our members of the Brooklyn
13 Chamber of Commerce, we respectfully ask you to
14 support this project, which will support our
15 collective goal of a strong, vibrant Brooklyn. Thank
16 you for the opportunity to testify on this matter.

17 CHAIRPERSON RICHARDS: Thank you.

18 SAM LEVY: Good afternoon. My name is
19 Sam Levy. I'm here representing the Real Estate
20 Board of New York, which is a traded organization
21 with 17,000 members comprising owners, builders,
22 residential and commercial brokers and managers and
23 other real estate professionals active in New York.
24 REBNY supports the plan proposed by Harrison Realty
25 all slated to redevelop the long vacant former Pfizer

2 site at 200 Harrison Avenue as a mixed-use project
3 with 1,146 units of mixed income housing. The
4 project area is bounded by Harrison Avenue, Union
5 Avenue and Gerry Street, and it is well served by the
6 G-Train and other trains. The proposed action will
7 rezone the area from M3-1, which allows for local
8 forms of manufacturing to R7A, C2-4, R7D, C2-4 and
9 R8A, C2-4, which allows for midscale residential
10 development with one or two floors for commercial.
11 This rezoning addresses several key and interrelated
12 issues that our city faces today. The proposed
13 development will produce approximately 1,146 about
14 1,146 residential units, 287 of those units will be
15 affordable, complying with the city's new Mandatory
16 Inclusionary Housing policy. This large residential
17 development will help address our city's chronic
18 housing crisis. The development will also include
19 26,000 square feet of dedicated public accessible
20 open space and 65,000 square feet of local retail,
21 and 405 parking spaces. The applicant has included
22 the community to make sure that the neighborhood
23 residents will benefit from the project. This
24 project will generate hundreds of construction jobs
25 and at least 25% of the value of the contracts will

2 go to local companies. Additionally, all building
3 service workers will be paid the prevailing wage.
4 The applicant will also sponsor a number of community
5 based workshops to assist neighborhood residents
6 through the process of qualifying for affordable
7 units and make sure that the community board and
8 residents are notified about all available units
9 prior to the launch of the lottery. This project
10 will be one of the first privately owned, privately
11 financed developments to comply with the city's
12 Mandatory Inclusionary Housing program, create
13 another 300 units of affordable housing. It is
14 important that we continue support in a project like
15 this that advances the city's goal of creating more
16 affordable housing. Thank you very much.

17 CHAIRPERSON RICHARDS: Thank you.

18 RABBI DAVID NIEDERMAN: Good afternoon.

19 My name is Rabbi David Niederman. I'm the head of the
20 United Jewish Organization of Williamsburg, and I'm
21 here to ask you to please, please support the
22 project. I think I want to now that we're here to
23 clarify two things. (A) Is that the plaintiff it is
24 the few players, and you can't pin them down exactly.
25 I wasn't there, and that guy is no longer here or

2 whatever. What has been clear is that any rezoning
3 in the city of New York basically—you heard that very
4 clear—whatever you're going to do is discriminatory
5 on its face. That's one thing and, therefore, it's
6 not an issue of how many units are you going to give
7 or is it going to be legally binding or not. But
8 basically, it is this is a discriminatory project,
9 and just proof for that that the answer is rather
10 don't do anything is because there was—there was
11 ample time, an opportunity at the community board at
12 the end of the scoping period when people were asked
13 to come and the developer came on his own before it
14 was certified to ask what the community wants.
15 Nobody showed up, and the scoping hearing was shut
16 down, and the answer for that it was many times set
17 on the record that no matter what this is not we
18 shouldn't do this, should not be supportive. But I
19 am baffled by the fact that you can have a respectful
20 City Councilman like Steve Levin progressive being
21 called and accused of—of—of stuff. That is
22 unbelievable, and let me say who supports the project
23 because you talk about who does not support the
24 project and yes, that's all of organizations and paid
25 organizers and lawyers, but who does support the

2 project? Who approved the project? The community
3 board and this was after the 9—the '09 rezoning,
4 after the Broadway Triangle was approved unanimously
5 by the—by the—the—by the Land Use Committee, and 26
6 people out of the community board voted—voted for
7 that project, and why is that? There's only—it's—
8 it's really who are they? Yes, some Jewish members,
9 but the overwhelming majority were black and African-
10 American and others, and why is that? So—and why is
11 that? Because they feel the crunch. They feel the
12 crunch, and I appeal to my Council Members your
13 constituencies are the Jewish community, and the
14 African-Americans who are left over, and they are the
15 Latino community who badly need housing. I can say
16 that on my—for my ownself. I have two children who
17 moved out from the city, from Williamsburg because
18 they couldn't find an affordable unit. I have two
19 grandchildren that are getting married. They can't
20 find a one-bedroom affordable unit. So, I'll leave
21 the bigger question discriminatory or not I'll leave
22 to—I'll leave to the City Council. The city
23 government knows what they are doing. Nobody wants
24 to shut down the pipe that nothing can be built
25 because this hurts everybody. I beg you this is—we

2 are now at a stage when you can make good on what you
3 have started. It's you who can make sure that people
4 who have no housing will have an affordable unit.
5 You're talking about 287 units. I beg you and ask
6 you as—as people responsible to the community to
7 listen what the community has said. They've been
8 very clear three times on that, and I ask you to
9 please, please come down and—and vote—vote on this
10 project, yes. Thank you very much.

11 CHAIRPERSON RICHARDS: Thank you. Thank
12 you for your testimony. I have a question for Varun.
13 So, you are going to be administering the lottery--

14 VARUN SANYAL: [interposing] Not--

15 CHAIRPERSON RICHARDS: --affordable units?

16 VARUN SANYAL: No, just working with
17 community groups to administer our workshops.

18 CHAIRPERSON RICHARDS: Okay.

19 VARUN SANYAL: To explain the lottery
20 process.

21

22 CHAIRPERSON RICHARDS: And how many
23 workshops—do you know how many workshops you're going
24 to do and how are we going to ensure that we're
25 reaching all communities through the process? Is

2 there a plan yet on how that's going to look or are
3 we still in the infant stages?

4 VARUN SANYAL: Still in the infant
5 stages--

6 CHAIRPERSON RICHARDS: Okay.

7 VARUN SANYAL: --of working out how many.

8 CHAIRPERSON RICHARDS: Alright, so I
9 would love before this comes back to us, for us to at
10 least have a little bit more knowledge of how that
11 would work.

12 VARUN SANYAL: Absolutely.

13 CHAIRPERSON RICHARDS: So, you know,
14 please stand up for Council Member and--and the
15 committee and Chair Greenfield as well. Alrighty.
16 I'm going to go to Council Member Reynoso. I think
17 Chair Greenfield, do you have a question?

18 COUNCIL MEMBER REYNOSO: Yeah, so just-a
19 couple of questions. I just wanted to ask does 32BJ
20 have a contract for the Rheingold Brewery site for
21 service?

22 DAVID COHEN: We do not.

23 COUNCIL MEMBER REYNOSO: You do not have
24 a contract. Do--do you expect developers to honor
25 even if a property is sold and flipped to honor

2 original commitments from—from the developer—from the
3 original developer or the original owners? So, I
4 guess you had to deal with Reed to do that service
5 worker work, which was supported and we want to
6 continue for 32BJ to do that work. This developer
7 buys it, doesn't follow through, it is your
8 expectation that they should through or do you
9 understand that that's like renegotiation and that
10 you have to go back to square one?

11 DAVID COHEN: You're ask—you're asking me
12 about Rheingold?

13 COUNCIL MEMBER REYNOSO: Rheingold.

14 DAVID COHEN: So, again, Rheingold is
15 nothing I can speak up here. I mean there's nothing,
16 there's no agreement at Rheingold. So, you're asking
17 do I say from the developer to get through--

18 COUNCIL MEMBER REYNOSO: [interposing]
19 Yeah, is there any concern? So you feel—you have no
20 concerns with this?

21 DAVID COHEN: Me—me personally oh
22 definitely, 32-32BJ--

23 COUNCIL MEMBER REYNOSO: [interposing] I
24 guess do you have it in writing--

25 DAVID COHEN: Yes.

2 COUNCIL MEMBER REYNOSO: --that's legally
3 binding.

4 DAVID COHEN: We trust the agreement to
5 our leadership. Because that--and I could figure out--
6 I trust the agreement that we have with the
7 developer.

8 COUNCIL MEMBER REYNOSO: Even if it's not
9 legally binding, you guys trust the agreement?

10 DAVID COHEN: We trust the written
11 agreement that we have.

12 COUNCIL MEMBER REYNOSO: You trust--

13 DAVID COHEN: For the Broadway Triangle.

14 COUNCIL MEMBER REYNOSO: Yes. Do you
15 trust it to be legally binding or do you just trust
16 it in general? So, you trust Rabsky is what you're
17 saying?

18 DAVID COHEN: I trust that the developer
19 will follow through on their commitment--

20 COUNCIL MEMBER REYNOSO: [interposing]
21 Okay.

22 DAVID COHEN: --that they've go for all
23 my shops.

24 COUNCIL MEMBER REYNOSO: Okay. That's
25 good, and then to the Brooklyn Chamber of Commerce,

2 by the way, I support that 32BJ be in all city sites
3 across the board in all MIH sites across the boards.
4 There should always be a service contact. It should
5 be a bottom line across the board in any development
6 and for the—do—who is going to determine the
7 agreement or the administrative work that you're
8 going to be doing, who is going to administer that
9 part? Is it—have you been left to independently make
10 the decision on who is going to be involved in the
11 marketing of this process, or is it something that's
12 going to be dictated to you by the developer?

13 VARUN SANYAL: No, it's going to be like
14 any of our other community work where we work-- You
15 know the reason for our success throughout Brooklyn
16 because the office serves us throughout the entire
17 borough is our work with more local community based
18 organizations. You know, we do work, as you're very
19 aware, with on Broadway, Myrtle and Wyckoff all
20 throughout Brooklyn. So, that's the reason we had
21 our success. So we plan to work with our community
22 groups, you know, the administrators.

23 COUNCIL MEMBER REYNOSO: Okay, and then
24 the last comment I want to make is regarding
25 community board representation, the community board

2 is not representative of the demographics of
3 Community Board 1. The Hasidic community represents
4 about 14% of the entire population of Community Board
5 1. I would rather not say Hasidic, but it's the
6 Yiddish speaking white families represent about 14 to
7 15% of that community, and they represent more than
8 30% of the population on the community board.
9 There's an over-representation. The Black
10 representatives I put the first Black person that got
11 on the board was through me. The first person that
12 is a NYCHA representative was through me, and there
13 are two African-Americans in the entire board at this
14 moment, but the Latino community has been exclusively
15 put forth by me as well. It's something that I've
16 done to try to diversity the community board. I have
17 legislation in for reforms to the community board
18 because I'm extremely concerned about their advisory
19 capacity considering that they're not necessarily
20 representative of the demographics of the community,
21 and again it's advisory. And you look at the
22 members. It wasn't unanimous. It wasn't 2 to 1. It
23 was a vote that was very contentious there as well,
24 and again, to speak to the judgment of the community
25 board as in this Council, they also voted for the

2 original Broadway Triangle Plan, which is wrong, and
3 we were—we voted on it, and we were wrong. And I
4 guess what we're saying here is we have a chance to
5 make this right, and we should in this committee.
6 Thank you.

7 CHAIRPERSON RICHARDS: Thank you, going
8 to go to Council Member Levin.

9 COUNCIL MEMBER LEVIN: Thank you very
10 much, Mr. Chari. REBNY I do want to give you the
11 opportunity to respond. I think there was some—there
12 was obviously numerous accusations made regarding the
13 Broadway Triangle lawsuit, and I know that UJO was a
14 definitely needed sponsor of some of the affordable
15 housing. One of the sponsors of affordable housing,
16 and I just wanted you to be able to—to speak to some
17 of the accusations that were made there.

18 RABBI DAVID NIEDERMAN: Thank you very
19 much. I just want to first for a minute allow me to
20 explain. I heard the statement that you go and knock
21 on any door. You don't see any-any minority members
22 on the properties that have been built in the
23 Broadway Triangle. As was explained before, there's
24 a difference with MIH, which is mandatory, and then
25 there was voluntary and the voluntary. There was a

2 reason for MIH, for MIH to—that you—you created
3 because voluntary didn't work. Not only didn't work
4 because of the failure of the developers because
5 simply you couldn't use the FAR, the FAR that the
6 bonuses are generated, you couldn't use because of
7 the complicated zone and the number of issues. And,
8 therefore, to the credit of the—to the de Blasio
9 Administration, they have changed the inclusionary
10 housing not only that it's mandatory, but also it-it
11 pays for the developer to develop. It's not they
12 didn't say and, therefore, the lack—the lack of units
13 is—has been documented by Forman and other major
14 research groups. So, that's why you don't find
15 anybody—any. You—you find only for people who want
16 to buy, and to this day I keep pray—I keep hearing
17 for years at different times on different hearings
18 people have been discriminated. People want to buy
19 and—and nobody because the system didn't want to say
20 sell to—or rent to Latinos. I have asked one—give me
21 one case and I offered to my friend Marty Needelman,
22 I and going to come with you to HRC and say—say this
23 guy is discriminated. To this day, there hasn't been
24 one locator. So, that showed that this is only a—
25 this is only—this is—this is a lie, and it's only

2 face to say look, there's nobody there because nobody
3 came up and bought, and, therefore, that's why the
4 inclusionary did not work, but this one is going to
5 work. And going back to the-to the-to the Broadway
6 Triangle, I am shocked but what you are saying is
7 that you-you have from the judge written to you that
8 her injunction is also on the private site. And if
9 that had been the case, how come the city of New York
10 is issuing permits? And the answer to it is because
11 it's very ambiguous. It wasn't clear. It went back
12 to the judge and the judge clarified that that the-
13 her injunction was only on the-on the-on-on those
14 sites. [background comment] So, I-I'm, listen, I can
15 only say if a judge writes and says as you said that
16 explicitly that the judge told you or wrote to you
17 that it includes the injunction and also the private
18 site, I can't believe that city of New York will
19 issue one of the re-permits. So, I have to expect
20 that that is not true. The same thing as other
21 accusations. I don't want to go into it, which is
22 outrageous of money connections. This is outrageous
23 from you as a lawyer, as a-as a-as a-as a-supposedly
24 you expect the person to so easily throw out lie.
25 When you-when-and I think the real-it became very

2 clear (a) that the--that the--you are against any
3 projects. Number 2, is that because this is a Jewish
4 developer and, therefore you--Fair housing also works
5 both ways. Also, you are not allowed to discriminate
6 against Hasidic landlords, against Hasidic renter or
7 homeowners. It works both way. I think it's very
8 important that you learn that as well. Thank you.

9 CHAIRPERSON RICHARDS: Thank you. Any
10 other questions? Questions from you?

11 CHAIRPERSON GREENFIELD: I'm--I'm really
12 actually just here for that one statement because I
13 think, Counselor, I think you did actually refer to
14 Rabbi Niederman when you said Jewish money
15 connections, and you mentioned Rabbi Niederman as
16 well. Marty, do you know what the Counselor was
17 referring to when he said that this is a unique
18 because our--I wrote it down: Jewish money
19 connections and he referred the questions to you. Do
20 any of you know?

21 MARTY NEEDELMAN: [off mic]

22 CHAIRPERSON GREENFIELD: I'm sorry.

23 MARTY NEEDELMAN: I didn't say that.

24 CHAIRPERSON GREENFIELD: You did. You
25 said this was--I'm happy to bring you up in a second.

2 I just want to ask—I'm happy to have you in front. I
3 just want to have—have the Rabbi on record because
4 you-- I mean the typical debate rules are going to
5 be our debated tonight when you mention someone they
6 should be entitled to a response, and you cited him
7 by name and you said, "There were Jewish money
8 connections referred to Rabbi Niederman." Rabbi
9 Niederman, do you know what he's referring to?

10 RABBI DAVID NIEDERMAN: No, outrageous.
11 It's an outrageous like.

12 CHAIRPERSON GREENFIELD: Okay. I mean
13 counsel would you like to—would like to respond to
14 that on the record?

15 MARTY NEEDELMAN: [off mic] I don't think
16 so. I don't have anything else to say.

17 CHAIRPERSON GREENFIELD: We can't—we
18 can't—I'm sorry, we can't hear you.

19 CHAIRPERSON RICHARDS: Yeah, you need to—

20 CHAIRPERSON GREENFIELD: We can't hear
21 you if you're not speaking into the microphone. So,
22 Counselor, if you don't mind, just identify yourself
23 again for the record, and just if you can respond to
24 the follow up.

2 MARTY NEEDELMAN: Marty Needelman. It's
3 idle speculation, but based upon much experience over
4 46 years.

5 CHAIRPERSON GREENFIELD: You're
6 speculating about Jewish money connections.

7 MARTY NEEDELMAN: [off mic] No, no, no.

8 CHAIRPERSON GREENFIELD: And then you
9 referred specifically to Rabbi Niederman when you
10 said that.

11 MARTY NEEDELMAN: No I was not referring-

12 CHAIRPERSON GREENFIELD: [interposing]
13 Sorry, speak into the microphone because we can't
14 hear you on the record. Yes.

15 MARTY NEEDELMAN: The other speculation
16 is that the developer, the Rabsky Group, one that's-
17 that's because they're loved in the Hasidic
18 community, the Hasidic community loves them, but
19 there is financial support that they're giving to get
20 the kind the kind of support that they're getting.

21 CHAIRPERSON GREENFIELD: So, just to be
22 clear, you stated-just to be clear, Counsel, you
23 stated on the record of the Council hearing something
24 that was as fact, and now that you're being

2 questioned about it, you're saying it was idle
3 speculation.

4 MARTY NEEDELMAN: Yes.

5 CHAIRPERSON GREENFIELD: Alright, I
6 appreciate you clarifying that. That's--that's
7 helpful.

8 MARTY NEEDELMAN: I don't have
9 photographs or recorded testimony to that effect.

10 CHAIRPERSON GREENFIELD: But you stated
11 it as fact, when Council Member Levin asked you a
12 question.

13 MARTY NEEDELMAN: [interposing] Based
14 upon what we hear from this area. (sic)

15 CHAIRPERSON GREENFIELD: Okay, and now
16 you're now saying it's speculation.

17 RABBI DAVID NIEDERMAN: I-I--

18 CHAIRPERSON RICHARDS: [interposing
19 Enough speculation please.

20 RABBI DAVID NIEDERMAN: I have to say, I
21 have to say this is again so not only the Rabsky
22 because Rabsky is only, I don't know, Rabsky is six
23 or eight years ago, but basically 46 years you're
24 accusing the Jewish developers that they got the
25 support that they go the support because of mommy

2 connections, and my record is very clear. I don't
3 know how many years I am on the--on the community
4 board, 20 or whatever years that I have supported
5 every ally and the Jewish members of the community.
6 Have support every--every affordable housing project
7 whatever that is, Jewish and not Jewish, and this is
8 very sad that this type of speculation to a
9 statement. So, that's it.

10 CHAIRPERSON GREENFIELD: I--I have to say
11 counselor, it's not--it's on--Counselor, I'm happy to
12 hear points, but just my final--final point our
13 highlight here is not--it is honestly disappointing
14 when we're trying to have a hearing on the merits and
15 the fact for you to say something. It seems like
16 it's factual, and then later when you're questioned
17 you say that it's based on idle speculation. You
18 don't have any proof of anything. It's a pretty
19 serious accusation when you say that these are Jewish
20 money connections. You specifically referred to
21 Rabbi Niederman by name, and then when we asked you
22 about you, you don't have anything to back it up,
23 that's---that's--honestly, that's an unfair claim to
24 make on the public. That's not just my perspective.

2 If you'd like to respond, I'm certainly happy to
3 hearing you.

4 MARTY NEEDELMAN: One thing that I forgot
5 to add is that people within the Jewish community--
6 within the Hasidic Jewish Community have told me who
7 was that there.

8 CHAIRPERSON GREENFIELD: Told you rumors
9 to that effect?

10 MARTY NEEDELMAN: Yes.

11 CHAIRPERSON GREENFIELD: So, you talked
12 about today based on rumors, and you said stated it
13 as a fact, and then when we question you, your
14 response is that these are rumors, and by the way to
15 be fair, I didn't question you on the other items
16 because you are certainly entitled to your opinion
17 and your perspective, but when you make an allegation
18 that a developer is part of Jewish money connection
19 and you refer the questions to Rabbi Niederman, and
20 then when you're asked about it, your response is--

21 MARTY NEEDELMAN: [interposing] [off mic]
22 I did not.

23 CHAIRPERSON GREENFIELD: Well, you did.
24 I wrote the words down. I'm happy to have--I'm happy
25 to have--you did and I'm happy to have the transcript

2 reviewed later, and so the point—the point is that
3 when you make that allegation, which is a serious
4 allegation, and then you refer specifically to Rabbi
5 Niederman, and then when you're asked to follow up,
6 you your response is it's idle speculation based on
7 rumors that were told to me by individuals, it's
8 honestly not the sort of thing that we should be
9 engaging. There's enough facts that we could fight
10 about that we don't have to bring rumor or
11 speculation and innuendo, which quite frankly is
12 offensive into this. And so, I'm happy we're at
13 least able to resolve that particular portion. Thank
14 you, folks. I'm done. Thank you, Mr. Chairman.

15 CHAIRPERSON RICHARDS: Thank you. Okay
16 are there any other members of the public who wish to
17 testify on this issue? Okay, seeing now, I will now
18 close the public hearing on Land Use Items No. 761
19 and 762. I want to thank a few people. I want to
20 thank the Land Use staff Led by Raju Mann. I want to
21 thank Dylan Casey and all of those—

22 SERGEANT-AT-ARMS: [interposing] Folks,
23 keep it down, please.

24 CHAIRPERSON RICHARDS: -who stayed
25 around. I want to thank Jordan Gibbons from my

2 staff. I want to thank all the applicants and
3 Council Members who got projects approved today. I
4 also want to thank the sergeant-at-arms today, and I
5 want to say as we end this hearing that this
6 committee takes its job very seriously, and that we'll
7 be listening as we have to many of the Council Member
8 Reynoso to many of the recommendations today, and
9 we've heard loud and clear from the community. We
10 look forward to continuing the dialogue on this
11 particular project. With that being said, I want to
12 thank you all for coming out. This hearing is now
13 closed. [gavel]

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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 October 15, 2017