

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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October 31, 2017  
Start: 11:13 a.m.  
Recess: 11:33 a.m.

HELD AT: Council Chambers - City Hall

B E F O R E: DAVID G. GREENFIELD  
Chairperson

COUNCIL MEMBERS:

VINCENT J. GENTILE  
ANNABEL PALMA  
DANIEL R. GARODNICK  
DARLENE MEALY  
ROSIE MENDEZ  
YDANIS A. RODRIGUEZ  
PETER A. KOO  
BRAD S. LANDER  
STEPHEN T. LEVIN  
DEBORAH L. ROSE  
JUMAANE D. WILLIAMS  
DONOVAN J. RICHARDS  
INEZ D. BARRON  
ANDREW COHEN  
BEN KALLOS  
ANTONIO REYNOSO  
RITCHIE J. TORRES  
MARK TREYGER

COUNCIL MEMBERS:

RAFAEL SALAMANCA, JR.

BARRY S. GRODENCHIK

RAFAEL L. ESPINAL, JR.

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

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[gavel]

CHAIRPERSON GREENFIELD: Good morning, my name is David Greenfield, I'm the Council Member from the 44<sup>th</sup> council district in Brooklyn. I'm privileged to serve as the Chair of the Land Use Committee. I want to welcome my esteemed colleagues who are members of the committee who are joining us here today. Council Member Gentile, Council Member Palma, Council Member Garodnick, Council Member Mendez, Council Member Rodriguez, Council Member Koo, Council Member Rose, Council Member Williams, Chair Richards, Council Member Cohen, Council Member Kallos who gets the gold star for arriving early this morning, Council Member Reynoso, Council Member Treyger, Chair Salamanca and Council Member Grodenchik. I want to thank Chair Salamanca, Chair Richards, and Chair Koo for their outstanding work on the Land Use Subcommittee. Today we're going to be voting on LU 759 and 760, the South Avenue Retail Project in Council Member Rose's district. We'll also be voting on Intro Number 1685 in relation to exempting certain government entities from pre-application requirements for zoning text amendments. We heard a hearing on that last week. The South Avenue Retail Project seeks

1  
2 a special permit pursuant to Section 74-922 of the  
3 zoning resolution to allow large retail  
4 establishments larger than 10,000 square feet and to  
5 amend the city map. The project which would include a  
6 BJ's store is comprised of 219,377 square feet and  
7 would include 838 required accessory parking spaces.  
8 I just want to recognize we've also been joined by  
9 Council Members Chin and Lander. Introduction Number  
10 1685 speaking of Council Member Chin is a Local Law  
11 sponsored by Council Member Chin to amend the  
12 administrative code to the city of New York in  
13 relation to exempting certain government entities  
14 from pre-application requirements for zoning text  
15 amendments, very exciting I know. In 2013 the  
16 Department of City Planning promulgated rules  
17 providing that an applicant must follow a pre-  
18 application process prior to following... filing a land  
19 use application. The rules provide a measure of  
20 certainty to potential applicants by placing  
21 deadlines on the Department of City Planning,  
22 responses to applicant submissions however the  
23 codification to the deadlines can sometimes prevent a  
24 potential applicant from filing for months or even  
25 years. Introduction 1685 would allow the Mayor and

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2 Mayoral agencies, the borough president and the Land  
3 Use Committee of the New York City Council upon two  
4 thirds vote of its members to opt out of the pre-  
5 application process when filing a zoning text  
6 amendment. Our there any questions or remarks on the  
7 application? I am going to turn it over to Council  
8 Member Rose first to be followed by Council Member  
9 Chin for statements on the respective application and  
10 introduction. Council Member Rose?

11 COUNCIL MEMBER ROSE: Thank you so much  
12 Chair Greenfield and I want to thank you so much for  
13 your patience and understanding about the process and  
14 allowing us to get here with the best possible  
15 project that we could... we could have and so we have  
16 here before us today an application for a zoning  
17 special permit to allow retail establishments larger  
18 than 10,000 square feet and a mapping action that  
19 will remove unbilled mapped streets to prevent  
20 development in adjacent wetlands on a property  
21 located at the corner of Forest and South Avenues in  
22 the neighborhood of Mariners Harbor. There's been a  
23 lot of misinformation swelling around this  
24 development, so let me set the record straight. All  
25 titled wetlands will be protected and strengthened

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2 and with the removal of harmful invasive species and  
3 the planting of 2,200 native trees and 9,600 shrubs  
4 while preserving more than 1,100 existing mature  
5 large trees. I've spent hours in meetings with  
6 applicants with Land Use experts and with local  
7 residents to arrive at a project that delivers smart  
8 planning, environmental preservation, sustainability,  
9 resiliency and economic development. On several  
10 occasions I hosted meetings in my office that allowed  
11 residents to speak directly with the developers and  
12 environmental and traffic specialists to resolve  
13 their legitimate concerns. I've been sensitive to the  
14 feedback from all voices positive and negative and  
15 I've taken their feedback to the negotiating table  
16 and worked up to the last minute as this is testament  
17 to, to secure the best outcome for my constituents  
18 but let me be clear, the applicants can put shovels  
19 in the ground tomorrow for a project of the same  
20 footprint with no approval from the city council  
21 needed but by undertaking this land use process we  
22 have now a development that respects the needs of  
23 this environmental justice community, increases our  
24 resiliency, decreases our carbon footprint and brings  
25 jobs to local residents and groceries to a food

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2 desert. While the applicant is required by state and  
3 federal regulations to manage all storm water, all  
4 storm water on this site at the same rate as the land  
5 currently does. My negotiations have secured a  
6 commitment to construct several additional bio-  
7 swells, a bio-swell filled with storm water and  
8 diverted from storm... city storm drains. In this case  
9 they hold and filter storm water and release at a  
10 rate and pattern identical to the current condition.  
11 This project has a series of eight-foot-wide bio-  
12 swells throughout the parking lot as well as two 16-  
13 foot-wide bio-swells in the parking lot. The  
14 applicant has also committed to a large aerated  
15 retention pond area, new trees and dry wells in the  
16 parking lot. As a result of our negotiations the  
17 applicant will install additional bio-swells along  
18 all of the proposed street tree pits at the perimeter  
19 of the project site and include permeable pavers on  
20 the sidewalks lining the enlarged bio-swells proposed  
21 on the site. Finally, in our negotiations last week  
22 the developer agreed to add a sizable 14,119 square  
23 foot bio-swell at the Northwestern portion of the  
24 site. These improvements made during negotiations  
25 increased the permeable space on the site by 16,000



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2 square feet over the original proposal. These  
3 features will manage rainfall from storms that well  
4 exceed the rainfall of hurricanes Irene and Sandy  
5 combined. The applicant has also committed to a  
6 landscape screening along the length of South Avenue  
7 to preserve the existing aesthetics. Through my  
8 negotiations I also secured a public viewing arear of  
9 the wetlands along the Southwest portion of the  
10 development site that will include public benches and  
11 signage to, to provide information about existing  
12 natural features. The applicant has committed to  
13 installing solar panels on the roof of the  
14 development as well as skylights, cool roof  
15 enhancements, and LED motion detected lighting to  
16 minimize the carbon footprint of this development.  
17 The applicant is required to file documentation with  
18 the state to ensure that the development is meeting  
19 all requirements to manage storm water on this site  
20 at the rate that existed before development and that  
21 the new plantings are functioning as described in the  
22 storm water mitigation plan. These documents will  
23 also be filed with my office. Additionally, we are  
24 including a traffic monitoring program that will be  
25 developed in close coordination with my office. We

1  
2 will begin this study sooner than originally proposed  
3 to ensure minimal disruption to neighboring  
4 residents. A second traffic monitoring program will  
5 include other intersections of concern that may be  
6 impacted by new construction proposed in the area in  
7 the next two years. All large truck traffic will use  
8 Forest Avenue which is a commercial corridor rather  
9 than a more residential South Avenue. The applicant  
10 will meet with my office quarterly to review the  
11 traffic mitigation program and address any traffic  
12 concerns produced by this project. The largest  
13 expected tenant on this site, BJ's wholesale Club  
14 will host a job fair with my office to provide in  
15 person opportunities to meet hiring representatives  
16 providing early notification to community board one  
17 and my office of other job hiring opportunities and  
18 reporting to my office on the results of their local  
19 hiring effort. The applicant has also committed to  
20 soliciting bids for a construction contract and  
21 subcontract from local and MWBE businesses. The  
22 applicant will encourage future tenants on the site  
23 to conduct the same outreach efforts as BJ's. I want  
24 to be clear to anyone who's encouraging a no vote on  
25 this project, a no vote would bring us a development

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2 with the same footprint but without any of these  
3 commitments that I just listed. A no vote would mean  
4 no increased permeability and bio-swells, no solar  
5 panels and skylights, without benches and signage, no  
6 measures to preserve aesthetics, no local and MWBE  
7 hiring commitments and no traffic evaluation or  
8 mitigation. Contrary to what some have said this land  
9 agree... land use agreement is a win for protecting the  
10 environment, I am voting yes on this application  
11 because after months of negotiations we have a  
12 project that represents smart, forward thinking,  
13 environmentally conscious planning and response to  
14 the real concerns and needs that I hear  
15 overwhelmingly from the community and I urge my  
16 colleagues to vote yes with me. I want to thank  
17 Speaker Melissa Mark-Viverito for her help and  
18 assistance. I want to thank our Land Use Chair, David  
19 Greenfield once again for his patience and, and for  
20 enduring, it takes me longer to read my statement  
21 than you, you're a speed reader and I want to thank  
22 zoning Chair Donovan Richards for his advice and  
23 expertise and I want to thank Ramone Martinez for  
24 what Ramone does, Ramone thank you for getting us  
25 here and I want to thank our amazing Land Use team

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2 Raju Mann; Amy Leviton; Julie Lubin and John Douglas  
3 for answering all of our questions, putting up with  
4 all of our crazies and for helping us deliver a  
5 project that is environmentally sound and smart.  
6 Thank you so much.

7 CHAIRPERSON GREENFIELD: Thank you  
8 Council Member Rose, congratulations and certainly  
9 appreciate the importance of what you're doing  
10 especially considering to your point that you made is  
11 that this property is currently zoned for a strip  
12 mall and you are going to now allow it BJ's but with  
13 incredible environmental protections that have never  
14 happened before anywhere on Staten Island so that's a  
15 significant achievement and we congratulate you for  
16 making those improvements. I want to recognize that  
17 we've been joined by Council Member Levin, Council  
18 Member and Chair Koo, Council Member Barron, Peter  
19 Parker a.k.a Jumaane Williams rocking the.. rocking  
20 the disguise today, thank you very much and I want to  
21 turn it over to the main event and the, the big  
22 reason why we're here in this fancy chambers today is  
23 we're passing very significant legislation today that  
24 will allow government agencies including the Land Use  
25 Committee of the New York City Council to skip the

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2 pre-application process and this is because of a  
3 personal experience that Council Member Chin has had  
4 and a fight that she has been battling for years for  
5 equity for her community and she's now giving all of  
6 us the ability to improve that here in the New York  
7 City Council. Let's turn it over to Council Member  
8 Margaret Chin.

9 COUNCIL MEMBER CHIN: Thank you, thank  
10 you again Chair Greenfield for your leadership and  
11 thank you to the members of the Land Use Committee  
12 for last week's hearing on Intro 1685. This is a  
13 critical piece of legislation that would allow  
14 certain kinds of land use applications submitted by  
15 the city council and borough president's office to  
16 submit complete land use applications to the New York  
17 City Department of City Planning without completing  
18 the time consuming repetitive and sometimes futile  
19 pre-application process. Last week we heard testimony  
20 from the Real Estate Board of New York calling this  
21 legislation a threat to as of right development, I  
22 couldn't agree more, for too long Lower Manhattan has  
23 been subject to as of right super tall structures,  
24 it's clear that we need better tools to advocate for  
25 community based land use applications. For years we

1  
2 have seen these enormous buildings rise over our  
3 communities with little or no transparency or public  
4 review. Our communities are under threat, people who  
5 have no other low-income house, housing options are  
6 now faced with the frightening reality of losing the  
7 neighborhood they worked so hard to build. We must  
8 get these residents a fighting chance and we must do  
9 it quickly. The ability to submit a complete land use  
10 application without having to jump through  
11 bureaucratic hoops must be allowed to give our  
12 communities a fighting chance in this war against  
13 overdevelopment that is altering the landscape in  
14 such a way that residents of just a few years ago  
15 would be more at home on the moon than in their own  
16 neighborhoods. This legislation will help my  
17 constituents and all those all over the city who work  
18 closely with their elected officials to protect their  
19 community. If REPNY is threatened by this legislation  
20 well then, good, its' not our job to represent  
21 developers, it's our job to give the people a greater  
22 voice in their neighborhood and that's what democracy  
23 is all about. I thank especially to all the land use  
24 staff for all the great work on putting this  
25 legislation together and I thank the committee for

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2 this opportunity and urge my colleagues to vote yes.  
3 Thank you.

4 CHAIRPERSON GREENFIELD: Thank you  
5 Council Member Chin, congratulations, thank you for  
6 bringing this to our attention and really excited to  
7 be able to pass this legislation which will improve  
8 the process and options for all government agencies  
9 including all Mayoral agencies, the borough  
10 presidents as well as the council from the Land Use  
11 Committee to skip the process and expedite these  
12 applications. Are there any other questions or  
13 comments that Council Members have? Hearing none I  
14 will ask the clerk to please call the roll.

15 COMMITTEE CLERK MARTIN: William Martin,  
16 Committee Clerk. Roll call vote Committee on Land  
17 Use, all items are coupled, Chair Greenfield?

18 CHAIRPERSON GREENFIELD: Thank you  
19 William I vote aye on all.

20 COMMITTEE CLERK MARTIN: Gentile?

21 COUNCIL MEMBER GENTILE: I vote aye on  
22 all.

23 COMMITTEE CLERK MARTIN: Palma?

24 COUNCIL MEMBER PALMA: [off-mic] Aye on  
25 all.

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COMMITTEE CLERK MARTIN: Garodnick?

COUNCIL MEMBER GARODNICK: Aye.

COMMITTEE CLERK MARTIN: Mendez?

COUNCIL MEMBER MENDEZ: [off-mic] Aye.

COMMITTEE CLERK MARTIN: Rodriguez?

COUNCIL MEMBER RODRIGUEZ: Aye.

COMMITTEE CLERK MARTIN: Koo?

COUNCIL MEMBER KOO: Aye on all.

COMMITTEE CLERK MARTIN: Lander?

COUNCIL MEMBER LANDER: Aye.

COMMITTEE CLERK MARTIN: Levin?

COUNCIL MEMBER LEVIN: Aye.

COMMITTEE CLERK MARTIN: Rose?

COUNCIL MEMBER ROSE: Aye.

COMMITTEE CLERK MARTIN: Williams?

COUNCIL MEMBER WILLIAMS: [off-mic] Aye.

COMMITTEE CLERK MARTIN: Richards?

COUNCIL MEMBER RICHARDS: Aye.

COMMITTEE CLERK MARTIN: Barron?

COUNCIL MEMBER BARRON: Permission to..

thank you so much, permission... [cross-talk]

CHAIRPERSON GREENFIELD: Council Member

Barron... [cross-talk]



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2 COUNCIL MEMBER BARRON: ...to explain my  
3 vote... [cross-talk]

4 CHAIRPERSON GREENFIELD: ...to explain her  
5 vote.

6 COUNCIL MEMBER BARRON: Thank you. I'm  
7 voting no on Land Use 759 and 760, it is I think a  
8 development project that would in the long run do  
9 great damage to our ability to protect our  
10 environment, there is a large number of trees that  
11 are going to be removed and although the developer  
12 has said he would plant new trees it will take  
13 decades for those trees to mature and the impact on  
14 the ecosystem between the woodlands and the wetlands  
15 would be greatly disturbed and advocates who are in  
16 environmental justice and looking long range to  
17 protect our environment are speaking against this so  
18 I'm voting no on that project, I on the other. Thank  
19 you.

20 CHAIRPERSON GREENFIELD: Thank you.

21 COMMITTEE CLERK MARTIN: Cohen?

22 COUNCIL MEMBER COHEN: [off-mic] Aye.

23 COMMITTEE CLERK MARTIN: Kallos?

24 COUNCIL MEMBER KALLOS: Permission to  
25 explain my vote?

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CHAIRPERSON GREENFIELD: Council Member

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Kallos to explain his vote and costume choice for

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Halloween.

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COUNCIL MEMBER KALLOS: I am deeply proud

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of the work of my colleague, Council Member Chin and

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Manhattan Borough President Gale Brewer having put

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forward a rezoning application that spent two years

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in pre-application during which time the original

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developer went bankrupt twice, a bankruptcy estate

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was able to sell the assets and a new developer was

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able to show up and begin the project from scratch

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and we're still moving forward, I think that not

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having to wait for as long as City Planning may

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choose to delay something in pre-application is

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imperative for communities that want to make sure

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that they have rezonings that are thoughtful and deal

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with concerns for a development that aren't related

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to any given site but are related to multiple sites

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or just the changes in market and so I for one am

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glad for this and I'm proud to vote aye and also

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congratulations to our colleague Debi Rose.

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COMMITTEE CLERK MARTIN: Torres?

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COUNCIL MEMBER TORRES: [off-mic] I vote

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aye.

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COMMITTEE CLERK MARTIN: Treyger?

COUNCIL MEMBER TREYGER: [off-mic] Aye.

COMMITTEE CLERK MARTIN: Grodenchik?

COUNCIL MEMBER GRODENCHIK: Aye.

COMMITTEE CLERK MARTIN: Salamanca?

COUNCIL MEMBER SALAMANCA: I vote aye on  
all.

COMMITTEE CLERK MARTIN: By a vote of 18  
in the affirmative, zero and the negative and no  
abstentions Item Introduction 1685 has been adopted  
by the committee and by a vote of 17 in the  
affirmative, one in the negative and no abstentions  
Land Use Items 759 and 760 have also been adopted by  
the committee.

CHAIRPERSON GREENFIELD: Thank you very  
much this concludes the Land Use Committee for the  
meeting of October 31<sup>st</sup>, 2017. Congratulations to  
Council Member Rose and Council Member Chin, the  
meeting of the Land Use Committee is hereby  
adjourned.

[gavel]

C E R T I F I C A T E

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



Date

November 14, 2017