

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

----- X

January 23, 2018
Start: 10:22 a.m.
Recess: 11:11 a.m.

HELD AT: 250 Broadway - Committee Rm.
16th Fl.

B E F O R E: FRANCISCO P. MOYA
Chairperson

COUNCIL MEMBERS: Costa G. Constantinides
Barry S. Grodenchik
Rory I. Lancman
Stephen T. Levin
Antonio Reynoso
Donovan J. Richards
Carlina Rivera
Ritchie J. Torres

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

Richard Lobel, Sheldon Lobel, PC

Frank St. Jacques

Josh Rinesmith, Land Use Counsel Akerman, LLP

Nora Martin, Attorney, Akerman

Lori Milo Tricot (sp?) Developer's Representative

2 [sound check, pause]

3 CHAIRPERSON MOYA: Good morning,
4 everyone. I'd like to thank you for being here. I'd
5 like to welcome everyone to the first meeting of the
6 Subcommittee on Zoning and Franchising of this the
7 11th Session of the New York City Council. I am
8 Francisco Moya, the Chair of the Subcommittee. I am
9 happy to be joined by my colleagues here today, Costa
10 Constantinides, Rory Lancman, Steve Levin, Donovan
11 Richards, Ritchie Torres, Barry Grodenchik, Carlina
12 Rivera and we are also joined today by Council Member
13 Cumbo. Thank you for being here. Today, we will be
14 holding hearings on three items, one being a sidewalk
15 café, and two rezoning applications. We also have a
16 sidewalk café application that was called up and
17 subsequently withdrawn by the applicant. So, we will
18 be voting to remove that item from our calendar, and
19 we will begin the hearings on the sidewalk café. The
20 café for the hearing today is LU 2, the Brown Sugar
21 Bar and Restaurant sidewalk café application. This
22 is an application by the restaurant owner for a
23 revocable consent to maintain and operate an
24 unenclosed sidewalk café to be located at 5060
25 Broadway in Council Member Rodriguez's district in

2 Manhattan, and I will now open the public hearing on
3 LU 2. Since there are...no one who has signed up, if
4 there is any members of the public who wish to
5 testify on this item, please let us know. Seeing
6 none, I will now close the public hearing on this
7 item. We will now move onto the public hearing on
8 the first of our two rezoning applications, LU 3 the
9 116 Bedford Avenue rezoning. This application
10 submitted by 116 Bedford Avenue, LLC would establish
11 a C1-4 commercial overlay district within the
12 existing R6A district. The new commercially overlay
13 would apply to the western side of...of Bedford Avenue
14 between North 10th and North 11th Street in Council
15 Member Levin's district in Brooklyn. I will now open
16 the public hearing on LU 3, and we have here Richard
17 Lobel from Sheldon and Lobel, and we also have Frank
18 Saint Jacques. Did I say that correctly?

19 FRANK ST. JACQUES: Yes.

20 CHAIRPERSON MOYA: Alright, perfect.

21 Thank you.

22 Good morning and congratulations to the
23 newly constituted Zoning and Franchise Subcommittee
24 as well as to Chair Moya. We look forward to being
25 the answer to a New York City Trivial...Trivial Pursuit

2 question as to the first substantive hearing before
3 the hearing. So, we're excited about that.

4 CHAIRPERSON MOYA: Thank you.

5 RICHARD LOBEL: So, good morning
6 everyone, and thank you for hearing us today on the
7 116 Bedford Avenue Rezoning again. I'm Richard Lobel
8 of Sheldon Lobel, PC. I'm joined by Frank St.
9 Jacques, and we have the owners of 116 Bedford Avenue
10 with us as well. And so, the application, of course,
11 is for a rezoning and while we come to the
12 subcommittee with a range of rezoning applications,
13 this one is an extremely minor type of rezoning, and
14 as you can see from the cover page, involves merely a
15 commercial overlay a C1-4 overlay placed on an
16 existing R6A district. So, a highlight of the
17 proposed rezoning can be seen in the red circle.
18 Currently, the property is within the block frontage
19 on Bedford Avenue. Between North 10th and 11th there's
20 a R6A zoning district and so we're merely adding a
21 C1-4 district...overlay district. What does this do?
22 It does not change the underlying bulk. It doesn't
23 change, um, the envelope of the building. What it
24 does is it enables this block frontage now to have
25 ground floor commercial use, and so, um, they would

1 add this commercial overlay on this one block front.
2
3 The next picture—next slide. So, here's a relief, an
4 eagle eye view of the block front between North 10th
5 and North 11th. Next slide. And so this is just a—a
6 map which shows with a little bit more specificity—
7 specificity what is actually existing on this block.
8 So, the block itself was zone M1-2 R6 for quite some
9 time from 1961 through 1975, and then there was a
10 rezoning through 2005. So, about 40 years it existed
11 as an M1-2 R6 block. In the Greenpoint-Williamsburg
12 rezoning in 2005, this block frontage was not given a
13 commercial overlay. However, the six blocks along
14 the western side of Bedford Avenue to the south were
15 all zoned commercial. So, it's clearly part of an
16 existing commercial thoroughfare along Bedford. In
17 addition, you can see three block frontages to the
18 east side of Bedford here are also zone C1-4, and so
19 the applicant here is attempting to kind of—kind of
20 re-establish what actually exists on the ground on
21 the zoning map, and you can see that by looking at
22 the next slide, which is existing uses. So, the red
23 dots in that highlighted area on the western side of
24 the block front constitute the commercial use—current
25 commercial uses or buildings which are legally

1 commercial, meaning they've got a commercial
2 storefront in which commercial use can be
3 reactivated. And so, you've got our lot highlighted
4 in green, and then you've got on this block front
5 five additional storefronts. So, of the total of
6 nine lots because there's one lot on north 10th
7 Street, which exists to the rear of the frontage of
8 the nine lots that are located on this block front.
9 The commercial overlay district here would result in
10 legalizing six of these using-uses making them legal
11 continued commercial uses. They're able to exist
12 legally now, but they are legal non-conformed uses,
13 which leads to issues when, for example, they want to
14 make changes at the Department of Buildings, if they
15 want to receive any type of bank financing. Whereas,
16 the commercial overlay will re-establish really
17 what's existing on the ground. So, in the materials
18 presented to City Planning and beyond we've presented
19 what actually exists on each of the sites, and we can
20 run through those very quickly. You have 110 Bedford
21 Avenue the Bedford, which is a restaurant. Walking
22 through the sites, you're going to have 112 Bedford
23 and 114 Bedford, which are both residential store-
24 residential ground floor uses. As an aside, 114 has
25

1 also given a consent to this application. 116 is the
2 project site. The site right now has Department of
3 Buildings plans and approvals for community facility
4 use on the ground floor. They are able to do that
5 as-of-right. These—this is—it would be operated as
6 doctor's office, and as an aside, doctors offices
7 could be considered both in Use Group 4, a community
8 facility in Use Group 6 commercial. So, you can see
9 that there's really a very close use pattern between
10 what would be permitted and what we're seeking here.
11 We can go to the next few slides. So, you have 118
12 Bedford, which was an existing commercial use. I
13 understand that the owner has fallen ill. So, that—
14 that use is commercial, but is now currently used for
15 its former use as a food store. 120 Bedford, which
16 is now I understand opening a sandwich shop, and then
17 122 Bedford also a commercial frontage which—which is
18 currently vacant and the finally 124 Bedford, which
19 has an existing bar/restaurant as well as a salon,
20 and then around the corner that additional lot we
21 talked about being 143 North 10th Street. So, indeed
22 well over 50% of the uses on this block frontage are
23 either commercial or legally allowed to be active by
24 that commercial. The zoning map comparison on the
25

2 next page demonstrates what we showed before, which
3 is the existing R6A versus the R6A with the C1-4, and
4 then more broadly on the next page with the land use
5 map it's interesting to note that these blocks are
6 actually have existing commercial use beyond the
7 frontages. So, if you take a look at the M1-2/R6A,
8 there's an M1-2/R6A district already existing on this
9 block itself, which means that within 100 feet of
10 these properties sometimes less, you would be able to
11 occupy that space with a seriously intensive
12 commercial use and M1-2 use, manufacturing use. So,
13 this is not a block, which is foreign to commercial
14 uses, should those be desired in an M1-2 district.
15 The rezoning rationale on the last page and I'll be
16 finishing up soon in case anyone has any questions.
17 But the rezoning rationale is, of course, first that
18 it's consistent with these existing six blocks of C1-
19 4 overlay. It brings the local commercial uses into
20 conformance. It would permit new commercial use in
21 line with existing patterns in the areas as we noted
22 by City Planning, and will not alter the currently
23 permitted R6A bulk. (sic) I would not that if you
24 look one block to the west you see two C2-4 overlays
25 along there on the western side and one on the

1 eastern side, and those earlier districts actually
2 did not exist prior to rezonings in 2009 and 2011.
3 Those, you know, basically were for C2-4 districts,
4 which are arguably a little bit more intensive than a
5 C1-4 district, permit a greater range of commercial
6 uses, and were also in the case of the C2-4s on the
7 western portion were on blocks, which were entirely
8 zoned residential as opposed to our lot. So, by way
9 of comparison again, we're asking for C1-4. Those
10 were C2-4. Our block has an existing M1-2 mixed-use
11 district. Those blocks were entirely R6 residential,
12 and again, just hitting on the rezoning rationale,
13 five of these eight buildings representing 125 feet
14 of frontage currently have commercial use as well.
15 Only two blocks, two lots amounting to 50 feet or 25%
16 of the frontage are residential. Finally,
17 neighborhood support. There's a-a map, which
18 demonstrates the consents that were received by the
19 applicant after the community board hearing when it
20 was apparent that there was going to be more
21 discussion about this application, the owners went
22 out and solicited consents from the neighbors. They
23 were, as you can see in the green dots on the block
24 frontage able to receive—there were 5, 6, 7, 8
25

consents inclusive of the project site, and the 9th—
one of the—one of the properties 118 Bedford
currently has a commercial frontage. So, out of the
nine lots affected by this rezoning, eight of them
have either issued consents or have existing
commercial frontage leaving only one lot that was,
you know, did not issue a consent or had commercial.
Finally, we discussed the CPC approval, which was
that the map amendment would facilitate the use of
ground floor commercial at 116 Bedford that it would
bring these five other commercial uses into
conformance. That's C1-4 as a district allows local
retail uses that seem to be compatible with local
retail and as well as—as well as R6A, and R6A
district. This is—this is a—this is a district,
which mapped many times throughout the city on R6A
districts, and then the Commission believes that
extending the existing C1-4 will be consistent with
land use along Bedford Avenue. Finally, there's the
applicant commitments. The applicant did issue a
letter to both the Brooklyn Borough President and
subsequently the City Planning Commission, and
basically in response to some of the concerns that
were raised designated certain conditions that they

2 would satisfy, that they would designate a primary
3 point of contact, superintendent or management
4 company to receive and address concerns related to
5 the building; provide contact information for the
6 commercial tenant to address immediate on-site
7 concerns; require commercial tenant to consult a
8 sound engineer and require that tenant to limit any
9 applicable hours of operation for a sidewalk café,
10 and to install security cameras and lighting. To me,
11 my safety concerns I would note that the owners here
12 have six residential units in the building. This is
13 their building going forward. They, of course, want
14 to be good neighbors. They want to make sure that
15 they're not, um, going to be doing anything adverse
16 to both their tenants, but also to the larger
17 community. So, we're excited about the opportunity
18 here and we hope they can proceed in a successful
19 fashion, and so that concludes our statements with
20 regards to the rezoning, and we remain happy to
21 answer any questions.

22 CHAIRPERSON MOYA: Council Member Levine
23 has a—Levin. Sorry—has questions.

24 COUNCIL MEMBER LEVIN: Thank you very
25 much, Mr. Chair. My apologies to everybody for

2 keeping you waiting. So, Richard, I just want to
3 acknowledge that the community board did vote against
4 this proposal unanimously?

5 RICHARD LOBEL: Yes.

6 COUNCIL MEMBER LEVIN: And, you spoke
7 about outreach that was done by the owner subsequent
8 to that vote I did speak with a representative from
9 that community board this morning, and, you know, the
10 reason why the community board voted, if I were to
11 characterize their vote, is that along Bedford Avenue
12 as anyone—a lot of New Yorkers would know,
13 particularly Brooklynites that, you know, Bedford and
14 the north side of Williamsburg has really turned
15 into—it's kind of like Greenwich Village, you know,
16 in the—in the 60s or something. It's a—it's a huge
17 amount of nightlife activity. You know, nights and
18 weekends are really turned into a, you know, this
19 kind of international party scene, which, you know,
20 is—with all accompanying disturbances. So, the
21 concern that residents have is just another bar that
22 would be open until 4:00 a.m. that would contribute
23 to, you know, more disturbances along one of the
24 quieter blocks of Bedford Avenue on the north side.
25 So, the commitment that the applicant made, Brooklyn

2 Standard Properties in the letter today, which I
3 don't think you mentioned---

4 RICHARD LOBEL: [interposing] I didn't.

5 COUNCIL MEMBER LEVIN: --any commitments
6 here is that in addition to these commitments that--
7 that you would refrain or your client would refrain
8 from leasing the ground floor commercial space to a
9 bar or a night club tenant. That would be well
10 received by the community at large, you know,
11 understanding that there's a--an existing reality on
12 that block with the commercial tenants, that those
13 uses can continue in perpetuity whether it's the
14 current proprietor or a future proprietor. That
15 includes on the other properties on the block aside
16 from this property bar and night club use pending or
17 a liquor license approval by SLA. So, the commitment
18 to refrain from leasing to a bar or night club, I
19 think is--it would be well received and in light of
20 that, I'm--I'm willing to lend my support to this
21 application, you know, so long as that commitment is
22 honored.

23 RICHARD LOBEL: Council Member Levin, the
24 applicant remains completely committed to making that
25 commitment to the--to--to you, to the Council, to the

1 community board. You are correct. I mean the
2 notation in the—in the committee's discussion at the
3 community board was that, the committee that noted
4 these concerns were in line with the standing concern
5 of the full board that there has been an uncontrolled
6 proliferation of bars and pubs. And so, in an effort
7 to directly address that, the applicant issued that
8 letter to you, and remains completely committed to
9 doing so, and—and hopefully will move forward in a
10 way that's going to satisfy everyone in the
11 community.
12

13 COUNCIL MEMBER LEVIN: Great. Thank you.

14 RICHARD LOBEL: Thank you.

15 CHAIRPERSON MOYA: I'd like to
16 acknowledge that we've been joined by the Chairman of
17 Land Use, Councilman Salamanca. Thank you for being
18 here this morning. Now, are there any—anyone else
19 that had questions for the panel? No. Are there any
20 members of the public who wish to testify on this
21 item? Seeing none, I will now close the public
22 hearing on this item. Thank you for being here this
23 morning.

24 RICHARD LOBEL: Thank you, Chair.

25

2 CHAIRPERSON MOYA: The last application
3 for today's public hearing is the 587 Bergen Street
4 rezoning application. The LUs 4 and 5. This
5 application consists of a change in the zoning
6 district from an M1-1 district to an R6B district for
7 the development site fronting on Bergen Street to the
8 west of Carlton Avenue, and for several other
9 properties fronting on Dean Street. The related text
10 amendment application would apply the Mandatory
11 Inclusionary Housing Program, Option 1, and 2 to the
12 area. On the development site the rezoning would
13 facilitate a new 26-unit residential building. The
14 building would include approximately 10 units of
15 affordable housing averaging at either 60 or 80% of
16 the Area Median Income depending on the MIH options
17 selected by the developer. This application is
18 located in Council Member Cumbo's district in
19 Brooklyn, and I will now open the public hearing on
20 LUs 4 and 5, and we have Jonathan Rinesmith (sp).
21 Josh. Sorry, Rinesmith who's here today to testify.

22 JONATHAN RINESMITH: (Coughs) Excuse me.
23 Good morning, Chair Moya and members of the committee
24 and Council Member Cumbo. My name is Josh Rinesmith.
25 I'm Land Use Counsel for the application from the law

1 firm of Akerman, LLP. I'm joined this morning by
2 Nora Martins from Akerman, as well as Lori-Lori Milo
3 Tricot (sp?) who is a representative of the
4 developer. This is an application, as was mentioned,
5 to extend an existing R6B zoning district to cover a
6 property that is located in an M1-1 district that is
7 immediately adjacent to an existing R6B. The
8 property is located just south of the Pacific Park
9 Development project, and a few blocks to the east and
10 south of the Barclay Center. Please go to the next
11 slide. The existing site is a combination of three
12 tax lots having approximately 12,400 square feet of
13 lot area. It's currently zoned M1-1, which permits
14 commercial and manufacturing and some community
15 facility uses. I'd just like to note that the
16 maximum permitted FAR in the existing zoning district
17 is 2.4, which is actually more floor area than is
18 permitted in the R6B district that—that is being
19 sought, and the property has historically been vacant
20 since at least 1965 and it has been used as a parking
21 lot. So, the proposed zoning application again is
22 extend that R6B zoning district to cover the
23 property, and that would facilitate the development
24 of a four-story 27,000 square foot multi-family
25

1 residential building with 26 total units, 10 of which
2 would be permanently affordable under the MIH
3 program. The zoning application also includes a text
4 amendment to designate the property in the rezoning
5 area as a mandatory designated area. So, here is
6 just a slide showing the existing and proposed zoning
7 map, and again it is just the extension of this
8 existing district boundary to encompass the—the
9 development site. The proposed development would be
10 four stories. It would have a subservice parking
11 garage, a base height of 38 feet, which we're seeking
12 to essentially mirror the height of the street wall
13 to the adjacent town homes to our west, which are
14 located in the Prospect Heights Historic District,
15 and it would have a total height of 50 feet. Again, I
16 mention it's—it would have 26 dwelling units. The
17 developer is a developer and holder of the long-term
18 assets, and rental buildings, and so, we are gearing
19 the buildings unit distribution towards larger units
20 that are available for families. So, in that regard
21 there are no studios within the building and that the
22 current unit layout is 14 1-bedrooms and 12 2-bedroom
23 units. Could we go back and there will be 13 parking
24 spaces with the subsurface garage, which would
25

1 exceed, the—the zoning requirement. During the
2 Community Board review we met with the Land Use
3 Committee of Community Board 8 as well as the full
4 Community Board. The Community Board passed a
5 resolution in support of the application on two
6 conditions. The first was—if you could go to the
7 next slide. I'm sorry. One more. The first was that
8 we modify the original design of the building. You
9 can see the rendering on the left was what was
10 originally proposed, and on each end of the building
11 we had two permitted obstructions within the initial
12 height limitation called dormers, and one of the
13 concerns that was raised by the community was that
14 these dormers do not align and maintain the street
15 wall context of the existing town homes that are
16 located to the west and also within the Prospect
17 Heights Historic District. And so, in response to
18 that, we agreed to provide a full 15-foot setback on
19 the—the fourth floor in order to maintain the street
20 wall context and align the height of our street wall
21 with that—the adjoining town homes, and to reduce the
22 visibility of the fourth floor from the street. The
23 second condition was that we provide 24-hour contact
24 information for the developer and the developer's
25

1 project manager upon the commencement of construction
2 so that members of the surrounding properties both on
3 Bergen Street and Dean Street as well as the
4 Community Board would have access to the developer
5 in—during construction to get in contact with us in
6 the event that there are any concerns or issues
7 arise. And then we have been in contact and
8 discussions with Council Members—Council Member
9 Cumbo's office, and we'd like to thank the Council
10 Member and her staff for their time and effort, and
11 guidance in connection with the project. The
12 application, as I mentioned—I think I mentioned
13 before when it was originally submitted to the City
14 Planning Commission and approved the MIH designated
15 areas were going to be mapped with both Options 1 and
16 Options 2. At the Council Member's suggestion, we
17 looked into the feasibility of eliminating Option 2
18 from the text amendment, and just proceeding with
19 Option 1, which would provide our affordable
20 apartments at deeper levels of affordability, and we
21 have agreed to that modification to the Land Use
22 Application. And so, now the—the affordable
23 apartments would be provided at an average of 60% AMI
24 with 10% of the—the units being at 40% AMI. So, in
25

1 addition to that commitment, we've also reiterated
2 some of the commitments we made to both the Community
3 Board and the Borough President. The first is the
4 reduction in the dormers so that they are set back to
5 maintain that street wall context. The second was the
6 24-hour contact information for the project's
7 developer. In addition, we will be working with
8 local third-party administering agents who will be
9 responsible for the marketing and lease-up of the
10 affordable apartments, and we're looking to
11 incorporate green and sustainable design features in
12 the building, and currently are investigating the use
13 of a combination of a solar and green roof to the
14 building. Lastly, I'd like to-to reiterate that the
15 developer is a minority business enterprise, and
16 we're-we're currently seeking city certified MWBE
17 certification. But we are a local Brooklyn based
18 developer, and historically on our projects
19 approximately 50% if not more of the subcontract
20 suppliers on our projects are Brooklyn based and we
21 will work with both the Council Member and the
22 Borough President to advertise subcontracting
23 opportunities when the arises. That's essentially a
24
25

2 review of the project, and the commitments that we've
3 made. I'm happy to answer any questions.

4 CHAIRPERSON MOYA: Council Member Cumbo.

5 COUNCIL MEMBER CUMBO: Thank you, Chair
6 Moya and thank you to all my colleagues for being
7 here. The question that I have is for the record so
8 that the individuals that are here and that are also
9 watching, particularly the Block Association
10 understand environmental concerns were paramount to
11 this project. Can you talk to us now about your
12 understanding of how the environmental issues
13 surrounding this project given its previous use, how
14 those will be addressed and how those will be—how the
15 community rather will be informed of the
16 environmental review?

17 JONATHAN RINESMITH: So, in connection
18 with the environmental review of the Land Use
19 Application an E designation has been imposed on the
20 site or will be imposed on the site if this
21 application is approved, and that E designation for
22 hazardous materials is going to require us to submit
23 both our Phase 1 Environmental Site Assessment as
24 well as Phase 2 Sampling Protocol where we're going
25 to provide details of proposed sampling that gets

submitted to the City's Office of Environmental Remediation, and they will work with us in establishing proposed drill test pits. So that we can test the soil to confirm whether there is any subsurface contamination. We can provide a copy of the proposed soil sampling to your office, Council Member Cumbo, and advise the neighbors as to where we've worked with OER to establish where sampling is going to occur. We will do that once the Phase 2 Sampling Protocol is approved by OER. We will then conduct the actual sampling. The results of that sampling have to be submitted to OER. If any contamination is found, we will have to remediate and—and clean up any contamination that exists before OER will sign off on the—the project, and that would be before we could pull a building permit for the proposed project. So, the site will be remediated if there is any contamination so that it's ensured that it is safe for the—the residents of the new building, but also part of the plan that is submitted for any remediation takes into consideration protection of surrounding neighbors making sure that during our soil borings, during any remediation activity, that we are taking the measures to prevent any

2 contaminates should they be there from adversely
3 affecting the surround community members.

4 COUNCIL MEMBER CUMBO: And how long to
5 your knowledge has this particular lot been utilized
6 as a parking lot?

7 JONATHAN RINESMITH: So, we researched
8 the Sanborn Maps, which are historical fire insurance
9 maps, and it appears it's been a parking lot since at
10 least 1965. There's a gap in the Sanborn Maps from
11 approximately the 1930s to 1965. So, we can't be
12 certain, but Sanborn Maps dating back 60 years.
13 Actually, it's been a parking lot.

14 COUNCIL MEMBER CUMBO: And in your
15 experience from doing this type of work, are spaces
16 that have been utilized for a parking lot for that
17 period of time, usually those types of lots that have
18 serious environmental concerns or are you finding
19 that it's usually more for industrial and
20 manufacturing spaces that were used previously?

21 JONATHAN RINESMITH: Typically, it is for
22 spaces that have been or properties that have been in
23 use for manufacturing activity. The property I will
24 say had at times been used to store some solvents
25 that were used by the—the prior owner in some of

2 their other properties in-on the block. We believe
3 that the property has been capped, but that is the
4 reason why-our-our Phase 1, which is just a visual
5 site assessment site assessment didn't recognize any
6 environmental conditions. Notwithstanding that, we
7 are mapping the E designation, which will require us
8 to actually do the borings and confirm whether there
9 is any subsurface contamination.

10 COUNCIL MEMBER CUMBO: I just want to-I
11 understand everything that you stated. I just want
12 you to work very closely, as you stated, with my
13 office, but certainly hand-in-hand with block
14 association around the environmental review process
15 so that the neighbors, the community, the block
16 association are well informed of the progress so that
17 they can have the peace of mind and comfortability as
18 construction is happening.

19 JONATHAN RINESMITH: Understood and we're
20 happy to do so.

21 COUNCIL MEMBER CUMBO: Can you talk to me
22 about the architectural design of the parking lot in
23 terms of how that's going to be structured and what
24 that's going to look like and--?

2 JONATHAN RINESMITH: So, the—the parking
3 lot will be a subsurface parking garage. We would
4 have one entrance on Bergen Street on the east side
5 of the building that would lead down to a ramp.
6 Currently, we're proposing self-parking because we
7 have enough space for those spaces to be—for cars to
8 maneuver in and out within the garage, and right now
9 we have 13 parking spaces. I think as I had
10 mentioned in the presentation, eight are required
11 under zoning.

12 COUNCIL MEMBER CUMBO: I think that's a
13 phenomenal aspect of this project because so much of
14 the development that we see developers are often
15 coming to waive their parking requirements. So, this
16 is really positive that—for this neighborhood that
17 that level of parking will be coming into the
18 community. Can you also talk about the, um, the—the
19 top. So, the—the roof will be utilized in what way?
20 For solar panels or will it be utilized or accessible
21 to the residents of the—of the building?

22 JONATHAN RINESMITH: So, the very top of
23 the building will be a combination. So, this will be
24 the fourth floor roof. It would be a combination of—
25 of solar panels provided it's economically feasible

2 for this size of a development, and a green roof. If
3 the solar panels don't prove to be feasible, it would
4 be an entirely green roof, but it would not be
5 accessed by the members of the building. The-the
6 third floor in the rear has a setback, the fourth
7 floor has a setback above the third floor, and the
8 front setbacks would be private terraces for members
9 who or residents who live in those units.

10 COUNCIL MEMBER CUMBO: And I just want-
11 my-my final question-

12 CHAIRPERSON MOYA: Sure.

13 COUNCIL MEMBER CUMBO: --on this. I want
14 to open it up to my colleagues. So, one of the main
15 things that happens in this process is that there are
16 many things that the residents would like to see
17 binding as part of the project. Often we can't make
18 everything that we'd like to see binding, but what we
19 do rely upon is the fact that the developer has a
20 previous track record and would also want to move
21 forward with doing other projects. In the city that
22 it would behoove them to have a good record of
23 adhering to what's provided in documentation,
24 understanding what residents in the district have
25 stated that they want to see as part of the project.

2 Can you talk a little bit about the developer's past
3 and some of the projects that they've done to
4 demonstrate that they are listening to the community
5 and we have a good understanding that they will also
6 continue to do so.

7 JONATHAN RINESMITH: Yeah, I think one of
8 the—the developer's recent projects would be in Fort
9 Greene on Adelphi street where they basically
10 purchased a dilapidated rundown church, and did a
11 significant amount of restoration in connection with
12 Landmarks' approval to preserve the church. The
13 church was located in an historic district, but not
14 an individual landmark, and really spent significant
15 resources to—to make this a beautiful place to live.
16 It was converted to residential, but they were able
17 to maintain the structural integrity of that church.
18 They used local Brooklyn companies to provide new
19 stained glass, and I think we bring that level of
20 commitment to—to our projects. The project—the
21 developer also owns 594 Dean Street, which is
22 actually located immediately behind the property.
23 There has been—concerns have been raised with—to us
24 about the—one of our tenants in that building, which
25 is the U.S. Post Office. We've been—we've heard the—

2 the considerations of the community. We have
3 repeatedly been speaking to the Post Office to try-
4 try to address some of the concerns. I think some of
5 the issues are contributed by the Pacific Park
6 Project, which has closed portions of Dean Street and
7 added to the congestion. That being said, we're
8 committed to a continuing dialogue with the Post
9 Office, but I would actually reach out and request
10 your assistance as well in trying to deal with the
11 Post Office, because they are a government-federal
12 government agency, and-and have not been as
13 responsive as I think we would like as well as some
14 of the members of-of the Dean Street Block
15 Association

16 COUNCIL MEMBER CUMBO: Certainly. Okay.
17 Thank you. I can't promise miracles there, but I
18 certainly will work with you.

19 JONATHAN RINESMITH: We appreciate that.

20 COUNCIL MEMBER CUMBO: Okay, that's the
21 end of my questions. I'm going to turn it back over
22 to the Chair for potential additional questions from
23 my colleagues.

24 CHAIRPERSON MOYA: Thank you. Is there
25 any questions? Nope. We have-- [background

2 comments, pause] Got it. Thank you very much.

3 We're done with this panel and we have Kate

4 Crossweller-Crossweller. She is from the Bergen and

5 Dean Street Block Association. [background comments,

6 pause]

7 KATE CROSWELLER: Hi. My name is Kate
8 Crossweller.

9 SERGEANT-AT-ARMS: Make sure the mic is
10 on please.

11 KATE CROSWELLER: Oh, I'm sorry.

12 SERGEANT-AT-ARMS: It's the green one.

13 KATE CROSWELLER: Is that better? Okay.

14 My name is Kate Crossweller. I'm here representing the

15 Bergen Street and Dean Street Block Association. We

16 have been, as Mr. Rinesmith said in discussion about

17 this development of 590 Bergen Street, I believe

18 Councilwoman Cumbo and Mr. Rinesmith covered quite a

19 few of the questions and concerns we have about the

20 development. The first being the scale of the

21 proposed development, and we do appreciate that in

22 the previous talks that the agreement that the

23 setback go to 15 feet and the dormers be removed to

24 help really keep this building in keeping with the

25 landmarked character of the adjacent historical

1 district. As Councilwoman Cumbo, um, said, we would
2 really love to see that this could be a binding
3 stipulation within the rezoning application so that
4 we have confirmation as the development goes forward
5 that this setback of 15 feet with the dormers can be
6 permanently set. We also, as you mentioned the roof
7 space, we want to also ensure that sort of minimal
8 structures or minimally visible structures are—are
9 set on the roof so that there is no disruption to
10 again the visual sight line of the landmark district.
11 Things like elevated solar panels, cabanas that could
12 lead to the overall extension of the height of the
13 building as seen by the street, we would be opposed
14 to. So, we'd really like the assurances of the
15 developer that—that any developments on the roof are
16 limited, and minimally visible from the streets. But
17 again, I think you covered some concessions that were
18 agreed upon on this topic. The other issue that you
19 touched upon is having the developer have access 24
20 hours sort of telephone access to the community
21 members. There have been a lot of issues, as you
22 also touched upon with the USPS and tenants of the
23 Dean Street, um, development and, um, the neighbors
24 continue to have issues with safety and disruption
25

1 from the tenants of the developer's building. So,
2 it's very important to us as a community that we have
3 access to help and responsiveness via this pathway of
4 communication as this development goes forward. So,
5 again, if that can be somewhat set or binding, it
6 would be really reassuring to the neighborhood or the
7 Dean Street development that has been done by this
8 developer has been problematic. And so, we just
9 would really like the community to have somebody that
10 can—that can be reached at all times as this
11 development goes forward. And then the third thing
12 that you—that we had concerns about, but also that
13 you touched upon was the environmental issues. Yes,
14 the lot has been used as parking over the decades but
15 also as you touched upon as chemical storage at
16 points. And so, we would really appreciate
17 partnership with the development [bell] as this
18 process goes forward, and this Phase 2 and
19 environmental sampling. So, we'd just like...we'd like
20 those three things that have been discussed to be
21 definitely followed through with, with this
22 development. Okay, thank you.

24

25

2 CHAIRPERSON MOYA: Thank you.

3 Councilwoman, Cumbo, would like to read a statement.

4 [background comments]

5 COUNCIL MEMBER CUMBO: Thank you, Chair

6 Moya. Thank you for allowing me to speak this

7 morning on behalf of 587-597 Bergen Street Rezoning.

8 I appreciate these opportunities when the public can

9 share their thoughts on the process and the

10 application. I thank you. It is meaningful to allow

11 the hopes and aspirations of our constituents to come

12 forward, and I would like to acknowledge Kate

13 Crossweller from Bergen Street as well as Alicia

14 Howard from Dean Street Block Association. As your

15 Council Member of the 35th District, I represent Fort

16 Greene, Clinton Hill, Prospect Heights, Crown Heights

17 and parts of Bedford-Stuyvesant. As you can see just

18 by naming those communities, we know that there's a

19 vertical boom that is sweeping all throughout our

20 area, particularly Downtown Brooklyn near Atlantic

21 Avenue and Fulton Street, and developers are moving

22 into the area, and very quickly changing the

23 landscape. But we must recognize where there are, in

24 fact, projects that come to the forefront that can

25 provide meaningful housing stock particularly

1 affordable units where we need the most in the 35th
2 Council District. I'm very pleased that this project
3 doesn't dramatically change the landscape. It's
4 contextual. It fits within the height requirements
5 within that particular area. We have met with the
6 developers and expressed the urgency by which the
7 dormers must be removed, and this was a stipulation
8 that the block association put forward, and I believe
9 that this partnership we're being able to come to an
10 agreement, shows a certain strong act of good faith.
11 I also appreciate the community and the developer
12 agreed on a good neighbor policy, and having a 24-
13 hour contact number during construction. And I think
14 that this is going to set a precedent throughout our
15 district in terms of what responsible development
16 looks like because so often development happens and
17 residents have no way to contact anyone about
18 anything from rat infestations all the way to garbage
19 removal, and the time in which work begins, which
20 changes from time to time. I'm also very pleased
21 about creating a plan that has fair affordable
22 housing and administered through a not-for-profit,
23 and we are working with the development team to
24 identify that not-for-profit that has deep roots in
25

1 the community is crucial to the success of the
2 project. And amenities and finishes for the MIH
3 units must be the same for those that are market
4 rate. So, that was also an important stipulation
5 that the block association and the community want to
6 make sure that there is consistency so that the
7 affordable units do not look different from the
8 market rate units. I'm pleased that we were able to
9 come to a strong compromise on the MIH option where
10 we are going to have between 8 to 10 of the 26 units
11 are going to be low-income and affordable units.
12 This is for those making between \$30,000 to \$70,000 a
13 year for a family of 4, which is a very important
14 opportunity for those at different income levels to
15 be a part of this process. I appreciate the
16 developer's choices to select green and sustainable
17 design feature and integrate the work of local
18 artists and/or artisans in the proposed development.
19 Many of you may know my background, and I certainly
20 like to see creativity as well as local artists that
21 are part of the community to be allowed the...the
22 opportunity to create creative spaces that are in
23 keeping with Brooklyn culture. Lastly, local hiring
24 and MWBE participation is essential, and it is our
25

2 collective responsibility to actively reach out to
3 the surrounding community including Minority and
4 Women Owned Businesses, small businesses and
5 entrepreneurs. We must take stock of innovative
6 companies that are entering the market as well as
7 industries where MWBEs have not previously operated
8 in, and figure out how to utilize their services.
9 This is the best way to ensure that MWBEs are
10 competing on a level playing field. Thank you for
11 allowing me to express my support for this
12 application. Hearing the commitments of the
13 developer has made this project meaningful for the
14 community and I thank everyone that has participated.
15 I particularly thank the block association for making
16 this a better project, a more responsible project,
17 and one that we can be proud of. Thank you, Chair
18 Moya.

19 CHAIRPERSON MOYA: Thank you,
20 Councilwoman Cumbo. Are there any members of the
21 public who wish to testify on this item? Seeing
22 none, we will now close the public hearing on these
23 items. I will now be calling a vote on all the all
24 the applications on our calendar. We will be voting
25 to recommend approval of LU 2, the Brown Sugar Bar

2 and Restaurant sidewalk café, and we will be voting
3 to recommend the approval of LU 3, the Bedford Avenue
4 commercial overlay application, and to recommend
5 approval with modifications of LUs 4 and 5, the
6 Bergen Street Rezoning. The modifications to LUs 4
7 and 5 is to eliminate the MIH Option 2 in order to
8 ensure that the development utilizes MIH Option 1.
9 Council Members Levine, Rodriguez and Cumbo support
10 these recommendations. We are also voting for—to
11 file LU 1 and the II Patino Sidewalk Café
12 application. This application was withdrawn after
13 the Department of Parks and Recreation determined
14 that the café would interview with their construction
15 project sidewalk. Are there any questions from the
16 members of the subcommittee? Seeing none, I will
17 call on a vote to approve LU 2 and LU 3, approve LU 4
18 and 5 with the modification I just described, and
19 file LU 1. Counsel, please call the roll.

20 LEGAL COUNSEL: Chair Moya.

21 CHAIRPERSON MOYA: Aye.

22 LEGAL COUNSEL: Council Member
23 Grodenchik.

24 COUNCIL MEMBER GRODENCHIK: Aye.
25

2 LEGAL COUNSEL: Council Member
3 Constantinides.

4 COUNCIL MEMBER CONSTANTINIDES: Aye on
5 all.

6 LEGAL COUNSEL: Council Member Lancman.

7 COUNCIL MEMBER LANCMAN: Aye.

8 LEGAL COUNSEL: Council Member Levin.

9 COUNCIL MEMBER LEVIN: Aye.

10 LEGAL COUNSEL: Council Member Richards.

11 COUNCIL MEMBER RICHARDS: Aye.

12 LEGAL COUNSEL: Council Member Rivera.

13 COUNCIL MEMBER RIVERA: Aye.

14 LEGAL COUNSEL: And Council Member

15 Torres.

16 COUNCIL MEMBER TORRES: Aye.

17 LEGAL COUNSEL: by a vote of 8 in the
18 affirmative, 0 in the negative and 0 abstentions, LUs
19 2 and 3 are approved, LU 4 and 5 are approved with
20 modifications, and LU 1 is filed, and all items are
21 referred to the Full Land Use Committee.

22 CHAIRPERSON MOYA: Thank you. The
23 meeting is adjourned. [gavel]

24

25

C E R T I F I C A T E

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



Date January 24, 2018