

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

----- X

September 5, 2018
Start: 9:56 a.m.
Recess: 11:38 a.m.

HELD AT: Committee Room - City Hall

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)

Nora Martins, Land Use Associate, Ackerman LLP

Danny Pyle, Proprietor, O'Neill's Restaurant

Allison Edda, Lifelong Neighbor of O'Neill's
Restaurant and Patron

Tom Brady, Lifelong Neighbor of O'Neill's Restaurant
and patron.

Tom McBride, Neighbor and Patron of O'Neill's
Restaurant

Jim McNamara, Neighbor and Patron of O'Neill's
Restaurant

Adam Rothkrug, Attorney, Rothrug & Spector, LLC

Eric Palatnik, Attorney, Eric Palatnik, PC

Jeremiah Candreva, Troutman Sanders LLC

Gary Spindler, LSC Development

Karl Rubenacker, Gilsanz Murray Steficek

Michael Kramer

2 [sound check] [pause]

3 CHAIRPERSON MOYA: Good morning. Today,
4 we are going to be holding public hearings on a
5 number of items. If you're here to testify on any of
6 the items on the calendar, please fill out a white
7 slip with the sergeant-at-arms, and indicate the name
8 of the application you wish to testify on, on that
9 slip. Our first hearing will be on the Preconsidered
10 LUs, O'Neill's Rezoning for property in Council
11 Member Holden's district in Queens. All of the
12 property in the rezoning area is currently zoned R4.
13 The zoning is to R5D-R5D and C2, and R4 & C2-2 would
14 bring existing buildings into zoning compliance, and
15 as to the project site located on the corner of 53rd
16 Drive and 65th Place would allow the enlargement of
17 O'Neill's restaurant in addition to a partial second
18 floor to be used for catering is proposed. I now
19 open the public hearing on this application, and I
20 would like to call up Nora Martins to testify.

21 [background comments, pause] Yeah. Counsel, will
22 you swear the applicant in? [pause]

23 LEGAL COUNSEL: Please state your name
24 and then make the affirmation. Do you swear or
25 affirm that the testimony that you're about to give

2 will be the truth, the whole truth and nothing but
3 the truth and to answer all questions truthfully?

4 NORA MARTINS: Nora Martins. I do. Good
5 morning, Chair Moya. Good morning everybody. Again,
6 my name is Nora Martins. I'm from Ackerman LLP
7 representing the applicant O'Neill's restaurant in
8 the proposed rezoning. You'll hear a little bit from
9 the owner shortly, but O'Neill's is a family-owned
10 and operated eating and drinking establishment in
11 Maspeth, Queens that's been operating at this
12 location for over 80 years. They have been a
13 neighborhood fixture holding functions like bridal
14 showers, baby showers in addition to normal
15 restaurant and bar capacity, and also hosting—hosting
16 many events for charities including NYPD and—and
17 service members, and they employ over 70 people
18 mostly from the local community. The proposed zoning
19 map amendment that's the subject of this application
20 would legalize any efforts (sic) to non-conforming
21 commercial establishments located in an R4 zoning
22 district that's not permitted as-of-right, and would
23 also permit a modest enlargement to the existing 1-
24 story restaurant. In addition to O'Neill's
25 Restaurant, the rezoning area includes seven other

1 properties, seven other adjacent properties at the
2 intersection, and it would legalize other non-
3 conforming commercial uses as well as bring a non-
4 compliant residential building adjacent to the
5 restaurant into greater compliance with the existing
6 zone. You can see on the area map the parcels that
7 are included within the proposed rezoning, which are
8 all located on—at the intersection of 53rd Drive and
9 65th Place. O’Neill’s is on the corner. This 4-story
10 multiple dwelling is located on 53rd drive next to
11 O’Neill’s and along either side of 65th Place.
12 They’re 2-story mixed-used commercial and residential
13 buildings. The area has be rezoned R—has be zoned R4
14 since 1961. This does not reflect the existing
15 conditions. The photos here show the existing 1-story
16 O’Neill’s restaurant along with the four-story
17 residential building, and these photos show either
18 side of 65th Place, the 2-story non-conforming mixed-
19 use buildings. The proposed zoning map amendment
20 proposed to change the existing R4 zoning District to
21 several different zoning districts to closely match
22 the existing development without facilitating
23 additional development other than a small extension
24 to the existing restaurant. The O’Neill site would

2 be rezoned to an R5D Zoning District with a C2-2
3 commercial overlay. The adjacent residential
4 property would be rezoned to an R5D without a
5 commercial overlay and then the other six properties
6 would be—would remain R4 but a C2-2 Commercial
7 Overlay would be mapped over those properties. The
8 Proposed Zoning Change Map illustrates these—these
9 zoning changes. The proposed development that would
10 be, I'll say that would be facilitated by the
11 rezoning, would be a partial second floor addition to
12 the restaurant approximately 4,335 square feet, and
13 will be used as an accessory banquet hall with a
14 maximum of 140 seats, and then enlargement would
15 increase the size of the existing restaurant to
16 12,530 square feet just under 1.5 FAR and the
17 proposed building height would be 25 feet 1 inch. The
18 site plan illustrates the proposed enlargement, which
19 would be about half of the existing footprint of the
20 building. It does not maximize the 2 FAR that we've
21 permitted under the proposed rezoning given the
22 constraints of complying with parking requirements.
23 No parking can be provided on site given the existing
24 buildings full footprint buildout. My last slide just
25 shows a proposed elevation of the proposed

2 enlargement of the restaurant. The Rezoning
3 Application was approved by Community Board 5 and by
4 the Queens Borough President with some conditions.
5 It's also approved by the City Planning Commission.
6 We've received letters in support from nine neighbors
7 that are immediately across the street, or adjacent
8 to the property. A petition with more than 200
9 signatures in support as well as about 70—over 70
10 comments in support that were submitted to City
11 Planning, and that's in addition to public testimony,
12 and support that was given throughout the public
13 hearing process. That concludes my presentation, and
14 I'm happy to answer any questions.

15 CHAIRPERSON MOYA: Thank you. I just
16 have two quick questions. Just can you go back and—
17 and—and talk a little bit about what's being done to
18 alleviate the parking concerns in the neighborhood?

19 NORA MARTINS: Yes. So, throughout the
20 process parking has been a concern. I think it's
21 sort of an existing condition concern in the
22 neighborhood, and so O'Neill has been striving to be
23 a good neighbor has committed to—they—they use valet
24 parking. That's how they accommodate their parking
25 needs, and they've committed to identifying several

2 other locations where they could put additional
3 parking, locations in the—in the neighborhood in the
4 event of larger functions that would utilize for
5 example the new proposed banquet hall on the second
6 floor. They've identified five locations that could
7 accommodate together over 130 cars as necessary.

8 CHAIRPERSON MOYA: Okay, and you can
9 confirm that it's only going to be used for
10 commercial purposes?

11 NORA MARTINS: The proposed—the existing
12 sites?

13 CHAIRPERSON MOYA: Yes.

14 NORA MARTINS: Yes. Yes, yes, the
15 restaurant has been there for 80 years. It was
16 actually recently rebuilt only a few years ago after
17 a significant fire. So, it's a big investment. It's
18 family owned and—and they intend to keep it
19 commercial and purpose ready.

20 CHAIRPERSON MOYA: Okay thank you.

21 NORA MARTINS: Thank you.

22 CHAIRPERSON MOYA: The next panel I'd
23 like to call Dan Pyle, Allison Granada, Tom Proddy
24 (sp?) Jamie McNamara and Tom McBride. [background
25

2 comments, pause] Thank you. You can just state your
3 name and you can begin.

4 DANNY PYLE: [off mic] Okay, just press
5 the button?

6 CHAIRPERSON MOYA: You have to press the
7 button.

8 DANNY PYLE: Okay, okay. Hello. How are
9 you doing? I'm Danny Pyle. I'm the proprietor at
10 O'Neill's. My family has run this place for over 70
11 years. I've been running it myself for about 25.
12 We're a, you know, a staple in the neighborhood.
13 We're a neighborhood place that, you know, goes hand
14 in hand with Maspeth. If you've heard of Maspeth,
15 you've heard of O'Neill's. We're—we're involved in
16 the neighborhood from the Lion's Club, Chamber of
17 Commerce, Kiwanis Club. Do all their functions.
18 We're members. We get involved with, you know,
19 whatever is best for the neighborhood. Involved with
20 the schools, sponsoring. You know we just do a lot
21 of stuff like that. We also get involved with the
22 NYPD. We have their Widows and Orphans Christmas
23 part there every year. We also do functions with
24 Saint Jude. Every year we do a big Saint Jude event.
25 So, you know, we give a lot. We try to do the, you

2 know, how best to help people in the neighborhood.
3 As it's a good strong family orientated neighborhood
4 and place. So, there's a big demand for catering,
5 and with this second floor it's going to help us and
6 the neighborhood, you know, with that, and it's going
7 to create more jobs and, you know, we're just, you
8 know, looking forward to possibly, you know moving
9 forward with this project.

10 CHAIRPERSON MOYA: Thank you.

11 DANNY PYLE: Thank you.

12 ALLISON EDDA: Good morning. My name is
13 Allison Edda. I live across the street from
14 O'Neill's. My family has owned the house for several
15 generations. I myself have lived there since I was a
16 kid. I've been going to O'Neill's since I was a kid
17 with my father when it was smaller. It's been a
18 fixture in the neighborhood as long as I've been
19 there. I've used their services for my daughter's
20 showers, communions, all different plays throughout
21 the years. So, has most of my family members. As
22 someone who lives directly across the street in one
23 of the only private houses literally across the
24 street, I have never experienced any issues with
25 parking or anything outside of the norm. We've had

2 issues when they were closing (sic) this parking, but
3 nothing has gotten any worse. I would say that it
4 stayed pretty much the same. They do a lot of
5 charity events through the community. I've seen
6 those first. It's—it's a great place. It's fairly
7 quiet. I mean I eat there all the time. I go there
8 because it's a nice quiet place to be. It's a lot of
9 neighborhood people, and we don't really have any
10 trouble out there, not that I've ever seen. That's
11 it. I think a second floor would be great. I think
12 it will bring—bring more business to the
13 neighborhood, and I think it would be an awesome
14 idea.

15 CHAIRPERSON MOYA: Thank you.

16 TOM BRADY: Good morning. [coughs] My
17 name is Tom Brady. I also live across the street
18 from O'Neill's at 5417 right on 65th Place. I'm a
19 lifelong resident of Maspeth and have lived there for
20 61 years. This morning I not only speak for myself,
21 but I speak for my mother Florence Brady who's 90
22 years old and owned that home since 1940. [coughs]
23 We live directly across the street from O'Neill's,
24 like I say. I come here before you this morning to
25 express our approved—approval of the site addition

2 and rezoning. O'Neill's has been a part of the
3 community since 1933. [coughs] As-[coughs] as well
4 as an outstanding neighbor. We have seen first hand
5 over the years the many functions and benefits that
6 are held there. Although there are many, most
7 noteworthy is are what they do for the children and
8 widows of the FDNY, the NYPD [coughs] as long as-as
9 well as Saint Jude's. In closing, I would like to
10 thank you for your time letting me voice my opinion
11 in this matter. I hope you will take into
12 consideration all I have told you this morning-

13 CHAIRPERSON MOYA: [interposing] Thank
14 you

15 TOM BRADY: --in your decision

16 CHAIRPERSON MOYA: Thank you.

17 TOM MCBRIDE: Good morning. My name is
18 Tom McBride. I live at 5348 65th Place right around
19 the corner from O'Neill's. I've been living there
20 about-I've lived in that neighborhood for about 10 or
21 15 years. I'm a Local 3 Electrician and since
22 unfortunately we had that catastrophe down around the
23 corner on 9/11, this man has been helping everybody
24 survive through that. He had functions, you have
25 benefits, you have things that go on without the

1 community. Without this—without this place, it would
2 be a lot more different. As far as the parking goes,
3 I hear that's a big issues. Every time you go to one
4 of these things, I worry about parking, parking. I
5 live in a community driveway. I can tell you right
6 now that there's 15 houses that rent their spaces to
7 commercial companies to help provide for their
8 income. Now, whether that's good or bad for the
9 community or for that person, that's not for us to
10 call, but for them to keep using this as kind of like
11 a scapegoat to say that he steals parking spaces, it
12 seems very inconsiderate and kind of foolish.

13 Everybody in that community if you live in a
14 community driveway, you have a 2-car garage and two
15 spaces behind your house. If you have enough people
16 to pick up those four spaces that's a lot, but you're
17 not parking out in the street. He's not stealing
18 spaces [siren in background] from the street. He's
19 got a valet service that parks in the community down
20 on Maurice Avenue and places where it's more
21 commercialized to help—to help the people of the
22 neighborhood not have this issue. So, I understand
23 that there is an opposition about that, but again,
24 with the jobs he's going to create, the taxes you're
25

2 going to get from it, and the actual community that
3 is come together more and have that more of a benefit
4 to have him be able to provide. There's--there's no
5 answer for me but to let this happen. I hope you all
6 approve and see what's going to happen in the next
7 couple of years.

8 CHAIRPERSON MOYA: Thank you.

9 Good morning. My name is Jim McNamara.
10 I just want to reiterate what they have said. It's
11 been a staple of the neighborhood for over 100 years.
12 I can't say enough good things about the O'Neill's
13 and the Pyle Family, and I would just love to see
14 this go through for him to expand the restaurant.
15 It's good for the neighborhood. It's good for
16 everybody. Thank you.

17 CHAIRPERSON MOYA: Thank you. As a
18 lifelong Queens resident and someone who has visited
19 your establishment, we wish you lots of luck and
20 thank you for coming here to testify in front of us
21 today. Thank you.

22 DANNY PYLE: Thank you. Thanks guys.
23 Okay.

24 CHAIRPERSON MOYA: Are there any members
25 of the public who wish to testify on this item?

2 Seeing none, I now close the public hearing on this
3 application, and it will be laid over. [pause]
4 [background comments] Okay, we will now go back to
5 vote on several applications that we previously
6 heard. We will vote to approve LUs 188 and 189, the
7 5563 Summit Street Application in Council Member
8 Lander's district in Brooklyn. The applicant PHD
9 Summit, LLC seeks to rezone the property from M1-1 to
10 R6B, and apply MIH Options 1 and 2. The rezoning
11 will facilitate the development of approximately 14
12 apartments, and community facilities with four to
13 five affordable units depending upon the MIH Option
14 chosen. We will be voting to approve with
15 modifications LUs 190 and 191 the 205 Park Avenue
16 Rezoning of the property in Minority Leader/Member
17 Cumbo's district in Brooklyn. Applicant 462
18 Lexington Avenue, LLC seeks to—seeks to rezone the
19 property from an M1-2 to an R7D/C2-4, and to apply
20 MIH Options 1 and 2. Modifications to the Zoning
21 text will be removed—will be to remove MIH Option 2,
22 and to add the deep affordability option. This was—
23 this will facilitate the development of a 8-story
24 mixed-use building with approximately 17 affordable
25 units under MIH Option 1. We will be voting to

2 approve 5 Bement Avenue Rezoning, LUs 195 for
3 property in Council Member Rose's district in Staten
4 Island. Applicant Pelton Place LLC seeks—seeks an
5 extension of an existing C2-2 Commercial Overlay to
6 the project site to facilitate the development of a
7 one-story commercial retail building with accessory
8 parking. I will now call for a vote in accordance
9 with the recommendations of the local Council Members
10 to approve LUs 188, 189, 190 and 195, and to approve
11 with the modifications I have described for LU 191.
12 Counsel, please call the roll.

13 LEGAL COUNSEL: Moya.

14 CHAIRPERSON MOYA: Aye on all.

15 LEGAL COUNSEL: Constantinides.

16 COUNCIL MEMBER CONSTANTINIDES: Aye on
17 all.

18 LEGAL COUNSEL: Lancman.

19 COUNCIL MEMBER LANCMAN: Aye

20 LEGAL COUNSEL: Rivera.

21 COUNCIL MEMBER RIVERA: Aye.

22 LEGAL COUNSEL: Grodenchik.

23 COUNCIL MEMBER GRODENCHIK: Aye.

24 LEGAL COUNSEL: The Land Use items are
25 approved by a vote of 5 in the affirmative, no

2 negatives and no abstentions, and we will leave the
3 vote open. [pause]

4 CHAIRPERSON MOYA: Our next hearing will
5 be on Preconsidered LU 3122 and 3136 Victory
6 Boulevard Application for property in Council Member
7 Matteo's district in Staten Island, Applicant C&A
8 Realty Holdings, LLC seeks a rezoning a rezoning to
9 replace an existing R3X C2-2 district with a C8-1 to
10 legalize an existing automobile repair establishment,
11 and to increase the size of the facility. I now own
12 the public hearing on this application, and I'd like
13 to call up Adam Rothkrug.

14 ADAM ROTHKRUG: Thank you. Wait a
15 second. Counsel, please swear the panel.

16 LEGAL COUNSEL: Okay. Before answering,
17 please state your name. Do you each swear or affirm
18 that the testimony that you're about to give will be
19 the truth, the whole truth and nothing but the truth
20 and to answer all questions truthfully?

21 ADAM ROTHKRUG: I do.

22 ROBERT SCHUSTER: I do.

23 ADAM ROTHKRUG: [off mic] Just say your
24 name.

2 ROBERT SCHUSTER: Robert Schuster,
3 Project Architect.

4 ADAM ROTHKRUG: Say I do.

5 ROBERT SCHUSTER: I do.

6 CHAIRPERSON MOYA: You may—you may begin.

7 ADAM ROTHKRUG: Thank you Chair Moya and
8 members of the Council. This application is made on
9 behalf of C&A Realty Holdings, the owner of the
10 development site for a zoning map amendment from R3X,
11 C2-2 to C8-1. The proposed project area is located
12 in the Bulls Head section of Staten Island, Community
13 District—Community District No. 2 and includes one
14 development site at 3122 to 30 Victory Boulevard
15 between Richmond Avenue and Jones Street, and it
16 includes two additional sites not owned by the owner
17 also proposed to be included in the rezoning. The
18 owner's site consists of three sites. Non-conforming
19 automobile uses were established on the main site
20 prior to 1961, and it's a legally non-conforming use
21 at the present time. It has a C of O dating back to
22 1948 for a garage and five—for five commercial
23 vehicles, and in 1987 started use as a repair shop.
24 The Victory Auto Center has been operating at this
25 location for 30 years serving the local community,

1 and the rezoning is sought to permit the expansion of
2 their existing repair shop. They do Geico work on
3 Staten Island and badly need the proposed addition.
4 They have two other sites adjacent. One was
5 previously used as a car wash, which was approved by
6 the Board of Standards and Appeals. That approval
7 expired and they're using it for accessory parking
8 now, and they have another parking lot that they have
9 been using to store vehicles seeking repair. This
10 area was rezoned in 2011 when the city added a
11 commercial—a C2-2 Commercial Overlay as part of the
12 commercial corridor rezoning on Staten Island. This
13 C2-2 while permitting commercial use didn't reflect
14 the auto uses that are predominant on this side of
15 Victory Boulevard. So, it didn't leave CNA or the
16 Victory Auto Center with the ability to enlarge their
17 existing facility. The existing—their existing
18 building is about 5,000 square feet in area, and the
19 proposed rezoning would permit them to approximately
20 double the size. We're not proposing any new spray
21 booths. It will be used purely for predominantly
22 insurance company auto repairs of the vehicles. The
23 owners Cesar Arlear (sic) and Anthony Lacava are here
24

2 as well as the Architect Robert Schuster to answer
3 any questions that the Council may have. Thank you.

4 CHAIRPERSON MOYA: Council Member Matteo.

5 COUNCIL MEMBER MATTEO: Thank you, Mr.
6 Chair. Thank you both for coming. I-I-I have some
7 concerns and some questions I just want to go over.
8 As you know, the-one of the first issues that we
9 talked about in the past were the issue of billboards
10 and deed restrictions. The borough president and I
11 have-we're on the same page about filing deed
12 restrictions so billboards aren't placed like they
13 are in Route 9, Jersey or even Highland Boulevard in
14 my district. So, I just want to know where we are in
15 that process.

16 ADAM ROTHKRUG: Sure. So, um, this issue
17 came to light at-when we met with the Borough
18 President's Office we hadn't even considered it. We
19 obviously have no desire and intent to erect any
20 billboards, but obviously the Council is concerned
21 and everyone is concerned with the other owners. So,
22 we've been working with the two other affected
23 property owners, and with Borough President's Office
24 to-come up with a restricted declaration that would
25 be recorded against the properties that would limit

2 the placement of any signage to the current C2-2
3 regulation so that no billboards would be permitted.
4 We don't have a signed agreement yet, but we're
5 working very hard and we know that that's important
6 to the Council that we have that in place before a
7 vote on this matter.

8 COUNCIL MEMBER MATTEO: Are the other two
9 owners a part of the application, or are you're
10 dealing with them as--

11 ADAM ROTHKRUG: [interposing] These--

12 COUNCIL MEMBER MATTEO: --sort of like--
13 like a subcontractor or--?

14 ADAM ROTHKRUG: Yes. So, the other two
15 owners' property was included at the suggestion in
16 determining where to draw the zoning lines from City
17 Planning. They are not actively involved as part of
18 the application. It's a small island and a small
19 block. So, we know the other owners. We've
20 discussed the situation with them. With regard to
21 the owner next to us, he has a non-conforming car
22 wash. So, he is stuck with us under the current
23 zoning not being able to enlarge it or make any
24 improvements to this property. So the C8 District
25 helps him a lot as well as us by allowing him to

1 expand. So, he's been very amenable to agreeing to
2 this restriction on signage. He has no desire to put
3 billboards. The Tim Hortons, the owner of the Tim
4 Horton's property on the corner that owner we're
5 continuing to work with. They have no desire or need
6 to put billboards, but, you know, they've been a
7 little harder to negotiate with regard to signing an
8 actual restrictive declaration. So, because of the
9 holiday we were a little delayed, but we're actively
10 working with both those owners, and have been keeping
11 the Council—the Council advised as to our progress.

12
13 COUNCIL MEMBER MATTEO: Okay, good.

14 Let's keep in communication about that. I don't know
15 if you said it before I got here. I was in a meeting
16 downstairs, but do you have any—I mean anything with
17 the rezoning? Do you have a project that you're
18 considering right now, or is this just for the
19 future? Is this expansion? Have you filed anything?

20 ADAM ROTHKRUG: No, we have an actual
21 project. It involves about a 5,000 square foot
22 enlargement to the existing facility. So, yeah, we
23 have plans that we've shared with the Community Board
24 and Borough President.

2 COUNCIL MEMBER MATTEO: I just wanted to
3 get it on the record so that we have here.

4 ADAM ROTHKRUG: Absolutely.

5 COUNCIL MEMBER MATTEO: So, a big issues
6 for me and I think you—everyone has an understanding
7 of where I am on—on a widening here. It's—it's a
8 very, very big issue from here. The Tim Hortons on
9 the corner has a widening at the intersection that
10 has been extremely beneficial to traffic congestion.
11 This intersection and—and the thoroughfare Victory
12 Boulevard and Arlene's is very congested. We have
13 parking lots coming out from the—the McDonald's right
14 across the street that people make illegal lefts and—
15 and right. So, um, so much so that DOT at one point
16 wanted to ban lefts, which we fought against to turn
17 on Richmond Avenue. With that said, I think there is
18 certainly a need, an opportunity here to widen
19 Victory Boulevard as part of this project. It's
20 something that I am 110% in favor of. So, I want to
21 hear from you where you are on that, and have you
22 spoken with DOT? Have you provided the BPP an
23 application? Where are we on that?

24 ADAM ROTHKRUG: So, in connection with
25 filing for a sewer permit, we had previously filed

1 the BPP and the DOT had not required a widening of
2 our property, but we went through the hearings, and
3 meetings, and obviously we're all familiar with this
4 intersection. So, that we understand your desire to
5 have the—to have the widening done at this point.
6 So, we are—with regard to our property, we're
7 amenable to doing whatever DOT says you have to—we
8 have to do, and would have to be done as part of our—
9 and proposed enlargement. We have not been able to
10 meet with DOT yet to discuss the amended BPP. We are
11 hoping we will have a meeting with Mr. Caccolla this
12 week, and our—and our engineer. Once we know what—
13 what DOT envisions as far as the widening and how
14 it's going taper into the existing widening, then we
15 can also go to our neighbor, the car wash again, and
16 discuss with him what it—what the impact would be on
17 his property. Obviously, if he wants to improve his
18 property in the near future, he would have to do the
19 widening also. If we can do the whole thing at once
20 now, that would be—obviously be our desire but, you
21 know, our position has always been we will do
22 whatever DOT requests, and hopefully, as I said,
23 we'll have that meeting this week. I know that
24 Commissioner Caccolla is aware that this project is
25

2 in the midst of active hearings and he's been
3 cooperative. Again, just due to vacation schedules,
4 it's been delayed. So, once we have that meeting and
5 can resolve what they're looking for, you know, we're
6 obviously happy to cooperate, and again, we're hoping
7 to be able to convince our neighbor at the car wash
8 to cooperate. The widening has already been done by
9 the Tim Horton property. So, there's--

10 COUNCIL MEMBER MATTEO: [interposing] So,
11 the neighbor--the--the other owner, the car wash owner
12 is not--you haven't discussed this year with him or--?

13 ADAM ROTHKRUG: We--we have discussed it
14 in theory. Again, the problem is that since we don't
15 know how the widening would lay out, right now we
16 haven't been able to give them anything concrete.
17 So, we're hoping after we meet with the--Commissioner
18 Caccolla, that then we can have some substantive
19 discussions.

20 COUNCIL MEMBER MATTEO: Yeah, we'll be in
21 touch with the Borough Commissioner. I think he just
22 came back--

23 ADAM ROTHKRUG: [interposing] Yes.

24 COUNCIL MEMBER MATTEO: --from vacation
25 today.

2 ADAM ROTHKRUG: He just did, and then our
3 engineer was away for week.

4 COUNCIL MEMBER MATTEO: Well, what is
5 paramount for me? So, we need to have further
6 discussions as we move forward in this process. I-I
7 thank your coming and for answering my questions, and
8 we will certainly have much more discussions moving
9 forward.

10 ADAM ROTHKRUG: Thank you for your help.

11 COUNCIL MEMBER MATTEO: Thank you, Mr.
12 Chair.

13 CHAIRPERSON MOYA: Thank you. Thank you
14 very much for your testimony. Before I call up the
15 next panel, I want to acknowledge the always punctual
16 Ritchie Torres, and Steve Levin. Also, Antonio
17 Reynoso are here today. Thank you so much.

18 ADAM ROTHKRUG: Thank you, Councilman.

19 [background comments]

20 COUNCIL MEMBER MATTEO: Got it. Always.

21 MALE SPEAKER: [background comments,
22 pause]

23 CHAIRPERSON MOYA: Well, we're moving on
24 now thank you. So, we are going to open up the—the
25 vote. Counsel, please call the roll.

2 LEGAL COUNSEL: Vote to approve Land Use
3 Items 188, 189, 190, 195 and to approve 191 with
4 modifications. Levin.

5 COUNCIL MEMBER LEVIN: Aye on all.

6 LEGAL COUNSEL: Reynoso.

7 COUNCIL MEMBER REYNOSO: Aye on all.

8 LEGAL COUNSEL: Torres.

9 COUNCIL MEMBER TORRES: I vote aye on
10 all.

11 LEGAL COUNSEL: The vote stands at 8 in
12 the affirmative, no negative no abstentions [pause]
13 and we'll leave the vote open.

14 CHAIRPERSON MOYA: Thank you. Now, we
15 are going to--[background comments, pause] Our next
16 hearing will be on the Preconsidered LUs 1881 and
17 1883, McDonald Avenue Rezoning for a property in
18 Council Member Yeger's district in Brooklyn.
19 Applicant Quentin Plaza, LLC seeks to rezone property
20 from R5 to R7A, C2-4 and apply MIH Options 1 and 2 to
21 the rezonings, are to facilitate a new 8-story
22 building with approximately 35 apartments and ground
23 floor commercial space with approximately 11
24 affordable units under MIH Options 2. I now open the
25 public hearing on this application, and I will call

2 up the panel of Eric Palatnik. [background comments,
3 pause]

4 ERIC PALATNIK: Good morning.

5 CHAIRPERSON MOYA: And Counsel, please
6 swear in the panelist.

7 LEGAL COUNSEL: Do you swear or affirm
8 that the testimony that you're about to give will be
9 the truth, the whole truth and nothing but the truth
10 and that you will answer all questions truthfully?

11 ERIC PALATNIK: I do. Good morning.
12 Good morning. Thank you. Eric Palatnik. I don't
13 know if the presentation is up on your board. I
14 don't see it on the--on the electronics. Would you
15 like it? I have an extra USB if anybody would like
16 to--would like this stuff. Okay. So, the application
17 we're presenting to you are rezoning. I'm sure
18 you're familiar with it. It's at the corner of
19 Quentin and McDonald Avenue. It's a rezoning from a--
20 I have actually one, too. How are you? [background
21 comments, pause] I have handouts, too. Would you
22 like me to hand this to you? Okay.

23 LEGAL COUNSEL: Yes, it's okay. Thank
24 your. [background comments, pause] I just went on
25 vacation with my kids. I spent everything

2 technological they did for me. So, not even have to
3 touch anything like this. It is great. [pause]
4 They proceeded to tell me my iPhone 6 is outdated,
5 and I was happy to have an iPhone. There we go.

6 FEMALE SPEAKER: This is a hefty.

7 ERIC PALATNIK: Great. Alright, great.

8 Alright, so now a picture is worth a thousand words
9 right. So good morning again. We'll start over. My
10 name is Eric Palatnik. I'm an attorney representing
11 the owner of the property, and we hope everybody had
12 a great summer vacation. It's a rezoning as you can
13 tell from R5 to R7A with a C2-4 overlay, which we
14 believe is really appropriate here at this location
15 on McDonald Avenue, which is across from a C8
16 district. It's--this stretch of McDonald has long
17 been under-developed. It's really had more of a
18 haphazard manufacturing automotive heritage and has
19 resulted on this development site as well as the one
20 across the street that's within the rezoning area of
21 1 and 2-story mid-Century buildings that are rather
22 under-utilized. So, we're up against, as you could
23 tell, of course, they elevated well with the F Train.
24 We're a block away from the train station at Avenue
25 P, and we presented this application for a rezoning.

1 It will, if approved will allow for a 48,000 square
2 foot building that will—a residential building and a
3 42,000 square feet of residential floor area, about
4 5,000 square feet of commercial floor area, the
5 ground floor, 15 parking spaces at the cellar. It
6 will be a partially affordable building. It will
7 have Option 2 as we're proposing at 80% AMI, and Tim
8 Hensley who has prepared the—the affordability matrix
9 is here to speak to you about that more if you have
10 any questions. Going through just the presentation,
11 we could see here we have the area highlighted on the
12 left is the existing zoning at R5 in the OP sub-
13 district and ours is on the right is the proposed
14 showing you the two corners to be R7A. You'll note
15 across the street it's CA2, which is what I was
16 speaking to before about McDonald Avenue. It's
17 really a mix. You've got R5 on one side of the
18 Street and CA2 on the other, and it's really a
19 leftover from 1961. There again you could just see
20 the area in question on it—the rezoning area on the
21 tax map, and nothing new for you to see here and the
22 area map, and I'll just bring you in a little bit
23 onto the property. This shows you the rezoning sites
24 that are in question. On the top right you have the
25

2 lower site which is an Anderson Windows building.
3 It's called Brook-Brooklyn Windows and Doors, and
4 then clicking through if this can catch up. These
5 are some of the development sites around us, and the
6 taller buildings in the area and this is the
7 development on the top. Well, excuse me. There's-
8 I'll get to the developments. Right, here you go.
9 This is a view of the development site from McDonald
10 Avenue. You can see what I was speaking to before,
11 sort of a mix and match of buildings that have been
12 built over the last-the early part of the last
13 century. You have a guy that makes hats on the top
14 floor, a rather older gentleman who's ready to
15 retire, and that's his shop down in the lower left
16 corner as well where he's got shoes. This the site
17 next door to us. It's a four-story building. As you
18 could tell, it's just more shots of-of the elevated
19 rail. This is the development site itself. This
20 gives you the generic information about the
21 development. It's an 8-story building. As I said
22 before, it 48,000 square feet of floor area. Going
23 to the afford-the affordable units as you can see
24 down in the lower left corner, there will be a total
25 of 35 dwelling units, 11 of which will be

2 affordable.. This sheet I will allow you to look
3 through on your own. It gives you the matrix to the
4 affordability. The same here and this just starts to
5 walk you through the floor plan, which I'll be happy
6 to go into and the architect is here as well to go
7 through it. I'll bring you to the end where you
8 could start to get some imagery to build and get an
9 idea for what it will look like. This gives you a
10 view from Quentin. It shows you on the right side.
11 We have a generous setback. That's up against the R5
12 district. So it's a 50...there's actually a—a 36-foot
13 separation at that point, but you could also see
14 there the garage door that will be to the parking
15 area, and you can also see some of the—the
16 residential entrance right there as well. This gives
17 you another view of it from McDonald looking at the
18 corner of Quentin, and this is a shot looking at the
19 streetscape from McDonald. That's a view from above
20 a bird's eye view. I'd be happy to answer any
21 questions anybody may have. Our Development Team is
22 here, and thank you very much for your time.

23 CHAIRPERSON MOYA: Thank you. Just a—
24 just a few questions. How many tenants would be
25 displaced as a result of this development project?

2 ERIC PALATNIK: There is one house that
3 has a large family. It has—it appears multiple
4 people—multiple people living within the building.
5 We don't know if they're all related or not. There's
6 about 10 people within that—within that space.
7 That's the building that will be the home that I
8 showed you before.

9 CHAIRPERSON MOYA: So, they're selling
10 the home or—?

11 ERIC PALATNIK: No, the home is a rental.
12 They—they're on a month-to-month tenancy right now
13 with the owner.

14 CHAIRPERSON MOYA: Got it. Are there any
15 relocation plans for those tenants?

16 ERIC PALATNIK: Yes. The owner of this
17 building also owns other properties and he's making
18 available to them other units within the area. So,
19 he'll be attempting to relocate them if they're happy
20 with it, and I'm sure—I'm sure it will actually much
21 nicer than what they are in right now.

22 CHAIRPERSON MOYA: And can you just go
23 over the AMI ranges for the development again for me?

24

25

2 ERIC PALATNIK: Sure and Tim Henzie is
3 her if I can invite him to come up as well, if you'd
4 like.

5 CHAIRPERSON MOYA: Sure.

6 ERIC PALATNIK: He actually prepared
7 them. Tim, if you—actually, it would be better if
8 you speak to this issue since you're here.

9 TIM HENZIE: Is this working now? Is
10 this working? Good morning. My name is Henzie.

11 CHAIRPERSON MOYA: One—one second. Just—
12 the Counsel will swear you in.

13 ERIC PALATNIK: Have to be sworn in.

14 LEGAL COUNSEL: Do you swear or affirm
15 that the testimony you're about to give will be the
16 truth, the whole truth and nothing but the truth and
17 that you will answer all questions truthfully?

18 TIM HENZIE: I do. Thank you. So, I did
19 the—I worked with Eric to work—do the distribution
20 under Option 2 of the MIH Program. So, we have
21 identified 11 of the 35 units as affordable, and with
22 an average AMI range of 80% AMI. Right now we are
23 showing units at 60% AMI and those include two-two-
24 two 2-bedrooms and one 3-bedroom. We have four units
25 at 80% AMI and that's three 2-bedroom units, and one

2 4-bedroom unit, and we have four units at 100% AMI
3 and that is one 1-bedroom, and three 2-bedrooms.

4 CHAIRPERSON MOYA: Okay.

5 ERIC PALATNIK: And—and I also, Chairman,
6 that you're taking notes. The handouts that came to
7 you have a—what I call a cheat sheet, an old school
8 cheat sheet on top of it, and that's got at the
9 bottom of it all the pertinent information that Mr.
10 Henzie just spoke to. So, he—for ease of your note
11 taking.

12 CHAIRPERSON MOYA: Thank you.

13 TIM HENZIE: Thank you.

14 CHAIRPERSON MOYA: Thank you both.

15 ERIC PALATNIK: Thank you.

16 CHAIRPERSON MOYA: Thank you. I'd like
17 to call up the next panel. Roslyn Gal--

18 ERIC PALATNIK: [interposing] If I may,
19 these—this is the architect and the Environmental
20 consultant. So, if you don't have any further
21 questions for them, they—they don't—

22 CHAIRPERSON MOYA: Hi—Hiram Roth--

23 ERIC PALATNIK: [interposing] Rothkirk.

24 CHAIRPERSON MOYA: Yeah. No, that's it.

2 ERIC PALATNIK: Okay, great. Thank you
3 very much. Thank you for your time.

4 CHAIRPERSON MOYA: Thank you. [background
5 comments, pause] Alright, are there any members of
6 the public who wish to testify on this item or the
7 previous item on Victory Boulevard? Seeing none, I
8 now close the public hearings on both applications,
9 and they will be laid over. [pause] Our next
10 hearing will be on Preconsidered LU 27 East Fourth
11 Street, the property in Council Member Rivera's
12 district in Manhattan. Applicant [background
13 comments] Kalodop Park Corporation seeks a zoning
14 text amendment to Special Permit 74-712 and seeks two
15 special permits under that section to allow a
16 transient hotel and retail use at the project site
17 and to modify bulk regulations to allow the proposed
18 building to reach a height of 90 feet without
19 setback. [background comments] and now I'm going to
20 call up the—the panel. Jeremiah Can—Candrum—

21 JEREMIAH: [interposing] Candrevea. Yes.

22 CHAIRPERSON MOYA: Candreva, Sorry.
23 Michael Kramer.

24 MICHAEL KRAMER: Here.

25

2 CHAIRPERSON MOYA: Gary Spindler and Karl
3 Rod-Rubenacker.

4 MALE SPEAKER: [off mic]

5 CHAIRPERSON MOYA: Oh, I'm sorry. Thank
6 you. Alright, Counsel will you please swear in the
7 panel.

8 LEGAL COUNSEL: Before responding, please
9 each state your name. Do you swear or affirm that the
10 testimony that you're about to give will be the
11 truth, the whole truth and nothing but the truth, and
12 that you will answer all questions truthfully?

13 JEREMIAH CANDREVA: I do.

14 LEGAL COUNSEL: Please state your name
15 into the mic and say you do?

16 JEREMIAH CANDREVEA: Jeremiah Candreva. I
17 do.

18 LEGAL COUNSEL: Please hit the red
19 button. Thank you.

20 JEREMIAH CANDREVA: Jer-Jeremiah
21 Candreva. I do.

22 GARY SPINDLER: Gary Spindler. I do.

23 KARL RUBENACKER: Karl Rubenacker. I do.

24 MICHAEL KRAMER: Michael Kramer. I do.

25 CHAIRPERSON MOYA: You may begin.

2 MICHAEL KRAMER: Okay, thank you.

3 CHAIRPERSON MOYA: You may begin.

4 MICHAEL KRAMER: Okay, thank you. Just
5 trying to see when it's a full screen. Okay. Thank
6 you. 27 East Fourth Street is a one-story existing
7 building. It's in the—it's in the Noho Historic
8 District Extension. We have been going through the
9 process of approval since 2011 with Landmarks and
10 City Planning, and with the oversight from Buildings
11 and the Parks Department, and I'm going to ask Jer to
12 describe the—the Land Use matter that's before you
13 today.

14 JEREMIAH CANDREVA: Thank you, Michael.

15 Mr. Chairperson and members of the committee thank
16 you for providing us with the opportunity to testify
17 to day on this proposal. The proposal before you is
18 to construct an 8-story contextual street wall
19 building at 27 East Fourth Street. The development
20 would be utilized for either Use Group 5 transient
21 hotel with approximately 28 units or Use Group 6
22 office building above the level of the second story
23 both of which uses are as-of-right. Uses located or
24 to be located below the level of the second story
25 include ground floor—on the ground floor and

1 including an accessory lobby for the hotel or office
2 use as well as a small neighborhood restaurant with
3 approximately 25 tables plus or minus an occupancy of
4 100 persons. A cellar level is to be utilized for
5 either Use Group 5 or Use Group 6 accessory uses the
6 back of the house hotel office space and storage. We
7 are adjacent to the Merchants House Museum, which is
8 an individual landmark structure both exterior and
9 interior. The cost of the site is located within the
10 NoHo Historic District Extension. The demolition of
11 the existing one-story building and the design and
12 the construction of the proposed building required
13 Landmarks Preservation Commission approval, which was
14 received on April 8, 2014 when Landmarks voted to
15 approve the demolition of the existing building and
16 the construction of the proposed building. Further
17 on April 6, 2018, the Landmarks Preservation
18 Commission issued a design only certificate of
19 appropriateness for the building. The zoning
20 approvals that are before you today consist of three
21 actions: A text amendment to the provisions of
22 Zoning Resolution Section 74-712 as well as the
23 Special Permit under 74-712-A for uses to be located
24 below the level of the second story as well as a
25

1 special permit pursuant to 74-712-B for height and
2 setback waivers. If you observe the—the graphic on
3 your screen or on page 6 of the handout, you will see
4 that the setback that we were required to produce a
5 contextual street or a building starts at the sixth
6 stories. That resolution requires us to set back at
7 85—the lesser of 85 feet or six stories, and so we
8 are requesting a waiver on the 7th ad 8th floor. If
9 you see the hatch portion it's in the initial setback
10 distance, which is to a depth of 20 feet. That's the
11 extent of the waiver that we're seeking of the 74-
12 712-B. I would like to speak to you momentarily
13 about the history of 74-712 because I do think it's
14 extraordinarily relevant to the actions that are
15 before you. 74-712 in 1997 was modified by the City
16 Planning Commission to apply for bulk regulations
17 only on vacant lots within historic districts and at
18 that time, the Compendium Report the Commission
19 adopted with respect to 970-6540Y, the Commission
20 stated, "Believes that the new tool may help promote
21 development of buildings that are more contextual to
22 historic districts than buildings that might be
23 developed as-of-right pursuant to existing zoning. I
24 note that exactly what the applicant is doing in this
25

1 proposal. We are developing an LPC approved
2 contextual street wall building with massing that is
3 more consistent with the Historic District than an
4 as-of-right height and setback building. I also note
5 that the provisions of 74-7012 have been amended over
6 the last 20 years to include use waivers, as well as
7 bulk waivers, applying in historic districts in both
8 the M15-A and the M15-B zones. An example of this-of
9 zoning amendments that occurred in 2003 and 2006 that
10 are you-that-that permitted use in bulk regulations
11 on land with minor improvements or sites where not
12 more than 20% was occupied by an existing building.
13 In the Commission's Report of 2003 with respect to
14 the property located at 465 Broadway, the Commission
15 noted that "It does not believe that the replacement
16 of any of these buildings with new structures
17 approved by Landmarks would be adverse to the
18 Historic District, and contrary to public policy.
19 Recent approvals of new structures in historic
20 districts by the Landmarks Commission demonstrate how
21 these can be compatible with the historic character
22 of the district. The Commission stated further in
23 its 2006 report with respect to the Special Permit
24 Application for 311 West Broadway that it believes
25

1 the modifications of both would be compatible to the
2 scale and character of the surrounding NoHo
3 neighborhood and the Commission noted that the design
4 of the proposed building results from changes that
5 were made at the request of Landmarks, and which led
6 to the subject request for bulk modifications and
7 they respond to the scale and context of the
8 surrounding area. This again is what the applicant
9 is proposing, a contextual street wall building as
10 opposed to a heightened setback building. It was
11 approved by the Landmarks commission with massing
12 that resulted in the process with Landmarks
13 Preservation Commission. Our original building was—
14 was taller than what we're proposing now. I also
15 note that the Commission in that application
16 disagreed with the Community Board's recommendation
17 to maintain existing street wall requirements and—and
18 noted that it would conflict with the original intent
19 of this section. I'll sum up. There are two other
20 relevant considerations of the City Planning
21 Commission with respect to amendments and Special
22 Permits under 74-712. Those occurred in 2013 and
23 2016. With respect to the Application at 300
24 Lafayette Street, the Commission noted they had to
25

1 leave the vacant lots and the underutilized—and
2 undeveloped sites—excuse me—and these areas detract
3 from the fabric of the SoHo cast iron and the NoHo
4 Historic Districts, and that allowing modifications
5 of the use and bulk regulations by special permit
6 would facilitate development of the vacant
7 underutilized sites and help strengthen the Historic
8 District's built character, and in the last and most
9 recent Amendment 74-712 at 150 Wooster Street, the
10 Commission noted that the expanded applicability of
11 the zoning text would provide enhanced opportunities
12 to fill in gaps along SoHo's mid-blocks and avenues
13 to reinforce its scale, street wall continuity and
14 predominant built-out character. Again, this is
15 exactly what the applicant is proposing to do in
16 filling the gap that exists with the existing one-
17 story mid-block building and replace it with a new
18 Landmarks approved contextual street wall building.
19 I would like to note for the record that the City
20 Planning Commission unanimously approved this
21 application and that the applicant meets each and
22 every findings with respect to 74-A-74-712-A and 74-
23 712-B respectively. I'd like to turn it back to
24 Michael if there are no questions of me at this time.
25

2 MICHAEL KRAMER: So, our one-story
3 building, which currently houses hot dog vendors who
4 are on month-to-month leases, was build back in 1931.
5 So, you can see it's an old building that we consider
6 not-not to be contributing to the historic extension.
7 Originally-this is a rendering of what our building
8 will look like between the Merchant's House, which is
9 on the right hand side of your screen and 29 East
10 Fourth Street-25-excuse me-East Fourth Street, which
11 is a residential 9-story building, which is to the
12 left. We've been at this for a while and, you know,
13 the building has evolved from 11 to 10 to 9 and now
14 to 8 stories a Jer just described and Jer just
15 described the zoning actions that we needed and the
16 setback waiver that's needed, and we'd like to talk
17 about firstly, the building to our west, which is 20-
18 25 East Fourth Street. I'm sorry that's-that's
19 wrong. It should be 25. That building is
20 residential. It has lot line windows. It was
21 originally a joint living/working building. There is
22 a restrictive declaration on those lot line windows.
23 So, some members of that building may lose some light
24 and air. Perhaps that light and air was used for
25 rooms that were-that were otherwise inhabited, and so

1 there's been some concern from that building about
2 us. We work with them as closely as we can to limit
3 the number of lot line windows that would be blocked.
4 Merchant House itself, of course, is—date's back to
5 the 1830s, and 1832 and, of course, it's a New York
6 City landmark, and one of the first New York City
7 landmarks, and we've been a very good neighbor to
8 Merchant's House during the period of time that we've
9 owned this building, which is almost 20 years. Back
10 as—back 2010 the Parks Department found \$598,000 to
11 do some restoration work in the Merchant's House.
12 There has been emergency maintenance, there has been
13 emergency maintenance, there's been emergency
14 repairs. Clearly, over the years there have been
15 repairs to keep Merchant's House going, and as much
16 as we respect the original fabric and—and—and—and
17 interiors of Merchant's House, we would like to point
18 out that they have been repaired over the years as
19 well. Our predevelopment plans anticipate
20 extraordinary efforts. We've had our site safety
21 plan vetted by three different firms. We have GMS
22 Structural Engineering with Karl here on our staff
23 since 2013 working with his counterparts at New York
24 City Parks and New York City Department of Buildings,
25

1 and with the Merchant's House Museum. We've done
2 pre-monitoring vibration analysis, soil borings, the
3 archeologist was in, and mostly we've—we've been
4 trying to come up with a plan that would minimize any
5 concerns for Merchant's House. Some of the—the ways
6 we wish to merge—to minimize those concerns were to
7 create a special plan for the foundation where were
8 literally set back from Merchant's House's foundation
9 six or seven feet in the zone of influence so that we
10 don't disturb the soil and the foundation of
11 Merchant's House, and if you have any questions about
12 that, Karl can answer them further. We have a common
13 wall that—excuse me. We have—our east wall is a
14 remnant from the building that was there prior to
15 1931. Now, upon the recommendation of our—our
16 engineering staff, we are going to leave that wall in
17 place even though it subtracts some of the—the
18 leasable space from our proposed building. That wall
19 will provide a good deal of stability to Merchant's
20 House during our construction process, but we will—
21 will continue to provide stability will be that we
22 will continue to—to maintain that 1-story building as
23 we are digging out our foundation as easily as
24 possible, and that by keeping the rooftop there, we—
25

1 we will be able to keep the rain and the water out of
2 a construction—out of a typical construction site
3 just again so there—there would be very little shift
4 in the sediment as we do our work. We're going to
5 use hand tools wherever possible in conformance with
6 the building code, and we'd like to point out that
7 there was a study done by a geotechnical engineer
8 back in 2012, which was based upon an old design of
9 our building. That building has been updated with
10 all of the—the different suggestions that have been
11 made in the past couple of years so that I think
12 everybody agrees that that building—that study is out
13 of date, and we understand that Merchant's House
14 would like to create a new study, and we have offered
15 to pay for that study and engage the—the geotechnical
16 engineers, if that would be helpful as well. Our
17 support of the excavation and construction sequence
18 will be as we—as we begin to demolish our building,
19 of course, we'll put in supporting structures, and
20 again, we can talk about that from an engineering
21 point of view. We're going to cantilever protection
22 over the roof to catch any falling objects, minimize
23 vibrations. We're going to incorporate the external
24 chimney of Merchant's House into our internal
25

1 shaftway to preserve the look and the integrity of
2 Merchant's House. This is an example of the
3 scaffolding plan that we have for the neighboring
4 buildings. This is an example of some of the
5 monitoring points that we will be using. Our M&P
6 Plan has been approved by the Buildings Department.
7 The Parks Department asked that we do a comprehensive
8 pre-construction condition survey. We've had a
9 conversation with Parks as early-as-as late as about
10 a week ago, and we've informed them that we would
11 like to walk through Merchant's House and do a-an
12 initial walk-through so that we can create a scope of
13 work for that preconstruction condition survey. We
14 want to point out as Landmarks point out that the
15 Commission routinely approves new construction
16 adjacent to the historic buildings. We're really not
17 reinventing the wheel here. We are pleased that the
18 Commission recognizes that the excavation will be
19 supervised by professional licensed engineers. Our
20 engineering firm GMS is recommended by the New York
21 Landmarks Conservancy under their Find a Professional
22 Engineer, and Karl can speak more to that as well. We
23 also are following DOB's recommendations that the
24 design engineers be acceptable to Parks and DOB in
25

2 doing M&P plan. GMS has proposed the plan that
3 exceeds the requirement of TPPN 10/88 for the
4 Merchant's House. Again, just to re-emphasize that
5 water runoff plan that we're using, the vibration
6 monitoring that we will use, the step-back foundation
7 we will use, maintaining the thick common wall,
8 forfeiting a tremendous—well, not a tremendous, but
9 substantial buildable space, especially in the
10 basement, and that we've been working with Landmarks,
11 DOB, Parks and elected officials to come up with a
12 plan that can replace this problematic eyesore that
13 before we start our construction activities, we
14 expect to enter into an industry standard
15 commercially reasonable construction protection
16 agreement with our neighbors. We have met with
17 Council Member Rivera and with Merchant's House as
18 recently as August 13th. We have asked—who has asked
19 us to facilitate a meeting between our engineering
20 firm and theirs. Unfortunately, that has yet to be
21 scheduled and yet to happen. We talked about
22 engaging and updating the 2012 Geotechnical Plan.
23 We're trying to be good neighbors. We're trying to
24 go to extraordinary lengths. The project is
25 literally shovel ready, and what's important here is

2 that we're dealing in reality not in hyperbola.

3 Everybody loves and respects the Merchant's House.

4 Nobody wants any harm to come to the Merchant's

5 House. We'll have all the appropriate construction

6 insurance that's needed, and we need to have better

7 communication with them and, of course, we need your

8 approval today. So, we'd be happy to answer any

9 questions. Thank you.

10 CHAIRPERSON MOYA: Thank you. Just a—a
11 few questions before it turn it over to Councilwoman

12 Rivera. When building this project, the foundation

13 work is difficult and dangerous, and I see that

14 you're talking about you'll excavate using hand

15 tools. Can you tell us about the work you will do to

16 protect the workers during this process?

17 JEREMIAH CANDREVA: Let me refer that to

18 Karl.

19 KARL RUBENACKER: So, during—during the
20 excavation when the excavation extends—

21 CHAIRPERSON MOYA: [interposing] Can you
22 just speak into the microphone?

23 KARL RUBENACKER: Yes. Sorry. During the
24 excavation there will be a supportive excavation
25 along the perimeter. So that when the—when the

2 excavation takes place the workers will be protected.
3 That--that's standard. We're not doing anything
4 different here and another safe construction site.
5 There's soldier piles and lagging on the deeper
6 parts, and that will progress down as--as the
7 excavation proceeds.

8 CHAIRPERSON MOYA: Has there been any
9 history before of any work or safety violations with
10 any previous projects?

11 KARL RUBENACKER: On this site? What--
12 what do you mean?

13 CHAIRPERSON MOYA: No, with any one of
14 your projects in the past?

15 KARL RUBENACKER: None.

16 CHAIRPERSON MOYA: Okay, thank you. Can
17 you just--

18 KARL RUBENACKER: [interposing] I don't--I
19 don't know. Do you?

20 CHAIRPERSON MOYA: You said none, right?

21 KARL RUBENACKER: Yes.

22 CHAIRPERSON MOYA: Okay. Can you just
23 walk me just once again how you intend to support the
24 neighboring structure during the process of
25 excavating the foundation?

2 KARL RUBENACKER: Go ahead. Do you want
3 to take it?

4 MALE SPEAKER: Do you want to just call
5 up the—and he can walk us through it. It's too broad
6 to--

7 KARL RUBENACKER: The—the—the cross-
8 section up in the beginning of the presentation is-is
9 helpful. That one. So this shows the cross-section.
10 On the right of the screen you'll see the Merchant's
11 House in—in pink. There's the green wall in the
12 middle that is the shared wall between our
13 properties.

14 CHAIRPERSON MOYA: Uh-hm.

15 KARL RUBENACKER: All the way on the left
16 is 25 East Fourth also in pink, and then the
17 construction site is in the middle. So, basically
18 what's going to happen is that—that right now it's—
19 the site is filled in. There's—there's a slab on
20 grade, and that's going to be excavated. It's going
21 to be excavated in—in segments. As this excavation
22 gets deep enough, there's a red brace that—that is
23 going across the site that you see. That's going to
24 make sure that the walls can't move, and then not
25 seen in this picture is that there's—there is soldier

2 piles and legging around the front and the sides
3 where you see that blue step. That's going to be
4 where the foundation is—is going to be constructed.
5 You can see that blue is level with the bottom of the
6 green wall. So, we're—we're not excavating below the
7 wall until we step back multiple feet, over five
8 feet.

9 MICHAEL KRAMER: I would also like to add
10 that all during the excavation we have a 1-story
11 building.

12 CHAIRPERSON MOYA: [interposing] Speak in
13 to the microphone.

14 MICHAEL KRAMER: I'd like to just add
15 that all during the excavation and foundation we have
16 a 1-story building with the roof structure—with the
17 roof structure that will remain in place adding
18 stability to the Merchant's House Museum. Also, as
19 you pass most construction sites when you see a big
20 pit, when it rains it fills with water at this site
21 because we'll have the roof on during the whole
22 excavation and foundation. That will keep the water
23 away and will decrease the amount of effects on the
24 neighboring buildings. Until we're ready to come
25 through with the steel, and even when we start to

2 come through with the steel and put on the floors,
3 that roof will stay in place as long as possible so
4 we keep the water out of the structure.

5 CHAIRPERSON MOYA: Okay, and lastly, you
6 might have said this already, but what—what are the
7 plans for the cellar of the building?

8 MICHAEL KRAMER: The plans are going to
9 be—it's going to be a hotel. It will back of house
10 for the hotel, accessory uses, storage and the same
11 if it's a—if it ends up to be a—a commercial office
12 building, it will be probably storage units and
13 mechanical rooms for the—for the office use.

14 CHAIRPERSON MOYA: Okay, that's it for
15 me. I will--

16 MICHAEL KRAMER: [interposing] And also
17 accessory use for the restaurant. Sorry, sorry.

18 CHAIRPERSON MOYA: Thank you. I will now
19 turn it over to Councilman—Councilwoman Rivera.

20 COUNCIL MEMBER RIVERA: Hello. Nice to
21 see you. So, as Chair Moya mentioned, well as you
22 all mentioned actually, we have met before, and I've
23 met with all the various stakeholders because of how
24 important this building is not just to the immediate
25 community, but to the city, and I just thank

1 nationally preservation wise this building is really,
2 really important considering the exterior and
3 interior landmarks. I think you went over that in
4 the presentation on how much you respect what this
5 building means not just physically, but just
6 generally, and I—I see you do have a number of
7 preparations. I do just want to ask on the record
8 because this has come up, that you do own another
9 property at 403 Lafayette Street?
10

11 MICHAEL KRAMER: That's correct.

12 COUNCIL MEMBER RIVERA: And why have you
13 decided to build this hotel on Fourth Street and not
14 Lafayette considering how fragile and-and the
15 integrity of the building?

16 MICHAEL KRAMER: Well, there are several
17 factors. First, in discussions with—with LPC, they
18 recommended that a transfer of air rights to 403
19 Lafayette would result in a non-contextual building
20 in the area, and they urged us just to make
21 application for a stand-alone at 27 East Fourth
22 Street. There's also a question about continuity of
23 the two properties, which makes the transfer not
24 possible.
25

2 COUNCIL MEMBER RIVERA: So, you are
3 saying in addition to the air rights issue that LPC
4 recommended that you build something on this street
5 rather than on the adjacent property?

6 MICHAEL KRAMER: Oh, it's—it's our
7 property. So, and just also, you know, we've been
8 working since 2011 for 27 East Fourth Street. We
9 have—it's a 1-story building where 403 Lafayette is a
10 3-story with a parking garage that services the
11 community that's, you know, it's maybe not to its
12 full potential, but it's—it's used on a normal basis
13 where 27 East Fourth Street is a relatively dormant
14 building.

15 COUNCIL MEMBER RIVERA: So, I just want
16 to say there are a number of people who have been
17 involved in this conversation whether it's Senator
18 Brad Hoylman or Assemblywoman Deborah Glick,
19 Manhattan Borough President Gale Brewer. So, I'm
20 going to ask you a few questions about the
21 presentation, but again I just want to go on record
22 as saying you know we would really prefer that you
23 built this on Lafayette because of the Merchant's
24 House and the integrity, and how important it is to
25 this community, but I'm going to go ahead and ask you

2 questions on the presentation that you gave to be
3 fair. So, in numerous letters and again there are so
4 many agencies involved including Parks the Department
5 of Buildings, Landmarks Preservation Commission, of
6 course and CPC, and so there's been a couple of
7 things. One is submitting final DOB construction
8 plans. One is filing drawings to the Commission and
9 I just—you have a very detailed presentation, which I
10 appreciate. Thank you very much. So, I just want to
11 make sure that you're prepared to have all of these
12 materials as well as clearly a robust protection plan
13 in place should you decide to break ground on this
14 lot?

15 MICHAEL KRAMER: Yes, and it will all be
16 approved by DOB, and shared with—with the public,
17 shared with Merchant's House Museum and their
18 engineers. [background comment] And Landmarks and
19 Parks. Everybody will weigh in on the plan.

20 COUNCIL MEMBER RIVERA: What has your
21 inter—your agency communication been like? Because
22 the last time that we met, we did have
23 representatives from the Mayor's Office in the room,
24 and they mentioned that preservation engineers were
25 going to be critical to making sure this was done

2 well. Have you been in touch with these agencies to
3 make sure that all of these plans are currently in
4 place?

5 MICHAEL KRAMER: Well, we had a
6 discussion with Parks about a week and a half ago to
7 discuss the—the Federal Pre-Construction Survey that
8 they want to start the process, and so we will now
9 work with Parks and Merchant's House to first get
10 inside the Merchant's House. Karl and his team will
11 go inside, and develop a scope of work that Parks
12 Department and the Historic House Trust wants to
13 review and be part of, and then once we develop the
14 scope of work, we will then go in and do the thorough
15 pre-con survey to, you know, again—to answer the
16 scope of work issues that everybody is comfortable
17 with and then—then we'll decide how to move forward
18 from there, what needs to be done to the house or
19 what doesn't have to be done to the house to keep it
20 safe during our construction model—construction
21 project.

22 COUNCIL MEMBER RIVERA: So, without the
23 special permits that you're seeking, from us today
24 and from the Council, you are able to build a 6-story
25 as-of-right hotel on the lot? Is that correct?

2 MICHAEL KRAMER: We're able to build a 6-
3 story building up to 85 feet, and Landmarks—we went
4 back to Landmarks and they approved that structure.
5 We can build that as-of-right without seeking any
6 approvals.

7 COUNCIL MEMBER RIVERA: And if you were
8 to not receive the permit, and you would build the
9 85-foot 6-story structure, would you—are you still
10 committed to making sure all of these protection
11 measures are in place?

12 MICHAEL KRAMER: Yes. I mean at the end
13 of the day, we have to keep our neighboring—
14 neighboring buildings safe because if anything
15 happens to them, it triggers a call, it triggers stop
16 work orders. We don't know how long that lasts. So,
17 if we do all our homework up front and work with our
18 neighbors, it will keep our construction project
19 clear and moving along. The last thing you want to
20 do in the middle of construction is to stop whether
21 it's for a day, a month, six months, it results in a—
22 in a big cost to us and a detriment to the project.

23 COUNCIL MEMBER RIVERA: So, if you went
24 with the 6-story structure, you'd still use the hand
25 tools? You would still work with all of the—the

2 special preservation engineers. I just want to
3 ensure that you're going to use the same measures
4 regardless.

5 MICHAEL KRAMER: I believe we would use
6 the same measures. Again, because we ant to keep the
7 Merchant's House safe.

8 COUNCIL MEMBER RIVERA: Okay, and-and
9 I'll probably ask the next panel. I imagine there's
10 people here from the Merchant's House who are going
11 to testify? No. not today? Okay. So you said you
12 tried your best to be a good neighbor, and so I'd
13 like to know a little bit about how your
14 conversations have been with the Merchant's House and
15 whether like how receptive I guess they all have been
16 to what you want to do with the lot, putting aside
17 that we'd like you to put it on Lafayette Street.
18 How have those conversations been going?

19 GARY SPINDLER: Mostly I would
20 characterize them as being difficult. The reason
21 being that we have tried our best to be transparent,
22 and to communicate and to make our professionals
23 available to Merchant's House and we have had great
24 difficulty recently in terms of scheduling meetings
25 amongst our professionals, and prior to that and 2 or

2 3 years ago when we thought we were in the process of
3 signing a construction protection agreement, a
4 licensing agreement, how shall I characterize this?
5 Merchant's House had cold feet.

6 COUNCIL MEMBER RIVERA: And you have been
7 trying to build your hotel on this lot for how long?

8 GARY SPINDLER: We've been studying this
9 site since 2004, and our application process began in
10 2011.

11 COUNCIL MEMBER RIVERA: Okay, can you—I—I
12 don't understand the cold feet reference. I'm sorry.
13 Maybe I missed something.

14 GARY SPINDLER: The lawyer who drafted
15 the licensing agreement was then let go by Merchant's
16 House.

17 COUNCIL MEMBER RIVERA: Okay. So, I know
18 that we're—we're going to meet again to discuss this
19 project and we're—we are on a clock. So, I do want
20 to thank you for your presentation and again, I hope
21 you kind of take what I've said to heart and try to
22 consider alternative options. As of now, I don't
23 really have any more questions, but I'm—I'm sure that
24 we will be in touch, and I know that we're going to
25 be all here again on the 17th.

2 GARY SPINDLER: We're available whenever
3 you need us.

4 COUNCIL MEMBER RIVERA: Okay, thank you.

5 GARY SPINDLER: Thank you.

6 CHAIRPERSON MOYA: Thank you very much
7 for coming to testify. The panel is dismissed.

8 GARY SPINDLER: Thank you.

9 CHAIRPERSON MOYA: Are there any members
10 of the public who wish to testify? Seeing none, we
11 will leave--[background comments] we'll lay it aside
12 and--[background comments] We will lay it over until
13 the 17th. [pause] Our next hearing will be on
14 Preconsidered LUs 57 Canton Place Rezoning--Caton
15 Place Rezoning for property in Council Member
16 Lander's district in Brooklyn, applicant 57 Caton
17 Partners LLC seeks a rezoning from a C8-2 to an R7-A,
18 C2-4 to facilitate the development of a 9-story
19 mixed-use building with approximately 107 apartments,
20 and ground floor retail. MIH Option 1 is also
21 proposed with an amendment to the Special Ocean
22 Parkway District Text, which would result in
23 approximately 27 affordable units. I now open the
24 public hearing on this application, and I will call
25 up the first panel. Marcie Kessner, Jason Little and

2 Sebastian. Oh, I'm sorry, sorry. Sebastian, just
3 wait. We'll get you on the next panel. Sorry about
4 that. Thank you. Counsel, please swear in the
5 panel.

6 LEGAL COUNSEL: Before responding, please
7 state your name after hitting the button on your mic.
8 Do you each swear or affirm that the testimony that
9 you're about to give will be the truth, the whole
10 truth and nothing but the truth, and that you will
11 answer all questions truthfully?

12 MARCIE KESSNER: Marcie Kessner. I do.

13 JASON LITTLE: Jason Little. I do.

14 CHAIRPERSON MOYA: Thank you. You may
15 begin.

16 MARCIE KESSNER: Good morning, Chair.
17 It's a pleasure to be here this morning. It's still
18 this morning. My name is Marcie Kessner and I'm a
19 Planner at Kramer, Levin, which is Land Use Counsel
20 to 57 Caton Partners, LLC. With me are Jason Little
21 from Morris Adjmi Architects, and also Allison
22 Reddick from DHB, which prepared the Environmental
23 Assessment Statement in case there are any questions
24 about those findings. Just as an over-excuse me, a
25 planning overview, this is—this is an area that is

1 being proposed for rezoning that was mapped in 1961
2 to reflect then current uses. It was basically
3 ignored. Nothing happened for over 50 years where
4 all the surrounding residential area has grown and
5 thrived. It's an important link between the thriving
6 residential neighborhoods to the west and south and
7 Prospect Park to the north. The—it's our belief and
8 a feeling and intent of the zoning of this site needs
9 to be updated and brought into the 21st Century to
10 encourage housing including affordable housing, and
11 to avoid the introduction of new inappropriate uses
12 such as mini storage facilities and other uses, which
13 are permitted as-of-right in the C8-2 District. Oh,
14 dear. [background comments] Sorry. The site
15 location, the development site is approximately
16 23,000 square feet. It's located on Caton Place and
17 Ocean Parkway between East 8th Street and Coney
18 Island Avenue in Community District 7, and it's
19 located one block southwest of Prospect Park in the
20 predominately residential Windsor Terrace
21 Neighborhood. It's well served by mass transit at
22 Fort Hamilton Parkway and the Church Avenue Stations.
23 The existing conditions of the site are shown on this
24 slide. The site as indicated it was—the development

1 site is improved with a 35-foot tall warehouse built
2 to approximate 1 FAR. It was originally a roller
3 skating rink and has been warehoused for many years,
4 an overflow storage facility for a local business.
5 To its northwest is a corner lot with approximately
6 100 feet of frontage on 8th Street and 50 feet of
7 frontage on Ocean Parkway, which is city-owned and
8 mapped as parkland, and this lot contains the ramp
9 leading to the East 8th Street Sherman Street
10 pedestrian overpass, which you can see in the lower
11 left hand corner—lower, both lower images. To the
12 west of the development site is the Kensington Stable
13 and to the east is a church complex. The proposed
14 rezoning area is comprised as Lots 1 and Lots 4. So
15 the 57 Caton site plus the site, which is mapped park
16 land. The rezone—the rezoning area is currently
17 mapped in the two-block CA- zoning district within
18 the Special Ocean Parkway District. The CA2
19 districts permit uses such as offices, hotels, most
20 retail uses, gas stations, and other automotive uses,
21 medical facilities, warehouses and mini storage. No
22 residential uses are permitted and there are no
23 height limits in a CA2 district. CA2 districts are
24 meant to bridge manufacturing and heavy commercial
25

1 districts and this zoning we believe no longer
2 reflects the current surrounding uses and trends in
3 the Caton Place area. In 2006, the Commission
4 approved an easterly extension of the Ocean Parkway
5 R7A district between Ocean Parkway and Caton place
6 just west of East 8th Street. The action before you
7 today is the extension of this existing R7A district
8 to the east of East 8th Street to allow a mixed-use
9 development containing residences with ground floor
10 retail, local retail use, at 57 Caton Place including
11 approximately 27 affordable apartments. This will be
12 permitted within a contextual book-envelope that is
13 more in keeping with the surrounding Windsor Terrace
14 neighborhood context. The park lot will be
15 maintained as park lot-park land and the rezoning
16 will have no impact on the park area. This shows the
17 development site, which is outlined in red and it
18 also shows the park site to the north and east-and
19 west of the site. The two [door bangs] actions that
20 are before the Commission today include the Zoning
21 Map Amendment to map and R7A, C2-4 Overlay district
22 within the Ocean Parkway Special District. This will
23 allow the development of a 9-story contextual
24 residential building with ground floor local retail
25

1 use. The Commercial Overlay will only be mapped over
2 the development site and not on the park site. The
3 second action consists of two zoning text amendments.
4 One will map the 57 Caton site only within a
5 Mandatory Inclusionary Housing area, and the second
6 cross-references the Mandatory Inclusionary Housing
7 area within the text of the Special Ocean Parkway
8 District so that it's all clean. The applicant
9 proposes that in compliance with MIH Option 1, the
10 building would provide 25% of the residential floor
11 area approximately 27—excuse me—apartments on site as
12 housing affordable to households earning an average
13 of 60% of AMI. Though zoning was approved by the
14 Community Board with conditions and by the Borough
15 President with conditions, the applicant has made a
16 series of commitments to the president in writing and
17 to the—and to—and want to summarize some of those. To
18 provide 10% of residential floor area to families
19 earning 40% of AMI, 10% to households earning 50% of
20 AMI and 5% to households earning 120% of AMI. So
21 skewing fewer of the higher income units and lowering
22 the—the permitted amount. To seek a locally based
23 non-profit housing organization to help choose the
24 administering agent for the lease-up of the
25

2 affordable units. At this preliminary stage, a
3 specific administering agent has not yet been
4 selected. The applicant has reached a neutrality
5 agreement with Local 32BJ. Thus, the 3 to 4 building
6 service jobs will be good paying jobs with benefits.
7 The applicant will work to discuss with DOT the
8 potential for bioswales or other storm water
9 strategies as part of the development, and we'll also
10 work with DOT to try to restore five parking—up to
11 five parking spaces that are on the street—that will—
12 that will—that are not—no—parking spaces that are not
13 allowed to be used for parking in front of the site
14 to try to get the new restored for local parking, to
15 work with local workforce organizations to maximize
16 local hiring for skilled and unskilled labor in the
17 building, and to work with a local partner to
18 advertise the affordable units. The next part of our
19 presentation is description of the building, and the
20 designs of the building. Jason Little will do that.

21 JASON LITTLE: Sure. Thank you. I'm
22 going to just briefly run through our Design
23 Proposal. The site as Marcie mentioned—Marcie
24 mentioned, is a 3-lot. There's actually a 30 foot
25 required front yard on Ocean Parkway as per the

2 Special District Regulations. Wit the C2-4 Overlay
3 we would have the commercial could occupy a portion
4 of the rear yard, but otherwise for the residential
5 uses, we required a minimum 60-foot rear yard
6 equivalent. So, we're showing two towers or rather
7 two buildings segments rising over a 7-story base and
8 a 9-story total building height. This is what the—we
9 envision for the ground floor. Basically, there's
10 two residential lobbies. They function
11 independently, but they would share a common outdoor
12 space in the—in a portion of the rear area at grade.
13 We've shown the parking ramp as separated from the
14 stables as possible to maintain a buffer between the
15 horses. We've also placed a couple residential units
16 on that landscaped rear yard facing Ocean Parkway or
17 excuse me, the landscaped front yard.

18 CHAIRPERSON MOYA: [interposing] I'm
19 sorry, can you just speak a little closer to the
20 microphone.

21 JASON LITTLE: Sorry.

22 CHAIRPERSON MOYA: Thank you.

23 JASON LITTLE: Got it. So, on the Ocean
24 Parkway side, we've added two residential units to
25 take advantage of the landscaped front yard in that

1 location. This is a illustrate-illustrative floor
2 plan where we're showing it's a little over 107
3 units, 47% of which are 2-bedrooms or larger and
4 these are, you know, somewhat large-larger than
5 normal for a development but we think appropriate for
6 the neighborhood, and we tried to make use of or to
7 optimize the units with outdoor space as much as
8 possible. Next. The-the neighborhood context
9 includes many pre-war multi-family buildings along
10 Ocean Parkway. These-these buildings often featured
11 facades articulated with multiple volumes separated
12 by recessed courts. The facades consist of brick
13 with decorative patterning along the punched window
14 openings, and these features really inspired our
15 design proposal. Next. This view from the east
16 side of the zoning lot along-on Caton Place
17 illustrates the possible building massing where you
18 see the 7-story base articulated to 3 base. We have
19 inset-we have inset balconies and oversized windows
20 to bring life to the façade and then the retail
21 frontage on the Caton Place is activating the street.
22 This view on Ocean Parkway illustrates the motor
23 design principles as the Caton Place frontage with
24 the exception that we've included a dormer on the
25

2 Central Bay, which we feel is appropriate on the wide
3 street, and also is in keeping with the character of
4 the neighborhood of the context of the pre-war
5 buildings. And the final two slides this view is the
6 proposed buildings in a Google Earth model to
7 illustrate the neighborhood context from a bird's eye
8 view and you can see that several adjacent buildings
9 have similar heights in bulk and on the following
10 slide we've actually—it looks like it characterized
11 that neighborhood where you see many of the zoning
12 lots are quite large, contain rather large buildings
13 with building heights that are similar in scale.

14 MARCIE KESSNER: [off mic] Allison—[on
15 mic] I'm sorry, Allison Reddick is here if there are
16 any questions about the EAS or any of the findings in
17 the Environmental Analysis.

18 CHAIRPERSON MOYA: Great. Thank you.
19 Just a couple of questions before I turn it over to
20 my colleague Council Member Lander he wanted to
21 remind me of this. What type of retail do you
22 proposed for the commercial space?

23 MARCIE KESSNER: The intent is for it to
24 be local retail service uses serving the community.
25 This is a neighborhood that has a dearth of—of local

2 retail, convenient retail, and this amount of space
3 is less than 10,000 square feet. It's not going to
4 be a large store. At this time the--there is no rent-
5 up for the space. The building hasn't been--hasn't-

6 CHAIRPERSON MOYA: [interposing] Can you
7 just-

8 MARCIE KESSNER: --in construction, but
9 they--but that's--that's the intent. There were some
10 expressions of interest at the Community Board level
11 trying--of reaching out for daycare or for other types
12 of community facilities and the--the developer has
13 expressed willingness to reach out to those sorts of
14 uses as well as when the time is appropriate.

15 CHAIRPERSON MOYA: Okay, and, um what are
16 the plans for the protection of those stables next
17 door?

18 MARCIE KESSNER: I terms of the--

19 CHAIRPERSON MOYA: [interposing] The
20 stables.

21 MARCIE KESSNER: --the physical
22 construction?

23 CHAIRPERSON MOYA: Yes.

24 MARCIE KESSNER: I think I'll--I'll let
25 Jason answer that.

2 JASON LITTLE: Ensured the—the protection
3 of the neighboring properties including—you know, man
4 dated by building code and administrative practices.
5 At this time, I don't think that we know what the
6 foundation systems are, the depth of the foundations
7 and all that, but that is investigations that we're
8 going to, you know, going to as—as the process moves
9 forward, but, you know, rest assured that that
10 building will be maintained in a safe condition and—
11 and no adverse effects should—should be caused by our
12 development.

13 CHAIRPERSON MOYA: Okay, thank you and
14 now I'm going to turn it over to Council Member
15 Lander.

16 COUNCIL MEMBER LANDER: Thank you, Mr.
17 Chair and to my colleagues. Thank you guys for being
18 here. This site though so sort of modest site in the
19 middle of Windsor Terrace presents a series of pretty
20 interesting zoning challenges for us to face. Some of
21 them, the typical ones this, though, you know, the
22 developers have done a fine job of presenting where
23 the buildings are that are not much smaller than the
24 one they're proposing to build, the entire interior
25 of the neighborhood is 1 and 2-story homes in an R5B

1 neighborhood and those neighbors are not excited
2 about a new building of this height right catty-
3 corner from their development, and that just presents
4 the normal challenges that we see here of a city with
5 a growing need for affordable housing, for housing in
6 general and people who like their neighborhood
7 staying the way that it was when they moved there at
8 some point in the past, and it's sweet, love, very-
9 one of those kind of-- It's cornered on all sides in
10 a way that makes it a lovely little area. So, that's
11 just typical challenge 1, and even on these issues of
12 what the retail will be, some people are excited
13 about the possibility of a little neighborhood retail
14 and some people fear it. We've got such a nice
15 quiet, you know, residential area. We're not that
16 excited about some mid-block retail creeping into our
17 area. So, that's set of challenges 1. Now, those
18 same neighbors are getting a new self-storage
19 facility being built-as-of-right in the same CA2 zone
20 just catty-corner to this site, and that made them
21 all of a sudden say oh maybe we should--residential
22 would be better on that other site, and they found
23 themselves in a situation where the developer
24 building under the as-of-right zoning something with
25

2 barely any space between an existing residential
3 building. So, now they're facing the challenge of
4 that, and we've actually gone to those developers to
5 say would you think about building residential even
6 at heights you might have though the neighbors
7 wouldn't have been excite about in order to come up
8 with a better urban design approach, and I think that
9 has helped neighbors feel like alright, well, at
10 least hear we have some folks who are thinking with
11 us about urban design, trying to do this in the right
12 way And I will say in this context that for this
13 site in particular I feel very grateful that MIH
14 exists at all. This is not an area that has any
15 existing affordable housing that was ever built in
16 the neighborhood. It didn't have a lot of
17 abandonment. So, there isn't housing that was
18 developed here under HPD's programs, and this is not,
19 you know, Chelsea or Midtown. It's not a place where
20 someone would have done an 80/20 at any point in the
21 past. So, the fact that we're looking at getting 25%
22 of affordable units, and thanks to the developer's
23 agreements skewing to the 40 and 50% AMIs, is
24 significant and meaningful, and I'm appreciative.
25 The remaining challenge is the stable site, which the

2 Chair mentioned, which is just adjacent to the site
3 to its—to its west. There's been horse riding in
4 Prospect Park for 100 and—as long as there's been the
5 park, the 150 years, and we want to work hard to make
6 sure it stays there for a long time to come, and I've
7 been straight with the—with development team from the
8 beginning that beyond the anxiety about what the
9 construction risk will be that the risk that we are
10 putting the stables at risk through this rezoning is
11 very present and real to me. The idea that a future
12 developer who today could knock down the stables and
13 build a self-storage facility as-of-right, that
14 someone in the future would come along and say well
15 obviously we could rezone this for residential.
16 Let's just buy the site at some price that was worth
17 selling the horses, and redevelop it as a residential
18 property is a very real concern that I have, and I
19 made that clear from the beginning. So, I just want
20 to ask, you know, for my starting question: You
21 know, in your pictures you show some horses. Council
22 Member Rivera leaned over, and was like "Are those
23 horse?" [laughter] So, at one level I think you
24 appreciate and understand why the stables are an
25 important part of this community and this

2 neighborhood and give it the character that it has,
3 but I'd like to know how you have factored that into
4 your thinking about the site, into its design and
5 into your land use approach in order to contribute to
6 this area with your building in a way that
7 strengthens and supports the context of having the
8 stables in the neighborhood and doesn't do more to
9 put it at risk and—and potentially eliminate it from
10 the neighborhood.

11 MARCIE KESSNER: Well, I think that for
12 one thing in terms of the design, and maybe I can go
13 back—go back and do that. I think this helps. When
14 you look at this—this image, the low red building at
15 the left hand side of the—the elevation is the—is the
16 stable building. The—the design of the building was
17 done—first of all, we're—we're rezoning just the site
18 because we did not want to touch the stable. We did
19 not want to put any development pressure on the
20 stable and through a rezoning. The building is
21 designed to have retail commercial uses on the ground
22 floor that would help buffer the stable from the
23 residents, and the residents from the stable because,
24 as you know, it conflicts that—that between those
25 uses that can—that can be issues. We've also moved

2 the parking garage entrance as far from the stable as
3 possible to try to limit any sort of--any sort of
4 conflicts.

5 COUNCIL MEMBER LANDER: [interposing]
6 Horse cart conflicts.

7 MARCIE KESSNER: Horse cart conflicts and
8 also pedestrian conflicts. The--the stable I
9 understand has pony rides out on the street in front
10 of the stable. So, that would keep the cars--cars
11 from the garage entering and exiting. Keep that as
12 far away as possible, and the stable--and the--the
13 riders generally go up East--up East 8th Street, and
14 then go onto the bridle path where we do have an
15 image of somebody riding a horse on Ocean Parkway.
16 So, I've tried to keep the activity from--away from
17 Ocean Parkway, away from the bridle path and away--as
18 far from the stable as possible.

19 COUNCIL MEMBER LANDER: So, I appreciate
20 all of that, but I guess what you said at the
21 beginning, yes, of course, if you were proposing a
22 rezoning that rezoned the stables--

23 MARCIE KESSNER: [interposing] Yes.

24 COUNCIL MEMBER LANDER: --to a
25 residential rezoning, that would even further

2 increase the development pressures that might
3 displace the stable site, but let's be real. This
4 development is increasing the displacement risk and
5 development pressures on the stable sit. You just
6 need to look at this image to get it. It's not
7 complicated. It was on the Zoning Map, and so while
8 I appreciate that you have put the parking garage
9 entrance--

10 MARCIE KESSNER: [interposing] Uh-hm.

11 COUNCIL MEMBER LANDER: --as far from the
12 stables as you could, I guess I'm not really
13 satisfied that that is a development approach that is
14 invested in helping preserve the stables and keep
15 them as part of his neighborhood as they've been.
16 So--

17 MARCIE KESSNER: Well, as you--as you
18 know, Council Member and we understand--and we
19 understand the importance of the stables to the
20 community and--and to us as well. I mean to the
21 developers as well, we have tried to work with the
22 prior ownership of the stable and the current
23 ownership of the stable to try to assist them and we
24 have worked with--we have tried to work with you over
25 the past year. Also to--to provide assistance in some

1 way to ensure that the stable's long-longstanding
2 history continues. It's something that we will hope
3 to continue to work with you on to try to develop
4 some sort of a framework, which would help to ensure
5 the stables' long-term success, and long-term
6 existence next door to-to the proposed building.

8 COUNCIL MEMBER LANDER: So, I appreciate
9 that you have-that-that the development team has
10 worked in good faith with my office. I guess I want
11 to make clear to my colleagues we're not yet to a
12 place where we have a satisfactory result for that.
13 We have hoped that the city would actually be able to
14 acquire the stables. They were in bankruptcy a year
15 ago. We had arranged the city financing. The city
16 put in an offer but someone else came in and bought
17 the building essentially out of bankruptcy, and
18 that's not you guys. You don't own the site. You
19 can't force that owner to-to-do things that in the
20 short and the long-term would provide more stability
21 and security for the stables, but at this point,
22 despite those best efforts on your part, you know,
23 we're not there yet to my satisfaction. We don't
24 have much in place other than keeping the parking
25 garage far from the stable site that's going to help

2 us have confidence that we're preserving the stable
3 here, and again, partly it's about the stables being
4 right there. It's as much or more to me about
5 preserving riding in the park, which again, we've had
6 for more than a century--

7 MARCIE KESSNER: [interposing] Uh-hm.

8 COUNCIL MEMBER LANDER: --and I'm not
9 going to feel good about my tenure in office or this
10 action in particular if we allow, you know, the kind
11 of general course of real estate development to
12 eliminate riding that's been in the park for more
13 than a hundred years or contribute to its
14 elimination. So, I appreciate that you'd like to get
15 there. I appreciate that you have worked with my
16 office to do it, but we got--we still have some ways
17 to go. So, before I can give a recommendation to my
18 colleagues on how to vote for this property, we have
19 some work to do to figure out if there isn't
20 something we can do, and obviously we're constrained
21 by legal and financial and equine forces some of
22 which are not within the neat bounds of or powers.
23 But on the other hand, this is something unique and
24 wonderful for the last remaining stables in Brooklyn,
25 seeing those horses in the park, knowing that young

1 people including kids with disabilities have their
2 first opportunity to get out in the park on those
3 horses. It's not—of course, it's something that
4 gives the neighborhood its character, and it's
5 something that just elevates the human spirit in our
6 city, and it is our responsibility to do all we can
7 to make sure that continues. So, I'm going to ask
8 you guys to work harder over the next few days and
9 weeks to get to a place where we can feel confident
10 that in addition to the affordable housing, in
11 addition to meeting some of the Community Board and
12 Borough President's goals, and I appreciate your work
13 with them to get to a place where they voted to
14 approve the project with modifications. We can also
15 have more confidence than I have today that we will
16 be preserving Kensington Stables and riding in the
17 park for generations to come. Thank you.

19 CHAIRPERSON MOYA: Thank you, Council
20 Member Lander. Thank you very much for your
21 testimony toady. I will now call up the next
22 panelist, Sebastian Trilliant. I'm going to have the
23 Counsel—oh, okay, okay. Go ahead. I'm sorry. You—
24 you may begin. Thank you.

2 SEBASTIAN TRATILLIAN: Good morning,
3 Chair Moya, Council Member Lander and members of the
4 subcommittee. My name is Sebastian Tratillian and
5 I'm a staff member at 32BJ. I am here to testify on
6 behalf of the 80,000 32BJ members who clean and
7 maintain buildings throughout New York City. As you
8 know, we are the largest property service workers
9 union in the country with over 35,000 members working
10 at residential buildings (coughs) like the one being
11 proposed for 57 Caton Place. We are happy to report
12 that 57 Caton Partners LLC, an affiliate of Ace (sic)
13 Equities has committed to creating high quality
14 building service jobs and we want to see this project
15 move forward. It is our estimation that when the
16 building opens it will be staffed with approximately
17 five building service workers, and these jobs will be
18 good jobs with family sustaining wages that will
19 allow workers to live and work in New York City with
20 dignity and security. So, by making a commitment to
21 good jobs, we believe that Ace Equities has done the
22 economically responsible thing, and these jobs will
23 positively affect the wellbeing of the community for
24 years to come. This--this is why we hope that you
25 will support this project. Thank you.

2 CHAIRPERSON MOYA: Thank you. Are there
3 any members of the public who wish to testify on this
4 item? Seeing none [background comment) I now close
5 the hearing on this application. (pause) Okay, that
6 concludes today's hearing. I would like to thank the
7 members of the public and my colleagues, Counsel and
8 Land Use staff for attending. The Land Use items
9 that were voted are referred to the full committee,
10 and this meeting is hereby adjourned. [gavel]

11

12

13

14

15

16

17

18

19

20

21

22

23

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 September 11, 2018