

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING & FRANCHISES

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August 12, 2008

Start: 10:16am

Recess: 12:55pm

HELD AT: Council Chambers
City Hall

B E F O R E:
TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Simcha Felder
Eric N. Gioia
Robert Jackson
Melinda R. Katz
James Sanders, Jr.
Larry Seabrook
Helen D. Sears
Albert Vann

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

Michael Silverman
Attorney
Kramer Levin, counsel to Park Ave

Sam Schwartz
President
Sam Schwartz Engineering

Neal Kwatra
Political Director
New York Hotel Trades Council

Galina Marchenko
Member
55-56 Block Association

Paul Novosel
President
West 56th Street Tenants Association

Veronica Conan
President
West 54-55 Street Block Association

Bill Shea
West 54-55 Street Block Association

John Young
Director
Department of City Planning, Queens Office

Brendon Pilar
Project Manager
Department of City Planning, Queens Office

Jordan Most
Representative
Yeshiva Darchei Torah

Vincent Castellano
Member
Community Board 14

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

Kevin Callaghan
Resident
Rockaway Park

Hank Iorii
Member, Vice President
Community Board 14, Bell Harbor Property Owners
Association (BHPOA)

Maureen Walsh
Coalition to Save the Rockaway

Andrew J. Patti
Resident
Rockaway Park

Fran Stathis
President
Rockaway Park Commerce and Residents Association

Marlena Alvarado
Resident
Rockaways

Ellen O'Reilly
President
Broad Channel Civic Association

Paul King
Resident and Business Owner
Rockaways

Rita Hayden
Resident
Rockaways

Renee Rosenberg
Resident
Rockaways

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

Margaret Powers
Resident
Rockaways, Coalition to Save the Rockaways

Michael Tubridy
Executive Committee Member
Community Board 14

Michael O'Toole
Resident
Rockaways, Rockaway Homeowners Association

Noreen Ellis
Resident, Member, Board Member
Rockaway Park, Coalition to Save the Rockaways,
Rockaway Park Homeowner's Association

Kathleen "Barbie" Hart
Resident
Rockaways

Dr. Geraldine Chapey
President
Atlantis Tenants Association

Cynthia Hernandez
Resident
Rockaway Park

Allen Steinhardt
Resident
Rockaways

Bernard Warnock
Vice President
Rockaway Park Homeowners and Resident Association

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2 MALE VOICE: Testing one, two,
3 three. Testing one, two, three. Sub Committee is
4 going to be on Zoning and Franchises. Today's
5 date is August 12, 2008 and the meeting is being
6 recorded by Ibierto Coriaso.

7 CHAIRPERSON TONY AVELLA: Council
8 Members Robert Jackson, Melinda Katz, Helen Sears,
9 Larry Seabrooks, Simcha Felder, and I know Council
10 Member Al Vann is here as well. I see we're being
11 joined by Council Member James Sanders who has an
12 item that is here before us this morning.

13 In order to expedite the hearing,
14 I'm going to skip around a little bit. The first
15 item we will take up is the Qdoba Mexican Grill
16 sidewalk application, which is Land Use number
17 8602006552TCN. Application to establish,
18 maintain and operate an unenclosed sidewalk cafe
19 at 216 8th Avenue. I do have in front of me a
20 letter from the attorney representing the
21 applicant to withdraw the application. So there
22 will be a vote to accept the withdrawal.

23 But I do want to make mention and
24 publicly criticize the architect in this
25 situation. There have been too many situations

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2 where the architect for these sidewalk cafe
3 applications submit plans, Department of Consumer
4 Affairs does not do their proper review. What we
5 find is the application is totally wrong, the
6 figures are wrong and if they did the application
7 correctly, they wouldn't qualify for a sidewalk
8 cafe to begin with. Staff from the City Council
9 Land Use Division went out and looked at this
10 particular application. Everything was wrong on
11 it. I think the quote that I've been given from
12 staff, in 18 years of doing this; this is the
13 worst application they have ever seen.

14 We will not accept this and I can
15 tell you from my point of view and it's not
16 obviously within my district. It's within the
17 Speaker's district. But I will ask that the
18 Speaker take moves against the architect. I am
19 actually doing that in the sidewalk cafe in my
20 district. You falsify the plans, you take the
21 consequences. I think as a City Council we have
22 to start stepping on those people who deliberately
23 falsify plans and hope to get away with it. So we
24 will have a motion to accept the withdrawal of
25 this application later on.

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2 We have three other items. Again,
3 I'm going to skip around to make this an efficient
4 meeting. The next item we will do is Land Use
5 number 832 and 833, commonly notified as 610
6 Lexington Avenue. N080177 ZRM, application
7 submitted by Park Avenue Hotel Acquisition for
8 changes to the zoning map. I will call the
9 applicant up to give their presentation. This
10 application lies within Council Member Dan
11 Garodnick's district.

12 MICHAEL SILVERMAN: Good morning
13 Mr. Chair, Committee members. My name is Michael
14 Silverman of Kramer Levin, counsel to Park Avenue
15 Hotel Acquisitions LLC. The applicant for this
16 zoning text change and a special permit for
17 transfer of landmark air rights per section 74711
18 for the construction of the 63-story hotel and
19 residential building at 610 Lexington Avenue, the
20 southwest corner of 53rd and Park.

21 The second building in the New York
22 City designed by Foster and Partners, which would
23 include approximately 200,000 square feet of
24 landmark floor area transferred from the adjacent
25 landmark Seagram building, one of the greatest

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2 masterpieces of 20th century architecture, the
3 building shown to my left, with the Seagram
4 building next to it. In addition to the floor
5 area transfer, the special permit would allow five
6 bulk modifications to harmonize the composition of
7 the building with the Seagram building. The most
8 significant of which is a heightened setback
9 modification to create a pure simple massing for
10 the building.

11 The issue is that the as-of-right
12 zoning creates a wedding cake kind of building,
13 which is not as symmetrical and harmonious with
14 the building. And the waivers would allow a pure
15 geometric form, something, which was supported by
16 the preservation groups in the Landmarks
17 Commission and by the City Planning Commission.

18 Of the five bulk waivers that were
19 granted, I want to comment a bit on the loading
20 dock waiver, which was necessary when the project
21 changed from primarily a residential building to
22 primarily a hotel. And had over 100,000 square
23 feet, which requires a loading dock on the site.
24 That creates an issue because both 53rd Street and
25 Lexington Avenue are restricted streets where curb

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2 cuts are not permitted. Providing a curb cut with
3 a turntable wasn't physically or functionally
4 feasible in this very narrow 46-foot wide
5 building.

6 The City Planning Commission in
7 approving this concluded that there was no
8 significant impact on traffic congestion by
9 waiving it. In large part because when this issue
10 emerged at the Community Board and borough
11 president level, we retained Sam Schwartz and
12 Company to come up with modifications and
13 mitigations to alleviate that impact.

14 We thought from the get go that
15 this hotel, which only generates a small number of
16 total trips, did not have, as we showed, any
17 traffic impact. This is not a convention center
18 hotel; it's a luxury hotel with unusually large
19 rooms and only 4,500 square feet of meeting space.
20 It would only require 12 to 16 daily deliveries,
21 which would be generally small trucks arriving at
22 night and remaining on the site for only 10
23 minutes. The elevators have been designed to
24 expedite deliveries. Mr. Schwartz will talk about
25 the responses.

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2 But in particular the operator of
3 the hotel, Shangri-La, has committed it will only
4 contract with suppliers that will commit to make
5 deliveries at night and has committed to higher
6 police officers through the New York Paid Detail
7 program to patrol the streets outside of the hotel
8 to ensure compliance with curbside regulations.

9 One other point, I want to emphasize that the
10 applicant here, Park Avenue Hotel Acquisitions,
11 LLC. has no relationship to the Hines organization
12 or to the project being designed on 53rd and 54th
13 Streets to the west of this, which is a Hines
14 project next to it. Thank you.

15 SAM SCHWARTZ: I'm Sam Schwartz,
16 president of Sam Schwartz Engineering. We've done
17 the parking analysis. As Mr. Silverman said, we
18 were brought into this project to assist with
19 orchestrating the parking and loading. We did
20 this after meetings with Community Board 5, the
21 borough president and City Planning Commission.
22 We have incorporated many of the modifications
23 that they requested.

24 In fact, this revised plan was
25 approved by the City Planning Commission and I

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2 quote that they stated that the lack of an off
3 street loading birth will not create significant
4 vehicular congestion on East 53rd Street and would
5 improve pedestrian circulation on the southern
6 sidewalk of East 53rd since the sidewalk would be
7 uninterrupted by curb cut and associated vehicular
8 traffic.

9 We looked at the loading activities
10 planned for the proposed hotel and this parking
11 plan we feel is superior to the parking plan
12 that's out there right now. The current
13 regulations to allow truck loading from 7:00 am to
14 6:00 pm, Monday through Friday for the entire
15 length. Metered car parking is available from
16 6:00 pm to midnight, Monday through Fridays and
17 all day on Saturdays, free parking on Sundays.

18 The hotel requires a hotel loading
19 zone for guests arriving by cars and taxis. We've
20 worked with the Department of Transportation and
21 60 feet, or three spaces will be provided, which
22 is more than they typically provide for a 191 room
23 hotel. But even more important, the hotel has
24 agreed to nighttime deliveries and they're
25 expecting 12 to 16 trucks. They spend an average

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2 of about 15 minutes per truck and again, while
3 these trucks spend less time at the curb than
4 other trucks. This amounts to three or four space
5 hours in a seven-hour period. So there's more
6 than enough space. At night there are other
7 spaces that are available should there be any
8 overflow.

9 New York City DOT has agreed to a
10 43-foot truck loading area. That area now is free
11 parking between midnight and 7:00. It will be
12 truck loading only between midnight and 7:00. The
13 hotel has committed to employ police officers
14 through the paid detail program. I've seen that
15 work successfully. IKEA had a whole big paid
16 detail program you saw yesterday story in the New
17 York Time's about that. We were the engineers on
18 that as well.

19 Many years of studying traffic,
20 I've found that midtown traffic problems, the
21 truck loading problems, were not so much caused by
22 the trucks at the curb but the fact that the
23 elevator system took so long for those trucks. So
24 the trucks ended up spending an inordinate amount
25 of time. Two elevators will be dedicated to this.

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2 It will have four service elevators at night.
3 Those elevators will be dedicated to this
4 operation. This will be the fastest turnaround.
5 In fact, it's almost a model for how we should
6 deal with truck activity at the curb. The
7 truckers don't want to be there for a long period
8 of time. It doesn't serve them.

9 In short, the loading activities at
10 this proposed hotel will have minimal traffic
11 impact. Having cars at the hotel loading zone in
12 place of trucks during peak hours will actually
13 facilitate the turn onto 53rd Street. Thank you.

14 NEAL KWATRA: Good morning. My
15 name is Neal Kwatra. I'm the political director
16 for the New York Hotel Trades Council. Our
17 organization represents 30,000 hotel workers here
18 in New York City. I'm here to testify on behalf
19 of the project and on behalf of our 30,000
20 members. Our organization has worked very closely
21 with RFR Realty and Shangri-La Hotels. We're very
22 excited about this project and we look forward to
23 working together with RFR and Shangri-La.

24 RFR Realty and Shangri-La Hotels
25 have made excellent concrete commitments about the

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2 creation of quality jobs at the future hotel. We
3 estimate that there'll be approximately 200 full
4 time equivalent jobs created by this project. The
5 quality of those jobs will be outstanding and will
6 live up to the standards that our organization has
7 worked to create here in the hotel industry in New
8 York City.

9 CHAIRPERSON AVELLA: Thank you for
10 your testimony. As I mentioned, this lies within
11 Council Member Dan Garodnick's district. So my
12 colleagues know we have a number of people signed
13 up in opposition. We'll take the public
14 testimony. Before I see if any of my colleagues
15 have questions, I do want to make a comment. For
16 the future, do not have somebody who's not
17 connected with the actual application testify at
18 your deus without asking the chair first.

19 MR. KWATRA: My apologies.

20 CHAIRPERSON AVELLA: The
21 representative from the Hotel Trades Council
22 should have been just like any other member of the
23 public testifying. If you want that special
24 consideration you should ask for it first. So
25 just for the future please do that. I think

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2 that's unfair to members of the public who have
3 three minutes to testify and he's allowed, because
4 he's part of your application, to testify as long
5 as you want. So please don't do that in the
6 future unless you ask for permission. Any
7 questions from my colleagues? Council Member
8 Sears.

9 COUNCIL MEMBER HELEN D. SEARS: I
10 think maybe this is addressed to the Chair because
11 I'm noticing that the Community Board and the
12 borough president disapprove this project. I just
13 would like to know what was the disapproval based
14 on. Okay. I'll ask the Chair, what was the
15 disapproval of the borough president and the
16 Community Board, where is that 'cause I couldn't
17 find that? Can you do it in one sentence? I
18 couldn't find it. Maybe you can; I'll look for
19 it. Hello Mr. Schwartz, how are you?

20 MR. SCHWARTZ: Hello, how are you?

21 MS. SEARS: Can you tell me what
22 was it based on? It doesn't need a long
23 elaboration.

24 MR. SCHWARTZ: I think that the
25 primary concern, there were a number of things to

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2 numerate, but I think the largest issue was this
3 issue of the elimination of the loading birth. As
4 I said, we tried to address that post borough
5 president and post Community Board. I think the
6 responses are evidenced by the fact that the
7 Planning Commission approved it and the Manhattan
8 borough president's representatives on the
9 Planning Commission supported the application and
10 voted for it.

11 MS. SEARS: The borough president
12 was opposed to it?

13 MR. SCHWARTZ: At that point--

14 MS. SEARS: [interposing] I just
15 want to get all my ducks in a row.

16 MR. SCHWARTZ: Primarily I think in
17 fairness you should speak to them directly I think
18 primarily because of the loading birth issues
19 which we tried to respond do.

20 MS. SEARS: I think you brought up,
21 Mr. Schwartz, an interesting point about the
22 elevators. I think that that is something that we
23 need to look at when we look at applications
24 because it's the first time that I have heard
25 that. So I think that's a big plus for this

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2 project, that you have considered that. I thank
3 you.

4 CHAIRPERSON AVELLA: Any other
5 questions from my colleagues? Just for the
6 record, and then actually I've been asked to make
7 this comment. The Hotel Trades Council is not
8 part of your application; you just invited them to
9 sit at the deus with you, correct?

10 MR. SCHWARTZ: That's correct.

11 CHAIRPERSON AVELLA: Okay. Seeing
12 no other questions, thank you. We'll now go to
13 the public testimony on this item. Galina
14 Marchenko, Paul and I'm not sure how to pronounce
15 the last name.

16 PAUL NOVOSEL: Novosel.

17 CHAIRPERSON AVELLA: Novosel, okay.
18 Veronika Conant and Bill Shea.

19 VERONIKA CONANT: Testimony is
20 supposed to be in a certain order so can we do
21 that. This is Paul Novosel and then I'll be next.
22 Thank you.

23 MR. NOVOSEL: Good morning
24 everyone. My name is Paul Novosel. I'm president
25 of the West 56th Street Tenants Association and

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2 also liaison to the Merchants Association there.
3 I am reading this testimony for Hugo Hoogenboom,
4 who is president of the Board of Directors for the
5 West 54th Street Corporation. I'd also like to
6 say that my association is in association with the
7 54th and 55th Street Block Association. And
8 here's the testimony that Mr. Hoogenboom has
9 written.

10 We strongly oppose the proposal for
11 text amendments to the zoning resolution, 81-212
12 for the special midtown district. WE have three
13 main objections. First, it is unnecessary.
14 Second, its scope is too broad. Third, it would
15 undermine the system of public participation and
16 government scrutiny of development plans.

17 The changes in zoning requirements
18 that the applicant seeks could as well be done
19 through special permits. Why, then, do the
20 applicant and its lawyers, Kramer and Levin, seek
21 these broader text amendments? The effect of the
22 text amendments may give us a clue as to the
23 motivation.

24 The planned 1,100 foot Moma Hines
25 tower at 53 West 53rd Street also represented by

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2 Kramer Levin would be a beneficiary of these text
3 amendments. The effect of the text amendments
4 would extend to any project in the special midtown
5 district where development is burgeoning. This
6 amendment would enable developers to seek changes
7 in zoning requirements in one special permit and
8 thus bypass a lot of the normal review public
9 hearings and review mechanisms established for
10 this kind of thing.

11 The applicant describes the effect
12 case for the amendments solely on the proposed
13 hotel condominium at 610 Lexington Avenue. We
14 believe that a proper consideration of the text
15 amendments would have to take into account the
16 impact on development now, in or near entering the
17 ULURP process as well as generally their impact on
18 projects that may be proposed. What we have here
19 is a kind of Trojan Horse application.

20 These amendments would mean that
21 more zoning decisions would be made by the City
22 Planning Commission, cutting out the borough
23 president and cutting out Community Boards, which
24 are the main means through which the voices of
25 local residents are included in the ULURP process

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2 and severely undercutting community based
3 planning. It is well known that regulatory bodies
4 like the Lnadmarks Preservation Commission and the
5 City Planning Commission tend to become dominated
6 by the very groups they are supposed to regulate,
7 which underscores the important need for community
8 participation.

9 We respectfully ask the City
10 Council to oppose these plans. Thank you.

11 VERONIKA CONANT: I'm Veronika
12 Conant. I'm president of the West 54-55th Street
13 Block Association located north of the Museum of
14 Modern Art in the preservation sub district of the
15 special midtown district. As you have heard the
16 developer is seeking a SR Section 7479 transfer of
17 air rights from landmark Seagram building on Park
18 Avenue to a very small adjacent development site
19 on Lexington.

20 The developer requests zoning
21 amendments, a special permit on zoning amendments,
22 which would apply to the entire special midtown
23 district. The developer would loosen requirement
24 for a loading dock, cut back on how close windows
25 be built to air lot line, cut pedestrian

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2 circulation place, size of our courts and access
3 to light and air by changing alternative heights
4 and set back requirements. The applicant issues
5 an omnibus in order to affect all future zoning
6 regulation in the special midtown district. The
7 applicant doesn't reveal the consequences of the
8 advantage of attachment G.

9 Missing from the list of that
10 marked with floor area available for similar
11 transfers is university club. At 5th Avenue and
12 West 54th Street where the same lawyer, even if
13 not developer, is planning to use ZR Section 7479
14 for the transfer of unused air rights to the Moma
15 Hines development site. For all environmental
16 effects from shadows, hazardous materials, traffic
17 and parking to transit, pedestrian and air quality
18 they claim site specific analysis can not be
19 provided.

20 Since the developer admits not to
21 know the consequences of the text amendment as
22 thorough study is needed to show that impact on
23 future developments before accepting them. This
24 would be better addressed by a comprehensive
25 approach to the section by the Department of City

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2 Planning and a full public debate on the merits of
3 changes then allowing developers to dictate zoning
4 regulations.

5 The developer argues that the
6 modifications are not significant because all
7 developments under 7479 will still be subject to
8 the special permit process. However, the
9 modifications will set a precedent. For example,
10 if a waiver for the loading dock requirement is
11 granted in this case at a busy intersection, it
12 will be very difficult to deny an application
13 anywhere else. Both Community Board 5 and 6 voted
14 against 610 Lexington. The borough president
15 conditionally opposed it however the City Planning
16 Commission voted for it.

17 Now the development plants would be
18 possible without zoning amendments. Since 610
19 Lexington is adjacent to the landmark Seagram, the
20 developer could use ZR Section 74711 instead,
21 which will allow bulk modifications without zoning
22 text changes. Present landmark laws already allow
23 unlimited sale of air rights by landmarks and
24 unlimited buying by developers at sites with
25 avenue zoning on which these groups concentrate.

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2 Additional zoning amendments would seriously
3 weaken 7479 and the benefit to the landmark is not
4 balanced by the negative impact on the community,
5 especially the loss of air and light to the side
6 streets, increasing congestion and loss of
7 pedestrian circulation space.

8 The developer cites a recent 7479
9 special permit application approve block four at
10 400 5th Avenue with text amendments for the
11 special midtown district and 5th Avenue sub
12 district. The lawyer for the project was once
13 again the same, Kramer Levin.

14 Council Members, please do not
15 allow developers and their lawyers to write our
16 laws. Protect ZR 7494 from negative effects on
17 our neighborhood and city; please oppose this
18 project. Thank you.

19 Now I just wanted to add something.
20 You were asking about why the Community Board
21 voted against it. I have here the Community
22 Board's, if any wants to hear it, can I just read
23 you one part of it? It says--I don't know how
24 much of it you want to hear but there is one part
25 of it, which applies to this.

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2 Community Board 5 remains concerned
3 about the immediate and long-term impacts of the
4 proposed text amendment to Section 7479 of the
5 Zoning Resolution for the special midtown
6 district. The principle of amending the zoning
7 resolution for one building and the precedent that
8 would be set in the special midtown district for
9 future application with similar modifications. So
10 this is one of their statements so you understand
11 in addition to the deep concern about the traffic
12 congestion and not to have a loading dock. Thank
13 you. Bill.

14 BILL SHEA: You want me to go next?

15 MS. CONANT: Are you next or
16 Galina? Okay.

17 GALINA MARCHENKO: Hi, my name is
18 Galina Marchenko; I'm a member of 55-56 Block
19 Association. Thank you very much for letting us
20 speak this morning. In my experience, the best
21 and most effective decisions are made when the
22 cost and benefits of an important decision are
23 borne by the same party. However, under the
24 proposed zoning text modifications, this would not
25 be the case.

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2 It is clear that the benefits of
3 the request modifications would be realized by the
4 developers. The incentive for the developers to
5 propose these modifications are also very clear,
6 which are of course to maximize the profit from
7 the project and from the building. However, the
8 continuing long-term quest of these modifications
9 would be borne by the public and nearby
10 communities. Therefore, we oppose this proposal
11 for text amendments to the Zoning Resolution
12 Section 7479 and 81212 for the special midtown
13 district.

14 Since the City Planning Commission
15 chose to ignore the stated commendations of both
16 Community Boards 5 and 6 and voted for the
17 development plans and zoning amendments, we think
18 that an independent agency, which does not have a
19 special vested interest in this project should
20 make an independent study and perform a sufficient
21 due diligence of the fact that the building of
22 this size with the request modification before you
23 would create on current and future public midtown
24 community. Like surrounding communities,
25 pedestrian traffic circulation and all

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2 infrastructure including water, sewage, garbage
3 collection, electricity, telecommunications and so
4 on.

5 In addition, the impact of this
6 development on public safety should be evaluated,
7 in particular fire truck access and fire
8 regulation along with ambulance and police access
9 and ability to pass through this already busy
10 westbound through street. Morning to early
11 evening general traffic along with proposed street
12 loading, unloading of trucks which developers and
13 lawyers addressed a little bit today. But I don't
14 think that's enough extent, effect on public
15 traffic and daytime and nighttime pedestrian flow,
16 all of which are impacted by the modification
17 requested in the plan before you. Based on the
18 results of such study analysis, the independent
19 agency would be best suited to make appropriate
20 accommodations to the City Planning Commission,
21 City Council subcommittees and to the public.

22 We also think that there should be
23 a public debate on the merits of changes to the
24 zoning regulations or other mechanisms that will
25 include public opinion in the decision making

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2 process. Our main concern is that if we continue
3 to allow massive building construction by
4 stretching zoning regulations, it will create
5 significant impact on infrastructure and safety of
6 the current and future of the city.

7 Again, allowing the developers to
8 decide zoning regulations misplaces the benefits
9 and costs of those decisions. Furthermore, these
10 modifications will set a precedent for further
11 modifications by the developers and will clearly
12 make other modifications easier, which in turn
13 would create a cumulative impact on the midtown
14 district's already loaded infrastructure.

15 Therefore, we're respectfully asking members of
16 the City Council Zoning and Franchise subcommittee
17 to please vote against the development plans.

18 Thank you very much.

19 MR. SHEA: Let me address Ms. Sears
20 question again in another fashion. I think that
21 you have been seriously misled by Kramer Levin's
22 representative so I'm going to go for Community
23 Board 6, you heard Community Board 5. The key
24 part of theirs, which if you choose I can give to
25 you is.

Community Board 6 objects

strenuously to the zoning text amendments proposed by the Department of City Planning as these are tailored for specifically for their site and the implications of the broader language of the text amendments could lead to unforeseen or unintended consequences.

What we're talking about here ladies and gentlemen is 7479. 7479 is a zoning regulation; it's been around since 1968. It's been used nine times. It is now being bent by Kramer Levin to benefit its client, Abby Rosen. Okay. Not the first time that's ever happened. What's that other one?

74711 has been the traditional way to transfer large blocks of zoning abilities from a landmark place to a development place. It does not give you a bonus. That is why 7479 is being used. It's about a 10% FAR bonus. It's about money. It's about profit. It's about bending the zoning regulation. It's about screwing around with it.

Since 1968, nine uses of 7479, in the last two decades over 100 uses of the other

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74711. What's happening? It's about bonus. What's being bent? Precedent. Those of you who are lawyers understand what case law means and what precedent means. Precedent was set a 400 5th Avenue by Abby Rosen and Kramer Levin. The reason it was set there was to set up 610 Lexington, same guys. The reason it was set in these two places will be to set up Moma, same lawyer, different developer. What's going on? Law change. You're the legislators.

A lawyer is not supposed to sit there and set up a law. A lawyer is supposed to be hired by a client, do the best job he can for whatever the client wants, whether it's 200 stories or 2 stories. It's unfortunately falls upon the elected officials and legislators to set public policy and to do the public good, to do the public benefit, to do it for the future and to do it for today.

I might also remind those of you from the other borough that what happens in Manhattan regarding large developments does not stay in Manhattan. It bleeds out to your boroughs and you get the same zoning regulation messes that

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we get, it's just a little later. So the effect of 7479 is important as a considered legal point. It's being bent. It's being bent to get the bonus and all the benefits that was formerly used by a zoning regulation. I don't know how to put it any way else. CB5 said no, CB6 said no and the borough president said maybe. To hear that the borough president is decided along with CB 5 and 6, then we have accepted something is ridiculous. They don't like it, they didn't accept it, they still don't like, they still didn't accept it.

CHAIRPERSON AVELLA: Sir, sir.

You're way over time. If you could sum up and by the way you didn't introduce yourself for the record.

MR. SHEA: I'm sorry. I apologize.

My name is Bill Shea and I'm the quiet guy at the Community Park Association. All I can request this Committee to do is consider the long-term harm of a landmark place giving bonus benefits plus development benefits to builders so that we have a landmark place, whatever it is. And then we have all these big buildings around it. What's the point of that?

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2 The second thing that's really
3 important here is history. Everything that was
4 asked for at 400 5th Avenue by Abby Rosen and by
5 Kramer Levin is asked for in 610 Lexington, is
6 going to be asked for at Moma. It's history;
7 they're setting precedent. I would ask
8 legislation to consider that the elected people
9 decide what we're supposed to have for zoning and
10 who gets a bonus. The bonus at 7479 is very
11 simple; you're supposed to have a full plan for
12 preservation. The preservation plan has to be
13 within the scope of what the benefit is to the
14 developer. There's none of that in here. You're
15 not going to find that. So take a shot and thank
16 you.

17 CHAIRPERSON AVELLA: Thank you.
18 Seeing no one else to speak on this item I will
19 close this hearing.

20 MS. SEARS: Well.

21 CHAIRPERSON AVELLA: Do you have
22 any questions? I'm sorry Council Member Sears.

23 MS. SEARS: I just want to make a
24 comment because I think there were a few things
25 that were said. One, I don't know her name but to

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2 your left, you made a comment about there should
3 be public input. When it gets to us, there has
4 been a very lengthy, lengthy process and I say
5 this all the time. That includes public debate,
6 the borough president has public hearings and so
7 does the Community Board. And that is where
8 everyone really should be giving their opposition.
9 So it's not foregone conclusion.

10 And to you, sir, we don't have to
11 be a lawyer to understand our zoning regulations
12 because we pass the laws to do that. So when it
13 comes to this, we're pretty well informed and
14 knowledgeable about what our responsibilities are.
15 So I just wanted that cleared. Thank you very
16 much Mr. Chairman.

17 CHAIRPERSON AVELLA: Thank you Ms.
18 Sears.

19 MALE VOICE: Thank you Mr.
20 Chairman.

21 CHAIRPERSON AVELLA: Thank you.
22 Seeing no one else signed up to speak on this
23 item, I'll close the public hearing. And we will
24 move on to the Rockaway rezoning and I'll call
25 City Planning up to give the presentation.

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2 We just got a slip for David
3 Mulkins. David, are you here? You're for the
4 next hearing not this meeting, so for Landmarks
5 subcommittee? So why don't you take this back.
6 We'll give it back to you.

7 JOHN YOUNG: Good morning Chair
8 Avella, Chair Katz, Council Members and ladies and
9 gentlemen. My name is John Young and I'm the
10 director for the Queens Office of the Department
11 of City Planning. On behalf of City Planning
12 director, Amanda Burden, I'm very pleased to be
13 here on this beautiful August morning to present
14 the Department's efforts to update zoning
15 designations for 280 blocks containing more than
16 6,000 lots in five neighborhoods on the Rockaway
17 peninsula.

18 This rezoning proposal is the
19 longest rezoning proposal that has been presented
20 before this subcommittee, stretching six miles
21 from the Nassau County line to Beach 130th Street.
22 It is a comprehensive effort to provide zoning
23 that more closely matches building patterns and
24 ensures for predictable and orderly development in
25 the future for the communities in this magnificent

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ocean front setting.

I'm joined by Brendon Pilar who will present our rezoning proposal before you. And you should have already received some handouts that will accompany this presentation.

As you're probably aware, the Rockaway peninsula has evolved over the past 100 years from a summertime seaside destination to a series of unique and varied oceanfront communities. In recent years, there's been rapid increase in new development sustained by the success of the Arvin by the Sea project and the desirability of living near the city's magnificent oceanfront. Much of the newer development, however, has been out of context with traditional types and Brendon will review the problems of the existing zoning for you.

For this proposal, the Department has developed a careful delineated rezoning strategy to ensure that future housing more closely corresponds to established developments of one or two family residences that predominate in most neighborhoods. And in only certain locations, on wide streets and near transit will

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2 the proposal allow moderate density developments
3 to strengthen these locations.

4 The proposal will also
5 comprehensively update commercial overlay
6 designations, provide additional locations along
7 prime corridors for retailers and servicers to be
8 located near residences and customers. This
9 contextual rezoning is consistent with many of the
10 Department's recent rezoning efforts to support
11 orderly growth that curbs inappropriate
12 development and provides for targeted future
13 development opportunities to strategically spur
14 reinvestment. It builds upon the contextual
15 rezonings already adopted in Far Rockaway in Mont
16 Creek in 2005 and Bay's Water in 2006. And it
17 updates an earlier 1989 rezoning in Rockaway Park.
18 However, most of the area's rezoning is unchanged
19 since 1961.

20 In addition to changes to the
21 zoning map, the proposal has two locations
22 specific zoning text amendments. One is to
23 bolster accessory parking requirements in this
24 community, whose location is very distant from the
25 city's core and where auto ownership is very high.

1
2 So a proposed text amendment would apply to new,
3 medium density developments within R6 or R7 zones
4 within Community District 14. And increase
5 accessory residential parking requirements from
6 the minimum requirement of accessory parking for
7 70% of total dwelling units to minimum accessory
8 parking requirements for 85% of dwelling units.

9 The second text amendment would
10 provide zoning flexibility for residents seeking
11 to enlarge their one family homes in the 22-block
12 portion of Far Rockaway, where the zoning text
13 amendment would allow an R2X district within
14 Community District 14. Currently available only
15 on Ocean Parkway in Brooklyn, the proposed R2X
16 would allow more floor area and lot coverage for
17 detached single-family residences.

18 Protecting the appealing qualities
19 of the communities on the Rockaway peninsula has
20 been an important goal for Community Board 14,
21 local civic organizations and elected officials.
22 And it's been the Department's privilege to work
23 closely and intensively with them for more than
24 two years to shape and refine this proposal. We
25 know it's taken considerable effort to reach this

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2 point and substantial discussion and debate has
3 occurred. But we could have not made it here
4 without their contributions. Likewise, Council
5 Members James Sanders, Jr., who is present and
6 Joseph Addabbo, Jr. have provided valuable
7 assistance during the rezoning process to organize
8 meetings and provide input.

9 Following the April 21st
10 certification of the proposal, we were very
11 pleased with the support received from Community
12 Board 14 as well as borough president, Helen
13 Marshal and are grateful that they expedited their
14 reviews of the proposal. Last month the Planning
15 Commission carefully considered the full testimony
16 presented during the public review process and
17 made changes, two discreet modifications to it and
18 they the unanimously approved it on July 23rd.
19 Brendan will review these changes for you.

20 In summary, we hope that you, too,
21 will support this well considered rezoning
22 initiative to reinforce the build character and
23 development patterns of these cherished
24 neighborhoods on the Rockaway peninsula. Thank
25 you. Now Brendon will present the details of it.

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2 BRENDAN PILAR: Good morning. My
3 name is Brendan Pillar and I'm the project manager
4 for this rezoning. The Department of City
5 Planning has proposed to amend the zoning map on
6 approximately 280 blocks on Rockaway peninsula.
7 The proposed zoning changes will encompass five
8 neighborhoods, Far Rockaway, Summerville, Edgemere
9 in the eastern section, Rockaway Beach and
10 Rockaway Park in the western section. Study area
11 for this rezoning stretches six miles and contains
12 over 6,000 lots.

13 The rezoning builds upon previous
14 contextual changes in the Mont Creek and Bays
15 Water section in Far Rockaway. And was developed
16 in close consultation with Community Board 14,
17 local civic associations and elected officials.

18 The neighborhoods of the Rockaways
19 have begun to experience significant development
20 pressures in the last several years with return of
21 private investment to the area. Much of the
22 development, however, has not been in context to
23 the existing neighborhoods largely due to outdated
24 zoning which has remained unchanged since 1961.
25 The current zoning permits a variety of housing

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2 types that are inconsistent with the prevailing
3 scale, density and build character in many
4 Rockaway neighborhoods. In addition, existing
5 zoning restricts opportunities for mixed used
6 development along the areas wide streets and does
7 not reflect the need for higher accessory parking
8 demand in medium density areas.

9 In order to address these issues,
10 the rezoning have five objectives: to establish a
11 low scale framework to protect and reinforce
12 established building scale, to ensure the
13 provision of front and side yard, street trees and
14 sidewalk planting strips, to address community
15 concerns for additional accessory parking
16 requirements in auto dependent locations, to
17 provide zoning flexibility for residents to
18 enlarge one family homes in Far Rockaway and to
19 also facilitate a mix of residential and
20 commercial activities in select locations to
21 strengthen the existing context along wide streets
22 and in areas close to the transit.

23 We're now gong to take a look at
24 this rezoning on a neighborhood by neighborhood
25 basis. We will work our way from west to the

1
2 eastern end of the peninsula. For each
3 neighborhood, we will begin with the existing
4 zoning, take a look at the proposed zoning as it
5 relates to land use and finally review the zoning
6 objectives for each neighborhood.

7 The first neighborhood in the
8 rezoning is Rockaway Park. Rockaway Park is
9 characterized by two main corridors, Rockaway
10 Beach Boulevard which goes east to west and Beach
11 116th Street which goes north to south. AS John
12 mentioned, the area to the west of Beach 116th
13 Street was updated in 1989 with a zoning change.
14 That zoning change included R7A on nine waterfront
15 blocks. The area to the east of 116th Street is
16 predominantly R5 and that has not been updated
17 since 1961.

18 If you take a look at our proposed
19 zoning map you can see the strong residential
20 character of the west side of Beach 116th Street.
21 Predominantly one and two family detached homes,
22 which is characterized in yellow and light orange
23 on the land use map. Again, the R7A is
24 characterized by a more moderate density. As we
25 move to the east of Beach 116th Street, the blue

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2 color indicates community facilities and also
3 along Rockaway Beach Boulevard we have pink and
4 red which indicate mixed used buildings and
5 commercial activities.

6 So in Rockaway Park there is a
7 total of 57 blocks proposed to be rezoned, 44 of
8 which will be rezoned exclusively for one and two
9 family homes, that will protect the one and two
10 family detached character in the R3X, R4A, R5A and
11 R3A districts. These represent all the districts
12 we have available to protect one and two family
13 detached homes but pay careful attention to lot
14 with end bulk.

15 The proposal will also rezone 11
16 blocks for lower density development. The R4
17 reflects the community facility and two and three
18 story residential developments, the south of
19 Rockaway Beach Boulevard. And the R5B rezone the
20 Boulevard from R5 to R5B to reinforce the two and
21 three story mixed use development character along
22 Rockaway Beach Boulevard and the north side of
23 Beach 116th Street.

24 We're also proposing two block be
25 rezoned for medium density. We're proposing an

1
2 extension of the existing R7A district on the
3 south side of Beach 116th Street. The proposed
4 R7A extension will provide long desired
5 opportunities for new investment to improve the
6 south end of Beach 116th Street corridor with new,
7 mixed use and retail residential developments at
8 similar scales and densities, six and seven
9 stories, as nearby existing buildings. The R7A
10 will help achieve a critical mass of residential
11 units, which will ensure year round pedestrian
12 activity and incentivize new commercial
13 opportunities.

14 The next neighborhood in the
15 rezoning is Rockaway Beach, it's just to the east
16 of Rockaway Park. Rockaway Beach also has general
17 residents districts that have not been updated
18 since 1961, which include the R4 district in the
19 northwestern corner, R5 in the southwestern corner
20 and a R6 district in the central corridor located
21 on both sides of the Cross Bay Parkway. R6 is a
22 general residence district, which allows for a
23 variety of housing types. It has no set height
24 limit and also no provisions for front or side
25 yards. You can see in the photographs some of the

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2 development that's been occurring in the existing
3 R6, very tall, moderate density developments as
4 well as or houses in areas predominated by single
5 family detached structures.

6 In our proposed zoning land use map
7 you can see the individual characters of the
8 blocks in the northwestern corner. We're
9 proposing R41 to protect the one and two detached
10 and semi-detached character there. If you look to
11 the south of Rockaway Beach Boulevard, which again
12 works it's way east to west and through Rockaway
13 Beach, we are proposing R5A which is a district
14 that is predominantly one and two family detached
15 structures. Along Rockaway Beach Boulevard we're
16 proposing a mixture R5B and R5D, this pays careful
17 attention to the building heights in those areas.
18 R5B is mapped on the block fronts with two and
19 three-story development. And R5Bis mapped on
20 block fronts with three and four story
21 development.

22 As we continue down Rockaway Beach
23 Boulevard, we have an R41 district you can see in
24 the orange color are our one and two family semi-
25 detached homes, which will be protected by the

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2 R41. And R5D district, which is characterized by
3 a slightly more dense development. And finally as
4 we work our way back towards Rockaway Park,
5 commercial and larger scale residential
6 development.

7 Begin on the right with our
8 proposed zoning summary. 66 blocks are proposed
9 to be rezoned, 32 of which will be rezoned to
10 protect the one and two family character. Again,
11 that's the R41 and R5A districts, as well as the
12 R4B. 12 blocks were rezoned for lower density
13 development. That's the R5B along the Rockaway
14 Beach Boulevard corridor and also the R4 district
15 that's just on the bayside. That's where there's
16 a community facility that's currently zoned at C3.
17 Since there are no waterfront commercial uses
18 there, the R4 zoning is appropriate for community
19 facilities and residential development.

20 20 blocks will be rezoned for
21 medium density development. That's the R5D
22 districts that stretch on both the north and south
23 sides of Rockaway Beach Boulevard. And the
24 proposed R6A, which implements a maximum 70-foot
25 building height limit over the existing R6

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2 district. R5B and R7A over on Rockaway Beach
3 Boulevard.

4 After the City Planning Commission
5 held its public hearing, modifications were made
6 for the proposal. The first one was to modify the
7 proposed R7A along Rockaway Beach Boulevard on two
8 block portions, either side of Beach 105th Street.
9 The modification was changed to R5D to reflect a
10 more consistent street wall, four-story street
11 wall, that's already been accomplished on this
12 block front, to the west of Beach 102nd Street.
13 So the R5D district will allow for more
14 predictability and similar building envelope along
15 that corridor.

16 Our next neighborhood is
17 Summerville. Summerville is just to the east of
18 Rockaway Beach. Summerville is predominantly
19 residential. It has three main general
20 residential districts in its existing zoning. R32
21 to the north of Beach Channel Drive, R5 to the
22 south, and C3 waterfront commercial district to
23 the north of Beach Channel Drive. Both R32 and R5
24 are general residence districts, which allow for a
25 variety of building types.

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2 You can see in our proposed zoning
3 map on our land use map, the predominant one and
4 two family character we're proposing R4A and R5A.
5 In the predominant semi-detached character, which
6 is shown in the orange where we are proposing R41.
7 Along Beach Channel drive we're proposing R5D.
8 This is an effort along with the mapping of new
9 commercial overlays to encourage new mixed use
10 commercial opportunities for residents on these
11 blocks. As you can see in our existing zoning map
12 there are only two commercial overlays along Beach
13 Channel Drive, our proposed zoning will add many
14 more.

15 So on Rockaway Beach there are 58
16 blocks proposed to be rezoned. As I mentioned, a
17 majority of them will be rezoned, 45 of them, to
18 protect the one and two family character, again,
19 reflected in the R4A and R5A for one and two
20 family detached homes and R41 for one and two
21 family semi-detached homes. As I mentioned, R5D
22 along Rockaway Beach Boulevard which will help
23 encourage three and four story mixed use
24 development. There's also one block proposed to
25 be rezoned from C3 to R4 to limit future

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2 development to community facility and residential
3 development.

4 The final neighborhoods in the
5 rezoning are Far Rockaway and Edgemere. Far
6 Rockaway along the Nassau County border
7 characterized by an R2 single family detached
8 district. The area to the south of this red area,
9 which is downtown Far Rockaway is rezoned R4 and
10 R5, these are again general residence districts.
11 And along the ocean front is a large R6 district,
12 which again, these pictures help illustrate allow
13 for a variety of building types with no set height
14 limits, no provisions for rear or side yards and
15 generous parking waivers.

16 In our proposed zoning, again, we
17 have our single family detached district. These
18 22 blocks are subject to our text amendment which
19 we're opposing along with the zoning map changes
20 to allow for some flexibility in enlarging these
21 one family detached homes. To the south` of the
22 downtown area, where there is a mixture of
23 community facilities as well as one and two family
24 detached and semi-detached homes, we are proposing
25 R4A and R41. And on the ocean front blocks, where

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2 the existing R6 is permitting quite varied
3 development.

4 We're proposing R3A to kind of
5 protect the bungalow blocks in that area, R41 to
6 protect the one and two family semi-detached
7 character and R5 to implement a maximum 40-foot
8 height limit along with additional parking
9 requirements and provisions for front and side
10 yards. We're also proposing C43As and C44 to go
11 along with the Edgemere and Auburn East urban
12 renewal areas. This will help anchor commercial
13 activity for those urban renewal areas.

14 So in Far Rockaway and Edgemere
15 there's 116 blocks proposed to be rezoned, 22 of
16 which will be rezoned for R2X. R2X better
17 reflects the large single family detached
18 character of the neighborhood and allows for
19 residents to enlarge their homes. R2X has the
20 same building envelope as R2A, which will help
21 ensure more predictability than the existing R2
22 district. Also the narrow lot with provisions
23 will also help bring some of the homes on these
24 blocks into compliance.

25 79 blocks will be rezoned for one

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2 and two family houses that's reflected in the R4A
3 and R41 districts to the north of Segrid as well
4 as the R41 straight just to the south. The R3A
5 bungalow district just to the south of Segrid. 10
6 blocks will be rezoned for lower density housing,
7 that's the R5 district which again establishes a
8 set building height at 40 feet. And also the five
9 blocks for medium density zoning, the R6A/C, 43A
10 will again, help anchor commercial activity in the
11 Edgemere renewal area. And the C44 will help
12 anchor commercial activity in the Auburn East
13 urban renewal area.

14 The second modification made by the
15 City Planning Commission was made in Far Rockaway.
16 It retained the existing R5 district between Beach
17 19th Street and Beach 15th Street just to the
18 south of Plainview Avenue, approximately 150 feet
19 to allow the permitting process for Yeshiva site
20 between Beach 19 Street and Beach 17th Street to
21 continue as planned. As well as related faculty
22 housing to the south of Brookhaven Avenue. So the
23 R5 district has been retained on those blocks
24 while the R4A and R41 districts have been moved to
25 protect the one and two family detached and semi-

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detached character on those blocks.

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Along with the residential zoning changes we're also proposing new C13 and C23 commercial overlays to bring existing commercial uses into compliance and to provide for new commercial opportunities. The depths of these overlays on Rockaway Beach Boulevard, Beach 116 Street, Beach Channel Drive and Segrid Boulevard will also be reduced from 150 to 100 feet to prevent the commercial intrusion on residential blocks.

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Finally in some 280 blocks we're proposed to be rezoned, 266 of which, an overwhelming majority, will be rezoned to protect the lower density character of the Rockaway peninsula. The rezoning also includes additional accessory parking requirements and strengthens existing context in very select locations with new mixed used commercial and residential opportunities.

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CHAIRPERSON AVELLA: I think you just set the record for the longest City Planning presentation other than a major project. I'd like to call on Council Member Sanders for his comment.

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2 I will then read a letter from Council Member Joe
3 Addabbo. I have some questions and my colleagues
4 have some questions and then we'll go to the
5 public testimony. Council Member Sanders.

6 COUNCIL MEMBER JAMES SANDERS, JR.:

7 Thank you very much Mr. Chair. Having been born
8 and raised in the Rockaways, I am delighted that
9 we're starting to get the attention that we need
10 to grow and develop in the 21st century. I must
11 admit that I am an expert on my district, which is
12 roughly 70% of the Rockaways. And I will defer to
13 my colleague who is very versed on his area of the
14 Rockaways. My part of the area--I was telling my
15 colleague today that perfect is the enemy of
16 great. Perfect exists in the mind; we will never
17 see it on this planet but great we can perhaps get
18 to. For my purposes, this plan is a great move
19 towards the new Rockaways, speaking about my area
20 from around 90th Street East.

21 I have always been a supporter of
22 affordable housing and I'm told that in another
23 part of the district, my district, that there's
24 going to be a development and I trust that it will
25 have affordable housing in it. I'm speaking about

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2 the 400 plus units that are supposed to go to 116
3 Street. I urge everyone that affordable housing
4 needs to be included in that development also.

5 So from my point of view, this has
6 been a very long--I can agree, that we have had a
7 million meetings on this issue. It has been very
8 long and the community has participated, full
9 steam ahead, in this. So I am here to say for my
10 portion that I'm in favor of this and I'm anxious
11 to hear how my colleague is speaking. Thank you
12 again Mr. Chair and thank you to City Planning.

13 CHAIRPERSON AVELLA: Thank you.
14 Council Member Addabbo couldn't be here with us
15 this morning but he did submit testimony that he
16 asked me to read into the record. And it's
17 addressed to me.

18 I hope this letter finds you well.
19 I want to thank you and your committee staff for
20 convening the hearing regarding the proposed
21 rezoning of the Rockaway peninsula. Unfortunately
22 due to a previously scheduled event, I apologize
23 for not being able to attend said hearing but
24 would like to take this opportunity to express my
25 position on the proposal before the Committee,

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2 more specifically as it pertains to Beach 116th
3 Street.

4 If the numerous conversations and
5 meetings with my constituents, elected officials,
6 Community Board 14 members and executive officers,
7 civic leaders, the Queens borough president's
8 office, John Young of Queens City Planning, City
9 Planning Commissioner Chair Amanda Burden and you.
10 Meaning me, I guess. I consider my position to be
11 a well researched and educated one.

12 While I will constantly be
13 concerned with and continue to work on specific
14 issues with the Rockaway rezoning such as but not
15 limited to, parking, cosmetic appearance, traffic
16 and future development, I believe that one
17 classification of zoning would positively promote
18 the desired commercial and residential development
19 that the majority of the entire Rockaway peninsula
20 is seeking and one that would complement the full
21 rezoning plan for the peninsula. That is why I
22 support the proposed R7A zoning for Beach 116th
23 Street.

24 By supporting the proposed R7A
25 zoning I join together with the majority of my

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2 constituents, Community Board 14, the Queens
3 borough president, City Planning and area elected
4 officials in seizing the opportunity to continue
5 the revitalization of Rockaway and encourage
6 credible local retail development and job growth.
7 In my educated opinion, ignoring or postponing the
8 rezoning of Beach 116th Street would jeopardize
9 the progress of the remainder of the peninsula's
10 rezoning and would place the potential positive
11 development of Beach 116th Street in a most
12 uncertain timeframe and outcome.

13 I appreciate all the efforts of my
14 constituents, both those in favor and those
15 opposed to the rezoning plan. Their input over
16 the past two years at various private and public
17 meetings regarding this plan was most valuable to
18 me. I hope that in the end we can continue to
19 work together to ensure a future that benefits all
20 the residents of Rockaway for decades to come.

21 Once again I apologize for my
22 absence at the hearing and I thank you and the
23 Committee for the opportunity to express my
24 position. If I can be of any assistance to you in
25 the future, please do not hesitate to contact me.

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2 I have copies of that for my
3 colleagues. Now having read into the record his
4 statement, I have some questions for City
5 Planning. Before we get to the public testimony
6 we have 25 people signed up to speak, a few in
7 favor and many in opposition. The issue that I've
8 always had has been the R7A rezoning of Beach
9 116th Street. You and I know we've had several
10 conversations about this.

11 I raised the issue early on that
12 why not take this out of the application. Proceed
13 with all the other zoning parts of the
14 application, which the community overwhelmingly
15 supports. And why not come back with a special
16 district for 116th Street, given that it is the
17 transportation hub, it's like the Main Street of
18 the Rockaways. Why not take a little bit more
19 time and do a better job of it? And I hate to
20 disagree with my colleague but he knows my opinion
21 on this.

22 So I'd to now--

23 [Applause]

24 Please, it's always my policy if I
25 allow applause I have to allow boo's. I can't do

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2 either. So the opportunity for you to express
3 your comment is when you sign up to speak. So I'd
4 like to hear your comments. I know what it is but
5 for the record, I'd appreciate your responding to
6 my concerns.

7 MR. YOUNG: Certainly Council
8 Member. As we've said in our previous
9 discussions. We've looked at this treatment on
10 Beach 116th Street as one part of a two-fold
11 treatment on the corridor. We've seen very
12 healthy activity at the northern end and at that
13 area we are proposing a zoning a R5B with
14 commercial overlays that is distinctly in keeping
15 with the existing fabric in trying to ensure that
16 there's that very level of two and three story
17 buildings occurring on most of the corridor.

18 But at the southern end where we
19 have already an existing R7A district, the idea of
20 creating a special district when we already know
21 the zoning that is nearby has, over a period of 10
22 to 15 years, reinforced the fabric that already
23 was on the ocean promenade. Will now be able to
24 create the opportunity for some reinvestment to
25 strengthen the southern end.

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2 We believe there already is a
3 zoning that has the qualities of predictability,
4 just like the northern end, and a track record
5 where we have seen how the new development has
6 occurred over time. I think, in particular, what
7 we did hear in needing special treatment in the
8 Rockaways was about accessory parking. So we did
9 create a special zoning treatment for the medium
10 density buildings that will be allowed in the R7A
11 and raise the accessory residential parking
12 requirement to a minimum of 85%.

13 But I think overall just like the
14 other rezonings that we've done, this is a
15 balance. And it's a balance where if we were
16 creating something totally new and foreign, we
17 could certainly see there's the validity that this
18 needs special and separate treatment. But I think
19 we looked at all sides of the issue, found a zone
20 that already is in place in Rockaway Park, and are
21 just proposing an extension with a special
22 treatment for the accessory parking that will be
23 required as a minimum to be more appropriate given
24 auto ownership and development patterns in the
25 area.

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2 I think that in particular, the
3 idea of the medium density that we're talking
4 about here, the idea of taking the current FAR
5 which can be up to 2FAR under the existing R5 and
6 increasing it to 4FAR. That is the type of
7 treatment on this portion of the corridor that we
8 think is, as we've presented, going to spur year
9 round pedestrian activity, ground floor retail and
10 would actually strengthen this end of the corridor
11 consistent with the ocean promenade development,
12 which is just purely residential.

13 I think in balance, this treatment
14 has been already examined and this strategy is the
15 way we've looked at other main corridors within
16 this rezoning and the way towns do on most of
17 their main streets. They actually try to generate
18 mixed use development and have the density at the
19 core. And this really is where we're viewing the
20 core reinvestment needing to be occurring at a
21 level that's going to spur positive change.

22 CHAIRPERSON AVELLA: John, I
23 obviously hear what you are saying. You know I
24 don't agree with it. A couple of points and then
25 I know Council Member Sears has a couple of

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questions.

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There were two, correct me if I'm wrong. There were two areas that you have recommended for R7A individual application, correct? One of them you modified at the City Planning level. So if your originally plans said you thought that two areas should be but you changed the plan to reflect other issues that came up, why not recognize the fact that the community may be right in this situation and change the R7A in this second location as well? You made one change, why not make the other? I still don't understand.

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I completely can understand your position but are we not doing these things in response to the concerns and the issues of the community to preserve their neighborhood and preserve the charm of their community? Why are we not just listening to them when it comes to Beach 116th Street? I don't get it.

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MR. YOUNG: We have had extensive conversations and discussions on the Beach 116 issue. I think there's a separate issue about what the Commission viewed when it made the

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2 modification on Beach 105th Street. There wasn't
3 a lot of public testimony about it but it was made
4 clear during testimony and during some of the
5 discussion that that was a novelty on that stretch
6 of Rockaway Beach Boulevard, where most of the
7 Boulevard was actually being treated with the R5D.
8 We also heard that the adjoining property on the
9 north side, the Water Pollution Control plant
10 wanted developments kept at the 40 foot height
11 that existed with the R5 district already in
12 place.

13 I think the Planning Commission
14 took all of that into consideration in making that
15 modification because there was a site specific
16 concern. I think if you look at how much of
17 Rockaway Park is getting substantial protections
18 with the remaining 55 blocks that are being
19 rezoned, this is the area where I think the debate
20 has been about what's needed to bring this into a
21 healthier development state than it is under the
22 current R5 zoning. The rest of the area is
23 getting substantial down zoning and protections,
24 this area has some challenges under the current
25 zoning for redevelopment.

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2 CHAIRPERSON AVELLA: You came very
3 close to saying something that I wanted you to say
4 but you used a different term. It's very
5 interesting because you say you're doing the down
6 zoning on a whole number of blocks in the
7 Rockaways and everybody wants that and that's what
8 the community asked for. But then you stopped
9 just short of saying, basically, well we're doing
10 a down zoning so we've got to do an up zoning some
11 place. You used the word challenges but really
12 what it is, is--and I don't expect you to agree
13 and I know you can't agree.

14 But the unwritten policy of City
15 Planning is if we're going to do a down zoning,
16 we're going to do a up zoning some place. And
17 clearly, although you didn't use the word, you
18 started to reading between the lines sort of
19 indicate that we're doing an down zoning but
20 here's an area where we can do an up zoning. In
21 my opinion, and you can comment on it. I know
22 what you're comment is going to be, you're going
23 to disagree. This is where you figured this is
24 the only area where we can get in the up zoning.

25 You use the word challenges instead

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2 of saying you want an exchange for down zoning
3 we're going to do the up zoning because I know you
4 guys would never admit to that policy. But it's
5 obviously going on. And you know I have said
6 categorically I find it disgraceful. If a
7 community wants a down zoning and needs it, they
8 should get it without having to get something
9 back. And clearly I think that's what you're
10 doing here. You can respond but you're not
11 changing my mind in this respect.

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MR. YOUNG: I respectfully
13 understand that we may disagree on this. But what
14 we did with this setting in Rockaway Park is no
15 different than what we did in portions of Far
16 Rockaway or Summerville. We looked at the areas
17 on main streets where there currently is actually
18 dis-investment going on, or actually no investment
19 in some of those properties.

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And just try to understand, talking
21 to the communities, what everyone I think wants in
22 each of these locations is new businesses on the
23 ground floor and some new amount of residential
24 opportunity. Because I think overall what we're
25 saying is we're trying to provide a mix of housing

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2 options every time we do a rezoning. Primarily
3 one and two family but there are areas of this
4 city and in each community where they may be
5 appropriate multi-family building types.

6 And that's all that we're trying to
7 do in each of these focus locations is provide for
8 retail with a commercial overlay and some multi-
9 family housing opportunity, that diversity of
10 housing type and diversity of housing choices, we
11 think actually strengthens communities. It allows
12 people at different stages of their households
13 opportunities to be within the particular
14 community. We don't want all communities to
15 simply be one and two family communities if
16 there's the opportunity and the tradition of
17 having mixed housing in parts of it.

18 CHAIRPERSON AVELLA: So we went
19 from challenges to opportunity. Council Member
20 Helen Sears.

21 COUNCIL MEMBER HELEN D. SEARS:
22 Thank you Mr. Chair. I have just a few. I'm
23 sorry but I'm going to have to leave for an ADC
24 meeting. I noticed that in the borough
25 president's approval, she also stated that--I need

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2 to read this. She says that Rockaway Beach
3 Boulevard should be reconsidered by the Department
4 of City Planning. Beach 116th Street is
5 definitely in need of revitalization, however the
6 effects of increased heights and density may
7 negatively impact the bordering streets on either
8 side, particularly the low density areas to the
9 west.

10 My question is what happens to the
11 conditions? When somebody approves something with
12 conditions, what happens to the conditions they're
13 proposing? Are they taken into consideration? Is
14 there a response after you review that, that you
15 can not abide by the conditions? I understand the
16 zoning very well so it may seem like a strange
17 question but it comes up with Community Boards.
18 They'll vote yes but they have conditions. I
19 think you need to clarify for me exactly what does
20 that mean because those conditions are expressing
21 the concerns of the people that live there.

22 I know, for me, if my block and
23 half of the existing block was excluded, I'd have
24 a big problem with that from 278 or 277 blocks
25 that are zoned. That area and I know I've had

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2 studies for years on the Rockaways and for years
3 and years there is no question how do you work
4 with the Rockaways. How do you develop them
5 commercially because they should be self
6 sustained. They should do that and that's very
7 difficult to do. That is what makes communities
8 very vital is when they have commercial areas that
9 can sustain them.

10 And I understand that very well
11 however when an area is gentrified, there's a lot
12 of attention that has to go into it. I understand
13 there are homeless there, etc. It seems to me
14 huge efforts should be made to correct those
15 unpleasantries and to upgrade a community prior
16 to using rezoning as the last incentive. I'm not
17 saying I disapprove; I think there's a very deep
18 philosophical thing here.

19 For years and years and years the
20 Rockaways have had a major problem in developing
21 in a right way. It's always been very difficult.
22 Here is this opportunity and you do it, 280
23 blocks. And there's an isolated little oasis that
24 has really major problems. So has there been an
25 effort, I think my question, in order to correct

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2 those problems? Has that been going on for many
3 years that necessitates? And also is it being
4 done because the R7 is already existing in that
5 existing building that's there and it's not good
6 to let it stand by itself because that has
7 happened on some of the stuff on the west side.

8 I understand we're not voting on
9 this today because we don't have the quorum to do
10 that. But I raise those issues because--and I
11 support my colleagues and certainly those whose
12 district its in, it's not my district but I know
13 the Rockaways. And I can tell you even though
14 it's not a district, the Rockaways belong to
15 everybody because they're one of the best beaches
16 around.

17 [Applause]

18 I agree. The fact is--

19 CHAIRPERSON AVELLA: [interposing]
20 Correction. Not one of, it is the best beach.

21 MS. SEARS: I stand corrected, I
22 stand corrected. So this little oasis belongs to
23 everybody and as a result, I feel very comfortable
24 in making my comments without offending a
25 colleague because I wouldn't do that or offend

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City Planning because you have put a lot of time into it. So my comments are very respectful one. I just have the feeling that because the area has been so poorly developed over the many years that - and I know the time that's been put into all these blocks - I would think it needs a little extra push to look at exactly what kind of commercialism are you going to encourage. It is very laudable to go to 85% for parking; that's the first time I've seen that. And that is really commendable.

So I think there are a few questions and you may very well end up keeping that zoning that you're [inaudible]. That's okay. If it's basically, even though the community around it, the community in that area is feeling very much that they have become a target and that everything else around them is going to be these flowering blossoms where at the same time they literally will become a dumping ground. That's a hard thing to digest.

Now if we have this little oasis that's going to be the impetus for that down zoning, that's a problem. If the down zoning is

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2 the impetus to upgrade that little oasis and make
3 that something very pleasant, I don't see enough
4 there of the planning as to what kind of
5 commercialism, who will be doing it. Is the
6 commercial area going to be what is very vital to
7 the surrounding community to sustain it? We don't
8 have that; it's very bland.

9 I know that you don't, but I do
10 think that some of those things need to be looked
11 at when there is such a major impact of keeping,
12 of upgrading a tiny area, downgrading over 277
13 blocks. I could see by the time this goes in, or
14 whatever, there's going to be such a mad rush. It
15 needs things that City Planning doesn't do, it
16 needs to have the sensitivity as to what kind of
17 housing is going up. What is the architecture of
18 that housing?

19 I know the limitations of zoning,
20 of City Planning and I always stress that people
21 should not confuse what the zoning is and what
22 people can do aesthetically. That means that
23 there needs to be developers who have that
24 sensitivity to doing the very things that zoning
25 does not control. There's a lot to make that area

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2 develop and I don't think just one simple zoning
3 change is going to make that happen. I think it's
4 going to happen over a very long period of time.
5 And I'm not so sure that--I think I've made my
6 point so I want to thank you and I think you
7 understand. I know that Mr. Young does.

8 I have great respect for City
9 Planning; they do a mammoth job in this city. And
10 everything they do comes before this and when I
11 think of what you've done in Jamaica. 280 blocks
12 is absolutely astounding so you should be
13 commended for that. But I do think I'd like to
14 put another infusion into something and that is
15 what are they really living with? What are the
16 plans that go into making it aesthetically sound,
17 which has nothing to do with the zoning. You're
18 talking about depth and you're talking about
19 height.

20 I'm concerned about what kind of
21 commercial areas come in. Are they going to be
22 supportive of this surrounding area, are they
23 going to be little stores that can't even make a
24 living and then they're left with empty stores?
25 You can't do that communities. You can not do it.

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2 So I'm not so sure what the next step is but I do
3 think there's a next step. That doesn't mean that
4 this whole zoning is cast aside 'cause it doesn't.
5 Because actually what happens to that area, if
6 it's not right, we'll never make those 277 blocks
7 great because they're not separate and apart. I
8 just think that that's something to think about.

9 But I want to commend you and thank
10 you because you really have done--the public may
11 not realize the extensiveness of rezoning, just us
12 on the Committee what we have to do. And we're
13 not sitting there plotting and changing. We may
14 talk and work with them but City Planning has a
15 mammoth job. When you talk about rezoning the
16 entire city, we're talking about shaping the
17 entire city. City Planning does that and they do
18 it with a great deal of sensitivity and I just
19 have to say publicly that I commend you for doing
20 that. Thank you Mr. Chair. I'm sorry. I took a
21 little bit longer but sometimes I get carried
22 away. [Laughter]

23 [Applause]

24 CHAIRPERSON AVELLA: Thank you.
25 Seeing no other questions, we will move to the

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2 public testimony. Normally what I do is I do
3 panels in favor, panels against. We have one
4 panel in favor and then all the to her speakers
5 will be against so we'll do the panel in favor
6 first. Jordan Most, Vincent Castellano and
7 Hazeron Mohammed.

8 JORDAN MOST: My name is Jordan
9 Most in the office of Sheldon Labell. I'm here on
10 behalf of Yeshiva Darchei Torah. It was briefly
11 mentioned by Brendon Pilar of City Planning that
12 several properties controlled by the Yeshiva were
13 specifically excluded from the rezoning. And on
14 behalf of the Yeshiva we wanted to express our
15 gratitude to City Planning for doing this. We
16 came forward late in the ULURP process as the
17 Yeshiva was really unaware of the implications of
18 the rezoning. John Young and Brendon Pilar took
19 the time to hear the Yeshiva's plight and reacted
20 sympathetically.

21 The Yeshiva has several projects in
22 various stages in the development pipeline that
23 would have been dramatically impacted and/or would
24 have caused substantial hardship on the Yeshiva if
25 the requested changes were not accommodated. The

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2 exclusion will allow the school facility project,
3 which is in the permitting process, to proceed
4 without undergoing costly redesign. And the
5 exclusion will also allow the construction of
6 detached and semi-detached single family homes
7 large enough to accommodate faculty and staff
8 members of the Yeshiva, all of whom have very
9 large families.

10 These projects represent the
11 Yeshiva's commitment to the neighborhood as a
12 major educational institution that is constantly
13 strengthening those neighborhood and community
14 ties. The proposed exclusion as incorporated in
15 the present report will allow the Yeshiva to
16 advance its important and beneficial agenda.
17 That's all. Thank you.

18 VINCENT CASTELLANO: My name is
19 Vince Castellano. Want me to take a minute and
20 tell you my credentials here. I'm a real estate
21 broker and landlord in Rockaway for 25 years.
22 I've been on Community Board 14 for 19 years. I
23 was Chair for five years. I'm currently chair of
24 the Urban Renewal Committee which approved the
25 urban renewal plans Edgemere and Auburn. I was

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2 mayoral appointee to the New York City ran
3 guidelines board for five years. Some of you may
4 know me because ten years ago I had a radio show
5 called Real Estate Nightmares. If the Chairman is
6 wondering and scratching his head why I look so
7 familiar it's because about 15 years ago I did a
8 T.V. show called Should Queens secede and you were
9 a guest on that show.

10 We're here at the end of
11 approximately three years of meetings, discussions
12 and compromises. This plan has unanimous approval
13 of the Land Use Committee, the Community Board
14 voted 32-12-2 to approve it. The Borough Board
15 approved it, Community Planning Commission
16 approved it unanimously. The two changes they
17 made, one was to accommodate the Darchei Torah, I
18 think I got the pronunciation right. And they
19 made a change on 105th Street basically to
20 accommodate DEP.

21 There are only two blocks that had
22 any material opposition. Council Member Sears
23 said the community around, well that's not quite
24 precise because it's the community to one side is
25 opposed. There are some people who are happy that

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Beach 116th Street is a slum and they want to keep it that way. I will take anybody there and show you our proud slum that has been described as charming. It will, no doubt, soon be described as quaint. If you're wondering why there are 25 people in opposition, here is the copy of the ad from the local newspaper offering free lunch and free transportation to anybody who wants to come to this meeting to testify in opposition.

I guess when you're desperate you write ads in the newspaper. Does lunch also refer to council members--

CHAIRPERSON AVELLA: [interposing]
I don't think so. I'm afraid you have to buy your own lunch.

MR. CASTELLANO: Council Member--

CHAIRPERSON AVELLA: [interposing]
That might be above the allotment that we're allowed to accept under the conflict of interest.

MR. CASTELLANO: I'm in complete support. I voted for this for a long time. The reasons are quite simple. There are two blocks. The block on the west is basically going to get unchanged except for one lot, which is formerly

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2 known as the Beach Club. The block on the east is
3 a disaster. It's got an old building which was a
4 hotel, which was converted to an adult home. It's
5 got three or four SROs, 200 SRO beds on that
6 block, numerous vacant lots, an abandoned movie
7 theatre.

8 This block is a disaster. There is
9 nothing worth saving on this block and you can't
10 build a palace next to a pigsty. You have to
11 create sufficient incentives to knock everything
12 down. The Rockaway Park Hotel has a current FAR
13 of 2.85, that at 64 legal rooms in that hotel. If
14 you don't take that building down nobody's going
15 to build half a million dollar condos next to it
16 with that kind of view.

17 So the R7A as a result of a
18 compromise, I think it's a good compromise. If
19 Ms. Sears was here I would say to her that we
20 waited a long time. The zoning hasn't changed on
21 that block since 1961. It's been frozen in time
22 and frankly it looks it. Thank you very much.

23 CHAIRPERSON AVELLA: Of course I
24 remember you, are you kidding me?

25 MR. CASTELLANO: Well then you have

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more brain cells left than I do.

CHAIRPERSON AVELLA: I had called
three names.

MR. CASTELLANO: Hazeron Mohammed
had to...

CHAIRPERSON AVELLA: Had to leave?

MR. CASTELLANO: Yes.

CHAIRPERSON AVELLA: Okay. Now the
next panels will all be in opposition. I'm going
to call them up in no particular order. Hank, is
it Tory, Iorii, Maureen Walsh, Kevin Gallagher and
Andrew J. Patti. That will be the first panel.

KEVIN CALLAGHAN: It appears we no
longer have a quorum.

CHAIRPERSON AVELLA: That's very
astute of you. Obviously the public hearing goes
on. But because we do not have a quorum, we will
be laying the vote over 'til 9:45 tomorrow
morning.

MR. CALLAGHAN: Okay. It's pretty
hard for me to take Councilman Addabbo's position
not personal because--

CHAIRPERSON AVELLA: [interposing]
First of all introduce yourself.

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MR. CALLAGHAN: My name is Kevin Callaghan, resident of Rockaway Park. As everyone who gets up and speaks to opposition to this proposal will be from Rockaway Park. It's hard for me to take the Councilman's position not personal because I think it's so damaging forever and always to my community of Rockaway Park. I'm speaking about the 116th Street R7A zoning. I think that this was a sell out of my community to develop this.

John Young talks about opportunities for investment; I hear sell out to the community. If you look at the Rockaway peninsula from east to west, there are six lanes of traffic for most of the peninsula. It then bottlenecks to three lanes of traffic at the 116th Street area. Of those three lanes, the one that feeds 116th is two lanes. The eastbound lane is 10 feet wide. When the bus stops, the traffic stops. They're proposing on dead end streets, eight story buildings. And they're doing this without a plan.

John Young and City Planning made

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2 fast and loose with the build out timeline because
3 they should know what we know that the contracts
4 have been signed and development is going forward.
5 And they did this to avoid the mandated
6 environmental impact study. So we're moving
7 forward without the benefit of an environmental
8 impact study. This is the opposite of planning;
9 this is proceeding with no planning. This is
10 selling out to developers and keeping our fingers
11 crossed and hoping for the best.

12 Councilman Sanders, I know you said
13 you're very happy with the way this worked for
14 your end of the peninsula. I think that was a
15 consensus for many people from your next of the
16 woods. On the Community Board, they were
17 sympathetic to the problems of Rockaway Park.
18 They felt we were getting screwed but this was
19 good for them. So I'm sorry, fellows, we voted
20 for it.

21 But I'm here today to say, look, we
22 can come out with a plan that's good for
23 everybody. Let's just say no. Thank you.

24 HANK IORII: My name is Hank Iorii.
25 I have text here to read but before I do I just

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2 want to say R7A. The city wants to give us an R7A
3 on 116th Street. Once they give it to us and
4 developers can now buy pieces of property, they
5 have no real say if there'll be a commercial
6 overlay. Now if any of us have gone to the beach
7 and dig into the sand, we know the water table is
8 very high.

9 So if a developer buys a 60 x 100
10 and wants to put in units there, he's going to
11 realize or she's going to realize that they can't
12 dig deep to put in a parking area. They're going
13 to have to put it on ground floor and that's going
14 to negate any possibility of putting in commercial
15 overlay. And that could very well happen. Once
16 that happens on one lot, its' going to have an
17 impact on others.

18 Everybody is saying that there are
19 developers that want to come in and build on the
20 whole scale, take the whole block over. In these
21 economic times, that's not necessarily so at this
22 point. There's a lot of variables. And what
23 happens is by giving it an R7A we lose control of
24 what goes on because an individual could buy a
25 simple lot and start putting something up that

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2 would then have a broad impact on the remaining
3 lots.

4 That's why we're really calling for
5 a special district to work with the community and
6 City Planning to come up with a viable plan that
7 will create incentives that will allow people to
8 come in. Okay?

9 Again I said my name is Hank Iorii.
10 I'm against this whole plan for the rezoning. I'm
11 a member of Community Board 14 and also serve on
12 the Land Use subcommittee for Community Board 14.
13 I'm also a vice president with the Bell Harbor
14 Property Owners Association, that's strongly
15 against this. I have a Masters in Urban Planning
16 from New York University. I worked with the
17 Department of Education to develop programs and
18 requirements for new schools and modernizations
19 throughout this city so I've dealt with City
20 Planning, I've dealt with issue related to
21 planning.

22 I'm here to state my reservations
23 about how the city has gone about developing and
24 sharing key data that it was support of the ULURP
25 plan that was voted on by Community Board 14 on

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2 May 13th. I further feel that Community Board
3 14's advisory role in this city in such matters
4 has been compromised and not been fully respected
5 by the city. The city did not provide Community
6 Board 14 members a copy of, in a timely fashion,
7 the Environmental Assessment Plan that the
8 Department of Planning developed prior to the vote
9 taken on the rezoning plan. The city in using the
10 EAP as a foundation for the decisions made the
11 relationship to the ULURP doubtful. The document
12 should have been shared with all members of
13 Community Board 14 prior to us having to vote.

14 Basically what I'm saying is we
15 were sitting, the subcommittee, voting on this and
16 realizing that a document came out that we should
17 have had well in advance. It should have been
18 given to us a month in advance. It should have
19 been given to the whole Board 14 a month in
20 advance. Two weeks after that, meetings should
21 have been held where we could have discussed it
22 with City Planning and then we could have come up
23 with a better decision; that didn't happen. That
24 really is flawed as far as I'm concerned and
25 disrespectful in Planning Board 14 in what we're

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trying to accomplish.

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Upon review of the land use subcommittee's--basically what I'm trying to say to you right now, we'd like to postpone any kind of decision. We're asking the Council people here to postpone any kind of decision on this right now so we can look at this over again more clearly, 116th Street. And come up with a comprehensive plan that will make sense for 116th Street and not move forward. That's pretty much it.

The Department of City Planning needs to be more sensitive to the expressed needs of the community and recognizing a uniqueness of the beautiful barrier peninsula. Thank you very much.

MAUREEN WALSH: My name is Maureen Walsh. I'm the owner and broker of Walsh Properties. I've lived in Rockaway almost my entire life. I would like to commend Councilman Sanders for being here for his area of the Rockaways; it speaks well of how he views his constituency, would that we had the same. You'll be asked to vote on the rezoning of the Rockaway peninsula.

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2 While 99% of the proposal will work
3 for most of the community, the 1% we can not
4 support is the up zoning of the beach blocks,
5 Beach 115 through Beach 117th Streets, to R7A.
6 Because of the chaos it will create in our
7 community. Therefore we ask that you separate
8 this area from the ULURP process because the
9 impact of this zoning has not been fully
10 evaluated.

11 Councilman Addabbo, to whom you
12 will look for guidance, will tell you that this is
13 what the community wants. What he won't tell you
14 is that all the civic associations surrounding the
15 area are adamantly opposed to the R7A and you will
16 hear from them as they speak for their own
17 organizations later on. Councilman Addabbo will
18 tell you that the community board approved the
19 package and that's the problem; it's the package.

20 He's tells us its a package too
21 good to throw out for one area. What he won't
22 tell you is that at the City Planning meeting
23 earlier this summer, a group from Far Rockaway
24 including a Community Board member who voted to
25 support the package came in at the 11th hour and

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asked for a zoning change.

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The affected area is directly behind a private high school and the change went from a proposed R4A back to its existing R5. This down zoning would have seriously impacted the high school's development plans for faculty housing. This suggests that members of the Community Board didn't look too closely at the zoning plan, not even for their own areas much less for the areas surrounding the proposed R7A.

Councilman Addabbo will tell you that City Planning approved the package but he won't tell you is that a last minute zoning change was made to Rockaway Beach Boulevard between 104th and 106th Streets, another area proposed for R7A. It is across the street from a sewage treatment plant and the R7A would have violated the City's own building rules and regulations regarding building near a waste treatment plant.

By the way you might want to take a look at today's Daily News. An article by Brendan Brosch to see what should have caused the city \$1 million is now costing them \$5 million to buy the adjacent properties for that water sewage

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2 treatment plant. That change was made because for
3 almost a year the Coalition to Save the Rockaways
4 vigorously voiced their opposition based on the
5 City's own rules. Otherwise, it too would have
6 become part of the package. And suggest City
7 Planning, despite their best efforts, does make
8 mistakes. The R7A for our primary commercial
9 street is another mistake.

10 Councilman Addabbo won't tell you
11 is that developers have already purchased property
12 on the block and other sites are schedule to go
13 into contract once R7A is approved. There's no
14 plan for the block, just a lot of money and
15 opportunity for a select few. As members of the
16 Land Use and Zoning Committee, we ask you to take
17 out the proposed R7A area of Beach 115th through
18 117th Streets from the rezoning plan. We want an
19 independent comprehensive plan developed for these
20 blocks that will ensure us a thriving commercial
21 district and stop the over development of our
22 area.

23 You have mentioned that perhaps
24 tomorrow you will have a quorum on this issue. We
25 ask for a postponement until we get some kind of a

1
2 credible plan for Beach 116th Street and its
3 surrounding areas. Thank you.

4 [Applause]

5 ANDREW PATTI: My name is Andrew
6 Patti. I've been a resident of Rockaways for 16
7 years. Unlike what this gentleman back here said
8 that 116th is an eyesore. There is a couple of
9 buildings that might need some work. To say that
10 it's a horrible area, I'm sorry, I love the area.
11 I feel like I'm so much of a part of the area.
12 And to put these massive buildings in place of
13 what's there now would be a crime.

14 Like Mr. Sanders here, his whole
15 area is in agreement. Give us the opportunity to
16 get together with the Planning Department and
17 decide what's good for our area. Our children are
18 the ones being raised in this area and they're
19 going to go to the schools. We would like the
20 opportunity to speak on behalf of what goes on in
21 Rockaway and not people that don't live there.
22 That's all I have to say.

23 CHAIRPERSON AVELLA: I actually
24 couldn't have said it better myself. Next panel
25 Paul King, Fran Stathis, Ellen O'Reilly and a

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2 Marlena Alvarado.

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FRAN STATHIS: Good morning.

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Before I begin my three minutes--no it's just me.

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Before I begin my three minute speech, I just like

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to ask how many people sit on this Committee?

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CHAIRPERSON AVELLA: Well first of

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all we don't take questions [Laughter] but I will

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answer it. The 11 members--

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MR. STATHIS: [interposing] I

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didn't get my position for nothing.

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CHAIRPERSON AVELLA: Well 10,

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that's right we used to have 11. One member asked

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to be taken off of it. Actually because it's too

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much work he said. There are 10 members now, 6 I

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need for quorum.

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MR. STATHIS: Six you need for

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quorum. I just wanted to say how disappointed I

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am that there is no quorum here. Many of us,

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including myself took a day off of work, lost pay

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and benefits, let alone inconveniencing others

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that are parents or grandparents watching their

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children. So it's a major inconvenience and I'm

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very disappointed.

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CHAIRPERSON AVELLA: The only thing

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I can say is some of us agree with you.

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MR. STATHIS: If I lost that day at work my head would roll but in any event, thank you very much for hearing us and for supporting us. My name is Fran Stathis. I am the President of the Rockaway Park Commerce and residents Association. I am a lifelong of resident of the Rockaways. I'm one of ten children, we're all born here. Our family now exceeds 100.

I appear before you today to implore to you to consider the borough president Marshall's recommendation for the ULURP process regarding the R7A in Rockaway Park, our district. The Queens Borough president recommends the approval of the application with the following recommendations and I'll quote them.

The rezoning proposal for Beach 116th Street between Ocean Promenade and north towards Rockaway Beach Boulevard should be reconsidered by the Department of City Planning. Beach 116th Street is definitely in need of revitalization however the effects increased heights and density may negatively impact the bordering streets on either side, particularly the

1

2 low density areas to the west. Unquote.

3

4 The R7A is our only objection to
5 this proposal. Everyone is in agreement that
6 Beach 116th Street needs revitalization. It was
7 mentioned earlier that 400 units already slotted
8 for middle income housing or low income housing,
9 affordable housing. It's not a done deal yet, is
10 it? We need businesses not housings, we're
11 already over saturated with many of the new units
12 which remain unsold or unrented.

12

13 Our infrastructure is already
14 severely overburdened. Beach 116th Street is our
15 Main Street; it's our business area. The roads
16 are now, in each lane there's only one lane and
17 they're bordered by now, dead end streets. It's
18 the hub of our fire, transit departments, our
19 library, bank, shopping and it's the last stop on
20 the subway and three major bus lines. Traffic
21 congestion is constant, let alone adding hundreds
22 more units of housing, thousand more resident and
23 hundreds more cars.

23

24 I find it outrageous our Community
25 Board voted on this issue without receiving a copy
of the EAP within the legally required timeframe.

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2 Their vote was based on incorrect information and
3 was not the product of an informed deliberation.
4 How can they serve us properly if they're not
5 informed.

6 Know that this R7A issue has united
7 the surrounding civic associations and residents
8 like never before. Along with the leaders with
9 the Bell Harbor, the Broad Channel, Seaside,
10 Breeze Point and other civic associations and
11 residents have voiced strong opposition to the R7A
12 in writing and at numerous meeting with Councilman
13 Addabbo and others. Through the work of the
14 Coalition, over 1,400 residents sent letters to
15 City Planning, elected officials and others
16 expressing outrage to the R7A proposal.

17 Make no mistake, we are unified on
18 this issue. We want and deserve a quality
19 neighborhood that enhances our quality of life,
20 not one that threatens it. WE do not want R7A or
21 any increase in density. In recent years
22 developers have recognized the natural beauty of
23 our oceanside community. They have also taken
24 advantage of tax incentives and the economic
25 benefits or our area. But who's benefiting? Not

1

2 us.

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CHAIRPERSON AVELLA: Can I sort of ask you to sum up?

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MR. STATHIS: I will. I'm almost finished.

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CHAIRPERSON AVELLA: Okay.

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MR. STATHIS: Where's the infrastructure that we need? Auburn by the Sea represents 2,300 new units. Why add more? We respectfully request that you remove the R7A from this project, from this proposal and pass it with the remaining elements. Explore the creation of a special district on 116th Street with a commercial incentive. Residents are outraged that they're being ignored by those who represent us. Listen to us and the borough president and do not pass this. You mentioned that you're going to be voting tomorrow morning at 9:00, does that mean we all now have to come back?

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CHAIRPERSON AVELLA: Right now the Committee is going to be reconvened at 9:45 tomorrow morning because the Land Use Committee, which takes the matters up after my subcommittee votes is at 10:00. So the vote on all the items

1
2 that we've had here today will be at 9:45. But
3 that does give you another day to start doing what
4 you got to do.

5 MR. STATHIS: And another day off
6 of work. I'd like to think with everyone's help,
7 we can have a comprehensive revitalization plan
8 that's best serves the Rockaway community. I'd
9 like to thank borough president Marshall and
10 Councilman Tony Avella for their support during
11 this difficult fight to save Rockaway from the R7A
12 disaster and to John Young and his team for their
13 hard work. Yes, it is a good plan but we don't
14 settle. Thank you very much.

15 MARLENA ALVARADO: Hi, my name is
16 Marlena Alvarado and I'm a resident of Rockaway.
17 I'd just like to agree with a lot of the things
18 that were said. Basically how R7A zoning for
19 Beach 116th Street should be removed from the
20 current proposal. And that's it.

21 CHAIRPERSON AVELLA: Thank you.
22 Short and concise.

23 ELLEN O'REILLY: Good morning, my
24 name is Ellen O'Reilly. I'm president of the
25 Broad Channel Civic Association. I am also a

1
2 member of Community Board 14. I am one of the 12
3 that did not vote in favor of this proposal
4 because it was an all or nothing deal and I don't
5 like to feel like I'm being railroaded.

6 The Broad Channel community is
7 aligning itself with our friends on the Rockaway
8 peninsula proposing the proposed R7A zoning on
9 116th Street. Approval of the up zoning of this
10 area will increase the burden on an already
11 insufficient infrastructure and we see no
12 advantage to the existing communities. 116th
13 Street, the hub of the peninsula, needs and
14 deserves a comprehensive plan that will revitalize
15 the area R7A zoning will not enhance it but be
16 detrimental to the future growth of Rockaway.

17 Additional the increase in
18 population and traffic coming through and across
19 Bay Boulevard will put additional stress on our
20 roads and put our residents in danger.
21 Construction and car traffic are at an all time
22 high with cars speeding through with wanton
23 disregard for our residents. Cross Bay Boulevard
24 road bed is substandard due to its lack of a
25 concrete foundation and the saloose [phonetic] is

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2 already teetering on collapse.

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Broad Channel supports our neighbors in condemning the R7 proposal. It is not up zoning, it is downgrading the quality of life for the peninsula citizens and their neighbors. Please postpone your vote today to give all the interested parties the opportunity to glean the EAP and re-asses the viability for R7A for 115th to 117th Street. Thank you.

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PAUL KING: Thank you Mr. Chairman and members of the Committee. My name is Paul King. I've lived in Rockaway for 36 years and for most of the last 10 years I owned a business on Beach 116th Street, right in the middle of the so-called slum you heard about. We have some problems on the block.

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What's been proposed here isn't going to solve it at all. It's not intended to solve it. It's only going to make things much worse so I urge you to remove that element from the otherwise excellent plan that City Planning has put together. Approve the Rockaway zoning. Or at a bare minimum, please, postpone the entire vote and give us time to convince our councilman

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to heed the will and the wisdom of his
constituents.

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In my opinion it's very clear that
R7A zoning or even R6A zoning would be dangerous
and detrimental to the future of Rockaway Park.
As you've been told, this particular block is only
two blocks long from bay to beach. They're going
to put the buildings on a dead end bock. It
doesn't make any sense at all. Putting hundreds
of more people on there will put people's lives at
risk if there's ever an emergency.

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We got little signs up there that
say where to go to evacuate but what happens is
this northern circle, this northern intersection
will go underwater by the way the land is going.
This has happened before in a previous hurricane.
We know that will happen and that will leave
people just to get out on Rockaway Beach
Boulevard. These hundreds of new people competing
with the people there, in a tight area, it's a
dangerous plan to put this many people on a dead
end block.

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25

The long-term impact of R7A on
Beach 116th is also troubling. It would be

1
2 detrimental to Rockaway Park's future. Beach
3 116th Street is our main street. With more
4 residents than ever, we need retail services more
5 than ever as do all the visiting beach goers.
6 Thousands of people will enjoy our beaches every
7 year.

8 R7A will wipe out more than half
9 the retail space on our main street without a
10 realistic plan to replace it. We'll have hundreds
11 more people and no services. It will make
12 Rockaway Park a worse place to live not a better
13 place. Even worse, these buildings are just bad
14 business. It's a real estate scheme that was
15 hatched before the bubble burst. So if these
16 buildings go up and they're a bust, developers
17 might walk away with money or not.

18 We're going to be stuck with the
19 long-term consequences of failed buildings on our
20 block and we already know what that's like 'cause
21 that's what killed this block in the first place
22 and we're just recovering from it.

23 So I would ask you to do what
24 Councilman Addabbo is not doing, take advantage of
25 our experience, listen to our voices; they are

1
2 very clear. Remove 116th Street, this poison pill
3 from an otherwise excellent plan and pass the
4 other elements as recommended. Or at least pull
5 it off the table, go forward and let's work
6 together for a better solution that really is good
7 for everyone. Thank you.

8 [Applause]

9 CHAIRPERSON AVELLA: Thank you.
10 Next panel, Michael Demma, Rita Hayden, Margaret
11 Powers and Renee Rosenberg.

12 MALE VOICE: Mr. Chair, please
13 forgive me for leaving. Yes, it is true but
14 forgive me nonetheless; I need a lot of
15 forgiveness. I do have another Auburn East
16 conversation that I'm going to go and hold so we
17 don't come before you tomorrow.

18 CHAIRPERSON AVELLA: If I would ask
19 everybody, because minus this panel, we still have
20 nine other speakers, if you can sort of keep to
21 the timeframe. I think you can get your point
22 across without having to go over.

23 MICHAEL DEMMA: Good morning. My
24 name is Michael Demma. I'm a resident of the
25 Ocean Grand. This was a brand new building that

1
2 was built two years ago. It's in the R7 district,
3 it's on--I have a small cold too. I'm sorry.
4 This particular building is on 116th Street and
5 the Boardwalk; it's part of the R7 district that
6 is existing there. Is it on or am I just talking?
7 Closer? Okay.

8 In my research with some things
9 there and I don't want to get too detailed about
10 hat. But it seems that the R7A was designed to
11 keep the buildings along the Boardwalk in check.
12 It doesn't seem the R7A--I'm sorry. The R7A, in
13 my research was showing that the buildings along
14 the Boardwalk is to keep those buildings in check
15 along the Boardwalk, not to be an extension of
16 anything else.

17 With that knowledge I gave
18 something very similar in size to the Borough
19 President's Office. Myself and my neighbors
20 attended her hearing and Mr. Marshall's office was
21 very appreciative. They called me up at home,
22 please attend and all that good stuff, have a
23 petition in order and that was done. She agreed
24 with us; she didn't want to go with this 116.

25 The next step was at City Planning

1
2 Commission, which was back in mid-June. The
3 argument was we sat there until 12:30 and by the
4 time it was coming up, this application, half the
5 Commissioners weren't available. So we were
6 getting half the appreciation that we deserved
7 there. Is that the word, appreciation? It's
8 close enough. Consideration. How's that?

9 As we found out--we just got the
10 word back on Thursday that they voted in favor of
11 going ahead with this by a large margin of 11-0.
12 So it was kind of shocking to see that they voted
13 such an overwhelming against us in that fashion.
14 If it wasn't for us making this case at her
15 hearing, at that hearing, the CPC hearing - and
16 this should be made known - they would be going
17 ahead right now on 105th Street. At 105th Street
18 there was a sewage treatment plant. If we didn't
19 make it known to them at that hearing, it would be
20 on the books today, right next to the major stop
21 work order that's in effect. So what I'm going to
22 try and be brief about, if they couldn't
23 understand that they were suggesting this parcel
24 be an eight-story there.

25 The mistake that went forward over

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there is easily going forward here at the same place. That is basically summing up very quickly. Mr. Avella, this is for you. If that's okay? Unfortunately and there's just a couple of things over here. Amanda Burden was in the papers on Friday. Friday's Daily News suggesting how wonderful she is in keeping the character of neighborhoods intact. You can have this too if you want. Would you like that?

CHAIRPERSON AVELLA: I saw the article.

MR. KING: Okay. And just one other thing if I can. The Daily News article, Rezoning Proposal Rockaway Peninsula. Let me have a little water if you can, okay? Please. Rezoning Proposal to Protect the Rockaway Peninsula, comments here as quoted. The and quote, zoning will jeopardize the future of one of the most breathtaking neighborhoods in the entire city, Burden said. Laminating apartment towers are popping up all over the peninsula. And oversized home renovations are destroying the neighborhood community.

Low scale communities and

1
2 neighborhoods that are threatened by over
3 development must be protected, Burden said. This
4 is something I've wanted to do and something the
5 Mayor said you have to do. It's in quote in the
6 Daily News in that article.

7 And here is another one from their
8 website, just very briefly again. A careful block
9 by block approach that reinforces and protects the
10 special character of the five Rockaway
11 neighborhoods. And Rockaway Park is in there.
12 You're quite welcome to have that Mr. Avella.
13 You've been very helpful to us. Thank you.

14 CHAIRPERSON AVELLA: Thank you.

15 RITA HAYDEN: My name is Rita
16 Hayden. I've lived in Rockaway almost all my life
17 and I am objecting to 7A, that's my phone sorry,
18 on 116th Street. It's my main shopping area. I
19 live on 121st Street. I support 116th Street but
20 I do not take my car there. Most times I walk
21 because it's just too congested and it's all very
22 dangerous, I thin the parking is just not there.

23 I'm going to address part of the
24 reason that we have a mistrust for some of the
25 things that the City does do. And I'm going to

1
2 address the article that was in the Daily News
3 this morning.

4 Now years ago, there's a sewage
5 treatment plant on 104th Street and Beach Channel
6 Drive. We saw a sign saying, coming soon condos.
7 I'm sure anybody that passed the sign would say,
8 who would build condos directly next door to our
9 own and only sewage treatment plant. The stench
10 is outrageous. You drive by and close the
11 windows.

12 Well anyway the article goes on to
13 say that the city was negotiating buying this
14 property in 2005; negotiations fell through.
15 Somebody said in district 14 that somebody dropped
16 the ball. So somebody in the city administration
17 didn't do what they were supposed to do and the
18 Buildings Department issued a building permit.
19 Then they say the Building Department should not
20 have issued a building permit.

21 As a result, what could have been
22 purchased in 2005 is now going to be purchased by
23 the EPA for \$5 million instead of \$1 million. But
24 it doesn't say or clarify if that also includes
25 what it's going to cost to demolish these

1
2 unfinished condos that are also an eyesore.
3 They're directly next to the treatment plant, as I
4 say. They're right next to the back and right
5 across the street from the school. So this is
6 why we have a distrust for some of the projects,
7 I'll say, that the city is going to put into our
8 Rockaway. Because we have been damaged a number
9 of times and as another issue on 125th Street and
10 Rockaway Beach Boulevard.

11 They put up these condos where the
12 old Commodore hotel was and now they're all dense.
13 The housing market fell through. They're half
14 finished also and we're just saying enough is
15 enough. We're just trying to protect our
16 neighborhood.

17 RENNE ROSENBERG: Hello, is this
18 on? Yeah. My name is Renee Rosenberg and my
19 credentials are that I'm a Rockaway homeowner and
20 resident. My family's been there for over 60
21 years. What I'm hearing today is just really
22 scaring me and frightening me as a Rockaway
23 resident. When I was a little girl my father used
24 to take me to 116th Street and it was a beautiful
25 street; it was full of business it was thriving

1

2 and it was an adventure to go there. For me to
3 see what's happened to 116th Street and now the
4 plans for the future with the R7A, is something
5 that really scares me.

6

7 Traffic is terrible in the
8 neighborhood. We have trouble now getting out of
9 Rockaway. The other day we had to wait a half an
10 hour at 116th Street at the light. We couldn't
11 leave. We had to turn around and go back home.
12 That's without the additional building, without
13 the additional people.

13

14 116th Street is bordered by the
15 water on both sides. Where'll people go if there
16 is an emergency or disaster? How will they get
17 out of Rockaway? What will happen to all these
18 plans for new cars and new parking? What will
19 happen to this beautiful charming business street
20 that was? This is a lovely business beach
21 community. This is nature that is there for us to
22 all enjoy for all New Yorkers.

22

23 I urge you to delay this vote and
24 to really investigate this further. And to not
25 look at putting the R7A zoning into 116th Street.
Thank you.

1
2 MARGARET POWERS: My name is
3 Margaret Powers and I'm here for the free lunch.

4 [Laughter and Applause]

5 Just kidding. I am a third
6 generation, my family is third generation to live
7 in Bell Harbor. I'm currently raising our fourth
8 generation of our family there. I am an attorney
9 and our family owns and operates a business on the
10 Beach block of 116th Street, which will be
11 directly affected by the proposed R7A up zoning.

12 We're here today to request that
13 this Council either approve the ULURP and remove
14 that R7A rezoning for the beach blocks of 115th to
15 117th Streets or at least help us in delaying this
16 vote so that it will give us more time to
17 negotiate with our councilman, who is
18 conspicuously and somewhat predictably absent
19 today.

20 Our peninsula is like a bottle. At
21 the far end you have to the west, Breezy Point,
22 Roxbury, Roxbury Point, Rockaway Point, all of
23 these areas are affected as well. As you come
24 east towards 116th Street, you have five cross
25 streets in the Ponsett, four cross streets in Bell

1
2 Harbor, three cross streets in Rockaway Park. And
3 at 116th street, you have a two cross street
4 bottle neck. It's important to understand what
5 currently feeds into that bottle neck.

6 From the west alone, and it does
7 also impact the east side but from the west alone,
8 this is our main thoroughfare to access public
9 transportation, public schools, highways, access
10 to the rest of Queens, hospitals, medical
11 facilities, fire department, police department,
12 post office and food shopping. Also feeding into
13 this bottle neck is public transportation; this is
14 the last stop on the A train, the Q53, the Q35,
15 the Q21 and a major stop on the Q22. In the
16 summertime, residents from across the city pour
17 into this street.

18 There has been significant recent
19 development in Rockaway which has already taxed
20 our infrastructure. Some more obvious effects of
21 this are the trafficking gridlock on 116th Street,
22 particularly at rush hours. Our water treatment
23 plant is reportedly at capacity, depending on who
24 you speak with.

25 But it's in need of remediation for

1
2 the constant and growing odor that is emanating
3 from it. There have been delays of police, EMT
4 and firefighters in accessing the beach this
5 summer to try and deal with injuries and drowning
6 because 116th Street is already so congested. We
7 have over crowding of our emergency rooms. We
8 have over crowding of our schools; children are
9 being schooled in trailers in the newly developed
10 trailers.

11 R7A rezoning of this area will also
12 effect public access to the beach and seriously
13 jeopardize public safety in the even of coastal
14 evacuation, which is now predicted as likely to
15 happen. Joe Addabbo is failing to represent us.
16 Our civic unions are united in opposing the R7A.
17 We can't understand this refusal except to note
18 that he is not running for re-election in our
19 district. In addition to our civic unions, the
20 residents are united against this R7A rezoning as
21 evidenced by the collection--I'm wrapping it up.
22 I promise. Collection of more than 1,400
23 petitions gathered in a two week period.

24 So to sum it up, all of the above
25 points to the need for a plan for balanced, well

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2 ordered development of this area. We are not
3 looking to freeze population at its present level
4 as evidenced by the grand scale development and
5 rezoning of the surrounding areas, to which we
6 have not objected. We want to maximize this
7 growth by the efficient use of this land so that
8 we can prevent the deterioration of our community
9 into a blighted ghetto with the intended hazards,
10 health, security and social stability. Thank you
11 very much for listening and being here today.

12 CHAIRPERSON AVELLA: Thank you.

13 Next panel, Noreen Ellis, Mike O'Toole, Paul
14 Schubert and Michael Tubridy.

15 MICHAEL TUBRIDY: Since we're in a
16 hurry, I'll get it going. My name is Michael
17 Tubridy. What I state here will give you a little
18 background on why the Community Board voted the
19 way it voted. Our Community Board did not have
20 copies of the environmental assessment statement
21 when we met to vote on this zoning proposal.

22 Therefore we included a
23 modification request for an EIS to be done as part
24 of our motion approving the zoning changes. That
25 request is not reflected in the information that

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2 you received here; it does not state that we
3 requested that modification. Though it was, as I
4 will state here, impossible to occur at that time.

5 As we know now the EIS done by City
6 Planning states that there is no negative impact
7 foreseen and therefore no need for Environmental
8 Impact Statement. However this environment
9 assessment statement is extremely limited and does
10 not include the potential impacts of a fully built
11 out R7A. The EAS only studies two locations that
12 it feels will be built within the next 10 years.
13 And their potential impacts as compared to a fully
14 built out R5 zone and its potential impact. For
15 this to be called planning, we need to know the
16 impacts of a fully built out R7A.

17 At the City Planning hearing its
18 members were asking residents testifying as to
19 what effects the R7a would have on schools, safety
20 and traffic. They and we should know these
21 answers before we proceed with these excessive
22 changes from an R5 to an R7A. Not knowing fully
23 what the potential impacts are is not planning.
24 These changes are proposed in the narrowest
25 section of this barrier reef and on dead end

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2 streets.

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Please vote to remove or postpone
or do something else with the 116th Street area.
Thank you.

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MICHAEL O'TOOLE: I don't need to
repeat everything that's been said here. My name
is Michael O'Toole. I've lived there for 30
years. I also sat on the executive board of
Rockaway Park Homeowners and Residents
Association. If this is the democracy, I'm
sickened by it. I got to be quite honest with
you, this is very disturbing to me. I can't
believe it. I don't know how an educated vote is
going to be taken tomorrow, I really don't. I'm
just outraged. Anyway, opposition obvious.
Everybody here is said everything I wanted to say
already. NO matter who speaks today we all have
the same thing in mind: something's got to be done
with 116th and 7A isn't it.

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Vince has his positions. He thinks
this is the best thing, this is not the best
thing. This is a joke. Up zoning to 7A, you
heard it all. I don't have to keep repeating it.
Just be aware that understanding that this is just

1
2 another day at work for you. The couple of yous
3 that stayed, I thank you and I appreciate it. I
4 have to say, again, I'm outraged by it but that's
5 the way it is; democracy at work.

6 I oppose it. I would hope that you
7 could please--I'd like to formally request, if
8 that's request if that's possible, that the vote
9 be postponed because I don't know how you could
10 make an educated vote under these circumstances.
11 Are these people that are missing going to be
12 informed about the testimony today? I can't ask
13 you that question because I can't ask you
14 questions but I don't know how. I just really
15 don't understand how this is going to happen.

16 Again, the peanut butter jelly
17 sandwich that I'm getting is not compensation for
18 this. [Laughter] Thank you. It's not funny; it
19 really disturbs me. That's all I have to say,
20 thank you very much.

21 PAUL SHUBERT: Good afternoon
22 Council Members, my name is Paul Shubert. I've
23 been a Rockaways community activist for about the
24 last three, four years; fixing traffic lights and
25 wheelchair ramps and bringing the best things to

1
2 my community. First of all when one testifies in
3 front of any city agency, one is presumed to be
4 spitting the truth. Now when I was at the
5 Planning Commission last month, Vincent Castellano
6 stated there was no restaurants on 116th Street.
7 There's several of them, here are some of their
8 menus. [Laughter]

9 Second of all, I live in a blue
10 collar working class neighborhood. I take
11 objection to somebody from a gated community
12 coming into my neighborhood who's a real estate
13 broker with obvious financial interest at stake,
14 telling me he's going to put condos on my block
15 and totally destroy the nature of it. Now, I
16 would like quality housing program, which is
17 mandatory contextual housing as is in the zoning
18 glossary. It's in zoning regulations actually.

19 The car traffic study was done
20 during the winter time not during the summer. You
21 can go down to our local municipal parking lot
22 from April until October and it's full; we don't
23 have any parking. As Hank said, the water table
24 is less than 10 feet down, where are they going to
25 park these extra cars? The average household has

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2 two cars, not one. The zoning laws should be
3 upgraded to reflect this. On my block everyone's
4 got two cars, the average household, not one.

5 Also, 116th Street is an Empire
6 Zone. Just recently, up until six months ago the
7 entire Rockaway Beach Boulevard was Empire Zone to
8 114th Street. Then all of a sudden we're going to
9 upgrade 116th Street. All of a sudden it becomes
10 an Empire Zone magically. This means the
11 businesses get total rebate on the sales tax,
12 gasoline tax. If they're unemployment, they get
13 incentives from the state. All these wonderful
14 incentives and all of a sudden, magically, the
15 block becomes an Empire Zone. I don't call that
16 coincidence.

17 As far as our councilman, at the
18 Community Board meeting on zoning our esteemed
19 Councilman Mr. Joseph Addabbo stood in the
20 doorway. Wasn't there five minutes, wouldn't even
21 take off his coat. Did not state whether he was
22 in favor or against any of the zoning. He was
23 saying stuff without really stating anything. Mr.
24 Addabbo is trying to become a state senator now
25 and his not being here shows us he does not

1
2 represent our interest and hasn't for a long time.
3 Thank you, bye.

4 NOREEN ELLIS: My name is Noreen
5 Ellis, I'm a Rockaway Park resident. I'm also
6 part of the Coalition to Save the Rockaways and
7 sit on the board of the Rockaway Park Homeowners.

8 I distributed to each of you a
9 package and it outlines so that you can get a very
10 graphic look at what the 7A will do and what the
11 report, the Environmental Assessment Statement
12 that City Planning conducted tells us. The yellow
13 portion is the only two portions of this area to
14 be up zoned that the City Planning feels will see
15 development in ten years. You will also have
16 pictures of the derelict properties that the City
17 Planning says won't be revitalized in ten years.
18 So what are they doing for us? If they give us
19 something and by their own analysis, it's not
20 going to help us.

21 Earlier someone called Tony Avella
22 read Joe Addabbo's letter. In Joe Addabbo's
23 letter he said he researched this and he was
24 listening to his constituents. In a Crane's
25 article, Mr. Addabbo was quoted saying Beach 116th

1
2 is the crossroads of the Rockaways and that is
3 where the burned out hotel, empty movie theatre
4 and empty catering hall exist. If you want to
5 effect change, you have to change the zoning.

6 Well Mr. Addabbo better go back and
7 do his research because City Planning says the
8 movie theatre is going to be the movie theatre and
9 what it is for the next ten years. The burned out
10 hotel is going to be the burned out hotel for the
11 next ten years. The only property he is quoted on
12 that will possibly or have change is the catering
13 hall, which was closed to make the appearance of
14 the block look more derelict. It was a viable
15 business, packed every weekend. We all look and
16 scratch our heads and say what happened there.

17 Additionally in this, it shows all
18 the properties and analysis. Of all the
19 properties on 116th Street, a total of
20 approximately 205,000 square feet, 25%, will
21 change. 48% will not change and worse, 26% wasn't
22 even analyzed. You're telling us you've done the
23 research and you haven't even looked at the
24 implications of everything? It is not adequate.
25 WE love the plan for the Rockaways. We do not

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2 love what is being pushed upon us without proper
3 investigation.

4 So I ask you, go to your members
5 who aren't here and haven't given us the time.
6 Because someone said in a meeting, the Rockaways
7 is to New York what Katrina did to New Orleans. I
8 don't want any of you, if a category five comes to
9 feel you could have done something. Thank you.

10 CHAIRPERSON AVELLA: Thank you.

11 Next panel is Dr. Geraldine Chapey, Cynthia
12 Fernandez, Allen Steinhardt, Kathleen Hart and if
13 we could put one more chair up there we could get
14 the last person, Bernard Warnock. I would also
15 mention while those people are being seated that
16 we have had a representative from Council Member
17 Joe Addabbo's office. His aid, Jeff Gotley, has
18 been sitting here listening to the testimony. I
19 also want to thank my colleague, Simcha Felder,
20 for sitting through the entire hearing today.

21 [Applause]

22 And rest assured that, although our
23 colleagues are not here, they will hear from us
24 and especially from me what the testimony has been
25 tomorrow.

1
2 KATHLEEN HART: I'm just going to
3 be brief. I'm a resident of Beach 116th.
4 Kathleen, known as Barbie, Hart. I live in the
5 Ocean Grand on 116th between 116th between 117th
6 Street in Rockaway, brand new building. We, the
7 residents there, love the building. We agree
8 116th Street could be improved on the southern
9 side, a lot of it could be demolished. But never
10 7A will be just--it doesn't even hold it now, the
11 traffic. We try to get in our garage, we have to
12 wait and wait until people make the turn. We have
13 a memorial to 587 there and I just want to say
14 that I'm totally against it. I lived in Rockaway
15 for 50 years and I think it's the wrong thing.
16 They can't even rent what they have now.

17 DR. GERALDINE CHAPEY: Hi, my name
18 is Dr. Geraldine Chapey. I'm a tenured full
19 professor in the City University of New York. I'm
20 a fourth generation resident of my family to live
21 in the Rockaways. I'm an elected Democratic
22 district leader but I'm here today to address you
23 as the President of the Atlantis Tenants
24 Association. We represent 280 families on Beach
25 107th Street, right near Beach 116th Street, and

1
2 we are united in our opposition to the up zoning
3 of Beach 116th Street. We are joined in our
4 opposition by Queens Borough president Helen
5 Marshall.

6 We need to down zone the current
7 proposal to put R7 buildings on 116th Street. I
8 have to disagree with John Young. 116th Street is
9 not a wide street; it is one of the narrowest
10 points in the Rockaways. As someone else
11 mentioned, Beach 116th Street is our main shopping
12 street. The up zoning would pose a public safety
13 hazard and be deleterious to the rest of the
14 neighborhood. Instead we need to revitalize this
15 long struggling block by creating a special
16 district which will energize retail services for
17 current residents and visitors. The area deserves
18 a comprehensive revitalization plan, not just an
19 R7 zoning increase. Down zoning Beach 116th
20 Street would encourage more reasonable development
21 and it would prompt a consistency with the
22 surrounding neighborhood.

23 In terms of the over population
24 that this R7 would create, the Tuesday August 5th
25 edition of the Daily News had an article entitled,

1
2 Rockaways and Hospital Emergencies, which clearly
3 point out why we need the R7 down zone. The
4 article states that "there's never been a good
5 time or place to get injured for fall suddenly
6 ill. But doing so in the Rockaways could be more
7 risky than elsewhere in the city. Why does this
8 emergency situation exist? It's due to a
9 population surge in the Rockaways."

10 According to the article, the
11 problem of over crowded emergency rooms in the
12 Rockaways is expected to only get worse, the
13 officials warn. They note that long waits in the
14 waiting room will not become only tedious but
15 hazardous. But the professionals and staff at our
16 hospitals are qualified, capable and patient
17 oriented. But there is no way to handle this over
18 crowding condition. The Daily News article was
19 addressing the problem of individuals who need
20 immediate attention.

21 Community Planning Board district
22 Manager, Jonathan Gaska, notes that when you come
23 in with an emergency or a serious case you are
24 competing with all the people who have things that
25 are not necessarily an emergency. One would not

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2 want to ponder what would happen if there is a
3 neighborhood disaster.

4 I'm also here today representing my
5 husband, Eugene Patterson, who is a member of
6 Community Planning Board 14 and who voted against
7 this. Our hospitals are over crowded, our schools
8 are over crowded. Even the new charter school
9 created at Auburn by the Sea is over crowded. I
10 respectfully request that you turn down the part
11 of this proposal that calls for the up zoning on
12 Beach 116th Street or give us more time to adjust
13 this issue. I request this discreet down zoning
14 on beach 116th Street and thank you very much.

15 CYNTHIA HERNANDEZ: My name is
16 Cynthia Hernandez. I'm a homeowner in Rockaway
17 Park; I own a home on 119th. The gentlemen that
18 were here earlier would have us believe that in
19 order to attract business to 116th Street that we
20 would have to have this up zoning of R7A. They
21 told us that that is the only way this area would
22 become revitalize is to have these huge buildings.
23 I don't understand this for the simple reason that
24 if you travel throughout the city you will find
25 that there are many areas that have flourishing

1
2 commercial districts without having tall
3 buildings.

4 And to dramatize this, I thought I
5 would just bring some pictures that I took the
6 time to take. If you travel from Rockaway all the
7 way up to Austin Street, using Cross Bay Boulevard
8 into Woodhaven, you will not find one building
9 that is more than three stories high. Okay?
10 These area all areas that have incredible shopping
11 districts.

12 This is Austin Street, there is not
13 one building here--One of the most valuable real
14 estates for all of New York for shopping
15 districts, not one building over three stories
16 high. That is their sole argument for insisting
17 that we have R7A is to revitalize the commercial
18 district in that area. Quite the opposite will be
19 true.

20 There is the Ocean Grand that is
21 seven stories high and it's nothing commercial in
22 that. On my street they just built another seven
23 story high building; there is nothing commercial
24 in that. They're telling you that they're going
25 to give you 85% parking if they build something.

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2 Well 85% parking wouldn't even cover the people
3 that live in the building. We live in an area
4 that has no transit as it were to Manhattan;
5 everyone has to drive. Everyone has a car; most
6 families have two cars so 85% parking wouldn't
7 even provide for parking for the people that live
8 there. Where do they think the people that are
9 going to use the commercial district will park?

10 This is all just a matter of smoke
11 and mirrors. They want to do something and
12 they're telling us whatever they have to tell us
13 in order to do it. They're going to hurt this
14 community for all time and when that happens, who
15 is going to correct it? When this community has
16 this over growth of 10,000 or 5,000 and it can't
17 even support the people it has now, which is why
18 we asked for the down zoning to begin with.

19 So they give us the down zoning in
20 the peninsula and they give us this huge up zoning
21 in a congested area that will affect the entire
22 community. I live three blocks from there, you
23 don't think I will be affected by this over growth
24 of population? Everything will. And the street
25 that they're proposing this on, go there. 116th

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2 Street is one lane one way and one lane another
3 way. What commercial? It's all smoke and
4 mirrors. We're not ignorant people. WE know
5 what's being done and it's going to hurt us
6 permanently. Thank you.

7 [Applause]

8 ALLEN STEINHARDT: My name is Allen
9 Steinhardt. My wife and I are babies to the area
10 compared to everyone else. My wife and I moved to
11 the area about two and a half years ago. We
12 purchased a house, a Victorian home. As a builder
13 I could have knocked it down and made condos and
14 made a lot more money on it. Instead, I
15 reconstructed the house and kept its beauty alive.

16 Jonathan Gaska and, I may pronounce
17 his name a little wrong, G-A-S-K-A, district
18 manager for the Queens Community Board 14 stated
19 the Rockaways as the Siberia of City Government.
20 And that the city uses the beaches as a dumping
21 ground but the Rockaways held on and we need to
22 have immediate business revitalization. We, the
23 people who live in the area, are the ones that
24 suffer from the dilapidation of those who do not
25 live in the area. And those who do not, bring

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2 millions of dollars a year to keep our community
3 depressed and in shackles for over decades.

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Yes, we need rezoning but not this
rezoning. We need rezoning that business
revitalization to our main street that is similar
to our environment. As Amanda Burden, who chairs
the City Planning Commission and leads the
Bloomberg rezoning stated, this is the first city
rezoning, the first initiative in half a century
to make wise, respectful use of the beauty and
charm of the area's traditional homes.

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We implore the Committee to refrain
from voting until more research was done. As
Helen Sears so eloquently stated, we need a
business district that will enhance our community.
7A zoning does not belong on Beach 116. Thank
you.

19

[Applause]

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BERNARD WARNOCK: Good afternoon.
Thank you very much for your patience and for
staying. I don't think I need to explain to you
what everybody else has already done; it would be
redundant. But I would like to make some
observations, if I may.

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2 My name is Bernie Warnock. I'm
3 vice president of the Rockaway Park Homeowners and
4 Resident Association and I've been on the
5 executive board for at least five years. We
6 started meetings approximately in 2005 on the
7 zoning and we've had lots of people address us.
8 John Young has also addressed us. We had
9 approximately eight meetings concerning rezoning.
10 Not at one meeting, not at one meeting may I say,
11 that anybody has come forward to say that 7A would
12 be good for the zone or a good zone for us.
13 Everybody objects to it, I'm just passing that on
14 to you.

15 Community Board 14 and the ad hoc
16 community have done a great job in attempting to
17 get our opinion out but they're taking the whole
18 community. 116th Street is in Rockaway Park,
19 Rockaway Park means Rockaway Park people to
20 address this problem. I'll just reiterate that at
21 no time has any resident of my community expressed
22 an interest in R7A. Thank you.

23 [Applause]

24 CHAIRPERSON AVELLA: I want to
25 thank all of you for coming out. I know it was a

1
2 trip and I know you didn't come here just for the
3 free lunch.

4 [Laughter]

5 Rest assured that Council Member
6 Simcha Felder has heard what you said and I think
7 you know what my position is on this issue. You
8 have support of the Chair. The vote will be laid
9 over until 9:45 tomorrow morning here in this
10 room. I'm not saying whether the vote will go
11 ahead. The Council Member does want the vote to
12 go ahead. But I think you have another day to
13 start lobbying and I would certainly urge you to
14 talk to the Committee Members and call their
15 offices. They're the ones that had to leave and
16 let them know how you feel about this issue.

17 I want to tell you that in the
18 seven years I've chaired this Committee, this is
19 one of the strongest outpourings from any
20 community on one particular issue. So you've sent
21 a message here and I hope that it's going to be
22 heard. But I think the one thing you have to
23 understand is, and you've acknowledged it, you
24 have 99% approval of the rest of the package.
25 It's the 1% of 116th Street. If you said

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2 everything's wrong with it, it might be an easier
3 vote for everybody on the Council to vote it down
4 completely. That's what City Planning does and
5 they'll disagree with me but it's the truth. They
6 put every neighborhood in the situation by which,
7 if you turn us down then you don't get most of
8 what you want.

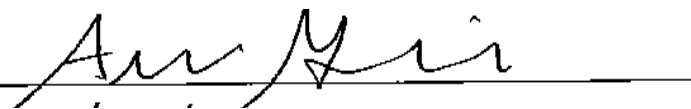
9 So the Council's in a difficult
10 position and so is the Council Member. The key,
11 and you suggested it is, can we take this out and
12 go ahead with the rest. I urge you, just within a
13 day, to try and reach out again to Council Member
14 Addabbo and all the other council members that sit
15 on this Committee and let them know how you feel
16 about it. And I certainly will do that as well.

17 With that, seeing no one else that
18 signed up to speak on this item, I will close the
19 public hearing. And recess the meeting until 9:45
20 tomorrow morning.

C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script, appearing to read "Amber Gibson", written over a horizontal line.Date September 3, 2008