

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

LAND USE SUBCOMMITTEE ON ZONING AND FRANCHISES

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September 16, 2008

Start: 10:00am

Recess: N/A

HELD AT: Council Chambers  
City Hall

B E F O R E:  
TONY AVELLA  
Chairperson

COUNCIL MEMBERS:  
Joel Rivera  
Simcha Felder  
Eric N. Gioia  
Robert Jackson  
Melinda R. Katz  
Michael E. McMahon  
Larry B. Seabrook  
Helen Sears  
Albert Vann  
Jessica S. Lappin  
John C. Liu

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

Richard Schrager

Stuart Beckerman  
Slater & Beckerman

John Young  
Director, Queens Office  
Department of City Planning

Mark Phillips  
Department City Planning

Susan Christensen  
Acting President  
Waldheim Neighborhood Association

Catherine Papell  
Board Member  
Waldheim Neighborhood Association

Harbachan Singh  
Vice President  
Queens Civic Congress

Paul Graziano  
Associated Cultural Resource Consultants

Isaac Sasson  
President  
Holly Civic Association

Eugene Sidowsky  
Resident

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

William Chung  
Resident

Vinod Kumar  
Resident

Gene Kelty, Jr.  
Chairperson  
Community Board 7, Queens

Christopher Shan  
Resident

Kate Kim  
Member  
Waldheim Neighborhood Association

Constance Link  
Member  
Waldheim Neighborhood Association

Stephanie Janice  
Member  
Waldheim Neighborhood Association

Eddie Abrams  
Vice President  
Holly Civic Association

James Wu  
District Leader

Suzu Ling  
Resident  
Waldheim District

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

Judy Chung  
Waldheim Resident

Kay Mihn  
President  
YWCA of Queens

Chuck Apelian  
New York Armenian Home

Sun Duk Kim  
Resident

Eugene Kelty  
Chairman  
Community Board 7, Queens

Renee Clemens  
Member  
Holly Civic Association

Gary Chung  
Resident

George Wang  
Resident

Yat Kwai Ching  
Resident

Marilyn Bitterman  
District Manager  
Community Board 7, Queens

Michael Kelly  
Reynick Corp.

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

Deborah M. Sale  
Executive Vice President  
Hospital for Special Surgery

Melanie Meyers  
Attorney  
Fried, Frank, Harris, Shriver and Jacobson

Sam Manowitz

Barry Schneider  
President  
East 60s Neighborhood Association

Tammy Stran

Eric Arsman  
Senior Vice President  
Sam Schwartz Engineering

Daniel Richmond  
Zarin & Steinmetz

Ernest Hutton  
Planning Consultant

Dennis Alex  
Resident, 530 E. 72nd St.

Doris Bauth  
Resident

Nancy Hall  
Resident

Judith Schneider  
Resident

FEMALE VOICE: Testing, testing.

Today's date is September 16, 2008. This is a hearing on Zoning and Franchises, and it's being recorded by Yvette Molina.

[Break in Audio]

[Background Noise]

CHAIRPERSON AVELLA: Good morning, everyone. I'd like to call this meeting of the Subcommittee on Zoning and Franchises to order. Joining me are members of the Committee, Council Members Simcha Felder, Helen Sears, Eric Gioia, Larry Seabrook and Al Vann; and we're also joined by Councilmember Jessica Lappin who has actually I think two issues on the agenda today. We're going to be skipping around a little bit. The first item I'd like to take up is the Sidewalk Café application for Papa John's Pizza, 20085414 TCM for to establish, maintain and operate an unenclosed sidewalk café at 1732 2nd Avenue. I'd like to call up, yes? Richard Schragger [phonetic].

RICHARD SCHRAGER: This is my first time at one of these. I'm not really sure what I'm doing, thanks.

1  
2 CHAIRPERSON AVELLA: I think what  
3 you should do is basically say what the  
4 application is and what you have agreed to after  
5 discussion with the Councilmember.

6 RICHARD SCHRAGER: Okay.

7 CHAIRPERSON AVELLA: And state your  
8 name.

9 RICHARD SCHRAGER: My name is  
10 Richard Schrager. I've submitted an application  
11 for an outdoor sidewalk café at 1732 2nd Avenue.  
12 Per recommendation of some of the Council, I've  
13 modified the plans. I have here in writing some  
14 changes, in addition to changes I've already made  
15 based on recommendations from the Community Board  
16 as well as the Department of Consumer Affairs.  
17 There are some additional changes that I'm going  
18 to be doing; one is to modify the existing plans  
19 so that it will be only a single row of tables,  
20 that will be four tables and eight chairs on East  
21 90th street as well as three tables and six chairs  
22 on 2nd Avenue. The next change would be to  
23 relocate an existing bicycle rack from the  
24 existing location as well as provide wait service  
25 for the outdoor tables and chairs. And also per

1  
2 the Community Board's request, maintain a garbage  
3 can outside for customers, and there were some  
4 additional requests for specifically not to put  
5 any outdoor signage hanging from a canopy.

6 CHAIRPERSON AVELLA: Thank you. We  
7 do have a copy of the letter that you sent to  
8 Councilmember Lappin. Councilmember, do you want  
9 to say something?

10 JESSICA S. LAPPIN: I just wanted  
11 to-- Hi, Mr. Schragger. How are you? I wanted to  
12 thank you for being so agreeable and for working  
13 with Pete Janicek [phonetic] and Tayanna Prado  
14 [phonetic] of my staff and coming to an amicable  
15 resolution, and I'm--

16 CHAIRPERSON AVELLA: [Interposing]  
17 If you have to have a conversation, can you please  
18 take it outside? Thank you. Sorry.

19 JESSICA S. LAPPIN: That's all  
20 right. We have a copy of your letter. I wanted  
21 to thank you, and I am fully in support of this  
22 application and I would ask my colleagues to vote  
23 in support.

24 CHAIRPERSON AVELLA: Any question  
25 from my colleagues? And I see we're also joined



1  
2 by a member of the Committee, Councilmember Joel  
3 Rivera. Seeing no questions, thank you. That's  
4 it. I see no one else signed up to speak on this  
5 item. Is that correct? In that case I will close  
6 the public hearing on this item and we move on to  
7 the next.

8 [Background Noise]

9 CHAIRPERSON AVELLA: The next item  
10 we will take up will be the 88th Street rezoning,  
11 land use number 867 and 868 C060466MMQ and  
12 C060467ZMQ. Call up the representative of the  
13 owner to give the presentation.

14 STUART BECKERMAN: Good morning.  
15 My name is Stuart Beckerman. I'm from the law  
16 offices of Slater & Beckerman. And first of all,  
17 thank you Council Members. I appreciate you  
18 listening to our presentation. I represent GTJ  
19 Reed [phonetic], which is the owner of the  
20 affected premises and is also the applicant. I  
21 distributed some submissions that hopefully you  
22 all have in front of you and I'll refer to certain  
23 exhibits as we go through the presentation. The  
24 premises right now is occupied by Budget Rent-A-  
25 Car, which is a long-term sub-lessee. And the

1  
2 purpose of the application is really to provide  
3 benefits for the current sub-lessee. They're  
4 there for another 15 years. And if you look  
5 through exhibit A, which shows the existing site  
6 plan, you'll see that it's two lots separated by  
7 88th Street. And you'll see that a portion of the  
8 lots, there's no existing use, that's in a  
9 residential district and we cannot use it. So one  
10 of the actions we're seeking, which city planning  
11 approved, which was the rezoning from an R32 to a  
12 C41 essentially. There's also a piece that's C42  
13 that will also be rezoned to C41. But as you'll  
14 see that on one side of 88th Street is the retail  
15 use of the retail portion of the rental  
16 establishment, and then on the other side is the  
17 vehicle maintenance repair facility on the other  
18 side of 88th Street. So as you can see, the  
19 premises is also divided by 88th Street, which  
20 we're seeking to de-map and acquire. And finally  
21 there is another action that we're seeking in  
22 addition to the rezoning and de-mapping of 88th  
23 Street, but the de-mapping of 24th Avenue over two  
24 blocks, which will benefit several other property  
25 owners in addition to ourselves, because it's

1 primarily a paper street. But there's a piece  
2 that's open that we're also seeking to acquire.  
3 The City Planning Commission approved the rezoning  
4 and also approved the de-mapping of 24th Avenue.  
5 However, City Planning modified the mapping action  
6 to remove the de-mapping of 88th Street. We are  
7 respectfully requesting the City Council reinstate  
8 the de-mapping of 88th Street. So we would  
9 obviously most important appreciate you approving  
10 the rezoning of everything that City Planning  
11 approved, but we'd also like you to consider the  
12 de-mapping of 88th Street as well. There are a  
13 number of reasons that we believe the de-mapping  
14 of 88th Street is appropriate; one is the  
15 operational efficiency of the car rental use. It  
16 will for one thing take traffic off local street.  
17 Currently the cars needing to be serviced must be  
18 transported through local streets in order to get  
19 from the retail facility to the repair facility.  
20 The de-mapping will also increase the parking and  
21 storage capacity of the car rental use, which will  
22 benefit the customers of Budget, but also we  
23 believe provides an economic benefit to the  
24 neighborhood and to the city, because currently  
25

1  
2 Budget must, when they need to meet customer  
3 demand, they must have cars transported from other  
4 facilities that they own throughout the city in  
5 order to meet the demand at their La Guardia  
6 facility. And also, obviously, there's another  
7 clear obvious economic benefit and that is that  
8 the City will make money from the sale of the  
9 land, which is currently street and it will also  
10 add property to the tax rolls. But we also  
11 believe from a Land Use perspective it makes a lot  
12 of sense. It creates an appropriate buffer  
13 between the residential neighborhood to the south  
14 and the commercial and institutional areas to the  
15 north. And I refer you to the last page, which is  
16 a diagram that we've created which shows that  
17 creating this double block actually mirrors two  
18 double blocks that exist immediately to the west  
19 and these are, all three uses on these double  
20 blocks or the two existing double blocks and the  
21 proposed double block, are all car rental uses.  
22 And the types of commercial uses and non-  
23 residential uses, you know, institutional uses  
24 such as one college that are located along 23rd  
25 Avenue are no local retail uses. So there isn't

1  
2 the obvious need for a connection between the  
3 residential neighborhoods to the south and the  
4 areas to the north. And it creates an appropriate  
5 buffer. There is not a lot of-- the traffic is  
6 extremely light on 88th Street. The diversion of  
7 traffic will really create at most an extremely  
8 minimal inconvenience to anyone. It really  
9 actually makes perfect sense if you look at the  
10 traffic flow, it really doesn't create any problem  
11 at all. And I think I'll end my presentation  
12 there. I'm available to answer any questions that  
13 you might have and I really appreciate your time  
14 and consideration.

15 CHAIRPERSON AVELLA: Thank you.

16 One quick question.

17 STUART BECKERMAN: Sure.

18 CHAIRPERSON AVELLA: I noticed the  
19 Community Board had made two recommendations.  
20 They approved the application with two conditions,  
21 install security lighting on 89th Avenue and  
22 install metal slat fencing that will prevent  
23 headlight glare and be more aesthetically  
24 pleasing. Have you included that in your  
25 application? Have you agreed to that?

2 STUART BECKERMAN: We have not  
3 included it in our application. This is rezoning.  
4 There are no conditions that, you know, rezonings  
5 and these types of actions don't involve  
6 conditions. However, we're definitely open to  
7 considering this, and we'll make every effort to  
8 work with the community to make this a facility  
9 that-- excuse me, I just have a cold.

10 CHAIRPERSON AVELLA: There's some  
11 water right there.

12 STUART BECKERMAN: Thank you. But  
13 we've begun a dialogue with the community and I  
14 think, you know, we are definitely prepared to--

15 CHAIRPERSON AVELLA: [Interposing]  
16 I don't mean to put you on the spot.

17 STUART BECKERMAN: Sure.

18 CHAIRPERSON AVELLA: But I think we  
19 could get a yes or no answer. Are you going to do  
20 it or not? I think this is a pretty simple  
21 request on behalf of the Community Board and I  
22 think you should just do it.

23 STUART BECKERMAN: Okay. I'll  
24 communicate that to my client.

25 CHAIRPERSON AVELLA: I'd like to

1  
2 have answer--

3 [Coughing]

4 CHAIRPERSON AVELLA: Are you okay?

5 STUART BECKERMAN: I'm okay. I  
6 have a cold thought.

7 CHAIRPERSON AVELLA: If you can,  
8 the Land Use Committee is, I believe, tomorrow.  
9 If you could get us a letter indicating that the  
10 applicant has agreed to install those two  
11 suggestions, the fencing and the security  
12 lighting, that would be extremely helpful.

13 STUART BECKERMAN: So slats on  
14 fence.

15 CHAIRPERSON AVELLA: Right.

16 STUART BECKERMAN: And security  
17 lighting.

18 CHAIRPERSON AVELLA: And the  
19 security lighting on 89th Avenue. I mean I think  
20 those are good suggestions and with a minimum  
21 amount of cost to acquiesce the Community Board  
22 and obviously, you know, we always listen very  
23 heavily to the Community Board. Any questions  
24 from Committee Members? And I see we've also been  
25 joined by Councilmember Melinda Katz, who is a

1  
2 member of the Committee. This application lies  
3 within Councilmember Monserrate's district. He is  
4 in support of the application, I believe without  
5 the modification you've been requesting. We are  
6 still trying to clarify that situation, but at  
7 this point Councilmember Monserrate approves the  
8 application that was approved by City Planning.  
9 Seeing no questions, thank you.

10 STUART BECKERMAN: Thank you very  
11 much.

12 CHAIRPERSON AVELLA: I see no one  
13 signed up to speak on this item. Is that correct?  
14 Seeing none I will close the public hearing. And  
15 I would ask, is City Planning ready to go? Okay.  
16 Then we will go on to Land Use number 869, which  
17 is the Waldheim rezoning, C080457ZMQ. And I'll  
18 ask City Planning to give the presentation. And I  
19 would just remind everybody that's here in the  
20 room that wants to testify in this issue, they  
21 have to fill out a slip in the back at the  
22 Sergeant-At-Arms desk, and they should indicate  
23 whether they're in favor of the application or  
24 they're against it.

25 JOHN YOUNG: Good morning Chair



1  
2 Avella, Chair Katz, City Council Members and  
3 ladies and gentlemen. I'm John Young, and I'm the  
4 director for the Queens office for the Department  
5 of City Planning. On behalf of City Planning  
6 Director Amanda Burden, I'm very pleased to be  
7 here this morning.

8 CHAIRPERSON AVELLA: Hold on one  
9 second.

10 [Crosstalk]

11 JOHN YOUNG: Thank you. To present  
12 the Department's important efforts to update the  
13 zoning designations for 44 blocks containing  
14 approximately 1,000 lots in the Waldheim  
15 neighborhood in North Central Queens. I'm joined  
16 by Mark Phillips, who will present our rezoning  
17 proposal to you. The Waldheim rezoning proposal  
18 that is before you today culminates a more than  
19 three-year effort to work with a broad spectrum of  
20 neighborhood residents and stakeholders to develop  
21 a zoning framework that more closely matches  
22 building patterns and will ensure more predictable  
23 and orderly development. It was begun in 2005 and  
24 will complement rezonings that the City Council  
25 adopted for two adjacent communities in that year,

1  
2 Kissena Park to the south and East Flushing to the  
3 east, naturally. Waldheim is located southeast of  
4 downtown Flushing, and the neighborhood was  
5 created on the then outskirts of Flushing in the  
6 early 1900s, as the growing population moved  
7 outward into the land formerly occupied by  
8 botanical nurseries. Today the community's  
9 proximity to downtown Flushing has led in recent  
10 years to an increase in development, much of which  
11 has been out-of-context with its traditional  
12 building types and density. For this proposal,  
13 the Department has developed a carefully  
14 delineated rezoning strategy to ensure that future  
15 housing more closely corresponds to established  
16 development patterns of one- and two-family  
17 detached homes, primarily within the central and  
18 eastern blocks of the rezoning area, which Mark  
19 will point out, and medium density apartment  
20 buildings predominating on the western blocks. It  
21 will also allow a moderate increase in residential  
22 density on a block located on the western side of  
23 Kissena Boulevard, one of the community's main  
24 corridors, consistent with the predominant density  
25 of apartment buildings on that block. The

1  
2 proposal will also update commercial overlay  
3 designations to ensure that non-residential uses  
4 do not encroach on residential block portions, and  
5 to make existing commercial uses conforming. This  
6 contextual rezoning is consistent with many of the  
7 Department's recent rezoning efforts to support  
8 orderly growth that curbs inappropriate  
9 development and provides for targeted future  
10 development opportunities to strategically spur  
11 reinvestment. Protecting the low-density and  
12 appealing qualities of the Waldheim neighborhood  
13 has been an important goal for the area's very  
14 committed civic groups as well as Community Board  
15 7 and local elected officials. It has been the  
16 Department's privilege to have worked closely and  
17 intensively with them for more than three years to  
18 shape and refine this proposal. We know it has  
19 taken a considerable effort to reach this point  
20 with substantial discussion and debate, which is  
21 likely to continue today, but we could not have  
22 made it here without their contributions.

23 Likewise Councilmember John Liu has provided  
24 valuable leadership and advocacy during the  
25 rezoning process, and we are very grateful for his

1  
2 partnership in achieving general consensus on the  
3 proposal. Following the June 2nd certification of  
4 the proposal, we are very pleased with the support  
5 received from Community Board 7, which request  
6 that the Kissena Boulevard block not to be  
7 rezoned, and Borough President Helen Marshall, who  
8 full supported this change and the rest of the  
9 proposal. There were more than 40 speakers at the  
10 July 23rd City Planning Commission hearing, and  
11 the Commission carefully considered the issues  
12 raised about the proposed zoning extension at  
13 Kissena Boulevard as well as concerns about the  
14 protecting the one- and two-family detached  
15 character of the central portion of the rezoning  
16 area. The Commission concluded that the proposed  
17 zoning changes are appropriate. We hope that you,  
18 too, will support this well-considered rezoning  
19 initiative to reinforce the built character and  
20 development patterns of the distinct and charming  
21 Waldheim neighborhood. Now Mark will review the  
22 details of the proposal.

23 MARK PHILLIPS: Good morning,  
24 Honored Council Members. Before I jump into the  
25 proposal, I'd just like to quickly review the

handouts that you probably have in front of you.

There are four copies of the maps that we're going

to show today that you can follow along with. And

then for your review, I've also included a copy of

a PowerPoint, a study summary and a zoning

comparison chart. As John mentioned, the Waldheim

rezoning area is immediately southeast of downtown

Flushing and adjacent to the east Flushing Kissena

Park rezoning areas. It's generally bounded to

the north by Sanford Boulevard, to the east by

156th Street to the south by 45th Avenue and to

the west by Colden Street and Kissena Boulevard.

It encompasses 1,000 lots on approximately 44

blocks and 86% of these lots are developed

residentially. It has a very strong land use

pattern that you can see here on the map. The

central portion and the eastern portion where you

see a lot of light yellow and light orange are

developed with one- and two-family detached and

semi-detached homes. Along Parsons Boulevard

where you can see some of the brown color we have

three-story apartment buildings. On two blocks

along Sanford Avenue between Bound Street and 147

Street as well as three blocks between Franklin

1 Avenue and Cherry Avenue there are six and seven-  
2 story mostly pre-war apartment buildings. And  
3 along Kissena Boulevard and west of Kissena  
4 Boulevard we have high-rise condominiums from 15  
5 stories to 26 stories. It's a very strong land  
6 use pattern that is actually not reflected by the  
7 existing zoning that was established in 1961,  
8 which allows buildings that are out of character  
9 and out of scale with existing homes. The central  
10 portions and the eastern portions where you see  
11 the light yellow and the light orange, are today  
12 zoned R3-2, which is a general residence district  
13 that allows all building types and configurations  
14 including row houses and apartment buildings,  
15 similar to these two pictures, these two  
16 development. The area is mostly developed with  
17 one- and two-family homes, so these row houses and  
18 apartment buildings are generally out of  
19 character. And the R3-2 has as a maximum  
20 residential FAR of .6 and 1.0 for community  
21 facilities, a 21-foot perimeter wall height and a  
22 maximum height of 35 feet, generally resulting in  
23 two to three story buildings. One block at the  
24 intersection of Parsons and 45th Avenue is zoned  
25

1  
2 R4. It's a general residence district similar to  
3 the R3-2; it has a slightly higher residence FAR  
4 of .9 and a community facility FAR of 2.0, but is  
5 occupied by the large community facility, Flushing  
6 Hospital. The northern section and the western  
7 sections of the rezoning area, particularly along  
8 Sanford Avenue and Kissena Boulevard are zoned R6  
9 and R7-1. These are height factor districts with  
10 no set maximum height. Heights in this area are  
11 variable and determined by a sky exposure plane, a  
12 flexible band that allows buildings that can be up  
13 to 12, 13-- high-rise apartment buildings. In the  
14 R6 are we have a residential FAR of 2.43, and a  
15 community facility FAR of 4.8, which also applies  
16 to mixed-use and community facility buildings.  
17 The R7-1 zone has a residential FAR maximum 3.4  
18 and a maximum community facility FAR of 4.8, the  
19 same as in the R6. Both of these zones allow  
20 apartment buildings, high-rises, similar to these  
21 two pictures here, which are out of scale to the  
22 six to seven story apartment buildings generally  
23 developed in the area. After carefully  
24 considering these issues and synthesizing input  
25 from elected officials, community members and

1 engaged stakeholders, the Department Formulated a  
2 rezoning strategy to meet three principal  
3 objectives, which you can see on the map, that are  
4 color-coded; to match prevailing development  
5 patterns with appropriate contextual districts, to  
6 allow moderate growth in residential units on very  
7 limited sites, and to also commercial overlay  
8 zoning to better reflect the land use patterns.

9 Most of the area, you can see here, indicated in  
10 yellow, we're proposing a rezoning from R3-2 to  
11 R3-X. The R3-X is a contextual district that only  
12 allows one- and two-family detached homes at the  
13 same .6 FAR established under the R3-2, the same  
14 perimeter wall height and the same maximum  
15 building height, generally resulting in two story  
16 one- and two family detached homes similar to this  
17 picture. The rezoning action is meant to reflect  
18 the existing one- and two-family detached  
19 character of the neighborhood. On one half block  
20 along 156th Street, we're proposing extending an  
21 existing R4-A zone westward across 156th Street to  
22 recognize the same contextual treatment on both  
23 sides of 156th street. This block is developed  
24 with one and two-family detached homes on  
25



1 relatively narrow lots, on lots that are narrower  
2 than generally allowed on the R3 districts. This  
3 picture here indicates a development on 156th  
4 Street. The R4-A only allows one- and two-family  
5 detached homes; the lot width can be 30 feet. It  
6 would increase the FAR from .6 to .9 and the  
7 community facility FAR from 1.0 to 2.0, but mixed-  
8 use residential and community facility buildings  
9 would have to abide by the same residential  
10 building envelope. The permit of walls is the  
11 same as in the R3-2, 21 feet. The maximum height  
12 is 35 feet again resulting in two-story buildings.  
13 So this is meant to reflect the existing context  
14 on both sides of 156th Street. On the map where  
15 you see the light orange color we have a mixed  
16 pattern of one- and two-family detached and semi-  
17 detached buildings, mostly semi-detached. So  
18 we're proposing a rezoning from R3-2 to R4-1. R4-  
19 1 allows one- and two-family only, but they can be  
20 detached or semi-detached. The FAR would be the  
21 same as in the R4-A, the .9 for residential and  
22 2.0 for community facility. But again, mixed-use  
23 buildings would have to have the same residential  
24 building envelope. That's a 25-foot perimeter  
25

1 wall, 35-foot maximum height and result in  
2 construction similar to this picture here. And  
3 again, this is meant to reflect the existing  
4 context of one- and two-family detached and semi-  
5 detached home, most of which are built above the  
6 R3 bulk regulations. Several block fronts along  
7 Parsons Boulevard highlighted here in red are  
8 developed with three story apartment buildings,  
9 similar to this picture here, which are actually  
10 built above and beyond the R-3 bulk regulations  
11 also. So for these block fronts we're proposing  
12 rezoning from R3-2 to R4, which is a similar  
13 general residence district, slightly higher FAR of  
14 .9 and 2.0 for community facilities. The two  
15 blocks along Sanford Avenue, which are today zoned  
16 R6, we're proposing a rezoning treatment of R6-A  
17 to recognize the six and seven story character.  
18 The R6 again has a flexible height limit. You can  
19 build high-rise apartment buildings. The R6-A  
20 would establish a maximum base height of 40 to 60  
21 feet and a maximum building height of 70 feet.  
22 You cannot go above 70 feet. It would increase  
23 the residential FAR from 2.43 to 3.0, but decrease  
24 the community facility and mixed-use FAR from 4.8  
25

1  
2 to 3.0. This rezoning change is meant to  
3 reinforce the existing context of six and seven  
4 story pre-war apartment buildings, but it would  
5 also facilitate the redevelopment of the Flushing  
6 YWCA in an adjacent lot with a seven story mixed-  
7 use building containing an expanded community  
8 facility floor area as well as affordable senior  
9 housing. And that is located where you see the  
10 light brown colored-- jog down a little-- along  
11 Parsons Boulevard. This is the side right here.  
12 The Department is proposing a similar rezoning  
13 treatment for three blocks between Franklin Avenue  
14 and Cherry Avenue between Kissena Boulevard and  
15 Bound Street, where we're proposing a rezoning  
16 from R7-1 to R7-B. Again, these areas are mostly  
17 developed with six and seven story apartment  
18 buildings. The R7-1 allows high-rises. The R7-B  
19 is very similar to the R6-A. It would lower the  
20 residential FAR from 3.44 to 3.0, lower the  
21 community facility from 4.8 to 3.0 and set a  
22 maximum height of 75 feet. You'll note here in  
23 white that the proposal is to retain the existing  
24 R7-1 height factor district along Kissena  
25 Boulevard and extend it westward from Kissena

1  
2 Boulevard to encompass the block bounded by Elder  
3 Avenue, Colden Street and 45th Avenue, highlighted  
4 here in the dark brown. This would be a rezoning  
5 from R6 to R7-1. Both are height factor districts  
6 that allow the variable heights and high-rises.  
7 The residential FAR would increase from 2.43 to  
8 3.4, while retaining the same maximum FAR  
9 established today under the R6 of 4.8 for  
10 community facilities and mixed use buildings. The  
11 intent of the rezoning is to reflect the existing  
12 context of high-rise condominiums directly to the  
13 north and allow a moderate increase in housing  
14 units under the same maximum development envelope  
15 established under the existing zoning. This move  
16 would facilitate the redevelopment of the New York  
17 Armenian Home [phonetic] from a three story  
18 community facility establishment to a 19 story  
19 mixed use building containing expanded community  
20 facility floor space and a residential tower with  
21 market rate housing. Finally we proposed some  
22 changes to commercial overlays in the area. At  
23 the intersection of Franklin Avenue and Bound  
24 Street there's an existing C1-2 overlay mapped at  
25 a 150-foot depth. We propose rezoning this to C1-

3 at a 100-foot depth to remove commercial overlay from residential properties and better reflect the commercial development pattern. At 45th Avenue and Bound Street there's an existing C2-2 commercial overlay, which is similar to C1-2, but allows a broader range of uses including automotive repair shops. So here we proposing another rezoning to C1-3 at 100 feet, again to remove the commercial zoning from residential properties and to limit the uses allowed to local retail and services. At the intersection of Parsons Boulevard and 45th Avenue there are a number of existing commercial uses that are not commercially zoned. They're non-conforming uses. So we're proposing establishing new C1-3 overlays to bring those into conformance. After considering the substantial input from the concerned stakeholders, the Department carefully crafted this proposal to meet the three planning objectives voiced earlier, to match the prevailing development patterns with appropriate contextual districts, to allow the moderate growth of residential units on the two side indicated and to alter the commercial overlay zoning to better

1 reflect land use patterns. During the public  
2 review process, two areas of concern emerged from  
3 the residents, one being opposition to the  
4 contextual down zoning R3-X and R4-A, particularly  
5 in areas closer to R4 rezoning proposals, due to  
6 concerns of the impact on property values. The  
7 second area of concern is the rezoning from R6-1  
8 to R7-A of this block between Kissena Boulevard  
9 and Colden Street, containing the New York  
10 Armenian home, where the resident expressed  
11 concerns that any new development would have an  
12 impact on traffic, quality of life and the  
13 environment. The Community Board voted to  
14 recommend approval of the application provided  
15 that the New York Armenian Home block retain its  
16 existing R6 zoning. The Borough President  
17 recommended approval as certified. The Planning  
18 commission also voted to adopt the application as  
19 certified. And just to further--

21 [Break in Audio]

22 MARK PHILLIPS: I thought it would  
23 be a good idea to show some context around the  
24 proposed R6, R7-1 zone, just so to give the  
25 Council an idea of what the area is like. This

1  
2 block here is the subject block proposed to be  
3 rezone from R6 to R7-1. The green square  
4 indicates the Armenian home site, and the numbers  
5 on the buildings indicate the number of stories.  
6 You'll note, please, that the subject block is a  
7 mixed block where we have the Armenian home, an  
8 adjacent 19-story development. To the northern  
9 end of the block there are three story row houses.  
10 On the east and west sides of the block we have  
11 seven story apartment buildings. On the south  
12 side of 45th Avenue there are also seven story  
13 apartment buildings; but to the north of Elder  
14 Avenue, to the north of the entire block, there's  
15 a large condominium development with buildings  
16 ranging from 15 to 26 stories. And I believe that  
17 is the proposal. Thank you.

18 CHAIRPERSON AVELLA: Before I turn  
19 it over, see if Councilmember John Liu has a  
20 comment on the application. It is within his  
21 district. I'm glad you went over this last piece  
22 with the R7-1 because that is, I'm sure, going to  
23 be a major source of contention with the speakers  
24 that are going to testify today. Without saying  
25 what my opinion is one way or the other, a number

1  
2 of concerns have been brought up that this is in  
3 effect spot zoning because we're in effect doing  
4 it for one application for the Armenian Home  
5 expansion. How would you respond to that?

6 JOHN YOUNG: Councilmember, I'd be  
7 happy to. As Mark pointed out, the R7-1 zoning  
8 runs along Kissena Boulevard on the east side of  
9 the corridor. And this is an extension of that  
10 zone which actually brings all the other  
11 residential buildings you see on that block into  
12 compliance. Today the densities of those  
13 buildings range from 2.5 to 3.75. They all exceed  
14 the 2.43 maximum of the current R6 zoning on the  
15 block. So by extending an existing adjoining  
16 zoning to cover this block to recognize that  
17 density and the range of scale on that block, it's  
18 entirely appropriate and consistent with the R4-A  
19 extension that we're doing at the eastern end of  
20 the rezoning area.

21 CHAIRPERSON AVELLA: What other  
22 additional development could go on with that  
23 rezoning in that section? I mean how much more  
24 development could occur, because that's part of  
25 the argument that the community is using.



1  
2 JOHN YOUNG: Right. You know our  
3 forecast done in the environmental assessment  
4 statement looked at simple redevelopment of the  
5 Armenian home parcel. Because the rest of the  
6 parcel is either very small; there's a series of  
7 row houses on the north side of the block which  
8 are not likely to be redeveloped individually.  
9 And the rest of the apartments, again, are just  
10 being brought into compliance. There's no likely  
11 that they could add additional floor area to the  
12 rezoning.

13 CHAIRPERSON AVELLA: So the only  
14 site would be the three-story buildings in the  
15 back of the Armenian site, correct? You're saying  
16 it's not likely but--

17 JOHN YOUNG: [Interposing] It's  
18 extremely unlikely. Where we have the current R7-  
19 1 zoning in parts of Flushing, those same times of  
20 row houses have not been redeveloped since 1961.

21 CHAIRPERSON AVELLA: The other  
22 issue that has been brought to my attention, which  
23 I'm sure is going to come up in the discussion,  
24 and if we could go back to the proposed zoning,  
25 has been those sections where it was previously

1  
2 R3-2 and now it's going to R4-1, which I  
3 understand the reasoning with now having one- or  
4 two-family detached or semi-detached or semi-  
5 attached. But one of the arguments that's been  
6 brought up is you're increasing, and I think you  
7 mentioned in your testimony, the community  
8 facility FAR from one to two. And you well know,  
9 in this section of Flushing community facility  
10 expansion has been a real issue. So how do you  
11 address their concern that in effect you're not  
12 creating a situation where you're going to get  
13 more community facilities and less residential  
14 housing?

15 JOHN YOUNG: I think that when we  
16 were looking at the rezoning, just as we've done  
17 in other areas, the predominant factor that we  
18 were looking at had to do with the residential  
19 context and the rationale of actually knowing how  
20 strong the residential market is here, of creating  
21 the framework that's going to reinforce and secure  
22 the residential context is protected. In terms of  
23 the community facility development, the size of  
24 these parcels, the scale of the density, you'd  
25 have to assemble for creating a new facility

1  
2 development would really be a substantially remote  
3 outcome with this rezoning. It's really based on  
4 the fabric of the area, which is relatively dense,  
5 semi-detached buildings on relatively narrow lots.

6 CHAIRPERSON AVELLA: You also  
7 mentioned in your testimony that it would have to  
8 be the same building envelope. What did you mean  
9 by that? You sort of lost me on that comment.

10 MARK PHILLIPS: Right. Pure  
11 community facility buildings have a separate  
12 building envelope established with sky exposure  
13 planes, but as John pointed out, they usually  
14 require larger sites, larger lots. If you want to  
15 build a mixed-use community facility building in  
16 the contextual zones, you have to still use the  
17 residential building envelope. So you can have a  
18 doctor's office, but its limited in square footage  
19 and its limited to a residential building.

20 CHAIRPERSON AVELLA: Well how does  
21 that equate to the two FAR though?

22 MARK PHILLIPS: Well--

23 CHAIRPERSON AVELLA: [Interposing]  
24 It couldn't use the two, the full two FAR?

25 JOHN YOUNG: Generally what you get

1  
2 with a community facility--

3 CHAIRPERSON AVELLA: [Interposing]  
4 I see the inconsistency and I'm trying to rectify  
5 this. I just don't get it.

6 JOHN YOUNG: You tend to get a  
7 lower, bulkier building. The community facility  
8 for example has just a 20-foot rear yard as  
9 opposed to the 30-foot for the residential. That  
10 would be something that would allow them to  
11 distribute the floor area over more of the site.

12 CHAIRPERSON AVELLA: Okay.  
13 Councilmember Liu?

14 JOHN C. LIU: Thank you, Mr. Chair.  
15 Thank you for holding this important hearing.  
16 This Waldheim rezoning has been in the works for  
17 well over a decade. And in fact after a great  
18 deal of community input far and beyond what's  
19 required by ULURP, the community came together  
20 with our esteemed representatives from the City  
21 Planning Department and we got together and  
22 reviewed a plan in May of 2006, which was then  
23 roundly criticized, despite the best efforts of  
24 City Planning. So they went back to the drawing  
25 board and came up with another plan. In the

1  
2 aftermath of that new plan we have held numerous  
3 community meetings including public forums well  
4 advertised in the community so that everybody has  
5 had a chance to understand the plan and to give  
6 input. At the end of the day, no rezoning  
7 proposal can have 100% unanimity, and so I  
8 understand that some people will still be upset  
9 about this plan. Nonetheless, it is my opinion  
10 that this is a comprehensive plan, to the best  
11 judgment of City Planning, one that has been  
12 thoroughly vetted by the Community Board, and they  
13 approved it, although with a stipulation. The  
14 Borough President has approved this with no  
15 stipulations as has the City Planning Commission.  
16 And today I am here in front of your Committee to  
17 state my support for this and I urge my colleagues  
18 to vote in favor of this Waldheim rezoning  
19 proposal.

20 CHAIRPERSON AVELLA: Are there any  
21 questions from Committee Members? We do have a  
22 number of speakers on both sides of the issue  
23 signed up to speak. Seeing none, thank you.  
24 Obviously I know you're going to hang around.  
25 Just in case some questions come up, I'd like to

1  
2 call City Planning back maybe to answer.

3 JOHN YOUNG: Of course. Thank you.

4 CHAIRPERSON AVELLA: What we'll do  
5 is as normal procedure; we will call alternating  
6 panels of those in support and then in opposition.  
7 So the first panel I will call up will be in  
8 support, Paul Graziano; Harbachan Singh from the  
9 Queens Civic Congress; Catherine Papell from  
10 Waldheim Neighborhood Association; and Susan  
11 Christiansen from the Waldheim Neighborhood  
12 Association. And I would ask the Sergeant-At-Arms  
13 to set up the clock.

14 PAUL GRAZIANO: Good afternoon,  
15 Chair. Good morning.

16 CHAIRPERSON AVELLA: For Three  
17 minutes. I see it's up for two minutes. And  
18 before I let you go, Paul, excuse me for one  
19 second. We obviously have a number of speakers on  
20 this side as well as on the Hospital for Special  
21 Surgery. I would ask that when you speak that you  
22 try and keep within the three-minute limit. I  
23 mean I don't necessarily cut somebody off if  
24 they're finishing their sentence or their  
25 paragraph, but to ensure that your comments are

1  
2 heard by the Council Members, I asked everybody to  
3 sort of keep within the three-minute limit. And  
4 do your best not to repeat the same thing that the  
5 previous speakers spoke about. Try and say  
6 something different or just say I agree with the  
7 previous speakers. That is always very helpful.  
8 Paul?

9 PAUL GRAZIANO: Good morning. I'm  
10 going to-- I handed in a copy, so I'm just going  
11 to stay away from that and you can read it at your  
12 leisure. I'm an urban planning consultant and  
13 have worked with the Waldheim Kissena Park Utopia  
14 Improvement, which I'm not sure if they still  
15 exist anymore, and Poly Civic, under their  
16 previous president, to come up with a  
17 comprehensive plan for this rezoning over a decade  
18 ago. I just want to briefly discuss the two  
19 points that Councilman Avella brought up about the  
20 R6 to R7-1 and the R3-2 to R4-1. The R6 to R7-1,  
21 because of the way that the rules work the  
22 community facility use within that area is limited  
23 to 1.0, if they're combining it with a residential  
24 district. So the FAR for community facility for  
25 both an R6 and an R7-1 is 4.8. It doesn't change.

1  
2 And so if the building were to be built as a  
3 community facility under the R6 or the R7-1, the  
4 building would be the same height. With an R7-1,  
5 the FAR for the residential will incrementally go  
6 up somewhat, not a huge amount, relative to the  
7 building. But it also allows then the community  
8 facility use to be a 1.0, with the residential  
9 piece attached to it in a way that it can't do  
10 under the R6, because there isn't as much FAR. In  
11 terms of the R3-2 to the R4-1, I was very  
12 disappointed that the Holly Civic Association  
13 pulled out their part of their proposal, because  
14 while R4-1 is higher for the community facility  
15 FAR and for the residential FAR, it does limit the  
16 buildings to detached and semi-attached buildings,  
17 one- and two-families. And that's very important  
18 in central Flushing, which has just had an  
19 onslaught of inappropriate higher density multi-  
20 family development. My recommendation when I  
21 helped to craft this over ten years ago, was to  
22 make those areas R3-1, which would then keep the  
23 FAR in both the residential and the community  
24 facilities intact. It is R4-1, it is what it is  
25 at this moment. But I would say that this



1  
2 proposal has more than 90% of what I had proposed  
3 going back a decade. And it's long overdue for an  
4 area that, by the way I'll just correct City  
5 Planning, 50% of the housing was built before  
6 1900, a lot of it is between 1875 and 1900 and is  
7 in great danger because of the teardown trend in  
8 the area for multi-family. So I'll leave it at  
9 that and you have my sworn testimony. Thank you.

10 HARBACHAN SINGH: Thank you. Good  
11 morning. Thank you, Chairperson Avella and  
12 Committee Members, for this opportunity to support  
13 another community rezoning effort, in this case  
14 Waldheim. My name is Harbachan Singh, and I am  
15 the Vice President of the Queens Civic Congress  
16 and Co-Chair of its zoning and code enforcement  
17 committee. Queens Civic Congress is the Borough-  
18 wide coalition of Civic and Condo, Cooperative  
19 Tenant and other community organizations. We need  
20 many more certified for ULURP and pass through  
21 planning and legislative processes. Queens Civic  
22 Congress certainly appreciates the Council's  
23 efforts and prevails upon the legislators to move  
24 City Hall and its City Planning to accelerate more  
25 community plans. In the meantime, the Council can

1  
2 take another protective step by adopting the  
3 Waldheim rezoning. This plan reflects a long and  
4 arduous process of discussion, more discussion,  
5 meetings galore and full and open debate over how  
6 best a final community plan should look. Some  
7 wanted particular parcels treated a bit more  
8 restrictively. But this plan is a fair plan and  
9 merits your support. Certain Queens nabes,  
10 perhaps may across our city face situations where  
11 develops masquerade as homeowners and try to  
12 disarm a community and fight back sound community  
13 rezoning forms. Do not let this in Waldheim.  
14 Queens Civic Congress would be remiss not to note  
15 the need for City Hall, particularly its  
16 Department of City Planning to accelerate  
17 protective efforts to preserve as well as other  
18 under- and unprotected Queens neighborhoods. We  
19 look forward to working with the Council, City  
20 Hall and City Planning to make this special  
21 difference throughout our communities. Thank you,  
22 Sir.

23 SUSAN CHRISTENSEN: Good morning.

24 My name is Susan Christensen and I work with the  
25 Neighborhood Association. I have a statement and

1  
2 I handed it in, but I don't need to read that. I  
3 am in favor of it. I have been working for ten  
4 years, I remember going with Paul to Long Island  
5 City when City Planning was there, and the  
6 original zoning plan was turned down because it  
7 was too large an area. So I hope you will vote in  
8 favor for the Waldheim rezoning plan. It's been a  
9 long and arduous task to get this done and we need  
10 your support. Thank you.

11 CATHERINE PAPELL: My name is  
12 Catherine Papell. I've lived for 50 years at 146-  
13 18 Cherry Avenue, in the area of Old South  
14 Flushing, that we've come to call Waldheim. I'm a  
15 Board Member of the Waldheim Neighborhood  
16 Association. We have come today to urge you to  
17 take action on the thus far approved New York City  
18 Planning Commission's Waldheim rezoning plan and  
19 to tell you why it is so important for it to be  
20 finalized. I will speak about teardown. Teardown  
21 is a new and contemporary term widely used today  
22 in the housing industry in the world of real  
23 estate agents, contractors and builders,  
24 developers and investors. According to the New  
25 York Times editorial, teardown means, quote, the

1  
2 practice of buying an older home to demolish it  
3 and replace it with a house that dwarfs structures  
4 nearby and covers most of its own lot. This is  
5 what is happening in Old South Flushing and this  
6 is why the community is taking the position of  
7 acceptance of the New York City Planning  
8 Commission's Waldheim rezoning plan, and have been  
9 fighting step by step to have it developed and  
10 improved. Teardown is an aspect of  
11 entrepreneurial change that can be irrevocably  
12 destructive to a community; to modest, solid,  
13 well-built housing stock in Queens; to safe  
14 streets and schools for children by the density it  
15 creates; to magnificent trees that we'll need more  
16 than 100 years to replace; to lawns and gardens  
17 and the good earth replaced with concrete, limited  
18 drainage and creating flooding potential; to more  
19 and more of the good earth in Flushing that  
20 produces living vegetation; to the population  
21 density of the community that is being more than  
22 quadrupled; to the sense of community that  
23 welcomes the marvelous diversity of its newcomers,  
24 sharing a sense of the past and moving as a  
25 neighborhood into the future. If you stand at the

1  
2 corner of 147th Street and Cherry Avenue and look  
3 north, south, east and west, you will see the  
4 results of teardown on every block to the borders  
5 of this whole area of Old South Flushing. Our  
6 Neighborhood Association has worked for ten years  
7 to preserve the beauty of this community and we  
8 have constantly met with unexplained failure. It  
9 is late but now we say now is the final time.  
10 Teardown must be contained and limited. Okay.  
11 This plan requires considerable compromise on our  
12 part, but we will accept it, because without it  
13 this important residential neighborhood will be  
14 destroyed, and Flushing is too precious to be  
15 further destroyed. The old zoning that has  
16 created a vacuum of planning, permits teardown and  
17 renders our beautiful community so vulnerable must  
18 now end. Therefore we urge you to accept this  
19 plan.

20 CHAIRPERSON AVELLA: Thank you.

21 [Break in Audio]

22 CATHERINE PAPELL: Submit the  
23 statement of John Tsavalos, the Secretary of the  
24 Waldheim Neighborhood Association.

25 CHAIRPERSON AVELLA: That's fine.

1  
2 The next panel will be a panel in opposition;  
3 Isaac Sasson, Eugene Sidowsky [phonetic], Ms. and  
4 I can't make out the first name, Kumar [phonetic]  
5 Vinod [phonetic]. Am I pronouncing it right? And  
6 William Chung.

7 ISAAC SASSON: My name is Isaac  
8 Sasson. I'm the president of the Holly Civic  
9 Association. The Association was founded in 1960  
10 and incorporated in New York State in 1974. We  
11 hold general membership meetings eight times a  
12 year and we publish a newsletter eight times a  
13 year. Our members are concerned with quality of  
14 life issues, over crowding, affordable housing,  
15 adequate infrastructures and safety. We are  
16 recognizes and praised as a civic organization  
17 that does not shirk from speaking out, responding  
18 to complaints, and fighting for the preservation  
19 of our neighborhood. We are asking that you  
20 remove from consideration for up-zoning one block,  
21 which is the 45th Avenue block, that was  
22 mentioned. One thing that Mr. Young did not  
23 mention to you was that north and south of that  
24 block are both R6, so leaving it as R6 is  
25 contextual. Up-zoning the entire block would

1  
2 affect many thousands of block residents and  
3 jeopardizes the continued stability of garden  
4 apartments on Elder Street. Planning proposes to  
5 up-zone the entire block for the sole benefit of  
6 up-zoning only one building, the Armenian Home.  
7 Up-zoning an entire block for the benefit of just  
8 one building is incomprehensible and  
9 unconscionable. In 2006 when the original plan  
10 was presented, this had that area of 45th Avenue  
11 block was not included. But in 2007, the Armenian  
12 Home hired a high-powered lobbyist firm, with the  
13 stated lobbying target City Planning Director John  
14 Young and our Councilman. At the June 16th CB7  
15 public meeting this past summer numerous speakers  
16 spoke up against the up-zoning of the 45th Avenue  
17 block, citing overcrowding, overdevelopment and  
18 lack of infrastructure. After four hours of  
19 testimony and debate there was a motion to delete  
20 the 45th Avenue block from consideration, which  
21 carried overwhelmingly. The final vote to approve  
22 the amended plan deleting the 45th Avenue block  
23 was carried 27 to 7 with one abstention. We note  
24 that four of the no votes were cast by the Civic  
25 Center Chairman, the Zoning Chair, Committee Chair

1  
2 and Parliamentarian, an indication that these  
3 seven leaders are out of touch with the community  
4 of their own board on this issue. At both the  
5 subsequent Borough President and City Planning  
6 Commission hearings, there was no one from CB7 to  
7 present the Board's majority decision. The CB7  
8 Chairman did not present the amended plan that his  
9 own board voted on, as he's ethically and maybe  
10 legally obligated to do so. We believe instead he  
11 presented the minority bill, stating that his own  
12 board members were, quote, confused by the debate  
13 and blamed the people that testified in the Holly  
14 Civic Association for the so-called confusion. In  
15 retrospect the chairman had wanted the Armenian  
16 Home up-zoned from the get go. Last year, under  
17 the Freedom of Information Law, we obtained a  
18 letter that the chairman wrote to City Planning a  
19 year earlier in '06 in support of the up-zoning,  
20 stating falsely that the Holly Civic supported and  
21 implying also support from CB7 even though this  
22 matter was not discussed. We will take note that--  
23 - please do not destroy the entire block by up-  
24 zoning it for the benefit of just one single  
25 building. The issue of that building can be dealt



1  
2 with through BSA various process, moves that would  
3 allow the community to negotiate with the  
4 developers and its input. We as a community would  
5 insist that the slated high-rise building could  
6 include affordable housing, ask for a developer  
7 give back. Please don't take from the community  
8 its own means of influence. You have the power  
9 and responsibility of protecting our neighborhood.  
10 Please help us save our community. Please do not  
11 up-zone the entire 45th Avenue block for the  
12 benefit of just one building. Thank you. Please  
13 leave it as is.

14 EUGENE SIDOWSKY: Good morning, Mr.  
15 Avella, members of the panel. I thank you for  
16 this time. My name is Eugene Sidowsky. I live at  
17 43-35 Union Street, Flushing, between Cherry and  
18 45th. I'm living there, this coming December will  
19 be 51 years. I have seen changing from the very  
20 beginning, what has taken place there. But in the  
21 last five years it is out of hand. I beg you to  
22 listen to our voices, to hear us. Enough is  
23 enough. There must be a cap. They want to put up  
24 another 19 story building with 300 apartments.  
25 It's too much. We are overflowed. You cannot get

1  
2 four gallons of water into an eight-ounce glass.  
3 It's totally impossible. There has to be a cap.  
4 Where I live on Union Street and Cherry Avenue and  
5 Warburton and Beach Avenue, they are knocking down  
6 two-family homes. In the last five years I would  
7 say anywhere between 30 and 50 two-family homes  
8 have been knocked down. They are putting six and  
9 seven story buildings and seven and eight. The  
10 six and seven and seven and eights are duplex.  
11 From two families in a house we are getting a  
12 building, approximately, in the area another 1,000  
13 people. It's totally impossible. We beg you,  
14 hear our voices. There must be a cap. I am  
15 totally against this. Again, I repeat, there must  
16 be a cap. You've got to stop it somewhere. Now  
17 is the time. We are sick and tired of getting our  
18 faces slapped, that every time everybody's against  
19 us. We are for development, but this is  
20 ridiculous. Again, I repeat, you cannot get 20  
21 sardines in a can built for six. It's physically  
22 totally impossible. And if you can show me how  
23 you get 20 sardines in a can built for six, fine,  
24 I'll go along with it. Thank you very much. I  
25 appreciate it.

1  
2 WILLIAM CHUNG: Good morning. My  
3 name is William Chung and I am here to express our  
4 opposition to the rezoning plan, because it favors  
5 the developers and the rich. This plan will not  
6 protect our neighborhood. It will actually allow  
7 massive construction in the residential  
8 neighborhoods and it will draw much traffic and  
9 just heavily burden our civil infrastructure. The  
10 deck is heavily stacked against those who oppose  
11 the plan. For instance, the Armenian Home has  
12 hired lobbyists to target Councilman Liu and John  
13 Young, who spoke earlier today. And though they  
14 said that this plan has been around for ten years,  
15 the Armenian Home addition was only added after  
16 2006, coincidentally around the time that the  
17 Lobbyist was hired in 2007. Now, even though the  
18 current zoning of the Armenian home allows the  
19 construction of the 19-story skyscraper as of  
20 rights, they still want an up-zoning so they can  
21 add 40% more residential units, and this is  
22 unacceptable. Its just going to draw too many  
23 people into this neighborhood, and this  
24 neighborhood just can't bear it anymore. And it's  
25 not just the Armenian Home that's being

1  
2 inappropriately up-zoned. If you just look at the  
3 plan you'll see that it's just rife with  
4 inappropriate expansions. The parking lot of  
5 Flushing Hospital will be up-zoned so that another  
6 campus can be built there. The YWCA on Parsons  
7 Boulevard has been up-zoned to R4, even though it  
8 is in a residential neighborhood where all the  
9 surrounding houses have been down-zoned. The  
10 Jewish Center and Hindi Temple has been up-zoned,  
11 even though they already draw thousands of people  
12 into our neighborhood every week. The new zoning  
13 will just flood us, as I said, with more traffic  
14 and it will just burden our schools. It will  
15 burden our civil infrastructure. Now, we are just  
16 the residents who live there and we can't hire  
17 lobbyists. We cannot hire people to just  
18 influence our representatives. All we can do is  
19 to come here and express our strongest disapproval  
20 of this plan, and it's hard to do so, because we  
21 have jobs we have to break our backs just to hold  
22 on to in this economy. And we have to take time  
23 out from making our livelihoods to speak out  
24 against these plans that are being committed at  
25 the behest and to favor the developers with money.

1  
2 Despite these odds, we are here to voice our  
3 strongest disapproval and we are here to say that  
4 we do not approve this plan and that it will  
5 devastate our neighborhood. Truthfully we do not  
6 expect to beat this bill, because too many  
7 promises have been made to too many people in too  
8 many back rooms. But we are here to say that we  
9 are the people and that we have a voice and that  
10 we will be heard because we have a memory and we  
11 will remember what has been done here. Thank you.

12 VINOD KUMAR: Hello everyone. My  
13 name is Vinod Kumar [phonetic] and I have written  
14 a small paragraph in regard to this. I have never  
15 heard of Waldheim Association ever before. I have  
16 been living at 43-40 since 1975. The small  
17 Flushing Hospital has turned into three big  
18 buildings around my house. The other area, which  
19 is two minutes from my house has become  
20 commercialized now, which has approximately 10 or  
21 15 stores, which is doing business since 1975.  
22 The buildings on Parsons Boulevard has three big  
23 buildings including YWCA at the corner of Parsons  
24 and Franklin going higher and higher every day.  
25 With this reasoning my home value is going to go

1  
2 down, because supposedly the zoning has gone down  
3 to R3-X. There is also another problem near my  
4 house of airplanes flying literally over my house.  
5 How much pollution can we take? In view of all  
6 the shops and commercial area two minutes distance  
7 from my house, my area should not be rezoned as  
8 R3-X. Thank you. You can take my time if you  
9 want.

10 CHAIRPERSON AVELLA: Thank you.  
11 The next panel is the panel-- I'm sorry. One  
12 second. Councilmember Jackson has a question.

13 ROBERT JACKSON: Thank you, Mr.  
14 Chair. I want to thank you all for coming in and  
15 giving testimony about your position on this  
16 particular matter. And I've listened to the  
17 previous panel and presentation and I've heard  
18 from my colleague, John Liu. I have one or two  
19 questions. First of all, as per my colleague John  
20 Liu, they said that this rezoning has been  
21 basically in the process for about approximately  
22 ten years. Is that true and have you been  
23 involved in that process as, I guess, members of  
24 the Association or as individual homeowners or  
25 residents of that community?

2 ISAAC SASSON: It was presented to  
3 us--

4 CHAIRPERSON AVELLA: [Interposing]  
5 Isaac, first of all pull the mic closer to you and  
6 then reintroduce yourself so we know who is  
7 speaking.

8 ISAAC SASSON: Oh, I'm sorry.  
9 Isaac Sasson, Holly Civic Association. This plan  
10 was presented to the community two years ago in  
11 '06 in May. Before that there were-- there was  
12 some, during discussions all the time with members  
13 of City Planning and with Mr. Provenzano  
14 [phonetic]. And all this time there was no  
15 question; this area that we were questioning was  
16 not part of it at all. So this was-- as a matter  
17 of fact when this was presented two years ago we  
18 were told that this whole issue will be resolved  
19 in the summer. Even our Borough president said  
20 that they were going to finalize it in the summer.  
21 It was only this obsession with adding the up-  
22 zoning Armenian Home that delayed it two years,  
23 because then they had to go back and add it all  
24 up. Otherwise this could have been done the  
25 summer two years ago, and it would preserve some

1  
2 of the areas that we live on that have really been  
3 destroyed in the last two years. We're sorry that  
4 this wasn't taken up two years ago and left aside  
5 the Armenian Home issue as a BSA issue.

6 ROBERT JACKSON: Now I understand  
7 that based on the presentations and testimony here  
8 earlier that the community board approved this  
9 plan along with the Borough president. I assume  
10 that you had made your positions known to the  
11 community board and to the Borough president  
12 before they rendered their decisions on this  
13 particular matter. Is that correct? As an  
14 association.

15 ISAAC SASSON: Councilman Liu, and  
16 Councilman Jackson, the community board approved  
17 an amended version of that removing the 45th  
18 Avenue block.

19 ROBERT JACKSON: That's the block  
20 that you're concerned about.

21 ISAAC SASSON: Right. And that was  
22 27 to 7 in favor. But the Borough president and  
23 the City--

24 ROBER JACKSON: [Interposing]  
25 Planning.



2 ISAAC SASSON: Planning did not  
3 hear it from any representative of CB7. The  
4 Chairman did not give the majority opinion. He  
5 didn't hear from that. He said they were  
6 confused.

7 ROBERT JACKSON: And I'm sorry, the  
8 young man here, what's your name sir?

9 WILLIAM CHUNG: My name is William  
10 Chung.

11 ROBERT JACKSON: Mr. Chung, you  
12 insinuated that back deals were made on this  
13 particular matter. Do you have any offer of proof  
14 of that? Because those types of allegations are  
15 not taken lightly when people say that backroom  
16 deals were made to make sure this goes through.  
17 And quite frankly, unless you have an offer of  
18 proof, I take objection to that even though I was  
19 not personally involved in this process. But  
20 overall in general, too many times people say  
21 stuff like that and just throw it out, and it  
22 sticks. But the bottom line is there's no offer  
23 of proof that any back deals were made.

24 WILLIAM CHUNG: Sure. I'll address  
25 that point. There was-- if you just look at the

1  
2 New York City website, New York City government  
3 website, it discloses all the lobbyists who have  
4 to go and register when they try to target this  
5 project. And we looked it up and the Armenian  
6 Home has hired a lobbying firm, Akerman  
7 Senterfitt, to target John Liu and to target John  
8 Young. And right around the point that happened,  
9 they added this whole new development to it. And  
10 all of the work that had gone before was for  
11 naught, because they were going to up-zone this  
12 entire square block. And we don't know what went  
13 on there. All we know is that a lobbyist was  
14 hired and then at that exact same timeframe this  
15 deal popped up and it benefits the people who  
16 hired the lobbyist. And I'm saying, now that's  
17 public disclosure, but we don't know what went on  
18 there.

19 ROBERT JACKSON: So why do you say  
20 it was backroom deals were made then? Why do you  
21 say that then?

22 WILLIAM CHUNG: Because people  
23 don't know--

24 ROBERT JACKSON: [Interposing] I'm  
25 just asking a question. If you said an

1  
2 organization or a group or developer hires a  
3 lobbyist, which they have a right to do from a  
4 legal process in communicating what their position  
5 is, and they're communicating with whoever, the  
6 community board, the Borough president, City  
7 Planning, the City Council, the Councilmember,  
8 whoever it is on their position, why do you allege  
9 that that's backroom dealing? I'm not concerned  
10 about the lobbyist or you making a statement, but  
11 I'm just not going to accept that unless you can  
12 show that there were backroom deals made. And  
13 your insinuation in that, backroom deals were  
14 made, is that something undercover occurred or  
15 that something illegal occurred, and I take  
16 offense to that. Let me just say that right up  
17 front.

18 WILLIAM CHUNG: Sure. Okay. Let  
19 me just provide some more explanation. The  
20 Armenian home has hired a man by the name of Chuck  
21 Apelian, and he is the zoning chair of Community  
22 Board 7. And of course he was in favor of the  
23 plan and he pushed very strongly for it to be  
24 done. Now, should he have recused himself?  
25 Probably, because he's an engineer who works for

1  
2 them. But he didn't do that. And we just have no  
3 idea what goes on. Because they didn't register  
4 that they were lobbying him. They can't. He's  
5 not a public official. He's not responsible to  
6 the people as directly as the Councilman is or  
7 John Young is. So you just look at these things  
8 and you have to wonder, he is an engineer working  
9 for the Armenian Home. He is in favor of it  
10 despite hours of testimony by people in the  
11 neighborhood and he forced this to be passed. And  
12 he was unsuccessful because the community spoke  
13 out so strongly against it that Community Board 7  
14 passed it with the caveat that the Armenian Home  
15 could not benefit because it was inappropriate.  
16 And yet, my understanding is that he went before  
17 the Borough president and presented a minority  
18 report of Community Board 7. Now, I don't have  
19 any proof, beyond that, that something has  
20 happened. But when someone employed by the  
21 Armenian Home holds a position of power, the Chair  
22 of the Zoning at Community Board 7, and he acts so  
23 strongly in favor of something that is so opposed  
24 by the people, you just have to wonder what is  
25 going on. And they don't have to register

1  
2 lobbyists for that, and we take exception to it.

3           ROBERT JACKSON: And I can  
4 understand your objection to a member of-- the  
5 Chair of the Zoning Committee of a Community Board  
6 of even if he's a member, if he's employed by the  
7 Home or the consultant firm or lobbying firm, that  
8 in my opinion in general based on what you said,  
9 assuming everything you say is true, that  
10 individual should recuse himself. And if in fact  
11 they did not, that's something that you can deal  
12 with, with the Community Board, and the Borough  
13 president. But overall to make a statement that  
14 backroom deals were made, and you've explained it.  
15 You've explained I guess your logic and reasoning  
16 for why you said what you said. But I just say to  
17 you I don't take those allegations lightly.

18           WILLIAM CHUNG: Well, you  
19 shouldn't. But just look at the map. Look at the  
20 people who are being up-zoned. The YWCA on  
21 Parsons Boulevard has R2-3 area and suddenly it's  
22 being up-zoned to R4. I mean if you just look at  
23 the map, they're down-zoning most of the  
24 neighborhood, but you'll see these little sections  
25 just pop up, and they'll be up-zoned. And there's

1  
2 no difference between that house that's being up-  
3 zoned and the house that's next to it. Now, if  
4 you want me to take a check or have a tape  
5 recording of someone saying, look, I'll take care  
6 of you if you take care of me, I can't do it. But  
7 just look at what's going on. I mean, he should  
8 have recused himself. He didn't. But this is  
9 something that you have to consider here.

10 ROBERT JACKSON: Thank you. Thank  
11 you, Mr. Chair.

12 CHAIRPERSON AVELLA: I have two  
13 other Council Members that have questions for this  
14 panel. First of all, Councilmember Simcha Felder.

15 SIMCHA FELDER: Thank you very  
16 much. You mentioned, Mr. Chung, in your testimony  
17 something about a Jewish center bringing thousands  
18 of people into the community. I don't really care  
19 whether it's a Jewish center or any other kind of  
20 center. I just wanted you to explain what you  
21 meant with them bringing in thousands of people  
22 into the community.

23 WILLIAM CHUNG: Well there's a  
24 Jewish center and a Hindu temple across the street  
25 from it, and both areas have been up-zoned for

1  
2 redevelopment, so as to allow redevelopment, to  
3 allow more construction.

4 SIMCHA FELDER: Right, right.

5 WILLIAM CHUNG: And on the weekends  
6 the worshippers and the people who attend those  
7 facilities just drive into the neighborhood and  
8 they clog up that street.

9 SIMCHA FELDER: When do they drive  
10 into the neighborhood?

11 WILLIAM CHUNG: On the weekends.  
12 Like, I'm not sure if it's for the Jewish center  
13 or for the Hindu temple, but that street is always  
14 crowded by people going into those facilities.

15 SIMCHA FELDER: I see.

16 ISAAC SASSON: May I clarify one  
17 point?

18 SIMCHA FELDER: Please.

19 ISAAC SASSON: The Jewish center  
20 is-- traditional people don't drive and it doesn't  
21 have that much attendance, so it's not related to  
22 the Jewish--

23 SIMCHA FELDER: [Interposing] Yeah,  
24 but I don't really care.

25 [Crosstalk]

2 SIMCHA FELDER: It doesn't matter  
3 to me wither it's the Jewish Temple or the Hindu  
4 Temple or both or together or separate. It's  
5 irrelevant.

6 WILLIAM CHUNG: Well, I agree with  
7 you. I don't mind who is drawing the traffic, but  
8 the point is they are drawing a lot of traffic  
9 into our neighborhoods. And if you go there on  
10 the weekend--

11 SIMCHA FELDER: [Interposing] But  
12 you don't have a problem with the fact that people  
13 are coming to worship in your neighborhood, right?

14 WILLIAM CHUNG: No, but--

15 SIMCHA FELDER: [Interposing] You  
16 just don't want it compounded by more, is that  
17 true?

18 WILLIAM CHUNG: Yes. I mean the  
19 streets are already crowded on the weekend.  
20 Busses can't get by because of people double  
21 parking to drop people off. And if you just allow  
22 this construction to go on, I mean I think they  
23 got rezoned from R3-2 to R4-A, and that's twice as  
24 much area, I think, for community facilities.  
25 That's just going to make the problem even worse.



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SIMCHA FELDER: I'm not familiar.  
I just like asking questions that have nothing to do with what's going on. That's all. Thank you.

[Laughter]

ISAAC SASSON: May I clarify, one of Mr. Jackson's questions--

CHAIRPERSON AVELLA: [Interposing]  
No. Isaac, no. Councilmember John Liu.

JOHN C. LIU: Thank you. I appreciate this panel coming here to testify today. I know it's not easy and people have work to do. I don't question their commitment to the neighborhood and as I said earlier, I think everybody is interested in really maintaining Flushing, particularly this part of Flushing as the best, most livable place there is. I just want to state for the record, Mr. Chairman, because individuals' names were brought up, the name of Chuck Apelian as a lobbyist, I'm actually-- he may be a lobbyist. I'm not aware that he is a lobbyist. In fact, Chuck Apelian, I think, has been on Community Board 7 for like a long time, like more than 20 years I think. And he is an Armenian nationalist and he always has been

1  
2 involved in the New York Armenian Home, which is a  
3 home that was set up for survivors of the Armenian  
4 Holocaust that took place at the turn of the  
5 century, actually, the turn of last century. And  
6 so he's been involved in the Armenian Home for a  
7 long time. They have some financial difficulties,  
8 which is why they have to make these  
9 accommodations. And so I just want to set for the  
10 record, because there were some accusations made  
11 that I want to make sure that the record is clear  
12 on at least this one person whose name has been  
13 brought up.

14 CHAIRPERSON AVELLA: Councilmember  
15 Sears.

16 HELEN SEARS: Thank you, Mr. Chair.  
17 I really have more of a comment than I do a  
18 question. And I think somehow we got off the  
19 track here in terms of really what we do at this  
20 Committee hearing, and I do think we did. But  
21 what I do want to say to all three of you is that  
22 it's a very lengthy process when you get to this  
23 Committee. You've gone before the Borough  
24 president. You've gone before the City Planning.  
25 You have gone to public hearings of Community

1  
2 Boards. When you come here to raise the question  
3 to us, which would require investigation, which is  
4 something we don't do, you have every opportunity  
5 to object to what has happened in a process before  
6 it reaches us. Because when we look at the entire  
7 process and how it has started-- and I can  
8 understand your anxieties, believe me I invite you  
9 to my district, and if you want to see something  
10 that's overcrowded and where you can see the eyes  
11 of the pilot for airplanes, come into Jackson  
12 Heights. And we're neighbors, Flushing, Corona  
13 and Jackson Heights are. My point is that we get  
14 those that are so frustrated with the process and  
15 with the system and there are things that you can  
16 do about that. But most of the people are for  
17 this up-zoning. And I recognize what you're  
18 talking about. But when you come to us where we  
19 have to decline something because it's  
20 accusatorial and we cannot base our vote on that.  
21 What we base our vote on is the Councilmember in  
22 the area who represents that area, the Community  
23 Board, the Borough president and City Planning.  
24 And I can tell you from my experience with City  
25 Planning and development in this City and my

1  
2 district, John Young, who is the Commissioner of  
3 City Planning, is not affected by any lobbyists,  
4 because that is the job of City Planning; it is to  
5 maintain the integrity of the communities. It is  
6 to maintain and evaluate exactly how you do  
7 rezoning. And rezoning comes before us because  
8 this city is inundated with good development,  
9 which is fine, and very bad development. And  
10 this, after ten years, to have reached a consensus  
11 on something that is so key-- so I just want to  
12 say that if you experience that again, I think  
13 that you need to have the help to really and truly  
14 stop in the middle and go through a process of  
15 what your questioning at that time. We can't do  
16 that. At least, I won't do that. And I won't  
17 cast my vote on that. But I certainly understand  
18 where you're coming from. But when it reaches  
19 this point, it's not a stamped vote, but we listen  
20 to everything that's been said and we take into  
21 it-- we have deferred votes. We have even voted  
22 no on certain things. So we're not a stamped  
23 Committee. But there's not very much of an  
24 argument for us to say we won't do this and turn  
25 it over to whomever has to investigate allegations

1  
2 that are not our job to do. Thank you, Mr.  
3 Chairman.

4 CHAIRPERSON AVELLA: I certainly  
5 hear what some of the comments my colleagues have  
6 made. I'm going to defer my comments to the end  
7 of the public hearing, because I share some of the  
8 issues that have been raised on both sides. But  
9 I'll defer my comments to the end. Thank you.  
10 The next panel is a panel in favor. Constance  
11 Link [phonetic], Christopher Shan [phonetic], Kate  
12 Kim [phonetic] and Stephanie Janice [phonetic].

13 CHRISTOPHER SHAN: Good morning.  
14 Thank you for the opportunity to speak. I just  
15 want to say that I'm in favor of the proposal as  
16 it's been put before--

17 [Break in Audio]

18 CHRISTOHPER SHAN: I'm in favor of  
19 the proposal that's been put forth by City  
20 Planning. A lot of hard work has gone into it.  
21 Unfortunately I don't think, no matter what  
22 happens, that everybody is going to be 100%  
23 pleased. I don't think that's possible. But the  
24 way things are right now, I think we've reached a  
25 pretty good compromised with all parties

1  
2 concerned. I understand that another group is a  
3 little upset about one particular building. But I  
4 think I'd much rather see a 19 story residence for  
5 elderly people, one of whom I'm soon going to be,  
6 as opposed to a three-story building that's used  
7 for purposes a little shady, houses of hourly  
8 visits. Anyway, some of the new buildings that  
9 have been put up have been visited by police--

10 [Crosstalk]

11 CHRISTOPHER SHAN: Okay, okay. I  
12 think it would be a pretty good compromise and I  
13 think the proposal should go through the way it  
14 is.

15 KATE KIM: Good morning,  
16 distinguished members of the Zoning Committee, and  
17 ladies and gentlemen. My name is Kate Kim. I'm a  
18 member of the Waldheim Neighborhood Association.  
19 And I have lived and worked in Flushing for the  
20 past 20 plus years. I'd like to on behalf of my  
21 neighbors and friends from Waldheim Neighborhood  
22 Association, thank the City Planning Commission  
23 for working diligently with our community to move  
24 forward a plan to meet the needs of members of our  
25 community who truly desire to preserve the quality

2 of life and meet the changing needs of our larger  
3 Flushing community. I would like to respectfully  
4 ask that you approve the plan without modification  
5 and without delay as soon as possible. Thank you.

6 CONSTANCE LINK: Good morning. My  
7 name is Constance Link and I'm a member of the  
8 Waldheim Neighborhood Association. I'm also a  
9 homeowner and a lifelong resident of Flushing. I  
10 support City Planning's Waldheim rezoning plan and  
11 feel that it is long overdue. Our neighborhood  
12 has been targeted for many years by developers  
13 whose only interest is profit. We need to have  
14 this plan implemented to protect the neighborhood  
15 for those homeowners who plan to live here and  
16 continue a sense of community. Thank you.

17 STEPHANIE JANICE: Hi, I'm  
18 Stephanie Janice. I'm from Cherry Avenue, between  
19 Bound and Kassa. And we all know that got hit  
20 with a lot of apartments, a lot of two-family  
21 houses went down. But I have to say that with all  
22 of it, I've seen the change. It's better. We're  
23 going to have accommodations for the new people  
24 coming in like all of our grandparents and came  
25 in, into this new country. And as far as I'm

1  
2 concerned we're going to have a better place.  
3 It's up to use to make it a better place, to keep  
4 it clean, to worry about the traffic, the schools.  
5 We, the people, have to take care of it. But as  
6 for the buildings, if we pass the zone now, we'll  
7 have a good place. We're saving a lot of homes.  
8 It's almost like a mountain, you know there's a  
9 flow right now, an architectural design. Please  
10 let's go forward. I get very nervous on this.  
11 We're 17 minutes on the Long Island Railroad.  
12 Your homes will be worth a lot of money, you know,  
13 to live out in Flushing, to come into Manhattan.  
14 So there's no down in the profits that everyone is  
15 going to make. So anyway, thank you. Okay, bye-  
16 bye. Now I'm going to the Variety Show at the  
17 Javitz.

18 CHAIRPERSON AVELLA: Councilmember  
19 Jackson, and the only thing I would add, Council  
20 Members, is we still have about 20, 30 speakers  
21 between this and the other item. So please bear  
22 that in mind when asking questions. Councilmember  
23 Jackson.

24 ROBERT JACKSON: I'm fully aware  
25 and I don't want to be here any longer than anyone



1  
2 else, believe me. But I'm curious to this panel;  
3 you're in favor of the zoning. And you've heard  
4 the previous panel speaking against one particular  
5 location where they live. And I assume that you  
6 were involved in the Community Planning Board  
7 process and the Borough president's process and  
8 the City Planning's process. Do you have any  
9 comments concerning the position of the previous  
10 panel and what they are saying relating to the  
11 area in which they live? I'm curious as to--  
12 since you're in favor of the rezoning as approved  
13 by the Borough president, as approved by the City  
14 Planning and not necessarily as amended by the  
15 Community Board. The Community Board's amendment  
16 was specifically regarding that particular, I  
17 guess, block that these residents live. Do you  
18 have any comments about what they are saying? And  
19 I'm asking that of the panel, not just of one  
20 individual. So if you could make a quick comment,  
21 either one of you or all of you, I would  
22 appreciate hearing, I guess, your position on what  
23 they are saying.

24                   STEPHANIE JANICE: I think people  
25 are worried about the density--

2 CHAIRPERSON AVELLA: [Interposing]

3 And if you can, just state your name. Because  
4 this is being recorded and it's hard to identify  
5 people.

6 STEPHANIE JANICE: Oh, I'm  
7 Stephanie Janice from Waldheim Association. I  
8 think people are just worried about the density,  
9 traffic, lots of people. You know, they're afraid  
10 of change. And you have to have change. I know  
11 that's a buzzword we're using these days, but you  
12 have to have it. You have to accept it. You have  
13 to let go of things so you can grow. You know,  
14 it's okay as long as the people work together.

15 ROBERT JACKSON: Okay.

16 STEPHANIE JANICE: You know, we're  
17 going to have density and we do need places for  
18 elderly and we have to think about those things.  
19 And I also wanted to say thank you to John and  
20 Mark and Paul and John Liu and Tony Avella. We've  
21 all complained and spoke our emotions to these  
22 people, but we just have to work as a team. It's  
23 all about team efforts.

24 ROBERT JACKSON: Okay, anyone else?

25 STEPHANIE JANICE: And just work

with the architects who are designing--

ROBERT JACKSON: [Interposing] I'm sorry. I wanted to hear some other panelists as to what they have to say regarding the previous panel, which all of you live in Flushing.

CHRISTOPHER SHAN: The whole area--

CHAIRPERSON AVELLA: [Interposing] Your name, sir.

CHRISTOPHER SHAN: Chris Shan, Waldheim. The whole area has become more and more populated. They're building more and more buildings, bringing in more and more people. Everybody's got a car; where do you put your car. Well you could do like the guy on Cherry Avenue, build a fence on the sidewalk and use the handicap wheelchair ramp as your driveway. Or--

ROBERT JACKSON: [Interposing] And how does that relate to the previous panel, what they're saying about that location?

CHRISTOPHER SHAN: This is what's happening with the increase in knocking down the smaller houses and building the bigger ones, bringing in more people.

ROBERT JACKSON: I'm sorry, the

1  
2 previous panel was not in favor of knocking down  
3 the homes and building bigger ones, am I right or  
4 wrong. Hello?

5 CHRISTOPERH SHAN: They're  
6 concentrating on the one block as far as I can  
7 understand.

8 ROBERT JACKSON: And so I'm asking  
9 you what your comment is on what their position  
10 is, that one block.

11 CHRISTOHER SHAN: Regarding the  
12 Armenian Home?

13 ROBERT JACKSON: Regarding that one  
14 block.

15 CHRISTOPHER SHAN: And that's that  
16 whole instance there is regarding that Armenian  
17 Home is what everybody is saying.

18 ROBERT JACKSON: Yeah, but they're  
19 concerned about their homes, where they live at  
20 and the whole area.

21 CHRISTOPHER SHAN: Well, I live in  
22 the area too. I've been there 15 years and I've  
23 watched the place become more and more crowded.

24 ROBERT JACKSON: So, I'm sorry,  
25 what are you saying? What is your position, sir?

1  
2 CHRISTOPHER SHAN: I think the  
3 zoning should go through as it's been put forth  
4 now.

5 ROBERT JACKSON: Okay, by whom? By  
6 the Community Board?

7 CHRISTOPHER SHAN: By City  
8 Planning.

9 ROBERT JACKSON: By the Community  
10 Board?

11 CHRISTOPHER SHAN: By City  
12 Planning.

13 ROBERT JACKSON: By City Planning.

14 CHRISTOPHER SHAN: Right.

15 ROBERT JACKSON: Which would negate  
16 what the Community Board is saying, is that  
17 correct? Yes? I'm sorry, what?

18 CHRISTOPHER SHAN: I'm not 100%  
19 certain exactly what you're saying.

20 ROBERT JACKSON: Okay.

21 CHRISTOPHER SHAN: The zoning has to  
22 be changed to limit the number of these tremendous  
23 buildings that they're putting up.

24 ROBERT JACKSON: Okay.

25 CHRISTOPHER SHAN: Overloading the

1 whole neighborhood. Cherry Avenue sewers had to  
2 be replaced twice in the last couple years.

3  
4 ROBERT JACKSON: Okay. Thank you.  
5 Thank you very much. Thank you, panel. Thank  
6 you, Mr. Chairman.

7 CHAIRPERSON AVELLA: Thank you.  
8 The next panel is a panel in opposition; Eddie  
9 Abrams [phonetic]; James Wu [phonetic]; I'm  
10 probably going to pronounce this wrong Suzu Ling  
11 [phonetic]; and Judy Chung.

12 [Background Noise]

13 [Crosstalk]

14 EDDIE ABRAMS: Hello, my name is  
15 Eddie Abrams. I'm a State Committeeperson, 22nd  
16 District. I'm a vice president of the Holly Civic  
17 Association. I'm a neighborhood organizer. I'm  
18 going to read a letter that was given to me by one  
19 of my constituents, Mr. Chuck Wade [phonetic]. I,  
20 Roland G. Ward [phonetic], resident of 137-60,  
21 45th Avenue, Flushing, do object to the up-zone of  
22 the block bounded by 45th Avenue, Colden Street,  
23 Elder Avenue and Kissena Boulevard. The negative  
24 impact upon our already overcrowded block with  
25 traffic is far more than Armenian Home building a

1  
2 new 19-story 300 unit apartment. I would like  
3 your consideration of the Community Board 7 final  
4 vote to approve the amendment rezoning plan, which  
5 deletes the 45th Avenue Block; 27 to 7 vote, one  
6 abstention. It appears that the vote has been  
7 neglected and not one positive testimony has been  
8 offered by any 45th Avenue resident. Thank you.  
9 This is for Mr. Tony Avella.

10 CHAIRPERSON AVELLA: Thank you,  
11 sir.

12 JAMES WU: Hi, my name is James Wu.  
13 I'm the District Leader out of Flushing. Live on  
14 Quince Avenue, very close tot his district, to  
15 this rezoning plan. I'm here speaking on behalf  
16 of what Community Board 7 voted for, which was to  
17 exclude the Waldheim Block from the up-zone. And  
18 it's not that I object to the up-zoning of the  
19 Waldheim Building. You know, if they want to do  
20 it, I think they should just go through BSA,  
21 because under the R6 zoning or the R7 zoning, they  
22 still get the FAR as a community center. And if  
23 you listen to the previous panel, they were also  
24 looking to limit the zoning of the district.  
25 There's no reason to up-zone this entire block for

1  
2 one building. You know, a City Councilman, you  
3 help the entire district. And there are a lot of  
4 lone constituents here who have some big problems  
5 against-- big problems. And Armenian Home has  
6 basically come up as this giant concern, hiring  
7 lobbyists, and they're trying to suppress our  
8 voice here in this matter. We're these little  
9 Davids and they're a giant Goliath. And the  
10 Community Board heard the testimony from the  
11 Community on this. They heard four hours of  
12 testimony and they voted to exclude that block  
13 from the up-zone, because it's non-contextual. If  
14 you look at the block itself, that block can't  
15 support an R7 zone, I mean not just in the  
16 immediate term, but in the long term. The road  
17 infrastructure of the area cannot support. The  
18 sewer infrastructure cannot support it. It's  
19 entirely out of character with the neighborhood  
20 and exceed the infrastructure of the community to  
21 support it, to handle. And also, keep in mind  
22 under R6 and R7, if you excluded that one block  
23 from the zoning plan, it still has the right to go  
24 to full FAR as it did before, the full 4.8 under  
25 R6, just as it has under the R7. All they have to



1  
2 do is go to the BSA and, you know, be fully in  
3 support of that, go through the regular process  
4 and ask for the exemption. And if you look at the  
5 location of where this building is, it's at the  
6 far end, away from Kissena Boulevard. They want  
7 to rezone an entire block for this one little  
8 thing, because it happens to be far away from  
9 Kissena Boulevard. It's looking to have the  
10 entire neighborhood to bear the burden for this  
11 one small neighborhood to be rezoned. And it's  
12 important that the Armenian Home be there, that  
13 these seniors be taken care of, but not that the  
14 entire block be up-zoned just to accommodate this  
15 small change. And if you listen to the other  
16 panels, the people speaking on behalf of the  
17 zoning plan, you'll find that they also will agree  
18 with this overall sentiment. They're looking to  
19 limit the zoning in the neighborhood. They don't  
20 want to have these huge high-rises come in. And  
21 what they don't realize is that this one little  
22 block, hidden in this entire mess is this one  
23 little block, which they up-zoned. And they  
24 didn't put this in ten years ago or five years  
25 ago. This is a recent installation or recent

1  
2 addition to the plan. Thank you very much.

3 SUZU LING: Hi. Good morning. My  
4 name is Suzu Ling. I'm a homeowner in the  
5 Waldheim District. I live in the center of the  
6 Waldheim District at 143-54 Cherry Avenue. Before  
7 I speak - - it's just too late to say something,  
8 but we've been at all the public hearings; nobody  
9 listened to us. On my block, I say the original  
10 Waldheim District is from Ash to Delaware; from  
11 Burling to Parsons, there is nice area and we call  
12 Waldheim in original. Now they extend to the  
13 outside of Waldheim to 45 St. And to the Kissena,  
14 the other side extend. But I want to say  
15 originally this block is beautiful. But I live in  
16 the center of this district. It was - - my  
17 neighborhood. They never included us in the  
18 Waldheim Neighborhood Association. I think they  
19 only represent 20% of my neighborhood. We have  
20 people signed, 100 people signed to oppose this  
21 proposal. I just wanted people to know this plan  
22 is very strange. You have one side, plan has one  
23 side that says okay, this already be high density  
24 area, which are many house near the other side of  
25 Waldheim. They have high density; you want to

1  
2 increase the density. In my area it's R3-2,  
3 already low-density. You want to even lower,  
4 become to R3-X. I don't understand. Somebody in  
5 favor, they say they are Waldheim Neighborhood  
6 Association, yes, but they are in the other side  
7 of Parson Boulevard, they already up-zoned to R6.  
8 Why we need a down-zoning to R3-X? I can say for  
9 my example, in front of my house, it already have  
10 six floors, high-rise building, and you want down-  
11 zoning me, I'm just across street, and I have  
12 6,000 square feet house. If you down-zone me to  
13 R3-X I cannot build detached house, I can only  
14 build detached house, not a semi-detached. Three  
15 people in the family, single family with the 6,000  
16 square feet in downtown Manhattan area is very  
17 luxury. It's not meet City Plan. City become too  
18 very busy, city in Flushing. Most people want to  
19 move in because the commute is easy and they want  
20 to have a quiet, nice area. But you should have a  
21 balanced community area, right? One size, R6, R7,  
22 the other side R3. It's not a balance. You  
23 should really think about if you want people  
24 living in this community and have nice area to  
25 commute, you should really balance. You shouldn't

1  
2 down-zone our area. The block there, they want to  
3 down-zone it; the rest of it, up-zoning. That is  
4 not a balance. And you see the big house, I don't  
5 see anything wrong with 3-2 today. Okay, why you  
6 want to down-zone it to one-family house and not  
7 can build a semi-detached. I want to tell you,  
8 it's a 100 years house for my house. It's old.  
9 One day they're going to--

10 CHAIRPERSON AVELLA: [Interposing]  
11 Ma'am, if you can sum up.

12 SUZU LING: Yeah. I just think  
13 that this plan is contradict to each other. Okay?  
14 People say they favor, they're in favor of zoning.  
15 People say they are opposed, they oppose down-  
16 zoning. So they really want up-zoning for the up-  
17 zoning for the entire area to be a more balanced  
18 plan. But now it's too late because we say so  
19 many times we didn't organize everybody together.  
20 We just got signature.

21 CHAIRPERSON AVELLA: Ma'am, I would  
22 just make a quick comment, one that you mentioned  
23 the fact that there needs to be a balance, and  
24 that's what the Department of City Planning is  
25 trying to accomplish by accommodating the needs

1  
2 for development and accommodating the needs for  
3 preservation.

4 SUZU LING: Right.

5 CHAIRPERSON AVELLA: Your situation  
6 is slightly different than the others who have  
7 opposed the application who are concentrating on  
8 the Armenian Home block. You're now saying that  
9 your section, which is going to R3-X, you're  
10 opposing that from R3-2.

11 SUZU LING: [Interposing] Right,  
12 it's for my whole house, right.

13 CHAIRPERSON AVELLA: Who else  
14 opposes that? Because you're the first person  
15 that mentioned that.

16 SUZU LING: I interviewed the whole  
17 block this like, five block people, 80 percent in  
18 my neighborhood opposed this because they don't  
19 want down-zoning--

20 CHAIRPERSON AVELLA: [Interposing]  
21 Okay. What evidence do you have that 80% of the  
22 block opposed it.

23 SUZU LING: We had people sign and  
24 signature, we've been sent to the City Council,  
25 we've been sent to the Community Board and--

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CHAIRPERSON AVELLA: [Interposing]

We haven't gotten anything.

SUZU LING: And--

CHAIRPERSON AVELLA: [Interposing]

We have no petition to that effect.

SUZU LING: You have? We sent. We had people organizers send. We can send, right, and she can send. Because we--

CHAIRPERSON AVELLA: [Interposing]

Well the problem is we're probably going to vote on this item today. So if there was a petition you should have brought it with you certainly to the public hearing.

SUZU LING: John, we sent to John Liu too and the City Planner should be received too.

CHAIRPERSON AVELLA: All right. We'll ask them.

SUZU LING: Right, right.

CHAIRPERSON AVELLA: Okay.

SUZU LING: Right. Thank you.

JUDY CHUNG: Hi. My name is Judy Chung. I'm a resident. I live in Waldheim neighborhood. And I come here today, I'm opposed

1  
2 to the whole plan. I think this is a double  
3 standard. I know it's-- you know, I'm going to  
4 say, whatever I'm going to say, no matter how many  
5 people, it's still, or I think it's already, you  
6 know, it's done. But I still have to say  
7 something. First the reason why they want up-  
8 zoned. The reason why the told us they want to  
9 down-zone our area because they say they be  
10 concerning about our quality of life. And they  
11 down-zone us. We were pretty happy about it  
12 because nobody can do the construction around our  
13 house. Then they up-zone everybody else around  
14 our neighborhood. You know, if you see the plan,  
15 our neighborhood, the original Waldheim Neighbors,  
16 I don't know why they expand, because I think this  
17 is - - they just - - from outsider because nobody,  
18 you know, nobody support this plan. - - their  
19 organization is an invisible organization. We  
20 have never been asked to join a meeting. I think  
21 90%, I can say 90% of the residents, the  
22 homeowners, you know, the people, we have never  
23 been notified about this plan. We have to learn  
24 it from, you know, Holly Civic Association. I  
25 think this is very unfair, okay? I don't care

1  
2 about, you know, you pass today or not. But I  
3 think that the procedure itself is very insane.  
4 Okay. We are the voters. We vote everybody and  
5 we give you powers. And I don't know what  
6 happened and you know, we become controlled by  
7 some dictator in our area. They do whatever they  
8 want to do. They don't have to get our  
9 permission. This is our property and our family  
10 living there. I think we are learning from this -  
11 - at this time. We have to more get involved with  
12 politics, the local politics, okay. I'm encourage  
13 everybody, the next generation, I don't care if  
14 they're Chinese or anyone, they're Indian or  
15 Jewish or, you know, the Spanish. Educate your  
16 next generation. We have to get more involved.  
17 This time you pass, no problem, be we are ready to  
18 file lawsuit. And we are going to file action, a  
19 class action lawsuit against this plan. I'm sure,  
20 you know, I'm going to do something, we are going  
21 to do something together. We are going to learn.  
22 We have to unite together. We have to speak loud.  
23 We cannot depend on the local politicians because  
24 we don't trust them no more. Okay? We give you  
25 the vote, okay? We're all your big fans. And,



1  
2 you know, this is what you do to us. I feel like  
3 to cry, because I don't believe I live in America.  
4 Where is the-- is this the democrat, okay? We  
5 support-- how can I educate my next generation?  
6 So you know, I'm encouraging my son, you have to -  
7 - okay? You have to care about-- sorry, you  
8 don't-- I'm so angry. Because, you know, I feel  
9 very discriminated because nobody asked us. And  
10 you know, only two days. Two days notice. And I  
11 have to, you know, make thousands of copies with  
12 my husband, send it to everybody. And the poor  
13 Chinese people, the poor, you know, Asian people  
14 have to go to work.

15 CHAIRPERSON AVELLA: I think we got  
16 your message. And not for anything, that's why we  
17 have microphones. You don't need to raise your  
18 voice.

19 JUDY CHUNG: Sorry. I'm used to  
20 being a teacher.

21 CHAIRPERSON AVELLA: That's all  
22 right. And you know, I mean two comments.  
23 Actually three comments; one, the more people that  
24 get involved in the political process, the better  
25 for all of us. So I encourage you to do that.

1  
2 And your comment about notification and Simcha,  
3 Councilmember Felder was going to bring this up;  
4 this is something we all agree on. And the blame  
5 in my opinion, and I think my colleagues will  
6 agree with me, falls on City Planning. If the  
7 City of New York can send out a tax bill to  
8 everybody, they can send out a notice to everybody  
9 that there's a potential rezoning. That would be  
10 the official notification from the City. And we  
11 have mentioned that to the City and to the  
12 Department of City Planning time infinitum.  
13 Again, if the City can send out a tax bill, they  
14 can certainly send out a notice to every property  
15 owner in a potential rezoning that there is a  
16 rezoning action going on. So you're absolutely  
17 right. And rest assured, we keep bringing that  
18 up. And I believe, if my memory serves me  
19 correctly, we actually got a figure at one point  
20 as to how much this would cost any one particular  
21 year and it's like \$25,000. What a disgrace that  
22 we're not doing this. So you're absolutely right.  
23 There should be official notification. It  
24 shouldn't be on the Councilmember. It shouldn't  
25 be on the Community Board. It should be on the

1  
2 City of New York letting you know this. So we  
3 agree with you on that respect.

4 JUDY CHUNG: Yeah. But I have to  
5 add on something. Yeah--

6 CHAIRPERSON AVELLA: [Interposing]  
7 No, no. I didn't invite a discussion. And the  
8 other thing I just want to say is, because both of  
9 you have mentioned the 80%, 90% opposition and you  
10 mentioned the petition. I just spoke to  
11 Councilmember Liu, he has not gotten a copy of  
12 this petition. The Council and the Land Use  
13 Division have not gotten a copy of this petition.  
14 So, I would urge you, I mean we're taking a vote  
15 today, but you still have an opportunity to  
16 present this information, and you certainly  
17 should. But you know you've mentioned this now  
18 twice and we don't have this petition. So I'll  
19 just mention this to you.

20 JUDY CHUNG: I have the copy, okay.

21 CHAIRPERSON AVELLA: You have a  
22 copy with you?

23 JUDY CHUNG: No, not here. Because  
24 I wasn't come here, because I know this is done  
25 deal already, and you know, we have some other

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place to prove it, okay--

CHAIRPERSON AVELLA: [Interposing]

Well nothing is a done deal until actually it's voted on.

JUDY CHUNG: I spoke to you

yesterday--

CHAIRPERSON AVELLA: [Interposing]

I understand what we're staying.

SUZU LING: Can we still send a

copy to you?

[Crosstalk]

SUZU LING: But - - still send a

copy.

CHAIRPERSON AVELLA: Send us the

petition.

SUZU LING: Right, right. Because

we go to door by door. If it's possible we want

people to investigate to the piece by piece of

this plan. Some plans up-zoning you can

investigate that area. Because you cannot mix

together-- that opinion, this is in everybody's

interest. So in my area like, down-zoning, only

small block--

CHAIRPERSON AVELLA: [Interposing]

1  
2 I didn't invite a rehash of the issue. I'm sorry.  
3 What I mention to you is, you have a petition, you  
4 should get it to us and you should have brought it  
5 with you today. But please get it to us.

6 JAMES WU: Could I add one quick  
7 comment?

8 CHAIRPERSON AVELLA: No. James,  
9 please. I have to move on.

10 JAMES WU: Okay. I just had one  
11 quick question, really short. Never mind.

12 SUZU LING: Thank you.

13 CHAIRPERSON AVELLA: Next panel is  
14 in favor, Sun Duk Kim [phonetic], Chuck Apelian,  
15 Kay Mihn [phonetic], and Eugene Kelty.

16 [Break in Audio]

17 KAY MINH: Good morning. My name  
18 is Kay Mihn. I'm the President of YWCA of Queens  
19 and we are member of the Waldheim Neighborhood  
20 Association. As our dynamic city changes, so does  
21 the needs of each neighborhood. Our neighborhood  
22 continues to dramatically change daily as quality  
23 of life for many families diminish. I believe  
24 that the proposed contextual zoning of Waldheim is  
25 well thought out and well planned for those who

1  
2 want to preserve their neighborhood and maintain  
3 the quality of life everyone deserves. This  
4 particular plan minimizes the irresponsible  
5 buildings, overdevelopment and further weakening  
6 of our infrastructure. The City Planning  
7 Commission has worked diligently with the  
8 community and vice versa to preserve the  
9 neighborhood and at the same time accommodate the  
10 needs of our growing community. Please approve  
11 the plan as certified by City Planning without  
12 modification and without delay. I believe the  
13 community's needs will be met with this proposed  
14 plan. And thank you.

15 CHUCK APELIAN: May I? Hi. My  
16 name is Chuck Apelian. I'm here on behalf of the  
17 New York Armenian Home in full support of this  
18 rezoning plan for Waldheim neighborhood. I'll  
19 also just address just to be clear; I am also the  
20 Vice Chairman of Community Board 7. I am not here  
21 on behalf of Community Board 7, and without going  
22 into detail, because I want to stay to the issue,  
23 I, before I participated with this, I did consult  
24 the conflict of interest boards, and I was told  
25 what I could and couldn't do. And the only place

1  
2 that I was not allowed to participate in a vote  
3 was on Community Board 7. A Community Board  
4 Member is considered a part-time member of the  
5 City and he's allowed to speak to any other City  
6 agency on behalf of any other organization. So I  
7 did my homework first and I do believe 100% I  
8 stayed within it. The plan is ten years old and  
9 has very much been in the making as everybody has  
10 spoken about. And it's a beautiful neighborhood  
11 that we want to preserve. It's detached one and  
12 two, and semi-detached one and two story homes.  
13 One of the things that became a conflict for a lot  
14 of people was because most of the areas are 3-2.  
15 It's a row district. What we're trying to do is  
16 protect these houses and not let row districts be  
17 built. So unfortunately R4-1 was chosen, and I  
18 say unfortunately because a lot of people saw 4  
19 higher than 3 and they took it as an up-zoning.  
20 But the reason that there was no other three that  
21 was compatible was because of the compliance  
22 issues, the lot sizes, the lot widths, would not  
23 have worked within an R3 zone. The R4 zone, the  
24 R4-1 actually is a down-zone because it's less  
25 dense. You are now making less density with the

1 neighborhood, although each house will be a slight  
2 bit larger. This plan was 100% approved by the  
3 Community Board Members in Committee. And yes ,  
4 you did hear that it was chosen on the night of  
5 the public hearing to have the Armenian Home block  
6 removed. However going forward, this has been  
7 approved enthusiastically by our Borough  
8 President, Helen Marshall, without modification;  
9 unanimously by the City Planning Commission  
10 without modification; fully supported by our  
11 Councilman John Liu, fully supported by our State  
12 Senator, Toby Stavisky; fully supported by our  
13 State Assemblyman, Ellen Young; fully supported by  
14 the Waldheim Neighborhood Association, which is  
15 the full Civic Association, which encompasses the  
16 entire district; supported by the Neighborhood  
17 Kassena Park Civic Association; urban planner Paul  
18 Graziano testified before, Queens Civic Congress  
19 testified before. I've been around a lot of  
20 testimony as you've been also. The negative  
21 testimony is always louder and more emotional, but  
22 this list of support in support 100% without  
23 modification is a very strong and a very long  
24 list. I hope you recognize and take the advice of  
25



1  
2 the elected and supported officials. Explaining  
3 the Armenian home from R6 to R7 when both  
4 districts are identical, the same bulk, the same  
5 height factors are all controlled 100%  
6 identically, and both have a maximum bulk of 4.8.  
7 The difference, the only difference is within the  
8 district, within that envelope that you have,  
9 there's one additional FAR of residential that's  
10 allowed in the R7-1. The Armenian Home is asking  
11 this because this is going to help them be able to  
12 finance their--

13 [Beeping]

14 CHUCK APELINA: Is that me? I'll  
15 do it real quick and I'll wrap it up for you,  
16 Tony. Is because this is how they're going to be  
17 able to go forward. In doing so, basically  
18 they've done two things; they've agreed that they  
19 would allow 100% parking, and that was something  
20 that the Armenian Home brought to the table right  
21 from the beginning instead of the 60% requirement,  
22 and we thought that was prudent for the  
23 development on the site; and basically by building  
24 this building, you're almost guaranteeing that the  
25 building will be smaller than if it's left R6.

1  
2 Why? I say that because if it's left R6 there's a  
3 very strong possibility that a community facility  
4 building such as a large hospital, a large nursing  
5 home, a large school, will take over, and that can  
6 be built to 4.8. With the Armenian Home's  
7 proposal, it will be built to 4.3. So you're  
8 basically talking about a .4 reduction. That's  
9 been good. They've been good neighbors for 55  
10 years and we hope that you'll support the plan,  
11 move it as quickly as possible and, please,  
12 without any modifications. Thank you, every body.

13 SUN DUK KIM: Good morning my name  
14 is Sun--

15 [Break in Audio]

16 SUN DUK KIM: My name is Sun Duk  
17 Kim and Flushing has been home to my family more  
18 than 20 years. And my husband, Sun Sook Kim  
19 [phonetic] and I, both of us, are working in non-  
20 profit sector helping small business owners in New  
21 York City. And also our office is located in  
22 Flushing. As a member of our community, I  
23 attended several hearings and now understand and  
24 want to join with those who voiced their concern  
25 to preserve their quality of life by preserving

1  
2 our area, by preserving the quality of our  
3 neighborhood. I would like to thank the City  
4 Planning for working so diligently with our  
5 community each step of the way, and ask that you  
6 approve the plan as certified by City Planning  
7 without modification and without delay. Thank you  
8 very much.

9 EUGENE KELTY: Good morning. I  
10 have a question for the Chairperson of the  
11 Council. I have a little conflict I would like--  
12 there were some statements made at this thing I  
13 would like to address. If you would give me some  
14 time after it, fine. If not, I'll read my  
15 testimony. I just--

16 [Break in Audio]

17 EUGENE KELTY: Oh I'm sorry, I  
18 just--

19 [Break in Audio]

20 EUGENE KELTY: Okay, fine. My name  
21 is Gene Kelty. I'm Chairman of the Community  
22 Board 7 in Queens. And I apologize, I should know  
23 that since I've been testifying. I'm the Chairman  
24 of Community Board 7. I'm here to testify about  
25 the Waldheim Rezoning Plan. I'd like to present

1  
2 my minority report. The original plan as  
3 presented to Community Board Committee had a  
4 portion of 45th Avenue rezoned from R6 to R7-1.  
5 City Planning explained that the R7-1 rezoning on  
6 45th Avenue will actually make the block conform  
7 to what's already existed built. I also believe  
8 that the up-zoning term is misused. The maximum  
9 FAR for an R6 or an R7-1 district is identical at  
10 4.8. City explained that the only difference is  
11 one FAR of residential use with a lower bulk. The  
12 committee voted 13 in favor, one against and one  
13 abstention. I'd like to explain, the abstention  
14 was Chuck Apelian, who at every committee meeting  
15 has stated that he had a conflict of interest, he  
16 would not be voting on this, but be participating  
17 in the conversation. It was made at each meeting,  
18 he explained there was a conflict. This plan was  
19 then presented to the full board on June 16th,  
20 2008 where the motion was presented. After a long  
21 discussion on the item the main motion was amended  
22 twice and came up with the current motion of  
23 leaving that portion of 45th Avenue as an R6. The  
24 Armenian Home has been a good neighbor for over 60  
25 years. They want to rebuild their obsolete

1 facility and contacted us to pursue this plan. We  
2 had a concern about parking and although zoning  
3 requires 60%, they gave our Board a commitment of  
4 100% parking for all Residential units. In case  
5 the property was ever sold, we asked them to make  
6 the commitment in perpetuity, and they agreed.

7 This does not come without a price, and this is  
8 why they asked for the R7-1 zoning. Waldheim was  
9 satisfied and they sent us an email stating they  
10 completely support the rezoning as certified. Not  
11 to belabor the point, several committee members  
12 changed their vote the night of the Public Hearing  
13 for reasons I cannot explain. There was  
14 misinformation that was presented and in some case  
15 confusing, which may have caused people to change  
16 their vote. Someone made the incorrect statement  
17 that the Armenian Home was building a 21-story  
18 building, then it grew to a 28-story building. The  
19 actual height of their building will be 19-  
20 stories, exactly the same as the Self Help  
21 building to their east, and very much in context  
22 to the 14-story, and the 21-story and the 26-story  
23 buildings behind them on Elder Avenue. There was  
24 also an incorrect statement that the Home was only  
25

1 providing 100 parking spots, while in fact it was  
2 100% parking. There was a statement the rest of  
3 the block was going to be developed as an R7-1,  
4 but everything on the block is already developed,  
5 it's fully developed. And finally it was  
6 incorrectly stated that there should be a BSA  
7 application so an Environmental Review can be  
8 performed, but no one listened when it was said  
9 the rezoning also requires an Environmental  
10 Review. I want to reiterate my concerns and  
11 support. I understand the concern for the  
12 increase of the residential units, but to get a  
13 commitment in perpetuity for 100% parking is a  
14 major concession worthy of consideration. In fact  
15 the buildings across the street from the Home were  
16 built years ago with substantially less than 100%  
17 parking and they have created the current problem.  
18 If the Armenian Home is removed from the rezoning,  
19 there is no guarantee the 100% parking provision  
20 will ever be put on the table again, and I am  
21 concerned that the property will be sold to a  
22 Hospital or another Community Facility that can--

24 CHAIRPERSON AVELLA: [Interposing]

25 Gene, can you sum up?

2 EUGENE KELTY: Okay. That can  
3 build up to 4.8. It would be noted that that  
4 everyone who spoke in front of the rezoning plan  
5 at our public hearing endorsed it as certified by  
6 City Planning, including the Armenian Home. I  
7 request you take my minority report into  
8 consideration.

9 CHAIRPERSON AVELLA: You sort of  
10 alluded to a question that I was going to ask of  
11 Chuck.

12 EUGENE KELTY: Okay.

13 CHAIRPERSON AVELLA: Because the  
14 Armenian Home has become the center of controversy  
15 in the application. And I know the offer has been  
16 on the table to do 100% parking. And when the  
17 applicant came to my office to do the presentation  
18 I made the request, or raised the issue, because  
19 it's in the rezoning as opposed to a BSA case, if  
20 it was a BSA case we could put the requirement of  
21 100% parking in the variance. So it could  
22 actually be a legal document. Because it's in a  
23 rezoning, other than the commitment, there's no  
24 way to legally reinforce this. So my question is,  
25 again, you said they've agreed to it. How do we

1  
2 enforce this? How does the Community enforce this  
3 if there's a decision tomorrow that you're not  
4 going to do 100% parking? I mean, that really is  
5 an issue. Because as you may be there today,  
6 somebody else may be there tomorrow.

7 [Crosstalk]

8 CHUCK APELIAN: I'll answer--  
9 Councilman, I'll answer it this way. I'll do  
10 whatever-- the Home will do whatever is requested  
11 as the mechanism. I don't know what to do. The  
12 Home has said yes, we're going to do it. The Home  
13 has sent a letter, they sent a letter to the  
14 Community Board, that's where it was requested.  
15 If there's something additional that has to be  
16 done to document that and legalize it, they'll do  
17 it. I don't know what that mechanism is. It's  
18 not that we've stopped short. Whatever else has  
19 to be done, should be done.

20 EUGENE KELTY: If I may, and the  
21 problem I have and then Councilman Liu will  
22 confirm to it, we have the agreement on the  
23 municipal parking lot one, and that's the City  
24 that's now trying to back out of that deal. So  
25 here is the City of New York who gave us the



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Commitment and backing out on the deal. So--

CHAIRPERSON AVELLA: [Interposing]  
You don't have to tell me about the City of New  
York.

EUGENE KELTY: I'm just explaining.  
So document are documents and it's the lawyers who  
win the battles.

CHAIRPERSON AVELLA: In know, I  
know.

EUGENE KELTY: So my concern is  
they didn't have to propose it and if we go in  
with an as of right project, I'm not going to get  
that. At least I'm at the start of the game where  
they're willing to do that--

CHAIRPERSON AVELLA: [Interposing]  
But you know as well as I do, Gene, you want as  
much protection as possible.

EUGENE KELTY: Yes.

CHUCK APELIAN: Absolutely.

CHAIRPERSON AVELLA: Now you wanted  
to ask the question because--

EUGENE KELTY: [Interposing] No,  
I'm sorry. I just wanted to clarify.

CHAIRPERSON AVELLA: You wanted--

1  
2 because the conflict of interest was raised?

3 EUGENE KELTY: Well I did want to  
4 explain, because Councilman Jackson brought it up  
5 and stuff, and there were statements made about  
6 the improprieties and stuff like that, and I just  
7 want to testify that each meeting Chuck explained  
8 to himself that he's a Board Member he will recuse  
9 himself from voting, but will be able to  
10 participate as required by the conflict of  
11 interest. So there was no impropriety at that.  
12 There was a statement that I did not represent the  
13 Board at the City Planning Commissions and at the  
14 Borough President's office and stuff to that  
15 effect. I take exception to that because I had my  
16 testimony in front of me, and if I may just read  
17 the one part from it. I again, said I'm Community  
18 Board 7 Chair. I said this motion was made denied  
19 at a public hearing, however many members of the  
20 Holly were very emotional and presented. Rather  
21 than vote against a long awaited plan, our Board  
22 made an amendment to the approved rezoning without  
23 the Armenian Home. The amendment motion was  
24 approved. And then I went in and I said, at this  
25 time I'd like to give my minority report. So I

1  
2 explained the Board's position. I did explain and  
3 I said that they voted against this and I did what  
4 I'm allowed to do, give a minority report. When  
5 it was expressed to me that that seems conflicting  
6 with it and stuff like that, and it was suggested  
7 that you should have somebody else speak, I then  
8 had my district manager come here today who will  
9 give the Board's vote and any questions that you  
10 have on it to clarify it, but I have to take  
11 exception to this. I've been 24 years on this  
12 board. My conduct has been up before and it's  
13 because people not listening, I take real  
14 exception to that, as if there was some type of  
15 collusion going on. I appreciate you saying that  
16 you wanted the facts and I appreciate that,  
17 Councilman, but I am upset that people are not  
18 listening and just rambling on about my character.  
19 I resent it very much.

20 CHAIRPERSON AVELLA: And I was  
21 going to say my comments for the end, but since  
22 you're both here at the table, I don't think  
23 either one of you, Chuck and Gene, deliberately  
24 did anything appropriate. And I think Chuck,  
25 yeah, I know you checked it out with the Conflict

1  
2 of Interest Board. But on the other hand, I could  
3 see how the community is upset. And I think that  
4 one of the things you have to recognize, that  
5 you're both recognized. One is the Chair of the  
6 Land Use Committee; one is the Chair of the  
7 Community Board. So while you did everything, I  
8 think, in your ability to do it right, there was  
9 the perception. And I was actually the one that  
10 made the suggestion to you that you have the  
11 Community Board officially here to represent the  
12 Board's opinion, so that you could separate the  
13 Board's opinion from the minority opinion. And  
14 I'm glad the District manager is here. So, no, I  
15 don't think anybody really questions or at least  
16 they shouldn't, both of your integrity. You both  
17 have done a great job for the community and the  
18 Community Board. But it has been the way that  
19 this has come about that has lead people to  
20 question it. It's unfortunate. It may have been-  
21 - maybe we could have done it better, I don't  
22 know.

23 EUGENE KELTY: I just don't want  
24 another DVD put out on me.

25 CHAIRPERSON AVELLA: There's a DVD

1  
2 out? I have to get a copy. Are you sure it's not  
3 on YouTube? It's on YouTube. I'll check it out  
4 there. Okay. The next panel.

5 CHUCK APELIAN: Thank you  
6 everybody.

7 CHAIRPERSON AVELLA: We now have  
8 the remaining speakers are all in opposition. So  
9 I think I have, okay, we're going to have two more  
10 panels. Is it Shui Mon Sun [phonetic]. I should  
11 ask John to help me. Gary Chung. Yat Kwai Ching  
12 [phonetic] and Renee Clemens [phonetic].

13 [Background Noise]

14 CHAIRPERSON AVELLA: I only see  
15 three people up there, so I assume one person may  
16 have left because they couldn't hang around.

17 George Wang? Are you here?

18 [Break in Audio]

19 RENEE CLEMENS: Yes, good  
20 afternoon. My name is Renee Clemens and I reside  
21 on 45th Avenue. I just want to show you--

22 [Break in Audio]

23 RENEE CLEMENS: Thank you. I jus  
24 wanted to show you what 45th Avenue looks like.  
25 These are pictures that I have taken from my

1  
2 digital camera, perhaps that you would be able to  
3 get a sense of why we are feeling the way we are  
4 on 45th Avenue. I've lived there for closed to 25  
5 years and the Armenian Home has been a good  
6 neighbor. However, the thousands of families that  
7 will be affected by this inclusion have been good  
8 neighbors as well. And Gene Kelty, as our  
9 president, on June 6th was a dissenting vote,  
10 which includes 45th Avenue being bundled into the  
11 Waldheim District. I am not opposing the zoning  
12 change, except I'm asking you to please remove  
13 45th Avenue from this Waldheim project. I'm a  
14 member of the Holly Civic Association. I'm not in  
15 the Waldheim Association. The want down-zoning in  
16 their area, I'm not opposed to that. I am opposed  
17 to 45th Avenue. And we talked about the block  
18 being rezoned, but we all know what this is about.  
19 This is not about the block. This is about the  
20 Armenian Home and 300 additional units on top of  
21 what we have on 45th Avenue, we cannot handle  
22 that, the infrastructure, the schools. No one has  
23 discussed schools. None of that has been  
24 discussed. So I'm asking you to look out for the  
25 little guy. And there are 44 residents, from my

1  
2 understanding, 44 residents at the Armenian Home.  
3 They don't even use their entire capacity there  
4 now. I am not opposed to them refurbishing what  
5 they have, but 300 additional units, that is  
6 absolutely excessive. Thank you.

7 GARY CHUNG: Good morning. My name  
8 is Gary Chung. I live in Flushing ten years. A  
9 lot of people, community and neighborhood people,  
10 say we have to keep quality of life, then we  
11 either make this area historic landmark or at this  
12 time down-zoning us from R3-2 to R3-X. I think  
13 that quality of life and environment quality is  
14 not just belong to the one-family, two-family  
15 house. You can make a good quality of life in  
16 Manhattan area, that's a big high-rise area. So I  
17 think quality of life is a big, beautiful lie for  
18 us. I remember 2008, May, we had a meeting in  
19 Flushing Hospital. Mr. John Liu say something. I  
20 feel very strange. Mr. John Liu say I don't know  
21 why this plan down-zoning some people, up-zoning  
22 some people, based my investigation to this whole  
23 area, we have 700 houses around. 90% of houses  
24 down-zoning from R3-2 to R3-X. Only 10% of the  
25 houses up-zoned to R4-A, R4-1 and R4. This means

1  
2 what? This means that we see just like in this  
3 situation, four people sitting here, all those  
4 Councilman people around us, our house is a one-  
5 family, two-family housing. But across the street  
6 we face a six story high-rise around us. We don't  
7 feel quality of life. We feel terrible. We feel  
8 we have to breathe. So I feel that this plan is  
9 really unfair. And also, I remember, 2006, I  
10 talked to Mr. John Young in the Queens Borough  
11 Hall, because our area Central Flushing, next to  
12 downtown Flushing, this area is a growing area,  
13 not dying area. For example, YWCA before it was  
14 R3-2, two years ago, R4. Right now it's R6-A. I  
15 don't comprehend about that. Because this is the  
16 situation, this is a fact. I talked to Mr. John  
17 Young. We have to think about the whole thing.  
18 We are next to downtown Flushing. Those areas is  
19 R7 zoning. We have to little bit down to R6 and  
20 that area down to R4. You cannot down from R7 to  
21 directly down to R3-X. There is a feel, no  
22 harmonic. Thank you.

23 GEORGE WANG: Hi. Good morning.

24 My name is George Wang. I live on 43-36 147th  
25 Street. I've been live over there for almost 20



1  
2 years. But I have a feeling about this community.  
3 Well, everybody can see in Flushing every year the  
4 population is increase, very dramatically. But I  
5 don't know why we are - - of the Flushing and we  
6 have to be in down-zoning. I don't think that  
7 this is the right things to do. And also, when  
8 your property is down-zoning, which means  
9 obviously you are going to losing your property  
10 value. And that's why everybody thinks they have  
11 to be considered. And also if this rezoning plan  
12 is going to be passed, I think that everybody, all  
13 the individuals, property owners, have to be  
14 coming out to vote this plan. That's it.

15 YAT KWAI CHING: Good afternoon,  
16 everyone. My name Yat Kwai Ching. I living at  
17 42-13 Bound Street. And also running business at  
18 42-13 Bound Street for 20 years. In 20 years  
19 everything out there has been changed a lot. What  
20 most is changed for good, I like that. I love the  
21 area. I raised four children over there. I love  
22 the community. The only thing I'm concerned, the  
23 commercial area is getting smaller and smaller.  
24 There's no room for businesspeople. All downtown,  
25 if anybody see Bound Street, all the business

1  
2 moving out every few months. The business very  
3 slow. I don't know why. Because the street to  
4 quiet. I request the City Planning Board to up-  
5 zoning the Bound Street Business Area from - -  
6 Avenue to 30 Avenue. About this issue I already  
7 spoke to the Councilman, John Liu about this,  
8 those things. As - - concerned you can ask all  
9 the people from the Community Board, they know.  
10 I've been there for 20 years. Most people know  
11 me. I love the area. I need it. You know? I'm  
12 only one - - business people on Bound Street. We  
13 need business people. We need to take care of  
14 family. We can't. Weed your help. Thank you  
15 everyone. Thank you.

16 CHAIRPERSON AVELLA: Thank you.

17 And the last speaker on this item is Marilyn  
18 Bitterman, the District Manager, Community Board  
19 7.

20 FEMALE VOICE: Do you have written  
21 testimony?

22 MARILYN BITTERMAN: No, I don't,  
23 unfortunately. I want to thank you. As Freud  
24 said, the last of the series is the most  
25 important. As District Manager of the Community

1  
2 Board, I have been with the Community Board since  
3 its inception, going back to the late 70s. And I  
4 would like to thank the City Council for giving me  
5 the opportunity to speak to you regarding the  
6 Waldheim rezoning. I have sat in on every one of  
7 these meetings. Both the affected Civic  
8 Association and Board Members were in favor of  
9 this application, which resulted in a vote of the  
10 board of 13 to 1 with 1 abstention, and that one  
11 abstention was Chuck Apelian, to move forward to  
12 approve the plan as presented by City Planning.  
13 Unfortunately through the misinformation that was  
14 presented to the board that evening, the board  
15 voted on the zoning with the exception of the R7-1  
16 portion. The R7-1 was not an up-zoning, but would  
17 have brought this area into compliance, with what  
18 was already built on the abutting streets. And  
19 that vote was 27 to 5 to 1. I'm going to move off  
20 the track a little just to explain how  
21 misinformation can result in a negative impact on  
22 a community. Sometimes community people are  
23 frightened with change and at times would rather  
24 keep with the as of right rather than a  
25 development plan where the Community Board would

1  
2 have input in to the process and design of a  
3 project. Many years ago in an area of our  
4 community where an M11 zone abutted a residential  
5 street, an application was filed to put in a  
6 school. The community, not wanting the school,  
7 gave all sorts of excuses, noise, graffiti,  
8 hanging out, etcetera. And as a result the  
9 applicant withdrew the proposal and an as of right  
10 development went in, a car dealership, with their  
11 service centers, resulting in weekly complaints  
12 form the area residents and an additional workload  
13 for various City agencies. I would appreciate  
14 your taking my comments into consideration when  
15 making your final decision on this re-zoning plan  
16 that the community has asked for, for over ten  
17 years.

18 CHAIRPERSON AVELLA: Marilyn, did I  
19 hear you correctly? Did you say that the reason  
20 the board voted the way they did was because of  
21 misinformation? Is that in your testimony?

22 MARILYN BITTERMAN: They were--

23 CHAIRPERSON AVELLA: [Interposing]  
24 You know--

25 MARILYN BITTERMAN: [Interposing]

1  
2 Councilman, they were confused. With the R6 and  
3 the R7-1, the Committee and the Board Members  
4 tried to explain that they still can build with an  
5 R6 and what could be built could have been a  
6 community facility space--

7 CHAIRPERSON AVELLA: [Interposing]

8 But Marilyn, and I don't mean to interrupt, this  
9 is exactly the issue that the community in  
10 opposition is bringing up, that the Board is-- the  
11 leadership of the Board is not properly  
12 representing the vote of the Board. I think you  
13 have just demonstrated the argument that's being  
14 brought up. I'm shocked that I'm hearing this. I  
15 had asked the Chairperson of the Board knowing  
16 that he was going to in effect give a minority  
17 report, to have somebody represent the Board.  
18 Your testimony belittles the vote of the Board.  
19 This is exactly what the opposition is complaining  
20 about, that the vote of the Board has not been  
21 accurately represented at public hearings. And  
22 maybe it's me, but I don't think it is, this is  
23 not the proper way the Board should have operated  
24 in this situation. And I've got to tell you, now  
25 I'm extremely disappointed, extremely

1  
2 disappointed. This was not the way you should  
3 have-- your testimony should not have been handled  
4 this way. This is exactly the issue I brought up.  
5 And I think it only worsens the situation in terms  
6 of the issues that the community has mentioned,  
7 that the vote of the Board has not been accurately  
8 represented. And for the District Manager of a  
9 Community Board to say, well the Board voted  
10 because of misinformation I think is wrong. And I  
11 don't--

12 MARILYN BITTERMAN: [Interposing]

13 Can I--

14 CHAIRPERSON AVELLA: [Interposing]

15 Mean to put you on the spot. It's just wrong in  
16 my opinion.

17 MARILYN BITTERMAN: What happened--

18 CHAIRPERSON AVELLA: [Interposing]

19 And my colleagues can disagree with me, but that's  
20 my personal opinion.

21 MARILYN BITTERMAN: What happened

22 that night, it was the residents on 45th Avenue.

23 The rest of the Waldheim Civic Association was in  
24 favor of the rezoning as presented by City

25 Planning. The 45th Avenue came out in opposition.

1  
2 They were concerned about parking issues and the  
3 Board explained that with the parking problems, a  
4 development could come in and they would still  
5 have the parking problems. We've worked with the  
6 community. We've worked with the residents on  
7 45th. We've made the streets one-way so that they  
8 would have more parking. We put in angled parking  
9 on Colden Street--

10 CHAIRPERSON AVELLA: [Interposing]

11 Marilyn, I understand what you're saying, but  
12 you're talking against the motion of the Board,  
13 that's what I'm saying. The testimony you're  
14 actually giving is giving reasons why the Board's  
15 recommendation doesn't make sense. That's not the  
16 testimony that you're here for. And it only  
17 raises the specter that the community has brought  
18 to our attention, at least to my attention, that  
19 the decision of the Board has not been accurately  
20 reflected at public hearings. You're not going to  
21 dissuade me, based on what you just said. You  
22 know, I think it's very unfortunate because it  
23 only raises the specter of conflict of interest  
24 and impropriety to a much higher level than it had  
25 been if you would have just represented the Board.

1  
2 I just find it wrong. I know Councilmember Liu  
3 wants to make a comment.

4 JOHN C. LIU: Mr. Chairman, I would  
5 agree with you with regards to the comments  
6 presented by this witness. As an ex-officio  
7 member of Community Board 7, as you are, I will  
8 state very clearly on the record that the Board  
9 vote was overwhelmingly in favor of this rezoning  
10 minus the 45th Avenue block that has been the  
11 subject of controversy. I will state also that  
12 there have been questions raised about why this  
13 45th Avenue block was added in the recent two  
14 years after the most, I'm sorry, the previous  
15 comprehensive plan was presented by City Planning  
16 in May of 2006. This rezoning is twofold. The  
17 rezoning for the most part is about protecting the  
18 residential fabric of what is a place of the  
19 American Dream for many people in Flushing. And  
20 it is to keep intact low-density residential  
21 neighborhoods in most of this area, 95% of this  
22 area. There are questions raised about the New  
23 York Armenian Home, why that was added. I will  
24 state that I supported the addition of the New  
25 York Armenian Home as well as the YWCA and as well



1  
2 as accommodation for Flushing Hospital. In each  
3 of those cases those are necessary public  
4 amenities that we need in that area. In the first  
5 two cases, the New York Armenian Home and the  
6 YWCA, for their attempts to create and preserve  
7 housing for seniors. And we have growing numbers  
8 of elderly in the area. Flushing Hospital is an  
9 institution that we nearly lost about 15 years  
10 ago. They continue to be in difficult conditions  
11 and so we want to make sure that we do not do  
12 anything to curtail the ability of Flushing  
13 Hospital to stay afloat. So those three items,  
14 specifically, were added in the last two years to  
15 the overall Waldheim rezoning. Nonetheless, the  
16 Waldheim rezoning as itself is an attempt, and I  
17 think a good attempt, to preserve the residential  
18 fabric of this important and somewhat historic  
19 community. The City Planning Commission has  
20 looked into this carefully, as I had asked them  
21 to, to make sure that this makes sense within the  
22 context of professional urban planning. They have  
23 done so, admirably. It has not always been easy  
24 to accommodate everybody's wishes, but I think  
25 this is a plan that's comprehensive and this is a

1  
2 plan that the Council should approve. Thank you,  
3 Mr. Chairman.

4 CHAIRPERSON AVELLA: Councilmember  
5 Jackson.

6 ROBERT JACKSON: Thank you. And  
7 good afternoon. Now you were saying in your  
8 testimony that there was misinformation. And I've  
9 heard the testimony of panels in favor and against  
10 the proposed rezoning. And I assume that people  
11 stated whatever they stated at the Community Board  
12 meetings on this particular matter. And the Board  
13 voted that particular night, I guess, to exclude  
14 that one block.

15 MARILYN BITTERMAN: Correct.

16 ROBERT JACKSON: Now why do you say  
17 there was misinformation when the Board, I guess,  
18 listened to what everyone was saying both for and  
19 against, and based on all of the information, the  
20 knowledge that they had at the time, which was  
21 testimony of individuals for and against,  
22 including, I guess the developers and the Armenian  
23 home, and any other documentation that they had in  
24 front of you. Where was the misinformation, in  
25 your opinion?

2 MARILYN BITTERMAN: Okay, in my  
3 opinion.

4 ROBERT JACKSON: Or are you  
5 representing--

6 MARILYN BITTERMAN: I'm  
7 representing the Board.

8 ROBERT JACKSON: Okay. Excuse me,  
9 before you answer that. Are you giving your  
10 opinion?

11 MARILYN BITTERMAN: No. I'm giving  
12 the Board's opinion.

13 ROBERT JACKSON: And how was this  
14 opinion of the Board given to you? Was it a  
15 verbal opinion by the Chair or was it your summary  
16 of what the Board is saying or is their opinion in  
17 writing? Before you continue.

18 MARILYN BITTERMAN: It was based  
19 upon the public hearing that evening. It was  
20 based upon the minutes, of which I have a copy  
21 here. What happened was the Committee voted in  
22 favor of it. The night of the public hearing a  
23 lot of-- other than the rest of the community, I'm  
24 talking about the people on 45th Avenue, they came  
25 out in droves in opposition to what they

1  
2 considered and up-zoning. What happened the night  
3 of the hearing was the members of the Committee  
4 who voted in favor of the application, when the  
5 final vote came, they voted in opposition to what  
6 they had voted on in Committee?

7 ROBERT JACKSON: Okay.

8 MARILYN BITTERMAN: The people at  
9 the public hearing indicated that they-- and they  
10 brought up the Armenian Home, that this would  
11 create a parking problem. And it was explained  
12 the commitment that the Board had been given in  
13 writing by the Armenian Home, that it would give  
14 100% parking in perpetuity.

15 ROBERT JACKSON: That's what we  
16 heard today at the hearing.

17 MARILYN BITTERMAN: Okay. And I  
18 don't-- well this is my personal and I can't  
19 answer--

20 ROBERT JACKSON: [Interposing] I  
21 don't want your personal opinion. Because you're  
22 not here personally representing yourself.

23 MARILYN BITTERMAN: I know.

24 ROBERT JACKSON: Okay. So don't  
25 give me your personal opinion there.

1  
2                   MARILYN BITTERMAN: I know. It's  
3 kind of difficult to state my answer without  
4 thinking that it might be.

5                   ROBERT JACKSON: No, you're  
6 representing the Board.

7                   MARILYN BITTERMAN: I'm  
8 representing the Board. The Board Members were  
9 intimidated. They were intimidated.

10                  ROBERT JACKSON: Whose opinion?  
11 Did Board Members say that or that's your opinion?

12                  MARILYN BITTERMAN: It's mine. I'm  
13 sorry, it's mine.

14                  ROBERT JACKSON: Okay, don't give  
15 me your opinion.

16                  MARILYN BITTERMAN: I understand  
17 what you're saying and unfortunately I can't  
18 answer that, Councilman Jackson, I can't.

19                  ROBERT JACKSON: Okay. So in  
20 essence--

21                  MARILYN BITTERMAN: [Interposing]  
22 What happened is the Board as a result of the  
23 people on 45th Avenue coming out in opposition,  
24 they turned their vote around.

25                  ROBERT JACKSON: Okay, which

1 happens all the time in a lot of situations.  
2  
3 Okay. That's clear. All right. Thank you.  
4 Thank you very much.

5 CHAIRPERSON AVELLA: Thank you.  
6 Seeing no one else to speak of this item, I will  
7 close-- you have a question, Councilmember?

8 [Break in Audio]

9 MARILYN BITTERMAN: Okay.

10 CHAIRPERSON AVELLA: Okay, thanks.  
11 Councilmember Felder.

12 SIMCHA FELDER: I just want to make  
13 an observation, this is not in anyway to denigrate  
14 the role of the Community Board, but to me at the  
15 end of the day the issue of the Community Board  
16 vote or not vote or whatever else, the initial  
17 remarks that the Chair made about the lack of the  
18 City informing the public really is the root of a  
19 lot of the discussion and the problems. And until  
20 that will be rectified, we will have a lot more of  
21 these sort of problems, with people resenting the  
22 fact that they didn't know what was going on until  
23 the very end, and even when the Community Board  
24 vote is clear, at the end of the day for me  
25 personally the vote is going to boil down to the

1 merits of this rezoning, whether the Community  
2 Board knew what they were doing, the voters didn't  
3 know. It sounds like a bad Jackie Mason routine.  
4 But at the end of the day, the vote has to do with  
5 an overall decision about whether something is  
6 good or not. I can't remember any sort of  
7 rezoning that has come to this Committee that was  
8 perfect. There is always without exception  
9 something that people are very happy about, for  
10 the most part, and there are some things that are  
11 not. If that ever happened, if there ever came to  
12 be a zoning that was perfect, then I would vote  
13 against it. Because it doesn't breathe. So, I  
14 just wanted to say that it's been a long hearing.  
15 I want to thank, certainly the Chair, who really I  
16 don't know how he has so much patience for really  
17 having a very thoughtful and very good hearing  
18 that brought out a lot of issues, and the public  
19 for coming down. I think it's really wonderful to  
20 see so many people coming down whether in favor or  
21 against and being so passionate about it. There  
22 was a young woman here before; I loved hearing an  
23 angry witness.  
24

25 CHAIRPERSON AVELLA: Councilmember-

1

2

-

3

SIMCHA FELDER: [Interposing] And

4

I--

5

CHAIRPERSON AVELLA: [Interposing]

6

We're not done yet, either.

7

SIMCHA FELDER: But you're the one

8

that has to control them, not me. But no, I just

9

wanted to say that for those of you that are

10

involved in it, the fact-- the Community Board is

11

one piece of a much larger puzzle. No one should

12

get bogged down, I think, you know as far as I'm

13

concerned-- I understand the Chair's position, but

14

the people who are here, don't get bogged down in

15

like some sort of conspiracy thing. You know,

16

some new novel, some new movie that's coming out

17

about what they understood, what they didn't

18

understand. There's a lot more. A lot more work

19

went into this and is going into this by the

20

Council Members, by City Planning. It may not be

21

what you like. But don't for a minute think that

22

as a result of something that may have been wrong

23

at the Community Board that that was what would

24

make it or break it. That's not really the end of

25

it. I apologize to the Community Board members or



1  
2 those in charge if I'm in any way minimizing your  
3 effect. But that's not it. That's all. Thank  
4 you.

5 CHAIRPERSON AVELLA: Thank you,  
6 Councilmember, but you having made those comments,  
7 I just have to add one thing, that there are  
8 procedures that have to be followed. This is a  
9 legal process and the one thing I think that  
10 absolutely must be upheld is the right to have  
11 people speak their mind and be treated fairly.  
12 And I'm a bit concerned that things have not good  
13 the way they should have in this process and  
14 especially at this hearing. Having said that--

15 ROBERT JACKSON: [Interposing] I  
16 just have one question of you with respect to that  
17 if you don't mind.

18 CHAIRPERSON AVELLA: Sure.

19 ROBERT JACKSON: And I came in  
20 late, but I heard mostly all of the testimony and  
21 heard all of the sides. But I don't get the same  
22 flavor as you do with respect to this. And I'm  
23 just asking for a clarification if you don't mind,  
24 or your opinion on this so I can try to understand  
25 the situation better. I didn't see from my

1  
2 perspective anything that was done wrong in this  
3 process or anything shady. And I get the  
4 impression that you feel that something was not  
5 right. Can you explain that so that I can get a  
6 better understanding, if you don't mind?

7 CHAIRPERSON AVELLA: Absolutely.

8 ROBERT JACKSON: Thank you.

9 CHAIRPERSON AVELLA: The questions  
10 that have been raised to conflict of interest by  
11 the community have been, and I don't want to  
12 mention people's names, but that the leadership of  
13 the Board, who has taken a minority report,  
14 because they have given minority reports at every  
15 level of the public hearing process-- there's been  
16 no representation by the Community Board for their  
17 recommendation, in effect, to exclude the Armenian  
18 Home block. So, you know, you can't divorce  
19 yourself from being the head or the chair of the  
20 Community Board or being chair of the Land Use  
21 Committee. These two individuals are well known  
22 for their positions in that respect. And you  
23 can't get to a hearing and say, that I'm just  
24 representing the minority report. You have an  
25 impact. They have an impact. Somebody should

1  
2 have been there, in my opinion, should have been  
3 there at every level to say this is what the  
4 Board's opinion is and this is what the vote was,  
5 to give a fair aspect to the process. When this  
6 was brought to my attention and I had a  
7 conversation with the Chair of the Community Board  
8 who expressed interest to me that he was going to  
9 give the minority report; I said if you do that,  
10 please have somebody here to represent the Board's  
11 opinion.

12 ROBERT JACKSON: The District  
13 Manager.

14 CHAIRPERSON AVELLA: That's the  
15 District Manager. But by the District Manager  
16 saying, well the reason the Board voted that way  
17 was misinformation, is belittling the Board's  
18 vote, which I think is inappropriate and just  
19 raises the specter of the conflict of interest of  
20 what the community has been saying. And I think  
21 this is going to be a discussion that goes on  
22 beyond this hearing. I think it was  
23 inappropriate.

24 ROBERT JACKSON: See and I'm  
25 hearing you explain why you feel that way and my

1  
2 situation is the individual, and I've forgotten  
3 his name and it's irrelevant, you know who I'm  
4 referring to, he said he had checked with the  
5 Conflict of Interest Board and communicated  
6 clearly that he could not vote on matters and he  
7 abstained on all matters regarding--

8 CHAIRPERSON AVELLA: [Interposing]  
9 Right--

10 ROBERT JACKSON: [Interposing] Well  
11 let me just finish, if you don't mind.

12 CHAIRPERSON AVELLA: I understand  
13 what you're saying, but that's a different issue  
14 than the one I'm talking about.

15 ROBERT JACKSON: No, I understand.  
16 And the other one, you know as I said when the  
17 District Manager came up and gave the perspective  
18 or permission of the Community Board and I said I  
19 don't want her personal opinion. I want the  
20 Board, was the opinion of the Board in writing,  
21 was it verbally communicated to the District  
22 Manager? How was the Board's opinion or position  
23 communicated? And obviously we all have our  
24 opinions on matters. You know what I mean? But  
25 obviously regardless of whether or not the

1  
2 Committee Members, you know, they change their  
3 vote at the meeting. Whether it's through  
4 pressure or 150 people coming out, 500 people  
5 come, they changed their vote. And you know one  
6 thing? That's the realities of life. But I just  
7 wanted to understand, I guess, what you were  
8 saying and so that I'm clear overall with  
9 everything that's going on here so that, you know,  
10 I can vote, you know, with clarity tomorrow.  
11 Thank you.

12 CHAIRPERSON AVELLA: This hearing  
13 on this matter is closed. We're going to go to--

14 [Break in Audio]

15 CHAIRPERSON AVELLA: Yeah, we'll do  
16 that. We have two, one of which is going to be  
17 five minutes, then we're going to take a five  
18 minute break, and then we're doing the Hospital  
19 for Special Surgery.

20 [Break in Audio]

21 CHAIRPERSON AVELLA: It's up to  
22 you. All right.

23 [Break in Audio]

24 [Background Noise]

25 CHAIRPERSON AVELLA: And this is

Domino's Pizza, right?

MALE VOICE: And Mole.

CHAIRPERSON AVELLA: Where is that?

MALE VOICE: That's it.

CHAIRPERSON AVELLA: Oh, Mole. The next application is Land Use number 86420085524TCM, an application by Mole to operate an unenclosed sidewalk Café at 205 Allen Street. This lies within Councilmember Alan Gerson's District. And I understand that we-- the Councilmember and the applicant have reached an agreement while we were having this lengthy hearing. So I would ask the representative of the applicant to tell us what the agreement is.

MICHAEL KELLY: Good afternoon Chairperson Avella and members of the Council. My name is Michael Kelly and I'm representing Reynick Corp [phonetic]. We have agreed with Councilmember Gerson to have two tables and four chairs on our sidewalk café, which will both be up against a wall. The tables will be 18 inches wide and we will have barriers around the café. We will not apply for more tables and chairs in the future. We will be sensitive to any Community

Board complaints and complaints from residents.

And we will supply a contact number to the Councilmember's office and to Mr. Janicek of the City Council.

CHAIRPERSON AVELLA: Thank you.

And obviously with the commitment, Councilmember Gerson now approves of the process, I'm sorry, the café application. Seeing no questions, thank you.

MICHAEL KELLY: Thank you.

CHAIRPERSON AVELLA: I see no one signed up to speak on this item, so I'll close the public hearing on this item. And we will move to the last item, which is the Hospital for Special Surgery, Land Use number 819 and 8141 through 8143 C06033ZSM C060440MMM, three Ms, C070171ZSM, N070145ZRM. That's it. And while we take a five minute break, I'll ask the applicants to start to set up and we'll be back in just a couple of minutes.

[Break in Audio]

[Background Noise]

CHAIRPERSON AVELLA: I want to, on behalf of the Committee and the staff thank you for that brief break. And I do want to thank

1  
2 everybody for hanging around. It is now ten to  
3 1:00. We did start at 10:00 this morning. So you  
4 may begin your presentation.

5 DEBORAH M. SALE: Good morning.  
6 I'm Deborah Sale. I'm the Executive Vice  
7 President of the Hospital for-- sorry.

8 CHAIRPERSON AVELLA: My fault. I  
9 was asked to say something. In between the time I  
10 walked from there to here, I forgot.

11 DEBORAH M. SALE: No problem. I'll  
12 wait.

13 CHAIRPERSON AVELLA: The planning  
14 meeting-- if you're here for the Planning Meeting  
15 Subcommittee, it's being held across the street on  
16 the 14th floor. Okay? Thank you. Go ahead.

17 DEBORAH M. SALE: I'll start again.  
18 I'm Deborah Sale. I'm the Executive Vice  
19 President for the Hospital for Special Surgery,  
20 located on Manhattan's Upper East Side. We moved  
21 to the Upper East Side in 1955. Our hospital is  
22 the oldest and foremost orthopedic and  
23 rheumatological specialty hospital in the country.  
24 In New York and also in the country. It was  
25 started in 1863 by the Community Service Society



1 here in New York. It was started to care for  
2 crippled children and soldiers who were returning  
3 from the Civil War. Obviously we have changed  
4 rather considerably over that time, although we  
5 still do care for children very extensively. We  
6 see more children with Cerebral Palsy than any  
7 other institution in the country. We see many  
8 children with Brittle Bone Disease, with other  
9 afflictions and with rheumatological diseases that  
10 are very hard to define and very hard to diagnose.  
11 We also now though, primarily, we see many, many  
12 people with auto-immune disease, Lupus, Rheumatoid  
13 Arthritis, other kinds of arthritis and other  
14 kinds of related diseases. In addition to that  
15 though, we are primarily known as a surgical  
16 hospital, because orthopedics is now primarily a  
17 surgical discipline, and we have grown  
18 dramatically over the years. I came to the  
19 hospital roughly 12 years ago and at that time we  
20 did 8,000 surgeries. Last year we did 20,000  
21 surgeries. We will do more than that in the  
22 coming year. So we have grown dramatically. And  
23 the reason we have grown dramatically is that  
24 patients need our services in a different way.  
25

1  
2 The baby boom generation is getting older. The  
3 bread and butter surgery, essentially, that we do  
4 are hip and knee replacement surgeries. We  
5 invented the modern knee replacement. We do many  
6 of those surgeries per year. We do a lot of  
7 sports surgeries because younger people want to be  
8 active and stay active. So that volume, that  
9 surgical volume has grown dramatically. Surgical  
10 patients are the patients who are in our hospital.  
11 We no longer admit medical patients, really,  
12 because the treatments for Lupus and Rheumatoid  
13 Arthritis are primarily outpatient treatments now.  
14 So that we see those patients that come in and  
15 leave and don't spend the night in our hospital.  
16 We have 160 beds currently. We are planning to  
17 expand the number of beds, because frankly at the  
18 moment we have no beds. We are up to our  
19 capacity. And on Monday we have a little more  
20 room for people and as we get toward the end of  
21 the week we are scrambling to try to make enough  
22 room for the people who are having surgery. We  
23 haven't had to halt surgery yet. But, we are very  
24 much near the top of what we can do given what we  
25 have. We went to the New York State Department of

1  
2 Health a number of years ago and made an  
3 application for a certificate of need to allow  
4 this project to go forward and they granted it  
5 because they looked at the period of time between  
6 1997, if I remember correctly, and ultimately  
7 2007, and our surgical volume had grown 67% at  
8 that time. So the demand for our services is very  
9 great. We are located on the East Side of  
10 Manhattan as I mentioned earlier, and it's a very  
11 tight neighborhood as all of you know.

12 Councilwoman Lappin represents that neighborhood,  
13 and there are a group of medical institutions and  
14 there is a surrounding neighborhood that is  
15 diverse, as are many New York City neighborhoods,  
16 residential, commercial and office buildings as  
17 well. I can show you a little bit in context our  
18 building, because I think it's important for you  
19 to know what we're building and then I'll talk to  
20 you a little bit about where we are in that  
21 process and then Melanie Meyers will talk a little  
22 more full about some of the issues and approvals  
23 that are needed. I'm going to hand something  
24 around, if I may.

25 [Break in Audio]

DEBORAH M. SALE: Got that? I should have realized that, because that happened earlier in the day. This is essentially a drawing of our new building in the context where it sits along the East River. In 1973, the State of New York and the City of New York gave Hospital for Special Surgery, Rockefeller University and New York Presbyterian Hospital, which was at that time New York Hospital, the ability to expand their campuses over the FDR Drive. All of the institutions have taken advantage of that opportunity. We did that, our first expansion over the drive and opened that expansion in 1996. This piece that we are talking about today is the last piece of that permission that was given in 1973. What we are building is we are expanding our hospital on its site itself, by three floors. If you look at-- you'll see the sort of white top to the building, the more brilliant white top are the three floors by which we're expanding the hospital building. Next to the hospital building we are building a small ambulatory surgery building. The hospital expansion is 51,000 square feet. It's three floors. It's patient beds,

1 pediatric rehabilitation, laboratory space. The  
2 building next door is an ambulatory services  
3 building, primarily physician offices, some  
4 radiology and physical therapy as well. And that  
5 building is 87,000 square feet. This essentially  
6 builds out all of the FAR which we were granted in  
7 1973 and since that time. We took the project to  
8 the Community Board. Actually we started talking  
9 about this project quite a long time ago. In 2005  
10 we started an as of right addition of one floor to  
11 the hospital and some in-fill space in the  
12 hospital as well. We had a broad community  
13 meeting with-- we have three residential buildings  
14 that are neighbors of ours, direct neighbors. And  
15 we had a community meeting with those members,  
16 those buildings with the Community Board and we  
17 invited our elected officials as well. And we  
18 told them what we were building as of right and we  
19 told them we would be accommodating for a ULURP  
20 approval to expand the building further. As the  
21 process has gone on, we met with the Co-op boards  
22 of those buildings periodically to show them plans  
23 and to tell them that we were planning to build.  
24 And we also met with Community Board 8 and did the  
25

1 same thing periodically. We went to Community  
2 Board 8 this spring. Our project was approved by  
3 a vote of 31 to 2, 31 in favor, 2 opposed and 3  
4 abstentions. We then of course went to the  
5 Borough President's office. And there were  
6 questions raised to the Community Board by the  
7 community, some of whom had not really recognized  
8 that we were going to be doing this until that  
9 time. We were asked specifically to meet with the  
10 Edgewater Building, which is very near us and to  
11 have a broader meeting with them to explain our  
12 plans quite fully to them. We held a meeting in  
13 their lobby and explained our plans as fully,  
14 completely to them and answered all of their  
15 questions. We were in the process at the Borough  
16 President's office. The Borough President  
17 approved our project and sent it forward. He  
18 asked us to take a closer look at the traffic  
19 conditions in the neighborhood, because we all  
20 recognize that this is a congested area. And in  
21 fact we and the other institutions, New York  
22 Presbyterian Hospital, Memorial Sloane Kettering  
23 and Rockefeller, had offered to work with the  
24 community board to finance an overall traffic  
25

1 study of the area. That's still, I believe, under  
2 consideration. We're still quite interested in  
3 doing that, because the issue is not in any one  
4 spot, although there are hot spots. The issue is  
5 not in any one spot on the East Side. It's fairly  
6 complex in the whole York Avenue area. So we are  
7 still interested in doing that and we are quite  
8 willing to do that. But what we did after the  
9 Borough President asked us to take a closer look  
10 at this, and as a result of questions that were  
11 raised as we went into the City Council hearings  
12 as well, 71st Street is frankly a very complicated  
13 street. There are 13 loading docks on that  
14 street. Eight of them belong to New York  
15 Presbyterian Hospital, three to Sotheby's and two  
16 are ours. Frankly in the past we had also thought  
17 that this is a big problem and it involves too  
18 many constituencies and what can we do. But we  
19 decided that we should take action ourselves. And  
20 so we began to-- we analyzed the issue. We  
21 analyzed our own loading and unloading. We  
22 determined that we should add, and we did about  
23 roughly a month ago, add to our security force.  
24 And we now have a permanent person from 6:00 in  
25

1  
2 the morning until 5:00 in the evening directing  
3 traffic on 71st Street, managing our loading,  
4 trying to ensure that people obey the law and that  
5 the traffic keeps moving from the FDR Drive onto  
6 71st Street. That has been a useful, I believe,  
7 initiative and we also have undertaken some real  
8 examination of our loading docks, how they  
9 operate, what we could move from 71st Street to  
10 70th Street, where we have a loading area. 70th  
11 Street is not a public street and the loading area  
12 is well above any public activity on that street.  
13 So, we have examined those issues. Melanie can go  
14 into those issues in more detail if that is  
15 helpful. But we think that we have made some  
16 significant progress and we believe that we can  
17 take short term actions and ultimately by the end  
18 of this project, longer term actions, that will  
19 really make a significant difference. We also  
20 have talked with our neighbors about the-- you  
21 will see the bottom floors of this building sit on  
22 the lot line. The Edgewater Building was built in  
23 1962, I believe it was completed in 1962. Our  
24 building, which sits next to their building, was  
25 completed in 1963, or it may be the other way



1  
2 around. But basically they were both built within  
3 the same timeframe. The new building that we are  
4 proposing, the first four floors are roughly  
5 10,000 square feet and they sit very near the  
6 Edgewater. And the Edgewater is built on the lot  
7 line. These are very near the lot line. The  
8 floors above that, there are 11 stories in this  
9 building altogether and a 12th floor mechanical  
10 floor, the floors above that sit aligned with our  
11 Caspary Research Building, which sits roughly 20  
12 feet away from the Edgewater. So we have, we've  
13 moved those floors back, really, as we began to  
14 look at this project, in order to try to deal with  
15 providing more light and air. They are less and  
16 less efficient as they become smaller, and  
17 therefore we didn't pull back the whole building,  
18 although we have talked with the Edgewater  
19 recently about our willingness to try to consider  
20 design changes if that would satisfy their  
21 objections. We also, when we took this building  
22 to the Art Commission, the Art Commission frankly  
23 said to us, this is a very utilitarian looking  
24 building and you have an opportunity on the Upper  
25 East Side on the river to create something that is

1  
2 much more beautiful than that. And we hired a  
3 different architect. And what we did at that  
4 point is-- it may not be as clear on this, it may  
5 be a little clearer on the one that I handed  
6 around. But this building, the buildings below  
7 it, our hospital, New York Presbyterian and  
8 Rockefeller are much more imposing in terms of the  
9 way they sit on the Drive. They essentially sit  
10 on the Drive. This building is structured so that  
11 it essentially-- our foundations slip through what  
12 is the current switchback ramp, which gives access  
13 to the Esplanade from 71st Street. It then pushes  
14 back. These V shaped supports sort of push it  
15 back from that Drive, lift it up from the Drive--  
16 push it back from the Esplanade, lift it up from  
17 the Drive and therefore it is considerably less  
18 imposing and provides more light and air for both  
19 the roadway itself and also for the Esplanade.  
20 There have been concerns raised about the  
21 Esplanade itself. The Esplanade, in order to put  
22 in the foundations for this building, the  
23 Esplanade has to be closed for four to six months,  
24 in this space, this small space. We have  
25 discussed that with the Parks Department, we had

1  
2 reached agreement with them as to what kinds of  
3 abatements they would require. But we've also  
4 been talking with the Councilwoman recently about  
5 additional improvements that we could make to that  
6 Esplanade Park, and we are interested in  
7 continuing those conversations. We all are  
8 concerned that the East Side is a little bereft  
9 and the East Side does offer an opportunity for  
10 greater park space and a much more attractive  
11 appearance. That area of the Esplanade is pretty  
12 bereft. It has no water to care for plants, so  
13 the plantings have all died. So there are more  
14 things that we can do there and we're going to be  
15 discussing that further with the Councilwoman,  
16 because we do believe that there are improvements  
17 that can be made. We are committed to doing that  
18 and to working through those issues with her. We  
19 can answer any further questions you might have  
20 about the need or the building itself.

21 CHAIRPERSON AVELLA: The  
22 appropriate thing would be what are the actual  
23 applications that you're asking for.

24 DEBORAH M. SALE: Five.

25 MELANIE MEYERS: Thank you. My

1  
2 name is Melanie Meyers. I'm an attorney with  
3 Fried, Frank, Harris, Shriver and Jacobson. And  
4 Debora gave a quite full presentation about the  
5 project and the needs for it. In order to allow  
6 for that project to take place, there are four  
7 actions before the Committee and the Council. The  
8 first relates to the east wing building itself,  
9 that's the three-story addition of the existing  
10 building that has received a large--

11 CHAIRPERSON AVELLA: [Interposing]  
12 Can you have somebody point to it.

13 MELANIE MEYERS: Sure.

14 CHAIRPERSON AVELLA: It would be  
15 very helpful, I think, for everybody if we could  
16 have a little diagram as you're going through this  
17 procedure.

18 MELANIE MEYERS: Absolutely. Okay.  
19 So the east wing building is an existing building.  
20 It received a special permit under section 74 682  
21 in the 90s. That allowed for the building to be  
22 built over the FDR and allowed for what you see in  
23 that diagram in the brown to be built. The  
24 proposal today is to allow for the three-story  
25 extension. That will require an amendment of that

1 existing special permit, really for one reason.

2 There's a connection between that building or a  
3 proposed connection between that building and the  
4 brand new river building. It increases the lot  
5 coverage minimally, and so the special permit  
6 really allows for that additional change. For the  
7 river building there are three actions that are  
8 being requested. The first is an amendment to  
9 section 76 682, and we can describe it in detail,  
10 but I'll give the sort of general outlines. The  
11 text amendment would allow for the entire hospital  
12 for special surgery campus to be looked at as a  
13 one for purposes of calculating the loading  
14 requirements. Technically it's on two separate  
15 zoning laws and you would do that individually.  
16 And this action, this text amendment would allow  
17 it to really be looked at as the campus that it  
18 is. It also would allow for the loading itself to  
19 be located anywhere within that campus, instead of  
20 on the two zoning lots. Again, technically today  
21 without this text amendment, you'd be putting a  
22 loading dock on the north side of 71st street,  
23 which we think would be a problematic approach.  
24 So that's the first action. The second action is  
25

1 a special permit under 74 682 itself. That is the  
2 provision of the zoning resolution that was  
3 adopted really because of the 1970s legislation  
4 that Deborah mentioned. That legislation  
5 authorized the building over the roadways. 74 682  
6 basically was created as the mechanism for  
7 development to be sited and located in that area.  
8 So the special permit would allow, for one, for  
9 the building itself to be located and secondly  
10 would allow for the loading facilities associated  
11 with that to be located on the main campus. The  
12 third action that would be required is an  
13 amendment to the City map itself. It would de-map  
14 the volume of the FDR above a plane to allow for  
15 the building to the as well as to allow for the  
16 location of the foundations holding up the  
17 building. So those are the three actions  
18 associated with the river building itself. You  
19 know, again, Deborah gave a quite full description  
20 of some of the issues and things. And really the  
21 three points I think that are of principal, that I  
22 think we heard the most comments about, having  
23 gotten a quite positive recommendation from the  
24 Community Board, were concerns about open space  
25

1  
2 and the relationship between this building and our  
3 neighbors. And we can talk a bit about, in more  
4 detail, some of our proposals for the loading as  
5 well as some thoughts that we have had in terms of  
6 trying to address those other issues. Shall I  
7 proceed?

8 CHAIRPERSON AVELLA: Councilmember  
9 Lappin.

10 JESSICA S. LAPPIN: I mean I think  
11 you hit the nail on the head. This is one of the  
12 nation's preeminent hospitals and I am very happy  
13 that it happens to be located in my district and  
14 serves New Yorkers very well. That said, what  
15 we're here today to discuss are these four  
16 technical applications and expansion plans for the  
17 hospital. And I think the issues have really  
18 boiled down to the parking, loading issues, and  
19 then the parks issues in terms of both how the  
20 hospital functions now and how it would as its  
21 enlarged continue to impact upon the neighborhood.  
22 So if we could start with the parking and the  
23 loading issues. That's, as you mentioned, the  
24 Borough President did support this application,  
25 but conditionally, with explicit instruction that

1  
2 the hospital come back and work with the community  
3 to try and address some of the loading issues. So  
4 why don't we go through, you know, sort of what  
5 you have now in terms of loading. The community  
6 has raised questions as to whether or not what you  
7 have complies with the regulations that are in  
8 place, and then we can go from there.

9 MELANIE MEYERS: Sure. And let me-  
10 - I'm going to sort of talk about the question  
11 sort of from a technical, a little bit from an EIS  
12 perspective but also from an operational  
13 perspective. You know, from a technical  
14 perspective the building currently has two loading  
15 docks that were built as part of the original  
16 development. They complied with the requirements  
17 for loading at that point. They're about 33 feet  
18 deep, they're about 20 feet wide and they were  
19 consistent with the controls that established  
20 loading at that point. From a sort of technical  
21 standpoint, the project as a project is adding  
22 about 130,000 square feet. It's in a prominent  
23 location, but it's not a particularly large  
24 project from an impact standpoint. It doesn't add  
25 a lot of cars and it adds few, if any, additional



1  
2 trucks.

3 JESSICA S. LAPPIN: How many?

4 MELANIE MEYERS: The reality is the  
5 expectation from the hospital standpoint is that  
6 it will add zero. From a technical environmental  
7 standpoint, we actually made some assumptions  
8 about the trucks. So technically and  
9 operationally we do not think there will be an  
10 addition of truck deliveries. That being said the  
11 71st Street, as a street is enormously  
12 complicated. The hospital has its two loading  
13 facilities, New York Presbyterian has eight,  
14 Sotheby's has three. And there is an exit from  
15 the FDR Drive southbound on that street. SO, if  
16 you sort of look at all of that, I think that the  
17 concerns that people have raised about how the  
18 street operates are absolutely correct. So what  
19 the hospital has done is looked at ways that they  
20 can take really their existing condition and  
21 improve that. And it's a condition, and those  
22 improvements are certainly things that will carry  
23 forward in the future. Just sort of roughly,  
24 there are sort of five things that the hospital  
25 has looked at to try to improve that situation.

1  
2 Deborah mentioned the hiring of additional safety  
3 and security to help direct traffic. That's  
4 really doing two things. One it's making sure  
5 that the cars that are coming are in fact able to  
6 flow through, and so they're doing some traffic  
7 management. They also, and I think this has been  
8 very, very helpful for this street, is that  
9 they're not allowing any of the trucks to stop in  
10 the travel lanes. And so, if you know one of the  
11 things that had happened in the past is that there  
12 had been sometimes when trucks would just try to  
13 make a quick delivery. That's not happening and  
14 that is actually I think doing a very good job of  
15 helping with deliveries. The number of trips that  
16 are generated by the hospital are not a lot. The  
17 hospital deals with about 30 different vendors  
18 over the course of a week. In terms of the 71st  
19 Street, there's about 20 deliveries on the worst  
20 day, which is a Monday, to that trip. Sometimes  
21 the number of deliveries to the loading dock is  
22 about nine. Most of them are coming in the  
23 morning, or many of them are coming in the  
24 morning, and that is probably the worst time for  
25 the street. So one of the things that the

1 hospital has started implementing, and it will be  
2 implemented over time, is working to shift those  
3 morning deliveries further and later in the day  
4 when there are fewer conflicts with the traffic  
5 that's using the road, as well as some of the  
6 loading activities of some of the other users on  
7 the street. There is also a facility that is used  
8 today on 70th Street, that is not a loading dock  
9 per say, but it's at the end of a street that has  
10 been de-mapped and has been used by both New York  
11 Presbyterian Hospital as well as Hospital for  
12 Special Surgery. They're looking at and have  
13 started to redirect some of the deliveries to that  
14 facility. And as the project goes forward there  
15 is an existing generator that will be removed from  
16 that area, and that will actually allow for some  
17 additional deliveries and capacity at that point.  
18 Another thing that the hospital is doing, you  
19 know, is actually looking within the hospital to  
20 find more delivery and sort of bulk handling  
21 space. What that will allow is better use of the  
22 loading facilities, because the stuff can come out  
23 of the loading dock and actually be put inside,  
24 and it will also allow for again, some more  
25

1  
2 deliveries towards the later part of a day, so  
3 they can be broken down inside for delivery early  
4 in the morning. So all of those things are--  
5 sometimes moving one truck, sometimes moving three  
6 trucks, but when you start out talking about 20  
7 deliveries on the worst day starting to move two  
8 or three trucks really is making quite a  
9 substantial difference.

10 DEBORAH M. SALE: And the chart we  
11 just put up essentially shows what the pattern is  
12 now, on the left, of deliveries and what we are  
13 moving to, on the right. So that we will move  
14 more deliveries to the lighter periods of the day,  
15 and with the new facility that Melanie has  
16 discussed, by the end of the project we would also  
17 be able to deliver from 4:00 to 6:00 as well. So  
18 if there were additional deliveries we could also  
19 push them out a little further and that could make  
20 a difference. The reason that we feel that there  
21 will not be additional trucks is that the nature  
22 of our business is not changing. All of the  
23 things that are delivered to us and will be  
24 delivered to us are essentially the same supplies.  
25 And we've talked to our vendors about whether the

1  
2 trucks they're bringing in now are full, and we've  
3 also talked to them about whether they are  
4 bringing in now split deliveries, as in they may  
5 be delivering to us and then going up to deliver  
6 to Lenox Hill. If they were doing split  
7 deliveries, they will not be doing split  
8 deliveries in the future, because it would be  
9 silly for them to try to bring in two trucks a day  
10 to our space rather than one. So that they would  
11 essentially consolidate our supplies and bring all  
12 those supplies in on the same truck.

13 JESSICA S. LAPPIN: How many  
14 loading berths did you certify in your application  
15 that the hospital has?

16 MELINDA MEYERS: I think the  
17 application identified four facilities. And  
18 probably incorrectly identified them all as  
19 complying loading berths. There's two berths that  
20 comply with zoning. There is a berth that handles  
21 basically the medical waste and the garbage  
22 disposal, which is its own facility. But if you  
23 went and did the measurements, it would not comply  
24 with the--

25 JESSICA S. LAPPIN: [Interposing]

The trash compactor.

MELINDA MEYERS: Exactly.

JESSICA S. LAPPIN: And people have asked why is there a trash compactor in the loading berth. So why is there a trash compactor in the loading berth?

MELINDA MEYERS: The trash compactor is in a room and it's in a facility, which has been dedicated to that use since it was first there--

DEBORAH M. SALE: [Interposing]  
Also, let me talk a little bit about the hospital operates. A hospital basically-- we have the lowest infection rate in the world. And one of the reasons we have the lowest infection rate in the world is because you don't cross-clean supplies with waste and dirty supplies. So you have to have a dirty corridor, essentially. When you take things out of the hospital you have to have a segregated dirty corridor. That's what goes into this trash compactor area. We have a lane that comes directly from the floors out through a dirty corridor, which is walled off, literally a hallway wall between the clean

1  
2 corridor and the dirty corridor. Along that dirty  
3 corridor you have sorting areas for acid, for  
4 medical waste and for trash. And ultimately that  
5 moves out through the trash compactors. That does  
6 not ever cross any of the clean material that  
7 comes into the hospital. So it's critical for any  
8 institution to have that, and that's the way this  
9 work. And we in fact did look at whether or not  
10 we could move this dirty corridor somewhere else  
11 and we could not do so.

12 JESSICA S. LAPPIN: And trucks are  
13 going-- they use that compactor to take waste away  
14 from the hospital, I'm assuming.

15 DEBORAH M. SALE: The waste comes  
16 out at night. So the waste removal and the  
17 replacement of that compactor comes in around 9:00  
18 at night and comes in and out. So that's  
19 basically what happens then and that's all.

20 JESSICA S. LAPPIN: So since you  
21 cannot move the dirty corridor, what you're  
22 proposing to do to deal with the possibility of  
23 additional deliveries is build a bulk storage  
24 sorting area that would be linked to the two  
25 existing berths there, so the trucks could come in

1  
2 and drop off and leave more quickly and you could  
3 take deliveries later into the day.

4 DEBORAH M. SALE: Exactly.

5 JESSICA S. LAPPIN: There's a  
6 loading, what you said was sort of an unofficial  
7 loading berth on the de-mapped street. That has a  
8 pylon in it that prevents trucks from pulling in  
9 and loading off of the street. Could you explain  
10 why there's a pylon there?

11 DEBORAH M. SALE: Yeah.

12 Unfortunately the weight tolerance of that  
13 platform, that's part of the platform that sits  
14 above the drive, the weight tolerance of that  
15 platform will not support a heavy truck. So the  
16 loading and unloading happens just outside that  
17 opening, that looks as if it could be a loading  
18 dock, frankly, if you're just standing there. The  
19 loading and unloading happens just outside that  
20 because the weight tolerances are different there,  
21 they were built differently. But we could not  
22 pull a truck into that area safely. And we keep  
23 the pylon there primarily because we don't want  
24 anyone to pull in by mistake, because that could  
25 create a very unsafe-- obviously it could fall



1  
2 through the highway, and that would obviously be  
3 not a good solution.

4 JESSICA S. LAPPIN: But you're  
5 going to move the generator to--

6 DEBORAH M. SALE: [Interposing]  
7 Yes.

8 CHAIRPERSON AVELLA: I--

9 DEBORAH M. SALE: [Interposing]  
10 Yes, there's a temporary generator to-- I'm sorry.

11 CHAIRPERSON AVELLA: I just want to  
12 interrupt, the pylon is gone.

13 DEBORAH M. SALE: Excuse me?

14 CHAIRPERSON AVELLA: I was there  
15 yesterday. The pylon is gone.

16 JESSICA S. LAPPIN: On 70th Street?

17 DEBORAH M. SALE: On 70th Street?

18 CHAIRPERSON AVELLA: Yes, it's not  
19 there anymore. I was there yesterday; it's not  
20 there.

21 DEBORAH M. SALE: We'll have to  
22 check into that.

23 CHAIRPERSON AVELLA: I mean based  
24 on your explanation of a safety factor, you'd  
25 better go out and do something right away.

1  
2 DEBORAH M. SALE: It shouldn't  
3 disappear. They roll their construction carts in  
4 and out. It's possible that they moved it to the  
5 side and rolled the construction carts out, but  
6 generally it is in place and we try to keep it in  
7 place so that people don't roll into it. So.

8 JESSICA S. LAPPIN: So to  
9 summarize, what you're proposing to mitigate  
10 potential additional deliveries is to create a  
11 storage offloading area adjacent to the two  
12 loading berths on 71st Street, to move the  
13 generator on 70th Street, to shift smaller  
14 deliveries over to 70th Street, and you have a  
15 traffic manager in place who is helping direct  
16 traffic.

17 DEBORAH M. SALE: That's right.

18 JESSICA S. LAPPIN: If you see--  
19 obviously the Chair has walked the site, I have  
20 walked the site with you and my chief of staff,  
21 Jane Swanson, there are sometimes not delivery  
22 personnel, but black cars waiting drop off or pick  
23 up patients, I think that's going to be somewhat  
24 inevitable, or even people for other reasons are  
25 parked in a loading area on either the north or

1  
2 south side of the street. And I know there are  
3 other loading docks and other facilities and  
4 institutions that contribute to this being such a  
5 mess. But your traffic agent obviously doesn't  
6 have the power to write a summons. Do you  
7 instruct him to call the precinct if there is  
8 somebody there who is refusing to move for  
9 whatever reason and is blocking--

10 DEBORAH M. SALE: [Interposing] We  
11 have asked for the police to come occasionally.  
12 If the situation was really sort of untenable.  
13 And certainly we have the resource to do that.  
14 Our Chief of Security-- what happens is a security  
15 person would talk with our Chief of Security and  
16 he would talk to the local precinct and ask them  
17 to come in. And they occasionally do come through  
18 and sort of sweep that street to try to make  
19 people remember the rules as well.

20 JESSICA S. LAPPIN: Okay. I do  
21 have questions on other Parks related issues, but  
22 I wanted to see if-- yeah, while we're stick on  
23 parking.

24 CHAIRPERSON AVELLA: Yeah, while  
25 we're on that issue. I actually was out at the

1  
2 site yesterday and I think to really understand  
3 the problems with the traffic movement, it's  
4 helpful to be there. I guess I have concerns  
5 about, I want to sort of piggyback of what  
6 Councilmember Lappin said, because what I noticed  
7 when I was out there I saw the security agent and  
8 he was sort of stopping traffic on various  
9 occasions when cars were exiting the drive  
10 through. Why do you have the drive through the  
11 way it is? And where is the traffic coming from?  
12 They're coming from 70th Street and going through  
13 the building?

14 DEBORAH M. SALE: Yes. It's the  
15 only entrance to the building.

16 CHAIRPERSON AVELLA: It seems to be  
17 that we're creating a traffic problem just with  
18 the drive through. And I know that's the only  
19 entrance you have. It's probably not the best  
20 laid out traffic system--

21 DEBORAH M. SALE: [Interposing] I  
22 agree.

23 CHAIRPERSON AVELLA: And I was sort  
24 of like amazed that you have the entrance to the  
25 hospital in the middle of a non-existent block.

1  
2 DEBORAH M. SALE: You know in 1955  
3 there was nothing else there.

4 CHAIRPERSON AVELLA: Ah. Okay.

5 DEBORAH M. SALE: You know, it was  
6 warehouses and slaughterhouses and there were no  
7 residential buildings. There was nothing else  
8 there except New York Presbyterian Hospital,  
9 essentially, and Memorial Sloane Kettering and  
10 Rockefeller had all started locating there at the  
11 time. So it is not the optimum place to have to  
12 try to negotiate. There is no doubt about it.  
13 But that's what we're facing. Now the  
14 Councilwoman knows that years ago when I first  
15 came to the hospital, the thing that puzzles me is  
16 why the drive exits the way it does. Because the  
17 Drive, to exit the Drive, you have to cross all  
18 the street-- you enter the drive at 73rd street  
19 and you exit at 71st. And the traffic that comes  
20 along the Drive, the entrance and exit traffic  
21 essentially have to cross each other, and it's  
22 very tight and very problematic. And we in fact  
23 went to the Department of Transportation, this was  
24 actually previous to this administration, and  
25 asked them if they would consider changing those

1  
2 patterns. And we were told that in fact they had  
3 changed those patterns roughly what, 20 years ago,  
4 15, 20 years ago, because they felt that the  
5 traffic exiting the Drive was moving too quickly.  
6 And we certainly agree that it maybe had been  
7 moving much more quickly than it is today. And  
8 that traffic pattern creates problems in and of  
9 itself. It also forces us to use 70th as the way  
10 to come in, rather than 71st. So, I mean as we  
11 said before, we think there probably are things  
12 that should be looked at in the neighborhood as a  
13 whole to determine if we couldn't improve the  
14 traffic flow in that neighborhood.

15 CHAIRPERSON AVELLA: But I mean my  
16 question was more directed towards what the  
17 Hospital can do. I think that everybody  
18 recognizes that really is a unique situation.

19 DEBORAH M. SALE: Yes, it is.

20 CHAIRPERSON AVELLA: One of the  
21 things I noticed, and it goes to what  
22 Councilmember Lappin was saying, was that I  
23 happened to notice there was a drop off livery cab  
24 or something, and he wasn't parked at the  
25 sidewalk. He was parked somewhat adjacent into

1  
2 the street and nobody was in the cab. I mean  
3 obviously the security agent was making no attempt  
4 to find out who this person was. So it was  
5 reducing the two lanes of traffic basically into  
6 one lane going up the street. But the one thing I  
7 also noticed, and then I'll get into the loading  
8 bays, there seemed to be a tremendous amount of  
9 pedestrian volume coming down on the far side in  
10 front of your other facility.

11 DEBORAH M. SALE: On the north  
12 side.

13 CHAIRPERSON AVELLA: Yeah, on the  
14 north side, thank you. And then crossing right to  
15 the entrance to the hospital and the security  
16 guard would literally stop traffic to allow that  
17 to happen.

18 DEBORAH M. SALE: There is a stop  
19 sign there, in fact.

20 CHAIRPERSON AVELLA: Right. There  
21 is a stop sign. But he was going out there and  
22 stopping traffic anyway. Why is there so much  
23 pedestrian traffic on that side? Is it possible  
24 because you're blocking off the sidewalk on the  
25 south side with--

1  
2 DEBORAH M. SALE: [Interposing] No,  
3 we're not. That's not--

4 CHAIRPERSON AVELLA: [Interposing]  
5 What appears to be trailers. Oh, it's the other  
6 hospital.

7 DEBORAH M. SALE: It's not our  
8 project.

9 CHAIRPERSON AVELLA: It's the other  
10 hospital.

11 MELANIE MEYERS: Yeah. And that  
12 construction, my understanding is that that  
13 construction, or our understanding is that that  
14 construction is scheduled to end at the end of  
15 this year. I can't tell you that that is the  
16 case. But one of the things is that the hospital  
17 has asked for DOT and-- perhaps when that  
18 construction is completed, they've asked and I  
19 think DOT is committed to actually at least  
20 repaving East 71st Street. Because if you look at  
21 it now, there is that construction. There really  
22 are not particularly good markers to show the  
23 lanes or anything. So we think even that will be  
24 a help in terms of at last informing people where  
25 they should be as they're driving down the road.



2 CHAIRPERSON AVELLA: Well obviously  
3 then freeing up the sidewalk so people wouldn't  
4 have to cross--

5 DEBORAH M. SALE: [Interposing]  
6 Absolutely.

7 CHAIRPERSON AVELLA: And you  
8 wouldn't have the traffic movement to begin with.

9 MELANIE MEYERS: And again, that's  
10 a condition we hope will be done by the end of the  
11 year.

12 CHAIRPERSON AVELLA: Now, as  
13 Councilmember Lappin brought up, there have been  
14 issues about the size of the loading bays. What  
15 has been your experience in terms of the size of  
16 the trucks and the trailers that have been making  
17 deliveries? Because the few minutes I was out  
18 there I noticed a panel truck making a delivery  
19 that didn't appear to even fit in the loading  
20 dock, and this was a small truck, extending over  
21 into the sidewalk. So if you have a larger  
22 vehicle, you can't fit it in that loading bay. So  
23 what's been your experience and how do you say to  
24 respond to the Community's concerns that these are  
25 not legal loading bays, they don't fit the normal

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zoning requirements?

MELANIE MEYERS: I mean there's two pieces. If you go and you do the measurements they do. I mean they're 33 feet deep. From a delivery standpoint, Deborah, you'll correct me, I mean the deliveries range from sort of the trucks, the Fed Ex trucks that you see, I think the largest truck is 35, 38 feet? 38 feet is the largest scheduled delivery. So if you look at that 38-foot truck, you're right. It will extend out of the bays over the sidewalk. There's a truck lane that's immediately adjacent to it. So there's two lanes of moving traffic and there's a truck lane. And there will be on occasion there will be a truck that will extend into that truck lane. We don't believe that they extend beyond that point. It's not an ideal situation, but that is the largest truck that's used. It's not the typical truck, but it is the largest and that condition will exist.

DEBORAH M. SALE: And that truck lane is a truck loading lane.

CHAIRPERSON AVELLA: So again, obviously I'm not as familiar with the situation

1  
2 as you or Councilmember Lappin, but how many  
3 loading bays do you officially have on record at  
4 this point under the zoning code?

5 DEBORAH M. SALE: Two.

6 CHAIRPERSON AVELLA: Just two.

7 MELANIE MEYERS: Uh-huh.

8 CHAIRPERSON AVELLA: Because I've  
9 heard three being tossed around. So it's just  
10 two.

11 MELANIE MEYERS: Two from a legal  
12 standpoint. It's what the buildings department  
13 requires. And for the amount of hospital space,  
14 again, if you looked at the new project existing  
15 together, two would continue to be required.

16 CHAIRPERSON AVELLA: And even with  
17 the additional density, the additional  
18 construction, you're not going to be required to  
19 do anything beyond that?

20 MELANIE MEYERS: Because we are  
21 putting-- part of our special permit is to look at  
22 the two projects, the hospital's campus as one.  
23 It's on two different zoning lots. And if you  
24 were looking at it as two separate zoning lots,  
25 the development on the north zoning lot, on the

1 north side of 71st Street would require a loading  
2 berth to be located there. Zoning is weird. So  
3 the first 10,000 feet of development requires a  
4 loading berth. Then it's the next 290,000 that  
5 requires the next one. So, because the River  
6 building is 87,000 square feet it would require  
7 one if it was looked at as its own zoning lot. So  
8 we are asking for as part of the approval to look  
9 at it as one project. In that case it's about  
10 580,000 square feet together, which generates a  
11 required two loading bays.  
12

13 JESSICA S. LAPPIN: Thank you. I  
14 wanted to move to the other piece of this puzzle  
15 for me. Because the Esplanade is one of the view  
16 pieces of Park land that we have that provides  
17 open spaces not only for people who live in the  
18 immediate area, but connects people from the east  
19 60s all the way up north, well beyond the confines  
20 of my district. And I think you know, one of the  
21 things I'm most proud of in my time in office is  
22 helping to build three new waterfront parks in my  
23 district, two of which will add even greater  
24 connectivity to the Esplanade in the 60s and in  
25 the 50s. So it's important to me and it's

1  
2 important to people who live in the neighborhood  
3 to have a place where they can walk and run and  
4 ride a bike and be outdoors and be active, not  
5 just be in passive recreational space. And this  
6 project is going to shut down a piece of the  
7 Esplanade for, you said four to six months, it  
8 could conceivably be longer, I would imagine. But  
9 it's also going to bisect and really take a piece  
10 of the Esplanade and really make it into sort of a  
11 no man's land. It's going to be harder to access,  
12 and it's not going to really lead to anything.  
13 It's just going to be eight blocks, seven to eight  
14 blocks that don't really connect to anything else.  
15 So who's going to want to go running, right?  
16 Robert Jackson, you're not going to want to go  
17 running on seven blocks. So, our marathon runner.  
18 So that's something that I'm very, very concerned  
19 about. And you know I think for me certainly at  
20 this point one of the sticking points, and we're  
21 going to continue to talk and try to work that  
22 out. But, you know I wanted to give you an  
23 opportunity to explain to my colleagues at this  
24 point what you are willing to do in terms of the  
25 Esplanade.

DEBORAH M. SALE: Certainly. And I'll be happy to talk about that. If we could do this without closing the Esplanade for four to six months, obviously that would be preferable. But to lay the foundations for the building it's just, it's frankly not possible and it wouldn't be safe to try to do it and to keep it open during that period of time. We've already agreed with the Parks Department that we will pay a penalty for any month that we go beyond the six months. And we obviously have an incentive to go-- not be on the six months and perhaps to do that more quickly. And we originally estimated four to six months and I think it really depends on the conditions we find in the ground. What we have agreed to do and what we-- basically there was an agreement with the Parks Department, but then we've also talked with the Councilwoman and we have agreed further to repave and repair the pedestrian path. And frankly we're discussing boundaries. We're quite comfortable with doing that from 70th Street, which is where our Hospital begins to abut the Esplanade to 74th street, which is where Con Ed has a property. And we're quite

1  
2 comfortable operating in that space. We're going  
3 to talk with her about that. But, we will repave  
4 and repair the pedestrian path. We will install a  
5 water fountain in that area. We will install a  
6 groundwater hydrant in the intervals that it's  
7 needed to service that area so that the plantings  
8 and the trees can be watered and therefore they  
9 will survive. We will install plantings on the  
10 west side of the street of the Esplanade with the  
11 Parks Department developing a plan. We will  
12 install trees on the east side of the esplanade  
13 between 71st and 73rd street. We will paint the  
14 eastern rail of the seawall and the benches of the  
15 Esplanade and we will replace the fencing from 70th  
16 to 74th Street on the west side of the Esplanade.  
17 We're quite willing to do that and we certainly  
18 will work with the Councilwoman to address her  
19 interests in furthering the beauty and the utility  
20 of the Esplanade Park.

21 JESSICA S. LAPPIN: What's the area  
22 you're going to be tearing up?

23 DEBORAH M. SALE: A half block,  
24 essentially between 71st Street and 72nd Street.

25 MELANIE MEYERS: Sort of the mid-

point.

DEBORAH M. SALE: The building is between, it's a half block extending from 71st to 70-- between to a half block, you know a half block in. So that is essentially what we would anticipate will be torn up. The other thing that we did agree to--

JESSICA S. LAPPIN: [Interposing] I'm sorry. Well, what are you shutting down?

DEBORAH M. SALE: That part. That half block.

JESSICA S. LAPPIN: You're shutting down more than just the half a block. You're shutting down the half a block--

DEBORAH M. SALE: [Interposing] Well, we're shutting down the half block. We are building a temporary ramp to the south so that people can continue to come on to the Esplanade from 71st Street as they do now. And instead of taking the switch back ramp, which will be dismantled, and then reassembled, the ramp is a little hard to see here. But it may be a little easier to see with the building itself.

LANCE MICHAELS: This is the



1  
2 building. This is 72nd Street. This is 71st  
3 Street. This area in here.

4 DEBORAH M. SALE: Oh, I'm sorry.  
5 This is Lance Michaels who is basically trying to  
6 show us this. But basically the area where the  
7 pointer is red is where the Esplanade switchback  
8 is. That's the current path to the Esplanade, you  
9 come up beside our building and then you go back  
10 and forth and back and forth to get on to the  
11 Esplanade. That switchback will be dismantled and  
12 to the south we will build a temporary ramp that  
13 will allow access to the southern part of the  
14 Esplanade. And that will be done before we take  
15 the ramp down, essentially. So that will be  
16 immediately accessible. Coming from the north the  
17 closest entrance to the Esplanade is at 78th  
18 Street. So that if you were coming down the  
19 Esplanade, we obviously, we will sign all this and  
20 we agreed with the Parks Department to do this.  
21 But if you were coming down the Esplanade from the  
22 northern part of the Esplanade, you would either  
23 have to leave the Esplanade at 78th Street or you  
24 would come, you would actually run into this  
25 disrupted part if you came on down to 72nd Street.

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So.

JESSICA S. LAPPIN: Well, and I interrupted you. There was something else you wanted to mention, I believe.

DEBORAH M. SALE: Just the Overlook Park. The other thing that actually happened because we were looking at this site together, the Councilwoman and I, there's a little overlook park that's at 72nd Street. That overlook park is a vest pocket park that the City of New York currently maintains. And what we suggested that we could do and I believe the Councilwoman believes that we should do this, is that we would extend our maintenance to that park. We would repair it and we would extend our maintenance to that park. It isn't exactly physically within our campus, but it's very near and we already do maintenance in that area. We have rental buildings that are on that street. And it's, you know, the City, frankly, it's very difficult for the City to maintain those little tiny parks. And so we felt that we could keep it cleaner, that we could do the upkeep in a more ongoing way, and we're very willing to work with the Parks

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Department to create a plan to do that.

JESSICA S. LAPPIN: Okay. I don't have any more questions. I certainly appreciate what you have suggested today on both parking and on parks. I think we still have a little ways to go in terms of giving back to the community for what they really are going to be sacrificing for that four to six months. So I look forward to continuing to talk to you, and I appreciate the Chair's indulgence in laying over the vote on this item so that we continue to discuss it.

DEBORAH M. SALE: Thank you.

CHAIRPERSON AVELLA: I just have one other point that I sort of remembered from my little tour the other day.

DEBORAH M. SALE: Sure.

CHAIRPERSON AVELLA: There's a spot on the existing building that has apparently had some sort of pipe coming out of the building. And the pipe has been removed but periodically water actually spurts out of the building.

JESSICA S. LAPPIN: Yes. It missed me by about this much.

CHAIRPERSON AVELLA: I saw it just

1 almost drench somebody walking on the Esplanade.

2 DEBORAH M. SALE: On the Esplanade  
3 from--

4 CHAIRPERSON AVELLA: [Interposing]  
5 And you can see there's a pool of water. Yeah,  
6 from your building.

7 DEBORAH M. SALE: Oh, okay.

8 JESSICA S. LAPPIN: It's from your  
9 HVAC or your air conditioning thing or something.

10 DEBORAH M. SALE: It's from the  
11 Esplanade.

12 MELANIE MEYERS: We'll take a look  
13 at it.

14 DEBORAH M. SALE: We have-- this is  
15 Neil Costagon is a [phonetic]--

16 CHAIRPERSON AVELLA: [Interposing]  
17 You can't miss it because it happens with such  
18 regularity that there's a pool or a puddle of  
19 water.

20 JESSICA S. LAPPIN: I would say  
21 every five minutes or so. It's pretty frequent.  
22 Every five to seven minutes or so.

23 DEBORAH M. SALE: Okay.

24 JESSICA S. LAPPIN: It just dumps  
25

1  
2 water right on the Esplanade.

3 DEBORAH M. SALE: We'll take a  
4 look. Frankly, obviously we didn't know this.  
5 But we'll take a look at this.

6 CHAIRPERSON AVELLA: It's something  
7 that's clearly wrong. And this poor person was  
8 walking their dogs, all of a sudden got it and  
9 looks up to see where it's raining from.

10 DEBORAH M. SALE: We'll figure this  
11 out. We were not aware of that, but thank you for  
12 brining it to our attention. Thank you.

13 CHAIRPERSON AVELLA: Seeing no  
14 other questions, we'll proceed to the public  
15 hearing.

16 [Break in Audio]

17 CHAIRPERSON AVELLA: We'll do  
18 alternating panels. And of course I would  
19 certainly ask for everybody's appreciation given  
20 the lateness of the hours. Sam Manowitz  
21 [phonetic].

22 [Break in Audio]

23 CHAIRPERSON AVELLA: Barry  
24 Schneider [phonetic]. Tammy Stran [phonetic].  
25 And Eric Arsman [phonetic].

2 [Break in Audio]

3 CHAIRPERSON AVELLA: And having  
4 chaired some of these hearings when it comes to  
5 hospitals, I know there will be, I'm sure, some  
6 people who will testify that they went to the  
7 hospital and they got great service. And of  
8 course, we expect to hear that. But if that's  
9 going to be your testimony, please shorten it.  
10 Because really, no one is here to question what a  
11 great service the hospital does. But we're here  
12 to talk about the actual application. Sir?

13 [Break in Audio]

14 CHAIRPERSON AVELLA: There you go.

15 SAM MANOWITZ: My name is Sam  
16 Manowitz. I'm a young 80-year-old man, a New  
17 Yorker. I've been living on the West Side for the  
18 last 30 years. About 10 or 12 years ago I was  
19 told that I needed a new knee. And being a bit of  
20 a coward I'd been putting it off for a long, long  
21 time. I'm also active in the JCC on the Upper  
22 West Side, the Jewish Community Center, which has  
23 a great many senior citizens. And of course one  
24 of the discussions is always on health. And in  
25 our discussions since we are an aging population,

1  
2 knee replacements, hip replacements, shoulder  
3 replacements is a very common occurrence. And we  
4 discuss hospitals, doctors. And the name HSS  
5 Special Surgery always comes up, always approved,  
6 always highly rated, which I think is very  
7 comfortable having this institution in this city.  
8 I was operated on one year ago and I'm sitting  
9 here, so you know I'm happy with the surgery.  
10 But, this group and I hate to say, maybe we're  
11 living too long, but we're going to have a lot of  
12 parts replaced. The need for this hospital is  
13 great. Two of my friends last week had  
14 replacements at HSS. I met people who come from  
15 Florida, Philadelphia, Washington DC, this  
16 institution is not only local-- I think it has to  
17 keep on growing. There's only one compliant I  
18 had, I hate to say it, but not against the  
19 hospital, but after four days after surgery I was  
20 transported to another hospital for rehab because  
21 they don't have the facilities there. This is the  
22 number one ranked hospital in the country for  
23 orthopedic surgery and they have to transfer you  
24 to another facility for rehab; either because  
25 there's not enough space or whatever reason it is.

1  
2 And I think additional space here is a necessity.  
3 This is important to the City of New York, I  
4 think, to keep this facility here and growing.  
5 And that's my short speech.

6 [Break in Audio]

7 BARRY SCHNEIDER: Good afternoon  
8 Chairman Avella, Councilmember Lappin,  
9 Councilmember Vann, Councilmember Jackson. My  
10 name is Barry Schneider and I'm the president of  
11 the East 60s Neighborhood Association on the Upper  
12 East Side. I just ask you to do your job, which  
13 is to consider the application, before you realize  
14 the proposed building is not a big box store. Nor  
15 is it encroaching by an insensitive redeveloper.  
16 It's a modest enhancement of a not for profit well  
17 renowned healthcare facility. The applicant is in  
18 the business of restoring lives, hopes and  
19 aspirations. The folks who will enter the new  
20 facility seeking a very special surgery that only  
21 the Hospital For Special Surgery can offer, have  
22 their view of the world severely compromised.  
23 When one cannot move easily, one's horizons shrink  
24 incredibly. HSS's mission is not to take away  
25 from life's enjoyment, but to add to it. HSS has



1  
2 been a very special neighbor as well. They've  
3 reached out to the community time and time again  
4 during this process. They've come to the  
5 community board, on which I've had the privilege  
6 of serving as a member, having been chair of the  
7 board from 1998 to 2000. And they have met with  
8 members of the adjacent buildings in an effort to  
9 build the best possible facility for all involved.  
10 And I can attest that they have seriously  
11 addressed with other institutions along York  
12 Avenue Corridor the matter of traffic congestion  
13 as you've heard here and you'll hear again. And  
14 in doing so, what they've done is they've gone  
15 about it in a very professional manner. They did  
16 not leave it to the dilettantes to offer anecdotal  
17 solutions. They've engaged the services of one of  
18 the City's and nay, one of the world's premiere  
19 traffic engineering firms, headed by the New York  
20 City former transportation commissioner, Sam  
21 Schwartz. I have every confidence that HSS will  
22 again do the right thing. And in the interest of  
23 full disclosure, Chairman Avella, I must tell you  
24 that the hospital and I are joined at the hip, the  
25 right hip.

1  
2                   CHAIRPERSON AVELLA: We're having  
3 problems with the clock. So, it's going to be  
4 very hard to time everybody. Again, I would just  
5 ask people to be brief and you know, recognize the  
6 fact nobody's questioning the integrity of the  
7 hospital or the great service they do. Really the  
8 focus of your testimony should be on the actual  
9 application. And I would urge you to please to do  
10 that.

11                   ERIC ARSMAN: Good afternoon. My  
12 name is Eric Arsmán. I'm a Senior Vice President  
13 of Sam Schwartz Engineering. I'm a licensed  
14 professional engineer in the state of New York  
15 with over 13 years of experience in transportation  
16 engineering. At the request of the Hospital for  
17 Special Surgery, Sam Schwartz Engineering reviewed  
18 the plans for new River building, specifically we  
19 were asked to observe existing conditions as well  
20 as to review the proposals made by the hospital as  
21 well as to review loading activity and operations.  
22 71st Street was the particular focus of our  
23 review. 71st Street is a one-way roadway that  
24 feeds traffic exiting the south bound FDR Drive  
25 onto York Avenue and other points west of the

1  
2 site. A small portion of this roadway is two-way  
3 adjacent to York Avenue to provide access to New  
4 York Presbyterian Hospital loading docks. There  
5 are a number of competing on the roadway including  
6 loading, drop offs and traffic exiting the  
7 highway. I'd like to note that over a month ago  
8 the Hospital for Special Surgery hired additional  
9 security personnel dedicated to assisting  
10 operation of 71st Street. At the mid-block cross  
11 walk on 71st Street security facilitates patient  
12 and other pedestrian crossings as well as  
13 expediting drop offs along the street. This  
14 successful implementation improved operations on  
15 the street and will be provided for the  
16 foreseeable future. In further addressing  
17 operation concerns the hospital is committed to  
18 some additional measures over the course of the  
19 next few months. These include shifting  
20 approximately 10% of daily truck deliveries to the  
21 East 70th Street loading docks and shifting 10% of  
22 the morning deliveries to the less congested mid-  
23 afternoon peak. The hospital will also install a  
24 liquid nitrogen tank that will reduce deliveries  
25 by two trucks per week. In the longer term there

1  
2 will be further measures. The handling and  
3 distribution area within the hospital adjacent to  
4 the loading docks will be expanding to allow more  
5 efficient deliveries and further shifting of this  
6 activity to less congested times. Also, an  
7 emergency generator on East 70th Street will be  
8 removed providing additional loading space outside  
9 of the more trafficked areas. These short term  
10 and long-term measures will further enhance the  
11 improvements the hospital has already made.

12 Beyond these measures there are other factors that  
13 should also affect change on 71st Street.

14 Construction by another institution is currently  
15 reducing the capacity on the street due to  
16 barricades and trailers. This is scheduled for  
17 completion in December. Once complete the  
18 Hospital for Special Surgery has asked DOT and DOT  
19 has committed to repaving East 71st Street in the  
20 spring of 2009. This repaving will also allow for  
21 better marking of travel lanes, crosswalks and  
22 loading areas, which will aid traffic flow. As an  
23 example, our site visit last week revealed  
24 locations where canalization and simple roadway  
25 alignment through markings could increase capacity

1  
2 on 71st Street and provide additional space for  
3 loadings and drop offs. These sorts of measures  
4 would be discussed with DOT. In addition I have  
5 been informed that the Hospital for Special  
6 Surgery along with other area institutions have  
7 offered to undertake an area wide study of traffic  
8 in coordination with Community Board 8 and DOT.  
9 When performed this study would include the review  
10 of operations, possible street improvement and  
11 other measures in the vicinity. This, in  
12 conjunction with the repaving of 71st Street, will  
13 provide additional opportunities for improvements.  
14 In summary, the Hospital has already taken steps  
15 to improve traffic flow in the area. The  
16 additional steps recommended by the Hospital and  
17 further measures to be studied in the near futures  
18 will allow 71st Street to operate more efficiently  
19 with the River building than it does today. Thank  
20 you for your time.

21 [Break in Audio]

22 TAMMY STRAN: I'm sorry. My name  
23 is Tammy Stran. I'm a resident of New York City  
24 and active patient at the Hospital for Special  
25 Surgery. I a lot of what I was going to say would

1  
2 be redundant at this point in this hearing. I can  
3 only say that because of the service that I  
4 receive on an ongoing basis at the Hospital, I'm  
5 able to live a very active, full life in this City  
6 that has enormous things for senior citizens that  
7 are able to get around and do things that they  
8 want to do. I can give you a total, you know,  
9 roster of every doctor I've gone to in the  
10 hospital and continue to go to; but I think that's  
11 unnecessary at this point. A hospital must grow  
12 in order to take care of its patients. Thank you.

13 CHAIRPERSON AVELLA: Thank you. We  
14 will now have a panel in opposition, Dennis Alex  
15 [phonetic], Daniel Richmond [phonetic] and is it  
16 Ernest or Ernie Hudson [phonetic].

17 [Break in Audio]

18 CHAIRPERSON AVELLA: Go ahead.

19 DANIEL RICHMOND: I'll go first  
20 then.

21 [Break in Audio]

22 DANIEL RICHMOND: Good afternoon  
23 Chair, Jessica, good afternoon. Good to see you  
24 again. My name is Dan Richmond; I'm with the law  
25 firm of Zarin and Steinmetz, which has been

1 retained by the residents of the Edgewater, which  
2 is located at 530 East 72nd Street in connection  
3 with these proceedings. I want to be clear that  
4 the last thing that Edgewater wants to be engaged  
5 in, and other area residents that I know who are  
6 also concerned about this project, is getting in  
7 the way for the expansion of the hospital. We  
8 have respect for hospital. They're concerned  
9 about its impact. To date, however, the applicant  
10 and the proceedings that heretofore have been held  
11 have shown a marked - - to any real alternatives,  
12 which are consultants indicate are feasible that  
13 would allow for the development to take place in a  
14 far less impact manner. We believe that this  
15 ambitious project can be accomplished in a far  
16 less impactful way than is presently being  
17 proposed, without improper spot zoning, park land  
18 alienation or other adverse impacts that we are  
19 concerned about, and which would maintain access  
20 to the East River Esplanade, offer more protection  
21 for views of the River, light and air and historic  
22 resources, particularly from public open spaces,  
23 particularly along the Esplanade and the 72nd  
24 Street overlook. As the Committee is aware, the  
25

1  
2 importance of maintaining the City's waterfront as  
3 open, accessible, recreational and available and  
4 esthetically pleasing is firmly embedded in the  
5 City's land use policies, including the Waterfront  
6 Revitalization Plan, which significantly requires  
7 a thorough vetting of all the alternatives.

8 Again, however, the study to date-- in fact the  
9 Edgewater consultants have indicated that there  
10 are feasible ways of reducing the project's impact  
11 on an esthetic, visual and resources, such as  
12 through shifting the mass and bulk of the project  
13 away from significant view corridors that now  
14 exist, from the 72nd Street overlook, for example.

15 The EIS, however, issued by the CPC lacked any  
16 serious discussion of design alternatives. We  
17 implore the City Council to join with those  
18 members of the City Planning Commission whose vote  
19 clearly dissented from the project, as well from  
20 the Borough President, who asked the applicant to  
21 work with affected neighbors, community  
22 stakeholders, Community Board 8, to engage of a  
23 serious discussion of design alternatives that  
24 would enable the project to take place in a far  
25 less impactful manner. And with me is Ernest



1  
2 Hutton who is the project's planning consultant,  
3 who has helped us investigate various design  
4 alternatives.

5 ERNEST HUTTON: Thanks. Yes. I'm  
6 Ernest Hutton. I'm a City Planner and Urban  
7 Designer, a fellow of the American Institute of  
8 City Planning and an associate of AIA. I'm based  
9 in New York City, but in my professional work,  
10 among other projects, I'm acting as a planning  
11 advisor to the Providence City Council. So I am  
12 aware of your legislative concerns in looking at  
13 projects like this. The 1973 agreement did give  
14 the right to expand over the FDR, but in return  
15 for demonstrating that it results in a good site  
16 plan, and in other words, the location and  
17 distribution of the bulk in relation to the  
18 existing buildings on the site and in the area.  
19 So these are the review criteria that must be  
20 considered in looking at this alternative designs  
21 should be explored, but have not been sufficiently  
22 done so to date in conjunction with the community.  
23 One of the issues that we have is in terms of  
24 light and air, which is a basis for the New York  
25 City zoning code from its beginning, referring not

1  
2 only to direct sunlight but also the amount of sky  
3 available for ambient light. And buildings such  
4 as the current proposal dramatically reduce the  
5 amount of sky, create a canyon effect. For  
6 instance, looking at these drawings, these photo  
7 montages that were done by the Environment  
8 Simulation Center. This existing view looking  
9 south from the 72nd Street Plaza shows the  
10 historic 59th Street Bridge in the background.  
11 This is the 72nd Street overlook, a public  
12 overlook that you all visited, I believe, when you  
13 were out there. And you can see the view of the  
14 water and of the bridge, which is part of the  
15 panoramic sweep that goes from south to north,  
16 really makes this overlook meaningful. You can  
17 see also in the second diagram, the impact of the  
18 building on that, which completely cut off the  
19 lower portion of that panoramic view. These  
20 drawings show the existing view looking south from  
21 the Esplanade. And when you're on the Esplanade  
22 you're not cutting off the view itself, you are  
23 cutting off a lot of light and air in terms of the  
24 impact on the Esplanade itself. And finally in  
25 terms of existing buildings--

[Break in Audio]

ERNEST HUTTON: Criteria that's spelled out in the zoning in terms of the definition of a good site plan in respect to existing buildings. This is the existing view looking southeast from one of the buildings, Edgewater Apartments. And you can see the views and light and air that you see there. And this view shows the impact of the building on those views, again, cutting off much of the light and air. This is a difficult situation, obviously. Because you've got the right to build over, a public right of way, but you're impacting private buildings as well as public overlooks. There are many ways to skin a cat and what we're asking is that there be more consideration given than has been given to date in terms of alternatives that need to be looked at in terms of how to mitigate some of these very important impacts.

DENNIS ALEX: Hi, my name is Dennis Alex. I reside at 530 East 72nd Street. I've been involved with this project from the Community Board where I went and spoke and I addressed some of the issues that we had. I addressed some of

1  
2 these issues with Mr. Stringer's office and he had  
3 indicated that he had no concern about the loading  
4 docks, because he was informed by the hospital  
5 that they had four loading berths. That's what  
6 the certified. They did a self-certification.  
7 They certified in their site plan that they had  
8 four loading berths. Okay. And it's interesting  
9 that at the City Planning Commission there were a  
10 couple of people that voted against this plan, one  
11 of which was Irwin Cantor. And he said that the  
12 Hospital representatives presented consciously  
13 flawed information to the Commission, one of the  
14 reasons why he voted against it. And one of the  
15 things that he was addressing was the whole issue  
16 of the loading berths. And again here I head that  
17 the hospital has two loading berths now on 71st  
18 Street that comply with the regulations. The  
19 Hospital itself has supplied a site plan that  
20 shows the size of their loading berths, and I  
21 think I gave a copy to Councilperson Lappin. And  
22 it shows the size of the loading berths, and  
23 they're not 33 feet deep, and they're not 24 feet  
24 wide, which is required in order to have two  
25 loading berths. It's 19 feet wide and it's 20

1 feet deep. And I kind of heard something along  
2 the lines of, well, when they were built they were  
3 okay. But what was okay when they were built were  
4 okay for those particular properties that were  
5 built in that time. To try now to say that what  
6 was a non-conforming loading berth back-- or what  
7 was a conforming berth prior to 1961 when the  
8 zoning laws were changed is now okay for any  
9 additional increases in size of a zoning lot now,  
10 is inappropriate. We have to comply-- if you're  
11 going to put a building today, you have to comply  
12 with the current regulations. The current  
13 regulations are very, very clear as far as the  
14 size is concerned. You need one that's 12 feet  
15 wide that's 33 feet deep that's 12 high. None of  
16 the loading berths that the hospital says are  
17 complying loading berths actually comply. And  
18 it's one of the reasons why Irwin Cantor said,  
19 don't come to us and give us false information.  
20 And I was very, very shocked and surprised to see  
21 that once again in front of this body you were  
22 getting the same thing. No one denies that this  
23 hospital is a wonderful hospital, that they do  
24 great things. And we're not looking at it from  
25

1  
2 that standpoint. What we are doing is we're  
3 looking at it from the standpoint of saying, why  
4 is it that we can't live together in this  
5 neighborhood. It's a residential neighborhood.  
6 Why can't we have a project that works and helps  
7 to support the residents of the neighborhood as  
8 well as supporting the hospital? And we're not  
9 getting any assistance from the hospital as far as  
10 addressing those issues. So we're concerned about  
11 that and we're concerned about the fact that if  
12 you're going to comply with the law, God knows you  
13 can do what you want to do, but don't come in  
14 there and don't say we comply when we don't  
15 comply. It just doesn't make any sense. And it  
16 goes back to the original building that was built  
17 over the FDR. Again at that time the hospital  
18 represented, we have four loading berths on 71st  
19 Street. No one addressed it, no one checked it.  
20 No one did anything about it. So that 1993  
21 building that was constructed over the FDR that  
22 they now want to add three floors too, was based  
23 on information that was improper. It shouldn't  
24 have been approved in the first place, yet it was.  
25 I just want to close addressing some of the issues

1  
2 that were talked about as far as the traffic is  
3 concerned. This is a picture I took yesterday in  
4 the morning. And what it shows is a tractor  
5 trailer truck parked on 71st Street at the very  
6 entrance of the FDR Drive, where a car is coming  
7 around the corner, trying to make the sweep and is  
8 going to smack into this-- can you pass this for  
9 me, please? And is going to smack into the back  
10 of materials that have been laid out on the ground  
11 being unloaded from a tractor trailer truck. This  
12 morning when I walked by that area, I go down to  
13 the Esplanade, I run down there, there were trucks  
14 parked on either side. There were trucks parked  
15 on the north side, there were trucks parked on the  
16 south side of the roadway. And they were both  
17 unloading simultaneously. So nothing is really  
18 being done there in order to address those issues.  
19 Thank you.

20 CHAIRPERSON AVELLA: Do you have a  
21 question? Otherwise we'll go into the last panel.

22 JESSICA S. LAPPIN: I do. I did  
23 have a question, which was just; you know I know  
24 you've spent a lot of time and effort working on  
25 this. And I guess my question to Mr. Alex would

1  
2 be, and you heard today what the hospital is  
3 proposing in terms of adding capacity to do  
4 loading and unloading. What alternatives, either  
5 in addition or instead, would you propose?

6 DENNIS ALEX: I think that if you  
7 look at the text amendment, that the Hospital has  
8 proposed that this body approve, it talks about  
9 how it is that you can relocate your loading  
10 berths into a different area. And it talks about  
11 the fact that they have to be adequate and it  
12 talks about the fact that they have to be able to  
13 be in a place where you can unload and not have to  
14 cross the streets in order to get to the different  
15 facilities. And the real problem here is that  
16 they don't have that capacity. What they have is  
17 they have an area where items are constantly being  
18 crossed in front of traffic across the street from  
19 where they stop. The trucks still stop wherever  
20 they want to. Yes, they do have security people  
21 there and I've talked to them and they're very,  
22 very nice and they're trying to do the best they  
23 can. But this is a situation where it's very  
24 difficult to handle those situations. What would  
25 I do? Well I guess what I would try to do is I



1  
2 would try to come up with some way of creating  
3 legal loading berths. I mean what's required in  
4 this particular instance is you have to have the  
5 loading berths. In order to get a special permit  
6 it's required that you have these loading berths.  
7 And they have to meet the minimum requirements as  
8 far as size is concerned. They're not able to do  
9 that, but what they're trying to do is build here  
10 anyway. I'm suggesting that in this particular  
11 instance, this is a neighborhood. This is a  
12 residential zone. It's an R9 zone. And in an R9  
13 zone, it's meant to help protect the residents.  
14 And if you can't do it by building what you want  
15 to build, then maybe you shouldn't build it. I  
16 don't want to see the hospital not be able to  
17 build. I'd like to see them expand. I just want  
18 them to do it in a way that's reasonable and makes  
19 sense to us. I'm not a traffic engineer. I don't  
20 know how to tell you how they can make it better,  
21 but certainly if they can come up with an  
22 alternative plan that makes some sense, I'm  
23 willing to listen. I'm willing to be open minded  
24 to it. But what I'm suggesting here is that if in  
25 fact the laws mean anything, and I suspect that

1  
2 they do, and if in fact in order to have a special  
3 permit approved, you have to comply with the  
4 zoning regulations of the City of New York, then I  
5 think that you have to comply. And in coming in  
6 here and saying, well, they're adequate-- I mean  
7 one of the reasons why they're talking about doing  
8 all of these crazy things they're talking about  
9 doing in order to make it work better is because  
10 they don't have adequate loading berths in the  
11 first place. And so what we're trying to do here  
12 is put on this façade that well, they're okay  
13 because we're going to do all of these things.  
14 No, they're not okay. They don't comply with the  
15 regulations; they don't comply with the law. It's  
16 as simple as that.

17 CHAIRPERSON AVELLA: I too want to  
18 thank you for the research that you've done in  
19 this. And you actually gave me the tour  
20 yesterday. One of the things you haven't had a  
21 chance to mention is, because you are on three  
22 minutes, is the building that's across the street  
23 which we talked about, and you mentioned to me how  
24 they're, the hospital is operating a hotel. And I  
25 was like, sort of surprised. Why would a hospital

1  
2 be operating a hotel? And I said to you, do you  
3 have any proof of that. And I'd like you to  
4 mention what you did to in effect demonstrate to  
5 me that the hospital is operating a hotel.

6 DENNIS ALEX: Well, what I did is  
7 there's a website in New York, it's Hospitals.org.  
8 I went to Hospitals.org. I typed in an address.  
9 I got the address of the Bel Air, which is the  
10 building next door to the Edgewater which also is  
11 on, it straddles 71st and 72nd Street. And there  
12 was a number there, it's the Bel Air Guest  
13 Quarters. I called that number. I said I'd like  
14 to make reservations, and I gave them some  
15 specific dates. The person at the desk said let  
16 me check and see what's available. They then told  
17 me, well yeah those dates are available and gave  
18 me a quote of \$459 a night. The problem with why  
19 I was concerned about that was again, it's an R9  
20 zone. It's a residential zone and I looked at the  
21 zoning regulations to see whether or not a  
22 hospital is permitted in this zone, and I noticed  
23 that there is no provision for a hospital in this  
24 particular zone. There's an also a site on the  
25 internet, the internet is such a wonderful thing,

1  
2 that provides for certificates of occupancy  
3 information for any building in the City of New  
4 York. And so I put in the Bel Air building to see  
5 whether or not they had the appropriate  
6 certificate of occupancy for running a hotel, and  
7 they didn't. They had certificates of occupancy  
8 for residential, for staff residents for  
9 apartments, but not for hotel use.

10 [Break in Audio]

11 DANIEL RICHMOND: Sorry. My name  
12 is Dan Richmond, again, with the law offices of  
13 Zarin and Steinmetz. I think why this is relevant  
14 to this discussion is in the search for  
15 alternatives, in addition to the bulk  
16 modifications we talked about on the site they're  
17 proposing FDR, one of the things that we suggested  
18 that we never heard, I don't think I ever heard a  
19 real response to, was something we raised in the  
20 DEIS and wasn't addressed in the FEIS, is that  
21 what, you know, you're referring to as the hotel  
22 area is our understanding it's 113,000 square feet  
23 of space that could potentially be used for  
24 locating some of the area that the hospital is  
25 indicating it needs.

CHAIRPERSON AVELLA: That's why I raised the question.

DANIEL RICHMOND: Right.

CHAIRPERSON AVELLA: Thank you. We have one more panel in favor. Doris Bauth [phonetic], Nancy Hall [phonetic] and Judith Schneider.

[Break in Audio]

CHAIRPERSON AVELLA: Yeah, that would be actually - - yeah, call them up.

[Break in Audio]

CHAIRPERSON AVELLA: Please, somebody start talking.

[Laughter]

[Break in Audio]

DORIS BAUTH: I'm Doris Bauth. Is that about the right tone? All right. I grew up in San Antonio, Texas and now I am a very satisfied, happy citizen of New York City. I am a more than satisfied patient of the Hospital for Special Surgery and an enthusiastic supporter. I've been a patient for 30 years. The first time, as a result of an ice skating accident at Rockefeller Center, where I fractured my patella,

1  
2 better known as the kneecap. I took a cab to the  
3 Hospital for Special Surgery where Dr. John  
4 Marshall, who was at that time to be our-- and I  
5 still, when I say our I am referring to the  
6 Hospital I feel so much of a part of it, anyway,  
7 he was to be the knee surgeon for the United  
8 States at the Olympics at Lake Placid. And he did  
9 the surgery and most unfortunately he died in a  
10 plane accident on the way to the Olympics.  
11 Everybody at HSS was very saddened. Over the  
12 years since that time I've had an elbow  
13 replacement and next a hip replacement followed by  
14 shoulder replacement, and last of the replacements  
15 my first elbow replacement was replaced two years  
16 ago. The three major replacements were all a  
17 result of falling. My late husband who called me  
18 a klutz said we're most fortunate that I was moved  
19 to New York City, where you've got the best  
20 orthopedic hospital in the world. As a result of  
21 my surgery and also the other doctors that I have  
22 there I'm a very active person. I swim four times  
23 a week. And I've figured I do about three-  
24 quarters of a mile walking every day. I have to  
25 put this in, that two times I really had to fight

1  
2 verbally to get here when I had fractured my hip  
3 in my apartment. I called 911. The ambulance  
4 wanted to take me to the neighborhood hospital and  
5 I refused and remembering Martin Luther King I  
6 said I know my rights. You have to take us, I'm  
7 not having a heart attack, you have to take me to  
8 the hospital of my choice here in New York City.  
9 So I won that--

10 CHAIRPERSON AVELLA: [Interposing]  
11 Ma'am, if I can ask you--

12 DORIS BAUTH: [Interposing] Battle.

13 CHAIRPERSON AVELLA: To sum up.

14 DORIS BAUTH: What's that?

15 CHAIRPERSON AVELLA: If I could ask  
16 you to sum up. You've run over time.

17 DORIS BAUTH: All right. Okay.

18 Well, as a result I have become a volunteer at the  
19 hospital and I have been for ten years. And I was  
20 going to mention that some of my experiences  
21 showed me the need of expansion where in the  
22 waiting room, we had bring chairs in for the crowd  
23 and in pre-op sometimes put three people in a room  
24 for two and so forth. All right. Last paragraph.

25 CHAIRPERSON AVELLA: No. I'm going

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to actually cut you off. I hate to do this.

DORIS BAUTH: That's the best part.

CHAIRPERSON AVELLA: You have gone over time and I think you know, and for the last two speakers, again, nobody questions the great work of the hospital. What we're here to discuss is the actual application. And testimony to that effect can be much more effective than, I was a patient there, I got great service and the doctors were great. We all know that. That we take for granted. Nobody's here to say otherwise. So, you know, the testimony really should be about the actual application. And I'll say that again. Next speaker.

NANCY HALL: Hello. Good afternoon. My name is Nancy Hall. I did wait a couple hours to tell my story. And I hope you think it does pertain to today application. I'd like to tell it. I've abbreviated it as you've asked. I am the face; the flesh and blood part of this petition to let the Hospital for Special Surgery do whatever it needs to help more people like me. And here's a part of my story. I was diagnosed with osteoarthritis at the age of 36 and



1  
2 by the time I was 47 years old, I was for all  
3 intensive purposes a crippled person. I felt  
4 desperate. I walked with a severe limp. And I  
5 was living at Fort Sill, Oklahoma at the time with  
6 my then husband, who was a Colonel. And I'd  
7 already been seen by orthopedic docs at Brooks  
8 Army Medical Center, Walter Reid. And at Walter  
9 Reid they were willing to do the surgery for me.  
10 They used one type of prosthesis and I would have  
11 had a large incision running down my left leg  
12 almost the length of my thigh. I believe as a  
13 direct answer to prayer I was given Dr. Skulco's  
14 [phonetic] name and number while I was still in  
15 Oklahoma. And I on a visit to my parent's home in  
16 New York City and I called Mary, Dr. Skulco's  
17 secretary. I had no idea that he had a four month  
18 waiting list, but she fit me in. And I can still  
19 remember when Dr. Skulco and I met. He asked me,  
20 Nancy, how did you hear about the Hospital for  
21 Special Surgery. And I blurted out, God. And of  
22 course God would only send me to the best  
23 Hospital, wouldn't he? And if the Hospital is  
24 running a hotel that you know about, the Bel Air,  
25 I was aware of that when I went there. Then it

1  
2 does so in the service of families and people like  
3 me who fly in from everywhere in the world to come  
4 there and need their families there as they're  
5 going through a recovery from a major surgery. No  
6 one else offered me the ion infused ceramic  
7 femoral head prosthesis, custom fitted to my body.  
8 And Dr. Skulco was so confident. When I asked him  
9 how large the incision would be, he said about  
10 four inches. And I thought I misheard. But that  
11 is how small it is. I consider the whole  
12 experience at the Hospital for Special Surgery to  
13 have been a great blessing. Dr. Skulco also  
14 waived his surgeon's fee for me for my first  
15 surgery. Was it because my husband was still  
16 active duty and Dr. Skulco had served in the air  
17 force? I don't know. But I am still so grateful.  
18 And I do know that I have received a great  
19 kindness and a great surgery and it totally  
20 transformed life because of the great Hospital for  
21 Special Surgery. In closing I'd like to say this  
22 too, when you think of your fellow man and the  
23 pleasure that comes from enjoying walking and  
24 running on the Esplanade, think of it this way, a  
25 piece of the Esplanade will be shut down for four

1  
2 to six months compared to years of debilitation  
3 for someone like me that was completely changed  
4 after several hours of surgery. Thank you.

5 JUDITH SCHNIEDER: Good afternoon,  
6 Chairman Avella. My name is Judith Schneider and  
7 I've been a resident of 1st Avenue and 64th Street  
8 for over 40 years. And I'm here today to support  
9 the nation's premiere orthopedic institution. And  
10 due to the fact that most things have been said  
11 that I wanted to say, I'll cut my remarks to only  
12 one point. That I think the Hospital is a very  
13 vital and vibrant part of our community. Not only  
14 do they supply critically important healthcare,  
15 but they are a major employer in our community.  
16 And the employees live in our community. And I  
17 think going to all these hearings as I have done  
18 over the years, people tend to forget that the  
19 community isn't just made up of residents. They  
20 talk about a residential community. We heard that  
21 earlier. The community is made up of residents,  
22 it's made up of businesses, it's made up of  
23 institutions. And we have to support these people  
24 if we want our community to be vibrant and to  
25 grow. Thank you for listening to me.

2 CHAIRPERSON AVELLA: Thank you.

3 Seeing no one else, lined up to speak on this  
4 item, I'll close the public hearing. And do so--

5 [Break in Audio]

6 CHAIRPERSON AVELLA: Right, right.

7 Although the public hearing is closed, I'd like to  
8 call the Hospital back to respond to the issue of  
9 the hotel. I would say that at the request of  
10 Councilmember Lappin the vote on the Hospital for  
11 Special Surgery will be laid over until October  
12 2nd. All the other items that were heard today  
13 will be voted on tomorrow morning at 9:45. I will  
14 recess this meeting until tomorrow, which is 15  
15 minutes before the Land Use meeting, as you can  
16 see, I don't have any quorum left.

17 MELANIE MEYERS: Hi. It's Melanie  
18 Meyers from Fried Frank again. If I could respond  
19 to that point. The Hospital occupies the lower 12  
20 stories of the Bel Air building. The upper floors  
21 are residential, it's a condominium. There's zero  
22 relationship between those two. Of those 12  
23 floors, they're entirely used 100% for hospital  
24 purposes. Three of those floors are used for  
25 patients, recuperating patients and families of

2 the patients that are there. It's an accessory  
3 use to the rest of the Hospital. It's frankly  
4 something that you would find in most of the  
5 campuses for the institutions. I cannot tell you  
6 why-- and that is the sole purpose for those  
7 units. So they do exist and they have been  
8 operating and they operate as an accessory to the  
9 hospital purpose.

10 CHAIRPERSON AVELLA: All right.

11 Let me just go over this so I can better  
12 understand it. And we were talking about  
13 something else, I'm sorry. Does the Hospital own  
14 the building?

15 MELANIE MEYERS: The hospital owns  
16 the lower 12 floors of the building. It's a  
17 condo.

18 CHAIRPERSON AVELLA: I'm sorry,  
19 what was that?

20 MELANIE MEYERS: The lowest 12  
21 stories. It's a condo--

22 CHAIRPERSON AVELLA: [Interposing]  
23 12 floors. Then who owns the rest?

24 MELANIE MEYERS: It's a  
25 condominium. It's a private condominium.

2 DEBORAH M. SALE: Many years ago,  
3 probably 20 years ago, we owned the property. It  
4 was an open parking lot. We owned the property  
5 and we-- I was not there obviously, but we did a  
6 joint development with the Zegendorff's  
7 [phonetic]. They built the building. We in  
8 exchange for the property that we contributed to  
9 this development, we received 12 floors and they  
10 then sold the rest of the building as co-op  
11 apartments or condominium apartments. So the  
12 condominium association is a separate building, in  
13 a sense, operates as a separate building to  
14 ourselves. Now we have issues in common  
15 obviously. The garages are issues in common. And  
16 frankly, when the Bel Air building was hit by the  
17 plane that the Yankee Pilot was flying, that  
18 obviously became a joint and common issue between  
19 us. But we own only 12 floors of that building.  
20 The rest of it belongs to the condominium  
21 association.

22 CHAIRPERSON AVELLA: So the hotel  
23 aspect of this is the condominium association.

24 MELANIE MEYERS: No, no.

25 CHAIRPERSON AVELLA: No, no. Okay.

2 [Crosstalk]

3 DEBORAH M. SALE: It is on our  
4 floors. That guest facility is on the floors that  
5 we own, yes it is. And its intention as Melanie  
6 said, is for patients and family members who use  
7 that facility as one of our-- one of the people  
8 who testified in our favor said, when she came in  
9 from out of town she would stay there, perhaps the  
10 night before surgery. Family members stay there  
11 while their loved ones are in the hospital.  
12 That's its purpose.

13 CHAIRPERSON AVELLA: But obviously  
14 when the gentleman called up they didn't mention  
15 that to him. They didn't give him that, well are  
16 you a relative of--

17 DEBORAH M. SALE: [Interposing]  
18 Well evidently not.

19 CHAIRPERSON AVELLA: Of the  
20 hospital.

21 DEBORAH M. SALE: Well evidently  
22 not.

23 CHAIRPERSON AVELLA: Well it's an  
24 important issue.

25 DEBORAH M. SALE: Frankly we don't

2 have, generally we don't have so much available  
3 space in that hospital, in that facility that you  
4 would get that kind of answer. I'm quite  
5 surprised.

6 CHAIRPERSON AVELLA: And you don't  
7 need a different C of O for that?

8 DEBORAH M. SALE: Excuse me?

9 CHAIRPERSON AVELLA: My question  
10 was you don't need a different C of O. And I'm  
11 getting a shaking of the head in the background.  
12 But you can't shake your head in the background.

13 MELANIE MEYERS: I mean, the  
14 certificate of occupancy has always assigned those  
15 floors to hospital purposes and identifies it as  
16 such. And the use that is in that-- of those  
17 floors, is known to the Buildings Department and  
18 we believe is consistent with the Certificate of  
19 Occupancy.

20 CHAIRPERSON AVELLA: You just said  
21 something that drives me crazy?

22 MELANIE MEYERS: Did I? What did I  
23 do.

24 CHAIRPERSON AVELLA: Known to the  
25 Buildings Department.



2 MELANIE MEYERS: No, no. I just--

3 CHAIRPERSON AVELLA: [Interposing]

4 I mean, that's assuming the Buildings Department  
5 does its job.

6 MELANIE MEYERS: And we believe  
7 that the--

8 DEBORAH M. SALE: [Interposing] And  
9 we only can do that, right?

10 MELANIE MEYERS: We believe that  
11 the use is consistent with the approvals at the  
12 Buildings Department. Is that better?

13 CHAIRPERSON AVELLA: All right. I  
14 believe I'd like to do a little bit of additional  
15 checking on that.

16 MELANIE MEYERS: Sure. Absolutely.

17 CHAIRPERSON AVELLA: In between now  
18 and October 2nd.

19 DEBORAH M. SALE: Certainly.

20 MELANIE MEYERS: Certainly.

21 CHAIRPERSON AVELLA: But I do  
22 appreciate you coming back and filling us in with  
23 that information. And I would appreciate knowing  
24 what happens with that water situation.

25 MELANIE MEYERS: That water?

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SUBCOMMITTEE ON ZONING AND FRANCHISES218

DEBORAH M. SALE: We'll let you know about that, too.

CHAIRPERSON AVELLA: And if you take a look at it you'll-- what? You'll see that there's a huge puddle right there.

MELANIE MEYERS: Okay.

CHAIRPERSON AVELLA: So it's going on all the time.

DEBORAH M. SALE: We'll take care of that.

[Break in Audio]

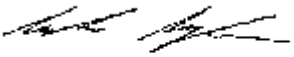
CHAIRPERSON AVELLA: One more statement for the record. Even though I made the comment about the quorum not being here for the vote, quorum is assumed from continuation of the meeting. I recess this meeting until 9:45 tomorrow morning.

[Break in Audio]

CHAIRPERSON AVELLA: Right, right. I know. My attorneys got nervous because I said that.

C E R T I F I C A T E

I, Erika Swyler 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  \_\_\_\_\_

Date \_\_\_\_\_ September 28, 2008 \_\_\_\_\_