

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ZONING & FRANCHISES

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October 2, 2008  
Start: 9:30am  
Recess: N/A

HELD AT: Council Chambers  
City Hall

B E F O R E:  
TONY AVELLA  
Chairperson

COUNCIL MEMBERS:  
Simcha Felder  
Michael E. McMahon  
Robert Jackson  
Eric N. Gioia  
Melinda R. Katz  
Joel Rivera  
Helen Sears  
Larry B. Seabrook

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

John Young  
Director, Queens Office  
Department of City Planning

Joy Chen  
Department of City Planning

Irving Poy  
Director, Planning and Development  
Office of Queens Borough President

Gerald Walsh  
President  
Dutch Kills Civic Association

George Stamatiades  
Executive Director  
Dutch Kills Civic Association

Eric Palatnik  
Attorney

Carmen Memopolau  
Woodshop owner

Megan Friedman  
Resident

Jack Friedman  
Resident

Diane Martin  
Resident

Robert Altman  
Dutch Kills Property Owners Association

Jody Schurib  
Owner  
J&P Decorators

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

Nicholas Griffin  
Flux Factory

Christian Lundgren  
32<sup>nd</sup> Street Block Association

Barbara Vitel  
Secretary  
32<sup>nd</sup> Street Block Association

Nicholas Sermanetta  
Resident

Michael Caradanides  
Engineer

Robert Nusbaum  
Nets that Work

Theodore Casapes

Barbara Lorenz  
Board Member  
Dutch Kills Civic Association

Azu Hader  
Resident

Nonnie Pratt  
Resident

Jusco Lewis  
Business owner

Gloria Gatsmalis

Dominick Fortino  
President  
Dutch Kills Property Owners Association

Gina Logan  
Resident

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

Theresa Covalo  
Resident

Naoki Yokoyama  
Resident

John Morgan  
Morgan Elevator

Timothy Wong

Christos Vacatellis

Barry Mainzer  
Alfred Mainzer Greeting Cards

Lynn Zang  
On behalf of Brad Lander, Director  
Pratt Center for Commercial Development

Adam Friedman  
Direction  
New York Industrial Retention Network

2                   CHAIRPERSON AVELLA: Good morning,  
3 everyone. I'd like to call this meeting of the  
4 Subcommittee in Zoning & Franchises to order.  
5 Joining me this morning are Committee Member  
6 Simcha Felder, Mike McMahon, Robert Jackson, Eric  
7 Gioia, Melinda Katz. And, I know we also have  
8 Joel Rivera, I think next door.

9                   Let me just go through a little bit  
10 of business first. On today's agenda, excuse me,  
11 Hospital for Special Surgery, we had already had  
12 the public hearing and we were going to have a  
13 vote. At the request of Council Member Lappin, we  
14 are laying the vote over 'til 9:30 Monday morning.  
15 The St. George Rezoning, which was also on this  
16 morning, is being laid over 'til the 16th meeting  
17 of my committee at the request of Council Member  
18 McMahon. And, the Delano Café, which is actually  
19 in my District, is being withdrawn at this point  
20 in time. The only other item on the agenda is  
21 Dutch Kills Rezoning, which we will start in a  
22 moment. And, the vote on that will be laid over  
23 'til Monday morning at the request of Council  
24 Member Eric Gioia.

25                   So, what I'd like to do at this

2 point is we just need to take a vote on accepting  
3 the motion to withdraw the application from Delano  
4 Café. So, I'll call on counsel to call the vote  
5 to accept the motion to withdraw.

6 CLERK: Chairman Avella.

7 CHAIRPERSON AVELLA: Aye.

8 CLERK: Council Member Rivera.

9 COUNCIL MEMBER RIVERA: I vote aye.

10 CLERK: Council Member Felder.

11 COUNCIL MEMBER FELDER: Yes.

12 CLERK: Council Member Gioia.

13 COUNCIL MEMBER GIOIA: I vote yes.

14 CLERK: Council Member Jackson.

15 COUNCIL MEMBER JACKSON: Yes.

16 CLERK: Council Member Katz.

17 COUNCIL MEMBER KATZ: [No response]

18 CLERK: Council Member McMahon.

19 COUNCIL MEMBER McMAHON: Yes.

20 CLERK: By a vote of six in the  
21 affirmative, none in the negative, no abstentions,  
22 the item is referred to the full Land Use  
23 Committee.

24 CHAIRPERSON AVELLA: And, we will  
25 keep the vote open on that item as long as the

2 public hearing is going on today. With that, we  
3 will move to the one item that's left on the  
4 agenda. And, I remind everybody we will not be  
5 voting on this today at the request of Council  
6 Member Gioia. I'll ask City Planning to give the  
7 presentation.

8 MALE VOICE: Quiet.

9 FEMALE VOICE: Quiet, please.

10 COUNCIL MEMBER GIOIA: Mr. Chair,  
11 would you please explain that the actual vote will  
12 not be laid—that the vote will be happening at the  
13 same exact time in the full Land Use Committee?

14 CHAIRPERSON AVELLA: The Council  
15 Member Gioia's asked me to explain. I think the  
16 question was why is it being laid over, not, you  
17 know, the timetable. I mean, that's up to you to  
18 explain. But, even laying the vote over, even if  
19 we do that, that doesn't affect the timetable.  
20 The timetable is still if we voted today, it still  
21 would not be voted by the full Land Use Committee  
22 until Monday. And then, for the full City  
23 Council, which is—what's the date?

24 COUNCIL MEMBER GIOIA: Seventh.

25 COUNCIL MEMBER JACKSON: Seventh.

1  
2 CHAIRPERSON AVELLA: The 7<sup>th</sup>. So,  
3 it doesn't affect the timetable. But, you want to  
4 explain why you asked, because that was the  
5 [pause].

6 COUNCIL MEMBER GIOIA: Well, first  
7 of all, Mr. Chair, I'm unaccustomed to you taking  
8 questions shouted out from the gallery. So, maybe  
9 you could--

10 CHAIRPERSON AVELLA: I didn't  
11 respond them, you did.

12 COUNCIL MEMBER GIOIA: No, I asked  
13 you to explain.

14 [Pause]

15 JOHN YOUNG: Good morning, Chair  
16 Avella, fellow Council Members, ladies and  
17 gentlemen. My name is John Young. And, I'm  
18 Director of the Queen's Office for the Department  
19 of City Planning.

20 On behalf of City Planning Director  
21 Amanda Burden, I'm very pleased to be here this  
22 morning to present the Department's efforts to  
23 update zoning designations for 40 blocks in the  
24 Dutch Kills neighborhood in western Queens. I'm  
25 joined by Joy Chen who will present our rezoning



1  
2 proposal for you and we'll try to go as quickly as  
3 possible. It is, however, a complicated rezoning  
4 for this distinct mixed-use community.

5 The Dutch Kills rezoning proposal  
6 that is before you today culminates a more than  
7 three-year effort to work with a broad spectrum of  
8 neighborhood residents and stakeholders to develop  
9 a zoning framework that more closely matches  
10 building patterns and will ensure more orderly  
11 development. It was begun in 2005 and builds upon  
12 the successful contextual mixed-use rezoning  
13 strategy adopted by the Council in August 2004 for  
14 the Hunter's Point community to the south of Dutch  
15 Kills.

16 Dutch Kills is located just to the  
17 north of the Queensboro Bridge and west of  
18 Sunnyside Yards, with good access to mass transit  
19 and proximity to midtown Manhattan. However, as  
20 currently zoned, residential development in Dutch  
21 Kills has been highly restricted, while commercial  
22 development is allowed at densities and building  
23 heights much greater than surrounding buildings.  
24 In the past few years, five hotels, ranging from 6  
25 to 16 stories in height, have been constructed

1  
2 where surrounding buildings are generally two to  
3 three stories tall. And, more than ten hotels are  
4 in various stages of development within the 40  
5 blocks of the rezoning area.

6 The Department's rezoning proposal  
7 seeks to curb out-of-character development in Dutch  
8 Kills, while removing restrictions on residential  
9 development and fostering a lively mix of uses.  
10 The proposed zoning changes would eliminate the  
11 current wide disparity in allowed building scale  
12 between residential and commercial buildings and  
13 provide appropriately scaled development through  
14 finely-tuned contextual zoning. Three of the  
15 proposed zones are intended to reinforce the  
16 prevailing scales along the area's mid-blocks and  
17 avenues with height limits ranging from 33 to 70  
18 feet, generally three to seven stories.

19 On 11 block fronts along Northern  
20 Boulevard, a wide street which is close to mass  
21 transit, new housing opportunities would be  
22 fostered through higher density mixed-use zoning  
23 that includes incentives for affordable housing,  
24 but with a firm height limit of 125 feet.  
25 Similarly, the proposed mixed-use districts would

1  
2 also ensure that the scale for commercial and  
3 light industrial uses more closely matches that  
4 allowed for residential uses, and through proposed  
5 zoning text changes that accompany the rezoning,  
6 parking waivers for hotels and new residential uses  
7 would be reduced. A portion of four blocks at the  
8 western edge of the rezoning area would be zoned  
9 to only allow commercial and light industrial  
10 uses, but also at a scale that would curb out-of-  
11 context highrise development.

12 The Dutch Kills rezoning plan has  
13 been shaped by numerous participants during its  
14 development. I want to thank the area's passionate  
15 residents and business owners and its ardent civic  
16 advocates, especially the Dutch Kills Civic  
17 Association, Community Board 1, and local elected  
18 officials, particularly Council Member Eric Gioia,  
19 and the state and federal representatives who have  
20 taken the time to provide input into this  
21 important initiative.

22 Following the May 19<sup>th</sup> certification  
23 of the proposal, we are very pleased with the  
24 support for it that we have received from Community  
25 Board 1, which recommended to have slightly more

1  
2 density and height allowed for the proposed mid-  
3 block and narrow avenue zones and a light  
4 manufacturing allowance of 3 FAR instead of the  
5 proposed 2 FAR for most of the area. Borough  
6 President Helen Marshall also supported the  
7 rezoning with recommendations that existing  
8 commercial or light manufacturing property owners  
9 be allowed 3 FAR instead of 2 for the purposes of  
10 expanding their businesses and that the City  
11 Planning Commission consider increasing the  
12 allowed height for properties on 32<sup>nd</sup> Street  
13 between 36<sup>th</sup> and 37<sup>th</sup> Avenues.

14           The Planning Commission carefully  
15 considered these recommendations and when it voted  
16 on September 8<sup>th</sup> to approve the proposal, it  
17 modified it to allow 3 FAR instead of 2 FAR for a  
18 range of semi-industrial and light manufacturing  
19 uses that have been traditionally part of the  
20 area's use mix. We hope that you, too, will  
21 support this well-considered rezoning initiative  
22 to reinforce the built character and development  
23 patterns of the distinct and lively community of  
24 Dutch Kills.

25           And now Joy Chen will present the

1  
2 Dutch Kills Rezoning Plan and will, at the end of  
3 it, talk about the Planning Commission's  
4 modification to it. Thank you.

5 JOY CHEN: Good morning. The Dutch  
6 Kills rezoning area encompasses 40 blocks in the  
7 western Queens neighborhood of Dutch Kills. It's  
8 located just north of Queens Plaza and the  
9 Queensboro Bridge and it's adjacent, also, to  
10 Sunnyside Yards. The general boundaries are, on  
11 the north, 36<sup>th</sup> Avenue; to the east, Northern  
12 Boulevard; 41<sup>st</sup> Avenue to the south and 23<sup>rd</sup> Street  
13 to the west.

14 Like other areas of Long Island  
15 City, Dutch Kills is a mixed-use area  
16 characterized by predominately low-rise  
17 residential uses, as well as a mix of light  
18 industrial and commercial uses. There's excellent  
19 access to mass transit. And, you have the  
20 elevated N&W train that run through the rezoning  
21 area.

22 The zoning today on 36 full blocks  
23 in Dutch Kills is M1-3D. M1-3D is a limited  
24 mixed-used district, which allows light industrial  
25 and commercial uses at a FAR of 5 and new

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2 residential uses are only permitted through a City  
3 Planning authorization process. And, that maximum  
4 FAR for residential uses and enlargements is 1.65,  
5 with a maximum building height of 32 feet. This  
6 is very, again, the disparity between the light  
7 industrial, commercial and residential uses is  
8 very great and it allows buildings that can be  
9 built out-of-scale with the existing community.

10 On four partial blocks in Dutch  
11 Kills, north of 37<sup>th</sup> Avenue, it's zoned M1-1. And,  
12 M1-1 allows for only light industrial uses and no  
13 new residential uses are permitted. The M1-1 also  
14 only has a maximum floor area ratio of one. So,  
15 the buildings there in the M1-1 are predominately  
16 one to two stories tall.

17 Dutch Kills is again characterized  
18 by a low-rise built scale and character. And, the  
19 building heights, as you can see, are between,  
20 more than 90%, one to two stories tall, with some  
21 of the darker blue areas, which are community  
22 facilities, such as the schools. You also have  
23 some taller apartment buildings, five stories, on  
24 some of the Avenues, such as 37<sup>th</sup> Avenue and 38<sup>th</sup>  
25 Avenue. And, you have a handful of loft

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2 buildings, which are also four to five stories and  
3 taller than the rest of the neighborhood, which,  
4 again, is predominately low-rise scale.

5           However, recent development trends  
6 in the area have been toward high-rise hotels. As  
7 John mentioned, we have one 16-story hotel, which  
8 is near Northern Boulevard, which has been  
9 completed. And, these, as you can see, the first  
10 two that have been built have been six stories  
11 tall. You have one nine-story hotel going up and  
12 another under construction on mid-blocks. And,  
13 again, this really threatens the fabric of Dutch  
14 Kills, which, on the mid-blocks, you have these  
15 tall hotels that are completely out of context  
16 with everything else around them, especially  
17 residential uses.

18           This rezoning proposal was closely-  
19 it was a close collaboration between the Civic  
20 Association, Community Board members, as well as  
21 the Council Members' office. And, our planning  
22 process was guided by four important goals and  
23 objectives. The first objective is to provide  
24 building height limits that would reinforce and  
25 more closely match existing building scales and

1  
2 prevent out-of-character development. The second  
3 is to remove residential use restrictions. The  
4 third is to support a broad range of commercial  
5 and light industrial businesses consistent with  
6 the area's diverse mix of land uses. The fourth  
7 is to direct growth and provide housing  
8 opportunities along Northern Boulevard, which is a  
9 wide street close to mass transit and include  
10 incentives for affordable housing.

11 The proposed zoning map changes and  
12 text changes would create four contextual mixed-  
13 use districts that more closely reflect the scale  
14 of the buildings found in the neighborhood. So,  
15 in general, on area mid-blocks lined with two and  
16 three-story buildings, and these are the mid-block  
17 areas are shown in yellow, which are, again, more  
18 residential in character, we would be mapping M1-  
19 2/R5B contextual mix-use district. And new  
20 residential development would now have a height  
21 limit of 33 feet in the R5B, or 40 feet in the  
22 R5D. Now, the R5D is in the darker orange color.  
23 And, that is mapped along some of the wider street  
24 portions, such as Crescent Street in Dutch Kills.  
25 And, that would give a slightly higher height of



1  
2 40 feet to match the building scale on those  
3 streets.

4 For avenue locations with existing  
5 multi-family buildings, the proposed height limit  
6 would be 70 feet. And, that corresponds to the  
7 R6A. So, along 31<sup>st</sup> Street, where you have the  
8 elevated N and the W train, along 38<sup>th</sup> Avenue and  
9 37<sup>th</sup> Avenue, where, again, you have the taller  
10 apartment buildings, five stories tall and some of  
11 the taller loft buildings, you would get a  
12 slightly higher FAR and building height limit.

13 And, finally, on 11 block, full  
14 block and block portions with frontage along  
15 Northern Boulevard, which is a wide commercial  
16 corridor, as well as a transportation corridor, we  
17 would be mapping an M1-3/R7X district, which would  
18 keep the FAR for commercial uses at a 5 and a  
19 maximum building height for all uses, including  
20 light industrial and residential uses, at 125  
21 feet. The FAR for residential uses, however, will  
22 be incentivized for affordable housing. So, the  
23 base FAR for residential uses is 3.75, up to a 5  
24 if affordable housing is provided.

25 On a portion, in the western part

1  
2 of our rezoning area on 23<sup>rd</sup> and 24<sup>th</sup> Street, we  
3 are proposing to change the zoning from M1-3D to  
4 M1-2. On this block portion, the only uses are  
5 light industrial in character and all of the  
6 buildings are one and two stories tall. So, this  
7 change would, again, more closely reflect the  
8 scale and the character of that block. [Pause]

9           So, this rezoning proposal, again,  
10 the goals really are to provide for more  
11 predictable zoning framework for future  
12 development and ensure that future development is  
13 in keeping with the character of the neighborhood,  
14 to remove those residential use restrictions that  
15 are in place so that residents can build new  
16 housing and to encourage the development of  
17 affordable housing along Northern Boulevard.

18           JOHN YOUNG: Thank you, Joy. And,  
19 I will, briefly, now, just go over the Planning  
20 Commission's modification to the proposal. The  
21 rezoning plan as Joy presented is primarily  
22 looking at replacing two existing zones, M1-3D and  
23 M1-1, with these mixed-used residential,  
24 commercial and light industrial uses allowed  
25 through all the zones. But, this is also mapping

1  
2 the Special Long Island City Mixed-use District to  
3 include the Dutch Kills community. Right now, the  
4 boundaries of that is just south of the area at  
5 41<sup>st</sup> Avenue. By extending the Long Island City  
6 Mixed-use District, we're able to write special  
7 provisions that respond to the distinct needs of  
8 this part of the City. And, in particular, there  
9 was concern during the public review process about  
10 how the rezoning needed to have a little more  
11 flexibility for the light manufacturing businesses  
12 that have been traditionally part of the area.

13           The original proposal was to limit  
14 those businesses to 2 FAR because, if you look at  
15 the map immediately to Joy's left, this one, what  
16 we're showing are two blocks, located between 37<sup>th</sup>  
17 and 38<sup>th</sup> Avenues and 27<sup>th</sup> and 28<sup>th</sup> Streets, where,  
18 just like the Land Use map that we presented, the  
19 residential uses are shown in yellow and the light  
20 industrial and commercial businesses are shown in  
21 either red or lavender. And, as you can see, most  
22 of those commercial and light industrial uses are  
23 single-story buildings. And, it's very  
24 traditional for those buildings to be that way  
25 because it's the most efficient way to utilize the

1  
2 most valuable part of their site, which is their  
3 ground floor.

4           But, we've heard that, over time,  
5 businesses would like the opportunity to expand.  
6 Currently, they're built at generally 1 FAR or  
7 less. But, we believe the 2 FAR would have given  
8 them some expansion opportunity. But, we heard  
9 that they would actually like to have the  
10 opportunity, not just build one more floor, but  
11 possibly two or three more floors.

12           So, by the Commission's  
13 modification through the Special Long Island City  
14 Mixed-Use text for semi-industrial and industrial  
15 uses, 3 FAR, and that's what this shows, would be  
16 allowed for these businesses. And, they could add  
17 up to three floors, 60 feet high. And, if you  
18 look then, there would still be quite a bit of  
19 expansion allowed for these businesses and the  
20 scale would begin to make these the largest  
21 buildings, particularly on the mid-blocks. So,  
22 the Commission felt that this was the best way to  
23 create a balance for this rezoning proposal,  
24 ensure that the scale of these non-residential  
25 buildings wouldn't overwhelm the scale of adjacent

2 residential buildings, but provide sufficient  
3 additional floor area for expansion and growth of  
4 those businesses that have been, again, a  
5 traditional part of the use mix.

6 CHAIRPERSON AVELLA: Thank you.  
7 Before we go into questions, I would just like to  
8 call upon our Council Members who have joined us  
9 and ask for their vote on the motion to accept the  
10 withdrawal of the Delano Café.

11 MALE VOICE: Council Member Katz.

12 COUNCIL MEMBER KATZ: I vote aye.

13 MALE VOICE: Council Member Sears.

14 COUNCIL MEMBER SEARS: I vote aye.

15 MALE VOICE: Hey, my man.

16 MALE VOICE: Vote stands eight in  
17 the affirmative, none in the negative, no  
18 abstentions.

19 CHAIRPERSON AVELLA: Oh, and I  
20 didn't see you. Go ahead. Council Member  
21 Seabrook joined us.

22 COUNCIL MEMBER SEABROOK: - -  
23 absent, you'll be marked - -

24 MALE VOICE: Council Member  
25 Seabrook.

1  
2 COUNCIL MEMBER SEABROOK: That's  
3 what I got to deal with this absenteeism 'cause  
4 you all—I'm down here. I'm not in the shadow.  
5 And, I vote aye.

6 MALE VOICE: Vote stands nine in  
7 the affirmative, none in the negative, no  
8 abstention.

9 CHAIRPERSON AVELLA: Council Member  
10 Gioia, whose obviously this district lies in, has  
11 the first question. And then, we'll take other  
12 questions from Committee members.

13 COUNCIL MEMBER GIOIA: Thank you,  
14 Mr. Chair. I have more than one question. I hope  
15 that's okay. I'm pleased that this day has  
16 finally come. I don't think it's an exaggeration  
17 to say it seems like forever that we've been  
18 talking about rezoning Dutch Kills. Maybe City  
19 Planning can help walk us through the history of  
20 this a little bit; the problems in the zoning in  
21 Dutch Kills, the impetus for the rezoning. When  
22 was its zoning text adopted? '63? '64?

23 JOHN YOUNG: '61 was the--

24 COUNCIL MEMBER GIOIA: '61.

25 JOHN YOUNG: --the date the general

1

2 resolution was adopted - - use.

3 COUNCIL MEMBER GIOIA: What was the  
4 problem, historical, in Dutch Kills?

5 JOHN YOUNG: In 1961, a key  
6 objective for that amendment, a new resolution for  
7 guiding land use throughout the City, was to  
8 separate residential uses from potentially harmful  
9 businesses and production activities. So, in  
10 1961, light manufacturing, medium manufacturing,  
11 heavy manufacturing districts were designated that  
12 did not allow any residential use within them.  
13 And, for the Dutch Kills community, that was the  
14 zoning that was implemented, a light manufacturing  
15 district, M1-3, which no longer allowed any  
16 residential uses and made the existing residential  
17 uses pre-existing. They were allowed to remain,  
18 but made them nonconforming. In other words, they  
19 couldn't enlarge. They couldn't develop new  
20 housing in the area.

21 And, that zoning persisted from  
22 1961 until 1989. In the mid-'80s, the City was  
23 trying to learn how to better fine-tune the '61  
24 zoning resolution in many ways. But, in  
25 particular, regarding uses, there were parts of

1  
2 the City where, again, traditional blocks, such as  
3 the ones we show here, have housing and business  
4 uses closely intertwined and juxtaposed. And, a  
5 mixed-use zoning strategy was adopted in 1989 for  
6 Dutch Kills that continued to allow the same  
7 density, same scale for the commercial uses, but  
8 introduced, as Joy explained, an approvals process  
9 through the City Planning Commission for new  
10 residential uses. But, it has proven to be  
11 cumbersome and only one application to enlarge an  
12 existing residential use has been processed  
13 successfully--

14 COUNCIL MEMBER GIOIA: Yeah, I  
15 remember.

16 JOHN YOUNG: --since 1989. So,  
17 once again, we had been monitoring the area and  
18 understood that they felt that the current mixed-  
19 use, limited mixed-use, zoning wasn't working. We  
20 were also in the process of, again, refining how  
21 the zoning resolution could adapt itself to these  
22 mixed-use communities. And, a citywide text  
23 amendment was adopted to create these MX  
24 districts, the special mixed-use districts. And,  
25 in 2004, we implemented that zoning strategy for



1  
2 Hunter's Point, using what are the best, most up-  
3 to-date mixed-use zoning strategies. And then,  
4 immediately following that adoption, we turned the  
5 attention to Dutch Kills.

6 COUNCIL MEMBER GIOIA: Thank you  
7 for walking us through that brief history. What I  
8 find really interesting is that when you look at  
9 the '89 rezoning, that was intended to correct-  
10 well, let me say, I think when you look at Dutch  
11 Kills, you find a neighborhood that has  
12 historically has been mis-zoned, I would  
13 characterize it, that you have people who have  
14 lived there, who, as you say, their houses are  
15 nonconforming. They literally lived there before  
16 the rezoning. They lived there after the  
17 rezoning. You have some people who've lived here  
18 the entire time, through these rezonings and have  
19 been told that their use, that the use that they  
20 raised their families in is a nonconforming use.

21 The City, through great effort and  
22 through a lot of money spent in 1989, tries to  
23 correct that. But, in my view, I mean, if you  
24 have a rule that nobody follows and nobody can  
25 use, it's almost worse than not having a rule in

1  
2 the first place. The City spent all this money  
3 trying to correct the mistakes in the rezoning and  
4 clearly failed in 1989. Fast forward two decades.  
5 You have people in the Civic Association who have  
6 waited, literally, their entire lives to try to  
7 get a proper zoning in Dutch Kills. So, in 2005,  
8 the City begins to look at this. Is that about  
9 right?

10 JOHN YOUNG: That's right.

11 COUNCIL MEMBER GIOIA: Now, I think  
12 this is where the City becomes part of the problem  
13 in that you have, you know, growing up in Queens,  
14 people wouldn't have built—you never would think  
15 that people would spend millions of dollars to  
16 build hotels in Queens when I was growing up.  
17 Maybe ten years ago you wouldn't have thought that  
18 folks were going to be plopping down millions of  
19 dollars to buy up houses and build hotels in  
20 Queens.

21 In 2005, as somebody very  
22 accurately pointed out to me from Dutch Kills, it  
23 was as if City Planning had fired a starting gun  
24 and said there's this loophole in the zoning law.  
25 You can build a hotel in this commercial area.

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2 But, you better do it fast because we're going to  
3 rezone this area. And, since then, I think the  
4 number I heard, I think you said five hotels have  
5 been completed. Is that how many?

6 JOHN YOUNG: Three have been  
7 completed, two more are well on their way.  
8 They're structurally at close to their maximum  
9 heights.

10 COUNCIL MEMBER GIOIA: I have to  
11 tell you. I almost think that people in the  
12 audience would be happy if there were only five  
13 hotels that will be completed in Dutch Kills.  
14 But, it seems to me, just by driving around the  
15 neighborhood, it's 13, isn't it?

16 FEMALE VOICE: It's 20.

17 JOHN YOUNG: We said there--

18 FEMALE VOICE: Twenty.

19 JOHN YOUNG: Again, we've been  
20 working with the Department of Buildings, who have  
21 been auditing the jobs that have been here. There  
22 are at least ten more in various stages.

23 COUNCIL MEMBER GIOIA: So, just a  
24 point in fact, it's a little deceptive to say  
25 there's only five hotels in Dutch Kills. This

1

2 neighborhood, there's a proliferation of hotels in  
3 this neighborhood that is unseen in any  
4 neighborhood in New York City right now. It is a  
5 development of hotels that has endangered, not  
6 only the physical character of the neighborhood,  
7 but actually, endangered people's homes and  
8 themselves. It's a threat to actually their  
9 safety. There is a wall that collapsed, correct  
10 me if I'm wrong, three weeks ago in Dutch Kills  
11 because of hotel construction. I mean, isn't that  
12 right?

13 JOHN YOUNG: Yes. The Department  
14 of Buildings informed us of their, again,  
15 continued monitoring. And, they reported that  
16 incident to us.

17 COUNCIL MEMBER GIOIA: And, just to  
18 point out to you, and I don't know if I pointed  
19 this out to you yet, a City representative  
20 actually claimed, to me, that the hotel  
21 construction was not the proximate cause of the  
22 wall collapsing, that the wall had been built  
23 shabbily and eventually would have collapsed  
24 anyway, which, to me, I think not only was  
25 laughable, but spoke to the way the City has

1  
2 looked at hotel development with, I think, a blind  
3 eye would be the kindest thing to say about the  
4 hotel development and the City's approach to it.  
5 And, I've certainly worked with the Department of  
6 Buildings, as well. But, it seems to me, when you  
7 work with the Department of Buildings, all they're  
8 doing is giving permits to the people who are  
9 building hotels, which brings me to my question.  
10 The number one complaint in the neighborhood, bar  
11 none, is hotels are destroying this neighborhood,  
12 destroying the neighborhood. What is City  
13 Planning prepared to do to prevent the destruction  
14 of this neighborhood by hotels?

15 JOHN YOUNG: We've had those  
16 conversations throughout this rezoning process,  
17 because, you're right, that has been the most  
18 evident way that the current zoning mismatches  
19 between the character of the community and what  
20 could be built. What we've been describing,  
21 through this effort, is a great sea change of  
22 opportunity for how those future regulations would  
23 guide development here. We are removing the  
24 residential restrictions, which, today, do not  
25 allow people to even consider that as an option on

1  
2 some of the sites. They simply don't quality for  
3 the criteria to come to the Planning Commission  
4 for that authorization process. Through this  
5 process, sites could actually be developed for  
6 housing. And, there's a strong housing need  
7 throughout this community.

8 In 1990 to 2000, the population for  
9 the area grew by over 20%, faster than the Borough  
10 of Queens, but very few new housing units were  
11 built. There's a pent-up demand for housing. We  
12 want to make sure that those housing opportunities  
13 are realized.

14 All commercial development would be  
15 reduced in density over 75% of the area to more  
16 closely match the scale. So, we're putting  
17 residential development on the table at, what we  
18 think, are rates where we look in Astoria and  
19 nearby communities, housing is getting built at.  
20 So, we believe people will now use that valuable  
21 opportunity to develop housing, particularly since  
22 the scale of the hotels will be not at even the  
23 six stories that are allowed in some areas and  
24 certainly not at the nine or 16 stories. But,  
25 like we say, 33 feet, 40 feet, that scale of

1  
2 height and that density will make these sites  
3 valuable for residential development.

4 COUNCIL MEMBER GIOIA: I want to  
5 ask about a different use, other than hotels.  
6 Chicken slaughter houses, how is City Planning  
7 treating chicken slaughter houses in this  
8 rezoning?

9 JOHN YOUNG: They're subject to the  
10 special mixed-use provisions that were part of the  
11 general mixed-use districts that we applied in  
12 Hunter's Point and would be applied here. They  
13 have to abide by locational requirements. They  
14 can't be within the same building as a residential  
15 use. But, they can be in their own contained  
16 building within the district. Recently, though,  
17 there was state legislation passed which would  
18 override local zoning regulations on those  
19 slaughter houses and they couldn't be located  
20 within 1,000 feet of any residential use.

21 COUNCIL MEMBER GIOIA: So, we found  
22 the public policy way to prevent slaughter houses  
23 in this neighborhood moving forward.

24 JOHN YOUNG: We certainly have to  
25 abide by the new state legislation governing them.

1

2 COUNCIL MEMBER GIOIA: It seems to  
3 me that when government wants to act to prevent a  
4 use, it can. So, I'm wondering, when I hear your  
5 answer on hotels, what you seem to be saying is  
6 we're trying to craft—it's like you're trying to  
7 throw a curveball to the hotel developers. We're  
8 not saying you can't build hotels. But, we're  
9 trying to give you some incentives. Otherwise,  
10 the government trying to game the market. Now,  
11 I'm not a City Planner. I'm just a lawyer. But,  
12 I'm just wondering wouldn't it be easier if we put  
13 in a prohibition on hotels in this special mixed-  
14 use area?

15 JOHN YOUNG: Well, just like we're  
16 saying with this mixed-use zoning, a very broad  
17 range of uses can be allowed under the appropriate  
18 conditions, such as chicken slaughter houses, such  
19 as any type of production facility. If you want  
20 to start producing boxes or producing toys, you  
21 can do that in this area. And, production uses  
22 traditionally aren't allowed in close proximity to  
23 residential uses. But, through our special mixed-  
24 use zoning, there are appropriate criteria.

25 Regarding hotels, there's a whole



1  
2 hierarchy of uses within the way the zoning  
3 resolution works. And, as a use range, they are  
4 actually generally allowed to be much closer to  
5 residential use than a production facility. So,  
6 it would be totally inconsistent with that general  
7 framework for uses to regulate more restrictively  
8 a commercial use, such as hotels, than a  
9 production use in this area. We're trying to say  
10 we're allowing a broad range of uses. They just  
11 have to meet the envelope, the floor area  
12 dimensions that are specified and other types of  
13 operational criteria.

14 COUNCIL MEMBER GIOIA: I appreciate  
15 that answer because I think what we're seeing is  
16 that Dutch Kills is almost a test case of what  
17 happens when City Planning, and I don't mean you  
18 City Planning, I mean City Planning, in general,  
19 doesn't foresee seemingly unforeseeable options.  
20 What I mean is you don't think ten years ago, 20  
21 years ago, someone's going to build a hotel in  
22 Long Island City. So, it doesn't really matter.  
23 It doesn't break up the block. But, I think  
24 maybe, if you look at Dutch Kills and what's  
25 happened, and I think Dutch Kills can become a

1  
2 test case for City Planners in school today,  
3 because hotels have destroyed residential blocks,  
4 far more than if you're making boxes or widgets or  
5 far more, I would even argue, than if you had a  
6 chicken slaughter house on the block because this  
7 is an neighborhood that has co-existed, commercial  
8 and residential, for many years with bad zoning,  
9 but co-existed. It has not been until the  
10 invasion of hotels that you've seen people's  
11 quality of life and homes being destroyed.

12           And so, I think that City Planning  
13 clinging to this idea that a hotel is more similar  
14 to residential development and can cohabitate with  
15 residential development in a more similar way than  
16 these commercial uses, is not only false, but  
17 proven false in this neighborhood. And, I think  
18 it's, frankly, sad how long this rezoning has  
19 taken. And, I think if you look at, and I'll just  
20 state it to help you not have to answer it, I  
21 think if you look at other rezonings in this City  
22 that have gone far faster than Dutch Kills. If  
23 this would have been done faster, I don't think  
24 there would be the proliferation of hotels. Thank  
25 you. But, no clapping or boos, either way.

1  
2 But, moving forward, even with the  
3 dozens of hotels that will be built, and even with  
4 what you said the way you're trying to game the  
5 market, on Northern Boulevard, which is 20% of  
6 this rezoning, in fact, nothing is being done to  
7 prevent hotels.

8 JOHN YOUNG: On Northern Boulevard,  
9 today, there's no firm height limit for those  
10 commercial businesses. With this rezoning, all  
11 uses would have to fit within 125 maximum height  
12 limit. And, they'd also have to comply with  
13 providing a 60 to 85-foot street wall. Today, if  
14 you look at some of the hotels that are going up,  
15 they immediately push their walls in from the  
16 street because it's a more efficient way to build  
17 a highrise development. We're requiring a firm  
18 height limit on Northern Boulevard for all  
19 development and a continuous street wall of 60 to  
20 85 feet. They would have to change how they have  
21 been traditionally been building highrise  
22 buildings.

23 COUNCIL MEMBER GIOIA: So, again,  
24 you're throwing a curveball to developers of  
25 hotels. Not saying don't build hotels here. I

1  
2 mean, how can anybody in the neighborhood trust  
3 what City Planning is saying when City Planning  
4 has so misjudged the market for 40 years in Dutch  
5 Kills. Every zoning that City Planning has done  
6 has not helped the neighborhood, especially the  
7 homeowners or the renters, the people who live in  
8 the neighborhood. Let me ask you this way. If  
9 City Planning is so confident of the market,  
10 watching what happened in New York City, or  
11 watching what happened worldwide over the past few  
12 weeks, why do you think that City Planning can  
13 better estimate the development market on Northern  
14 Boulevard than anybody else by changing the street  
15 wall?

16 JOHN YOUNG: Just like to explain a  
17 couple of things about this whole hotel issue. It  
18 was not precipitated by this rezoning. The way  
19 that development works in the City is a confluence  
20 of a whole set of factors. And, hotel development  
21 has been burgeoning throughout the City, not just  
22 in Dutch Kills. Recently, when we were doing the  
23 Laurelton rezoning before this City Council  
24 Subcommittee, there was a hotel development that  
25 was happening there. It's happening in

1  
2 communities throughout the City. But, where it  
3 hasn't really happened in an overwhelming capacity  
4 is actually in Hunter's Point, where we actually  
5 applied the same mixed-use zoning strategy of  
6 commercial development and housing at the same  
7 ratios. In fact, housing has been developed there  
8 since 2004 in an overwhelming preponderance and  
9 not hotels. And, even in the area directly south  
10 of Dutch Kills, the Queens Plaza subdistrict of  
11 the Special Long Island City mixed-used zoning,  
12 where, again, housing has outpriced hotels which  
13 have been limited to the same density as the  
14 residential development, not a higher one.

15           What happened in Dutch Kills, as we  
16 pointed out, is that the current zoning has this  
17 great disparity. Housing is only allowed at 1.65  
18 FAR today and only if you meet certain site  
19 criteria and only if you go through a special  
20 process with the Planning Commission. The market  
21 saw that there were additional flexible rules that  
22 made this area imbalanced. And, when the overall  
23 hotel market in the City blossomed, this was an  
24 area, among many, that the hotel market moved  
25 into.

1  
2 COUNCIL MEMBER GIOIA: Okay. I  
3 mean, I'll let it go for now, although, I mean, I  
4 don't accept the answer that hotel proliferation  
5 has happened. I mean, I challenge you to find a  
6 place that hotel proliferation has happened as  
7 much as it has in Dutch Kills. And, I would argue  
8 that the reason it's happened here and not in  
9 Hunter's Point is actually because of the rezoning  
10 in that, I mean the Dutch Kills rezoning, in that  
11 I think the hotel developers were worried that you  
12 were going to downzone them. And, hence, they put  
13 shovels in the ground faster than they would have  
14 otherwise. Whereas, they did not have that  
15 concern in Hunter's Point. But, I'll let it go  
16 for a second to move on to my final, for now, line  
17 of questioning.

18 We saw the New York economy and the  
19 American economy take a pretty big hit over the  
20 past few weeks. I'm sure you've watched it.  
21 We've all watched with horror as the stock market  
22 has tumbled. You've heard many economists and  
23 leaders in New York and, including the Mayor, talk  
24 about diversifying New York City's economy.  
25 Currently in Dutch Kills, as in Long Island City,

1  
2 it adds to the diversity of New York City's  
3 economy, does it not?

4 JOHN YOUNG: Yes.

5 COUNCIL MEMBER GIOIA: Will the  
6 current rezoning, and I'm talking about industrial  
7 retention and I'm talking about jobs that people  
8 are making a real wage building things, making  
9 things and it's things that you don't even think  
10 about. I went to a woman who made something  
11 called wine biscuits the other day and a  
12 fabulously successful business in a little store  
13 and, I think a little factory on 31<sup>st</sup> Street I  
14 believe. Will your proposal impede these small  
15 business owners, their ability to grow their  
16 businesses?

17 JOHN YOUNG: No. We do not believe  
18 there will be an impediment after this rezoning is  
19 adopted for businesses to flourish in Dutch Kills.

20 COUNCIL MEMBER GIOIA: Well, let's  
21 speak the same language. Flourish; flourish could  
22 mean a lot of different things for different  
23 people. It's like saying middle-class, right.  
24 Everybody thinks they're middle-class in America.  
25 So, flourish could mean you could sell ten wine

2 biscuits. You could sell 10,000. Flourish could  
3 be a different word. But, I used the word grow.  
4 Will it impede their growth?

5 JOHN YOUNG: No. As we've  
6 demonstrated with the Planning Commission's  
7 modification, a substantial number of floors can  
8 be added to the predominate scale of those  
9 businesses today, which are one and two-story.  
10 They can easily double and possibly triple the  
11 amount of floor space they operate under today.

12 COUNCIL MEMBER GIOIA: Have you  
13 heard from the business owners? Do they agree  
14 with this assessment?

15 JOHN YOUNG: We've had numerous  
16 discussions with them. We believe that, again,  
17 the Community Board heard them and the Borough  
18 President heard them during their hearing. And,  
19 both of those bodies recommended 3 FAR to be  
20 allowed for them. During this process, they  
21 continued to believe that they need the full 5  
22 FAR. And, the concern is, I think a legitimate  
23 one, growing businesses to that scale on some of  
24 these mid-blocks may overwhelm the character of  
25 those mid-blocks with deliveries, with other types



2 of functions that the community, today, doesn't  
3 experience. So, the whole purpose of this is to  
4 give significant growth opportunity, while not  
5 overwhelming the character by out-of-scale  
6 development period.

7 COUNCIL MEMBER GIOIA: I'm done for  
8 now. But, I'd ask that City Planning, obviously,  
9 stay and listen to the criticism and critiques of  
10 both the residents and the business owners from  
11 the neighborhood and then, perhaps, come up later  
12 and try to answer them.

13 JOHN YOUNG: Of course.

14 COUNCIL MEMBER GIOIA: Thank you.

15 CHAIRPERSON AVELLA: City Planning  
16 always does that. Of course, they're subject to  
17 the call of the Chair. We have a number of  
18 Council Members who also have questions. And, I  
19 would remind my colleagues that we have over 40  
20 speakers on this item.

21 Before I take other questions, the  
22 one comment I have, and you don't have to answer  
23 this, because you know I've brought this up  
24 before. I just feel that we wouldn't be in the  
25 situation we are today if City Planning hadn't

2 insisted on doing the full EIS. We would have  
3 gotten this rezoning done a long time ago and we  
4 wouldn't have the hotels that we do. It's  
5 unfortunate that City Planning made that decision  
6 because I don't think it was necessary. And, you  
7 know, we disagree. But, I think you could have  
8 done it without doing, holding this plan up for a  
9 whole year.

10 Council Member Sears.

11 COUNCIL MEMBER SEARS: Thank you,  
12 Mr. Chair. You may have answered this question,  
13 so I apologize for being late. All right. It's  
14 on now. Maybe it's not working that effectively.  
15 I'll speak closer. And, if you did answer it, you  
16 don't have to and I'll find out the information.  
17 I don't understand why you need to develop another  
18 district for Dutch Kills when you already have the  
19 zoning that you do. Is it because it doesn't  
20 allow you to do what you want to do? And, why not  
21 look and go revisit that zoning that you already  
22 had? Do you follow me?

23 JOHN YOUNG: Unfortunately, I need  
24 a little more clarification, Council Member.

25 COUNCIL MEMBER SEARS: Okay. In

1

2 Long Island City, you've got-in the what?

3 MALE VOICE: You mean the special  
4 mixed-use?

5 COUNCIL MEMBER SEARS: Yes, I'm  
6 talking about the special mixed-use.

7 JOHN YOUNG: Um, hm.

8 COUNCIL MEMBER SEARS: So, you're  
9 creating this subdistrict for Dutch Kills. Why?  
10 Because you have an existing zoning that you did.  
11 And, if the area for what we're talking about  
12 doesn't work for what you want to do, why haven't  
13 you revisited that zoning that you already did?

14 JOHN YOUNG: And, we are  
15 revisiting. We are rezoning the 40 blocks in  
16 Dutch Kills because their current zoning either  
17 dates to 1961, the M1-1 portion the north of 37<sup>th</sup>  
18 Avenue and the M1-3D, which dates to 1989. The  
19 extension of the Special Long Island City Mixed-  
20 use District actually allows us to write in  
21 special parking provisions that the zones that  
22 we're applying to the area, the M1-2 or the R5D or  
23 R6A ordinarily wouldn't have in terms of some of  
24 the way the standard provisions apply if we were  
25 just using the zones on their own. So, we have

1  
2 made just a few special adjustments to respond to  
3 some of the community's concerns about parking,  
4 about ensuring that the height of buildings or the  
5 FAR—for example the M1-2, R5B district that we're  
6 applying normally allows only a 1.35 FAR. But,  
7 the community believed that the current 1.65 FAR  
8 should be the minimum amount on some of those mid-  
9 blocks.

10 So, through our use of the special  
11 sub-district we're creating here, we're able to  
12 write in those types of provisions.

13 COUNCIL MEMBER SEARS: Okay. I'm a  
14 little confused about something 'cause you refer  
15 to the community and the community and I know  
16 Dutch Kills. And, I know the area well. And, for  
17 years and years and years getting over the  
18 Queensboro Bridge, you saw a darkness. And, I can  
19 understand and it's taken so many years to even  
20 plan something that's aesthetic and beneficial to  
21 the community and the City as a whole. Are you  
22 promoting tourism in that area with the  
23 development of so many hotels, because the  
24 utilization of hotel rooms certainly is not at 80%  
25 or 85%? So, I don't quite understand why we're

1  
2 looking at developing so much of that area to  
3 hotels. They'd be competing with Manhattan. The  
4 proximity is so great to Manhattan. And, unless  
5 before the hotels go up, there are other amenities  
6 that need to be in place in order to sustain the  
7 reason for having hotels, not just to create this  
8 massive business of hotels leaving the area and  
9 going across into Manhattan to give them a room.  
10 I don't quite understand that. And, there seems  
11 to be—and you're doing that while you're down-  
12 zoning the manufacturing area. I think there's  
13 difference.

14           There's a little friction as to  
15 what's happening there. And, there's no question  
16 that it needs to be. Dutch Kills area has always  
17 looked to zone up. They've wanted to have  
18 residential development and they wanted to have it  
19 aesthetically, right, and in conformity with what  
20 that community is really like. It seems like  
21 we're getting a hodgepodge. And, hotels can be a  
22 hodgepodge. It just depends. Are they going to  
23 be like back office space, where they're providing  
24 rooms at half rate? And, what does that mean for  
25 the community? So, I'm a little confused as to

1  
2 exactly what the planning was with City Planning  
3 on having so many hotels.

4 JOHN YOUNG: Council Member, let me  
5 try to clarify that. I think you're absolutely  
6 correct in describing the vision that the  
7 community has for itself is to actually grow it as  
8 a substantially residential community with these  
9 other businesses that have been traditionally part  
10 of the mix ensuring that everything is harmonious  
11 in scale. And, the planning is actually not to  
12 promote hotels at all. So, that's incorrect to  
13 state that we want to promote tourism here.

14 Our forecast for the zoning changes  
15 producing new development is over 1,500 new  
16 residential units would be produced in a ten-year  
17 period and not one new hotel. That's the forecast  
18 that we have been using through this whole  
19 environmental review process, which was required  
20 because of the significant amount of new  
21 residential added in an area that today prevents  
22 it. Any time we're going from an area that allows  
23 hotels and commercial and manufacturing uses, to  
24 promote it for more residential use, it's a much  
25 more thorough City environmental quality review

1  
2 process that's required. So, the whole planning  
3 here is to really strengthen the residential  
4 quality of this community.

5 COUNCIL MEMBER SEARS: I understand  
6 that. And, where is the community on reducing,  
7 actually, the manufacturing? I don't know the  
8 answer to that.

9 JOHN YOUNG: I don't know that,  
10 again, we're promoting reducing the manufacturing.  
11 I mean, the overall allowance for 5 FAR, and I'm  
12 sorry again if this is too technical, but the  
13 floor area ratio is--

14 COUNCIL MEMBER SEARS: No, I think  
15 we understand.

16 JOHN YOUNG: --what FAR stands for,  
17 the size of a building given its lot. Most of  
18 those manufacturing building are at FAR 1.

19 COUNCIL MEMBER SEARS: Um, hm.

20 JOHN YOUNG: Some are at 2. None,  
21 absolutely none, are at 5. And, what the Planning  
22 Commission is saying for those light manufacturing  
23 uses, you can build up to 3 FAR. It was the idea  
24 of developing a compromise to ensure that the  
25 scale of those businesses, as they grow, and

1  
2 there's substantial flexibility by saying 3 FAR  
3 for growth, they would be able to stay in the  
4 community. It's not about making them  
5 nonconforming, wouldn't want to do that, and not  
6 about shrink-wrapping the zoning so they simply  
7 have to stay in their existing buildings.

8 COUNCIL MEMBER SEARS: Um, hm.

9 JOHN YOUNG: I hope that's clearer.

10 COUNCIL MEMBER SEARS: I  
11 understand. I do have questions, but I'll save  
12 them for later. Thank you very much, 'cause I  
13 know others want to have some questions. Thank  
14 you. Thank you.

15 CHAIRPERSON AVELLA: Council Member  
16 Felder.

17 COUNCIL MEMBER FELDER: Thank you.  
18 Thank you very much. Good morning. Just two  
19 questions. One, the areas that were  
20 nonconforming, residential parts of this  
21 neighborhood that were nonconforming, I didn't  
22 understand what you're doing about that. Are you  
23 going to leave them nonconforming?

24 JOHN YOUNG: I want to just clarify  
25 that currently, under the M1-3D, the residential



1  
2 use was made a conforming use and has been so  
3 since 1989. There's only one portion of the area—  
4 Joy, if you can put up the existing zoning map—the  
5 M1-1 area, which is comprised of four-block  
6 portions at the northern end. It's that part of  
7 the rezoning area that juts out a little. In that  
8 area, where you see the yellow, those residential  
9 uses are nonconforming today. And, the maximum  
10 FAR for even a business or commercial use there is  
11 1. This proposal would rezone that area to make  
12 all of those residential uses conforming and  
13 actually give them more floor area possibility  
14 than they have today, either 1.65 or 3. And, the  
15 same thing for the commercial and light  
16 manufacturing uses, which, today in this area, are  
17 limited to 1 FAR, they'd be available to have 2 or  
18 3 FAR. So, there's a substantial benefit through  
19 this rezoning for both the residential and  
20 businesses and property owners in that part of the  
21 rezoning.

22 COUNCIL MEMBER FELDER: Well, I  
23 would like to know. Do they want what you're  
24 giving them? Are they in favor? I know you like  
25 to be nice. But, I want to know whether they want

1

2 what you're doing?

3 JOHN YOUNG: You'll hear from them  
4 and you can ask them directly. I don't want to  
5 put words in their mouth. I certainly believe  
6 they want to be conforming. I do believe there's  
7 some concerns about how this zoning, which does  
8 closely reflect the scale, may not be sufficient  
9 for their vision of that part of the rezoning  
10 area.

11 CHAIRPERSON AVELLA: Council  
12 Member, if I may, because a number of questions  
13 have come up. And, that's why we're having the  
14 public hearing. And, we have 40 speakers. And,  
15 it's about, I would say, equal between those  
16 people who are against it, those people in favor.  
17 But, I think that question, he can't answer, you  
18 know. And, I think it's something that that's why  
19 we're going to hear from the public.

20 COUNCIL MEMBER FELDER: Very good.

21 CHAIRPERSON AVELLA: And, I think  
22 that sort of question should be put in abeyance to  
23 - - .

24 COUNCIL MEMBER FELDER: I  
25 apologize. You're absolutely right. So, let me,

1  
2 then, make this statement that the Chair won't be  
3 able to correct me on 'cause I was wrong, is that  
4 I have found, on some of these rezonings, that  
5 sometimes City Planning, with good intentions, may  
6 be doing things that may not be, may not be wanted  
7 by the people even in those homes that are not  
8 conforming. They may like it that way. So, that  
9 there's no additional building. The other thing I  
10 wanted to ask you is you mentioned about the 25%  
11 or 20%, I'm sorry, that you mentioned where the  
12 hotels would be allowed. Can you just repeat that  
13 one more time, please?

14 JOHN YOUNG: Sure. Let's put up  
15 just--

16 COUNCIL MEMBER FELDER: And, how  
17 did you decide where that 25%? Is that one area?  
18 Is that throughout the district?

19 JOHN YOUNG: It's really the  
20 Northern Boulevard corridor here. Northern  
21 Boulevard, if you've traveled on it, is a wide  
22 street that connects directly to the Queens Plaza  
23 subdistrict, which really is viewed as the  
24 business core of this whole western Queens area.  
25 And, everything that you see in the very dark

1  
2 orange or brick color here is proposed to be an  
3 M1-3/R7X zone, which would have a maximum height  
4 limit of 125 feet, but allow the full 5 FAR that's  
5 available today for light industrial and  
6 commercial uses to be retained and provide  
7 incentives for affordable housing. So, in this  
8 area, a 5 FAR hotel, a 5 FAR office building, a 5  
9 FAR housing development, with 20% affordable  
10 units, could be developed.

11 COUNCIL MEMBER FELDER: How--

12 JOHN YOUNG: There's transit, just  
13 to make the point here, right here with the N and  
14 the W and here with the G and the R.

15 COUNCIL MEMBER FELDER: And, if  
16 somebody were to build a hotel, how much, in  
17 height, what's the highest, using that FAR, that  
18 they could have?

19 JOHN YOUNG: Twelve stories, 125  
20 feet.

21 COUNCIL MEMBER FELDER: I see. I  
22 see. Okay. Thank you.

23 CHAIRPERSON AVELLA: Council Member  
24 Jackson.

25 COUNCIL MEMBER JACKSON: Thank you,

1  
2 Mr. Chair. Good morning, everyone. I asked the  
3 question earlier about the Community Board. My  
4 understanding that the Community Board approved  
5 this with some recommendations for amendments to  
6 it. And, my understanding, correct me if I'm  
7 wrong, is that the recommendations by the  
8 Community Board were incorporated into the  
9 proposal except for one. Is that correct? Am I  
10 wrong?

11 JOHN YOUNG: Good morning, Council  
12 Member.

13 COUNCIL MEMBER JACKSON: Good  
14 morning.

15 JOHN YOUNG: One of the  
16 recommendations was incorporated, which was the 3  
17 FAR for the businesses, for the light  
18 manufacturing uses. But, the other  
19 recommendations, which were for additional density  
20 and height in areas that, on this map, are shown  
21 in yellow or orange, were higher than where we  
22 could actually allow that change to be happening  
23 during this process. The range of changes cannot  
24 add additional height or additional density beyond  
25 what was already analyzed in the detailed

1

2 environmental impact statement.

3 COUNCIL MEMBER JACKSON: Did the  
4 Community Board want higher or lower density?

5 JOHN YOUNG: They wanted a little  
6 more--

7 COUNCIL MEMBER JACKSON: In that  
8 area.

9 JOHN YOUNG: --height and a little  
10 more density in that area.

11 COUNCIL MEMBER JACKSON: And,  
12 you're saying that could not be done because of  
13 the environmental impact statement?

14 JOHN YOUNG: That's right, because  
15 it would actually possibly add more units than  
16 even the 1,500 units that were already analyzed  
17 for their impacts on things like schools--

18 COUNCIL MEMBER JACKSON: So,  
19 couldn't you have gone back and reanalyzed the  
20 information?

21 JOHN YOUNG: No.

22 COUNCIL MEMBER JACKSON: I'm just  
23 asking the question.

24 JOHN YOUNG: Yeah, Council Member,  
25 once we're in this public review process, which

1

2 started on May 19<sup>th</sup>, we have to go all the way  
3 through within the scope of what was started at  
4 the process.

5 COUNCIL MEMBER JACKSON: Because  
6 you're on a timetable--

7 JOHN YOUNG: Yes, we're on a--

8 COUNCIL MEMBER JACKSON: --that  
9 cannot--

10 JOHN YOUNG: --strict timeframe.

11 COUNCIL MEMBER JACKSON: You can't  
12 turn the clock back, you mean, unless you stop it  
13 and start all over again?

14 JOHN YOUNG: More or less.

15 COUNCIL MEMBER JACKSON: But, that  
16 doesn't mean that the decision is the best  
17 decision, though. Is that correct?

18 JOHN YOUNG: I--

19 COUNCIL MEMBER JACKSON: That  
20 you're making. It doesn't mean it's the best  
21 decision, but you're making it based on the  
22 parameters of the timeframe and based on the  
23 environmental statements that you have at that  
24 time.

25 JOHN YOUNG: Again, I--

1

2 COUNCIL MEMBER JACKSON: Is that  
3 correct?

4 JOHN YOUNG: I think that what we  
5 would still argue, again, because it's a debatable  
6 point--

7 COUNCIL MEMBER JACKSON: Okay.

8 JOHN YOUNG: --is this is a good  
9 recommendation. This idea of creating these two  
10 distinct mid-block and avenue areas actually does  
11 reflect the variation in the scales of buildings  
12 that exist. The Community Board wanted to  
13 eliminate those distinctions. They wanted to  
14 basically blur the lines between the avenues and  
15 the mid-blocks. Many areas of the City have  
16 distinct zoning, if you look on the zoning map,  
17 that differentiates between an avenue and a mid-  
18 block.

19 COUNCIL MEMBER JACKSON: Um, hm.

20 JOHN YOUNG: That's a debate that,  
21 again, would not be allowed to be refined during  
22 this process. We believe, again, that this is a  
23 good plan the way it is for those areas.

24 COUNCIL MEMBER JACKSON: A lot of  
25 the talk this morning was about hotels and/or



1  
2 banning hotels. What was the Community Board's  
3 position on that particular matter?

4 JOHN YOUNG: I don't think anyone  
5 is in favor of more hotels in the community.

6 COUNCIL MEMBER JACKSON: And, based  
7 on what you said earlier in response to one of my  
8 colleague's question, I think you had said that  
9 over the next ten years not one hotel is projected  
10 to be built in that particular area?

11 JOHN YOUNG: We have used the  
12 environmental impact statement to analyze that  
13 people would more likely build housing, retail,  
14 office development that support the needs, that  
15 really are visible in this community.

16 COUNCIL MEMBER JACKSON: Could that  
17 stop a developer? If this zoning, as you propose,  
18 went forward, would that stop a developer, if they  
19 wanted to, to build a hotel?

20 JOHN YOUNG: Well, as, again, many  
21 members of the--

22 COUNCIL MEMBER JACKSON: I'm sorry.

23 JOHN YOUNG: --Subcommittee are  
24 aware that once the Council acts, all development  
25 has to fulfill all the requirements of the new

1  
2 zoning. And, if you haven't vested, and I know  
3 this gets to be complicated, but if you haven't  
4 basically, completed the foundations--this is a  
5 simplistic--

6 COUNCIL MEMBER JACKSON: Right.

7 JOHN YOUNG: --summary of it--of the  
8 development that you're pursuing that would be  
9 contrary to the new rules, if that foundation  
10 isn't completed, you have to stop. And, you  
11 cannot proceed with something that would be  
12 contrary to the new zoning.

13 COUNCIL MEMBER JACKSON: But, you  
14 still answer my question. If I'm a developer,  
15 even with the new rezoning going into place, if I  
16 own property and if I wanted to build a hotel,  
17 could I build a hotel? And, you said, I believe,  
18 in response to my colleague's question, I think is  
19 a maximum height restriction of 120 feet, which is  
20 about 12 stories. Could I build a hotel if I  
21 wanted to?

22 JOHN YOUNG: Yes, yes.

23 COUNCIL MEMBER JACKSON: The  
24 answer's yes.

25 JOHN YOUNG: Um, hm.

1

2

COUNCIL MEMBER JACKSON: Okay.

3

But, City Planning predicts, based on the

4

rezoning, that that would not happen. Is that

5

correct?

6

JOHN YOUNG: That's less likely to

7

happen because, today, hotels are given a

8

preferential height and a preferential density

9

over housing.

10

COUNCIL MEMBER JACKSON: Um, hm.

11

JOHN YOUNG: This rezoning gives

12

equal, if not in some cases, more weight to

13

housing development.

14

COUNCIL MEMBER JACKSON: And, from

15

your perspective with City Planning, how does the

16

current economic situation affect your

17

recommendation that no hotels will be built within

18

the next ten years?

19

JOHN YOUNG: Again, the formulas

20

that we use are using, you know, the best tools

21

that are available. We can't foresee how the

22

market changes.

23

COUNCIL MEMBER JACKSON: Well,

24

clearly, no one projected the market to be like it

25

has been in the past three weeks. So, I'm asking

2 you, based on the current situation, what is your  
3 projection that hotels will be built in that area  
4 over the next ten years, considering the market?

5 JOHN YOUNG: Again, what we see the  
6 market in the areas here with the densities we're  
7 proposing, substantial housing that's relatively  
8 inexpensive to be developed. If you look in  
9 Astoria, if you look in areas, we believe more  
10 housing would be developed.

11 COUNCIL MEMBER JACKSON: And, you  
12 mentioned affordable housing. What do you mean by  
13 affordable? And, to whom?

14 JOHN YOUNG: Um, hm. This is using  
15 the standard inclusionary zoning provisions that  
16 we've been adopting with a number of rezoning  
17 initiatives.

18 COUNCIL MEMBER JACKSON: I'm sorry,  
19 just can you just break that down into plain--

20 JOHN YOUNG: Yeah.

21 COUNCIL MEMBER JACKSON: --simple  
22 English so the people who's viewing this will  
23 understand exactly what you're saying. Affordable  
24 to whom?

25 JOHN YOUNG: And, the requirements

1  
2 are that the units can be affordable to families  
3 earning no more than 80% of a HUD-defined median  
4 income. And, for a family of four, that's roughly  
5 \$57,000. For smaller households, that maximum  
6 income rates are less. But, those are the  
7 maximums for which you'd be eligible to qualify  
8 for those units.

9 COUNCIL MEMBER JACKSON: For those  
10 affordable units.

11 JOHN YOUNG: Yes.

12 COUNCIL MEMBER JACKSON: And, you  
13 expect to build approximately 1,500 affordable  
14 units, not you, but you expect the development of  
15 approximately 1,500 units over what period of  
16 time?

17 JOHN YOUNG: No, the 1,500 forecast  
18 was for the whole amount of housing throughout  
19 this area.

20 COUNCIL MEMBER JACKSON: For the  
21 rezone--

22 JOHN YOUNG: And, in parts of it,  
23 there's no incentive or requirement to provide  
24 affordable housing, just on Northern Boulevard.  
25 So, using just that portion of the area, we're

1

2 forecasting about 190 units for affordable, at  
3 those rates that I'm describing to you.

4 COUNCIL MEMBER JACKSON: Built by  
5 whom?

6 JOHN YOUNG: And, the developer has  
7 to work with the Department of Housing  
8 Preservation Development on an affordable housing  
9 plan.

10 COUNCIL MEMBER JACKSON: Um, hm.

11 JOHN YOUNG: It can be located  
12 within the housing they're putting up on Northern  
13 Boulevard. It can be located anywhere within  
14 Community District 1 or, since we're very close to  
15 Community District 2, the Queens Plaza area is the  
16 boundary line, it can be within a half mile of the  
17 development site on Northern Boulevard within  
18 Community District 2.

19 COUNCIL MEMBER JACKSON: Now, so,  
20 is it true, or is it not true, that the Community  
21 Board wanted to ban hotels all together?

22 JOHN YOUNG: It was not part of  
23 their formal recommendation through this process.

24 COUNCIL MEMBER JACKSON: Okay. It  
25 was not part of their formal recommendation?

2 JOHN YOUNG: That's right. There  
3 was certainly a discussion at their hearing about  
4 the validity of continuing even allowing hotels.

5 COUNCIL MEMBER JACKSON: And, where  
6 is Council Member Eric Gioia's position on banning  
7 hotels, if you know?

8 JOHN YOUNG: I really would let the  
9 Council Member speak for himself.

10 COUNCIL MEMBER JACKSON: No, no,  
11 no. I'm asking you, as City Planning, because I'm  
12 sure you've had conversations with him. So, I'm  
13 asking you, City Planning, what is Council Member  
14 Eric Gioia's position on--

15 CHAIRPERSON AVELLA: Council  
16 Member, I'm absolutely going to step in on this--

17 COUNCIL MEMBER JACKSON: I'm sorry.

18 CHAIRPERSON AVELLA: --because I  
19 think--

20 JOHN YOUNG: Thank you.

21 CHAIRPERSON AVELLA: I don't mind  
22 legitimate questions--

23 COUNCIL MEMBER JACKSON: You don't  
24 think that--

25 CHAIRPERSON AVELLA: --and even

1

2        though

3                        COUNCIL MEMBER JACKSON:    Wait--

4                        CHAIRPERSON AVELLA:    Wait a second,  
5        Council Member, Council Member.  I beg your  
6        indulgence.

7                        COUNCIL MEMBER JACKSON:    Go ahead.  
8        I'm listening.

9                        CHAIRPERSON AVELLA:    You know,  
10       we've actually been going over the same ground  
11       back and forth, in my opinion, but I haven't  
12       interrupted anybody.  But, asking him what Council  
13       Member Gioia's opinion is is totally unfair.  
14       Council Member Gioia is sitting right here.  I  
15       don't think you can ask him to say what the  
16       Council Member's opinion is.

17                       COUNCIL MEMBER JACKSON:    Well,  
18       actually I disagree with you.

19                       CHAIRPERSON AVELLA:    I just think  
20       that's inappropriate.

21                       COUNCIL MEMBER JACKSON:    Okay.  
22       And, let me respond to you.  I disagree with you.  
23       City Planning, as an agency, has communication  
24       with Community Boards and with the Borough  
25       President and with the Council Members.  And, I



1  
2 want to know, from City Planning, just like I  
3 asked him what is the position on the Community  
4 Board concerning certain matters, and hearing his  
5 opinion, as a representative of City Planning.  
6 And, I was going to ask him what is Borough  
7 President's position.

8 CHAIRPERSON AVELLA: Right, but--

9 COUNCIL MEMBER JACKSON: I think--  
10 no, let me finish. Sir, I've given you the  
11 opportunity to respond to me. I want to be able  
12 to respond to you. I have a right to ask him, as  
13 a City Planning representative, what is the  
14 Borough President's position on the matter and  
15 what is the City's Council position. Now, I agree  
16 that Eric Gioia is sitting right there. I want to  
17 know from City Planning what they believe or what  
18 they have been told is his position to see if it's  
19 in line with what his position is. I think that's  
20 a very legitimate question. And, for you to say  
21 that that's not an appropriate question, it is an  
22 appropriate question.

23 I've been told that no question is  
24 a stupid question, 'cause, in essence, the  
25 individual wants to know the answer because I want

1

2 to know what City Planning's position is on this  
3 matter, as they have expressed it and what, in  
4 their opinion as an agency, is the position of  
5 Community Board, of the Borough President, of the  
6 Council Member. I think that's a appropriate  
7 question to ask. Now, if his response, Mr. Chair,  
8 is that City Planning does not know what Eric  
9 Gioia's position is, that's a different matter. I  
10 would beg that that's not their position. So, I  
11 disagree that it's an inappropriate question.

12 CHAIRPERSON AVELLA: I would just  
13 add that your comment about the Community Board  
14 position, when you asked him that question, that's  
15 a written document. That's the difference.  
16 However, Council Member Gioia's asked to speak.

17 COUNCIL MEMBER GIOIA: I want to  
18 thank Council Member Jackson for his support,  
19 which I very much appreciate. And, I don't speak  
20 for Council Member Jackson, but I think the point  
21 he was trying to make, or trying to elicit from  
22 City Planning, was that they, in fact, know my  
23 position, which has been clear for some time, in  
24 strong opposition to further hotel development in  
25 the City. And, I think he was trying to--well, let

1  
2 me ask a question, rather than put words into  
3 Council Member Jackson's mouth. Why is it that  
4 you've not come up with a better way to prevent  
5 hotel development in this neighborhood?

6 JOHN YOUNG: Every time we're  
7 looking at land use changes, we have to be mindful  
8 of how those land use policies are employed and  
9 the practices and precedents that have been used  
10 heretofore. And, in no part of the City have we  
11 contemplated some of the restrictions on hotels  
12 the way that, again, we've had some discussions  
13 about them. And, to do so would take further  
14 study to really understand those implications. At  
15 this point in time, using the best tools  
16 available, we think we are curbing hotels as part  
17 of this proposal, trying to provide the  
18 opportunity for pent-up housing demand to be  
19 realized in this area.

20 CHAIRPERSON AVELLA: I understand  
21 that Council Member Jackson hasn't finished his  
22 questions. And, I know Council Member Sears has a  
23 question. But, before I call on Council Member  
24 Jackson again, and I've said this before to my  
25 colleagues, the whole idea of a public hearing is

2 that actually hear from the public. They have  
3 taken a day off to be here. It is now several  
4 hours since we started. We have 40 speakers to  
5 listen from. We could easily call back City  
6 Planning at the end. But, I got to tell you, I  
7 want to hear from the public because the members  
8 of this Committee can ask City Planning these  
9 questions anytime. And, I've said this before,  
10 because at some point, these people who are  
11 sitting in front of us are going to have to leave.  
12 So, I would ask for my colleagues' consideration  
13 that a public hearing is to hear from the public.  
14 And, I know you have questions. But, I got to  
15 tell you, we're going over the same ground.

16 Council Member Jackson.

17 COUNCIL MEMBER JACKSON: Mr. Chair,  
18 I respect your position as the Chair of the Zoning  
19 & Franchise Committee. But, let me just say I  
20 disagree with you that a public hearing is a  
21 hearing in order for Council Members, when  
22 reviewing documents, to be able to ask questions  
23 and receive appropriate responses so that I, as a  
24 member of this Zoning & Franchise Committee, will  
25 be able to make a decision that I feel that I'm

1  
2 comfortable with, either to approve or not approve  
3 this particular matter. And, also to hear from  
4 the public. And, as a member of this Committee,  
5 I've sat through hours and hours of testimony.  
6 And, I plan on being here to hear, hopefully,  
7 majority of all of the people to hear what they  
8 have to say. But, I just say that only to hear  
9 from the public is not what this hearing is about.  
10 This hearing is about us having the opportunity to  
11 hear from people and ask questions also.

12 So, with that, I'll just ask one or  
13 two more questions and I'm going to finish in less  
14 than two minutes. Can you please tell me what the  
15 Borough President's position was on this  
16 particular matter? Is their position in writing?  
17 Did they approve everything? Or, did they, you  
18 know, what other recommendations the Borough  
19 President of Queens make?

20 JOHN YOUNG: Certainly, and her  
21 recommendations did come to us in writing to ban  
22 hotels, to actually come up with a proposal to  
23 restrict hotels in this area, as well as the  
24 enlargement for businesses to 3 FAR, which the  
25 Planning Commission adopted as part of their

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2 modifications.

3 COUNCIL MEMBER JACKSON: So, that  
4 appears to be in line with what the Community  
5 Board was seeking. Am I right or wrong?

6 JOHN YOUNG: And, the Community  
7 Board's recommendation simply pertained to the  
8 density, as we described--

9 COUNCIL MEMBER JACKSON: Um, hm.

10 JOHN YOUNG: --and to the allowance  
11 for this 3 FAR for manufacturing uses.

12 COUNCIL MEMBER JACKSON: Okay.

13 JOHN YOUNG: Also, I just have to  
14 say, she also issued, in her recommendation, a  
15 specific request for City Planning to look at the  
16 area of 32<sup>nd</sup> Street, in this area here, between 36<sup>th</sup>  
17 and 37<sup>th</sup> Avenues for possibly increasing it from  
18 where it had been during this certified plan.

19 COUNCIL MEMBER JACKSON: Okay.

20 Thank you, Mr. Chair. I appreciate the  
21 conversation and dialogue and opinions on this  
22 matter. Thank you.

23 CHAIRPERSON AVELLA: Council Member  
24 Sears.

25 COUNCIL MEMBER SEARS: My question

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2 was answered just now when Councilman Jackson  
3 asked that question, because we just received this  
4 just a short while ago. So, I'm looking at it  
5 because when I look at the action of the BP and  
6 the Community Planning Board, it said they  
7 approved with recommendations and conditions.  
8 And, I was going to ask you what those conditions  
9 were. But, I'm looking at them now. And, have  
10 all those recommendations been taken into  
11 consideration?

12 JOHN YOUNG: Again, in my  
13 testimony, I did review those conditions.

14 COUNCIL MEMBER SEARS: Um, hm.

15 JOHN YOUNG: And, I mentioned that  
16 the one that the Planning Commission took and  
17 modified with its vote on September 8<sup>th</sup>, was to  
18 increase the allowance for commercial, excuse me,  
19 for semi-industrial and light manufacturing  
20 businesses to have 3 FAR instead of 2.

21 COUNCIL MEMBER SEARS: That was a  
22 Community Board recommendation?

23 JOHN YOUNG: That was a Community  
24 Board--

25 COUNCIL MEMBER SEARS: Yes.

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2

JOHN YOUNG: --and Borough

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President recommendation.

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COUNCIL MEMBER SEARS: Okay. And,

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just a comment, because I agree with Councilman

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Jackson about what a hearing is about. And, if we

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have the concern that the public has to stay later

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and later, and I can understand the inconvenience

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for that, but, Mr. Chair, I recommend that next

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time we have a hearing, we let the public go

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first, because since there are so many and we do

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want to hear from them, it might expedite our

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questions to City Planning Commission. I know it

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was done the other day in a hearing. And, I think

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that your point is well made. But, we should hear

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from them first that they don't have to sit here

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all day. And, if they choose to wait for City

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Planning's testimony, then they should. There's

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nothing in the law that says anybody has to go

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first. I don't think.

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CHAIRPERSON AVELLA: We're actually

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just having a discussion while you're talking.

23

And, it actually may be a requirement that the

24

applicant has to go first.

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COUNCIL MEMBER SEARS: [Pause]



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2 comes up a lot. All right. [Pause] question. Do  
3 you anticipate an increase in manufacturing with  
4 these changes? Or, will it stay as it is or lose  
5 some?

6 JOHN YOUNG: Again, what we are  
7 forecasting is that the amount of future  
8 manufacturing that could be developed here would  
9 be more than today. But, in the terms of where it  
10 could go, in terms of commercial development or  
11 manufacturing, it's less than if that disparity  
12 that exists today were not changed. So,  
13 technically, the analysis was that more hotels and  
14 other types of non-residential uses would be  
15 developed without these changes. With them, we'd  
16 actually be getting more housing and a little less  
17 manufacturing than in the future.

18 COUNCIL MEMBER SEARS: So, you  
19 anticipate some of the manufacturing to increase  
20 in this long-range plans for Dutch Kills?

21 JOHN YOUNG: Yes. I want to make  
22 clear that with these changes, we still forecast  
23 an increase in manufacturing space from where it  
24 is today.

25 COUNCIL MEMBER SEARS: - - thank

1

2 you.

3 CHAIRPERSON AVELLA: Thank you.

4 With that, we will start the public testimony.

5 What we will do, there will be a two-minute time  
6 clock for each speaker. I will not cut somebody  
7 off if they go, you know, a few seconds over.

8 But, I ask everybody to please be concise. Try  
9 and not repeat the same thing that the other  
10 person repeated. We will call people up in  
11 alternating panels. People in favor, then people  
12 opposed, people in favor, people opposed until we  
13 reach the end of our speakers. As I mentioned  
14 before, there's about 40 speakers. And, it's  
15 pretty well even at this point.

16 The first panel I will call up will  
17 be in favor; Irving Poy, on behalf of the Queens  
18 Borough President, Helen Marshall; George  
19 Stamatiades and Gerald Walsh from the Dutch Kills  
20 Civic Association.

21 IRVING POY: Good morning. My name  
22 is Irving Poy. I'm the Director of Planning and  
23 Development for the Queens Borough President. I  
24 am here on behalf of Queens Borough President,  
25 Helen Marshall, to testify on the Department of

1  
2 City Planning applications that proposes to rezone  
3 Dutch Kills and create the Dutch Kills Special  
4 Subdistrict as an addition to the Special Long  
5 Island City Mixed-Use District.

6 Dutch Kills is a unique area with  
7 fully established residential and industrial  
8 development that, in many cases, exists side-by-  
9 side. The current M1-3D zoning severely limits  
10 the ability to enlarge or improve existing  
11 residential buildings, affecting the long term  
12 residents in ways that were not intended. The  
13 existing zoning also allows out-of-character  
14 development that is not compatible with existing  
15 industrial users or the residents.

16 The goals and objectives of these  
17 applications are to stabilize the Dutch Kills  
18 community by allowing new development with  
19 building heights that better match existing  
20 heights and to support the residential and  
21 industrial community. The proposed coupling of  
22 residential districts to the manufacturing zoning  
23 would allow the existing residential buildings to  
24 make improvements or enlargements on an as-of-  
25 right basis forgoing the existing authorization

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2 procedure that was rarely, if ever, used.

3 Of equal importance is the  
4 modification in these applications in response to  
5 the serious concerns of the industrial property  
6 owners. The City Planning Commission, in its  
7 analysis of the needs of these property owners,  
8 found that most were developed at a FAR of 1.0 or  
9 less and that none were built to the maximum 5.0  
10 FAR. The City Planning Commission has raised the  
11 proposed FAR to 3.0 for certain users listed  
12 within Use Group 16A, 16D, 17A, 17B and  
13 photographic or motion picture production studios  
14 or radio and television stations listed in Use  
15 Group 10A. This modification should allow those  
16 businesses enough flexibility to expand or  
17 maintain their operations.

18 The Dutch Kills proposal, as  
19 recently amended by the City Planning Commission,  
20 accomplishes the goals and objectives to allow the  
21 continued mixed-use development while maintaining  
22 the scale and character of existing buildings in  
23 the area. The Queens Borough President supports  
24 these amended applications and urges the City  
25 Council to approve them, as well. Thank you.

1  
2                   GERRY WALSH: Good morning. My  
3 name is Gerry Walsh. I'm the President of the  
4 Civic Association. I represent the Civic members  
5 and the homeowners of the area and the community  
6 residents.

7                   Before I say what we're in favor  
8 of, I just want to say one thing, that, you know,  
9 City Planning worked very hard with us on this  
10 plan. Eric Gioia's worked very hard with us on  
11 this plan. We are in favor of a low-density  
12 residential area. Our Civic Association  
13 membership is almost 200 people. We have in  
14 attendance today is just many. Many has to work.  
15 They cannot be here. The Civic members, a lot of  
16 them are seniors. They cannot make the trip here.  
17 But, we are all in favor of the proposal put on  
18 the board by City Planning. They worked very  
19 hard.

20                   Along Northern Boulevard, where  
21 everybody has the questions about high-density  
22 buildings, 125 feet, to answer Mr. Jackson's  
23 question, I feel that the community will be in  
24 favor. They're not against that. They don't  
25 oppose it. It's actually a four-lane traffic that

1

2 can handle higher-density building.

3 As far as looking at the maps, if  
4 you look at the yellow or the orange, that's the  
5 area that we're mainly concerned about. It was a  
6 rezoning for 40 blocks. Worked very hard. City  
7 Planning was with us every inch of the way. We  
8 went through over 14 meetings with City Planning.  
9 They've been in our Civic Association hall many  
10 times over the last four years, not three. I must  
11 correct John Young on that. We've been battling  
12 this since 2004.

13 If any questions should come out, I  
14 was the person that brought this to the Mayor. We  
15 originally started it December 2003. The first  
16 meeting was, with City Planning, January 2004.  
17 City Planning came to us in 2004 and we informed,  
18 as a Civic Association, we took the time, the  
19 money spent to inform the entire community as far  
20 as what the zoning would be.

21 I also want to say one more thing,  
22 if I can. We are not against the FAR of 3 at all.  
23 It has been reduced. But, we think it's  
24 definitely compromised with us and we're okay with  
25 that. And, as far as 32<sup>nd</sup> Street, maybe it should

1  
2 be relooked at. Again, they cannot build today.  
3 We realize that. But, the FAR, maybe they're  
4 against the idea of keeping it as an M1-1, but  
5 also, would be more—they're going into an R5B,  
6 which they feel is a little low-density for them.  
7 That's all I have to say. Thank you very much.

8                   GEORGE STAMATIADES: Thank you, Mr.  
9 Chair. My name is George Stamatiades. I'm a pro  
10 bono Executive Director of the Dutch Kills Civic  
11 Association. I just want you to know that every  
12 community in the City of New York is screaming for  
13 down-zoning. The Dutch Kills community is very  
14 unique in screaming for up-zoning. We were  
15 condemned to death in 1961. And, we've watched  
16 one house at a time being bulldozed; one family at  
17 a time moving away from us, vacating our places of  
18 worship, emptying our schools.

19                   We are now at the point in time in  
20 history that it's required that the residential  
21 community be allowed to revive itself. The City's  
22 short of housing stock. We have the acreage. We  
23 have the square feet. And we urge you, and this  
24 is a mighty urge, that this process not be slowed  
25 down for any reason. We may be able to deal with

1  
2 hotels. If City Planning is correct with the  
3 financials in terms of their ability to build and  
4 residential having more profit in it for  
5 developers than hotels, then so be it. But, we do  
6 not, under any conditions, want to slow this  
7 project down because our homes are in jeopardy.  
8 We're dealing with contractors who have absolutely  
9 no respect for people or the community. And,  
10 we've got to bring that to a halt. And, this  
11 zoning will do it.

12 32<sup>nd</sup> Street is an integral part of  
13 our community. We expect City Planning,  
14 hopefully, through your urging, to revisit 32<sup>nd</sup>  
15 Street and see if it's appropriate to meet their  
16 requests and what their wishes are. And, they'll  
17 have more time to study it, so find out what it  
18 really means to them. But, as far as the big  
19 picture for the community and for the City of New  
20 York, this project must move ahead, as scheduled,  
21 on October the 7<sup>th</sup>.

22 If you say that you're going to  
23 throw the baby out with the bathwater, if this  
24 project is not perfect, there isn't a project  
25 anywhere that's perfect. We can't satisfy



2 everybody. It's just me and my wife in one house  
3 and we can't satisfy each other either and we're  
4 always at it. So, you guys got the football for  
5 the community. Please pass it. Make a touchdown.  
6 Let our community revive itself. Thank you.

7 MALE VOICE: I'd have a question  
8 [off-mic]

9 COUNCIL MEMBER GIOIA: Mr. Chair?

10 COUNCIL MEMBER FELDER: You and  
11 your wife [off-mic].

12 GEORGE STAMATIADES: Yes, she  
13 insists that I walk the dog in the morning. I  
14 insist that she walks it. And, that's where we  
15 separate.

16 COUNCIL MEMBER GIOIA: [Off-mic]  
17 can sit.

18 COUNCIL MEMBER FELDER: I thought  
19 it was much more interesting.

20 GEORGE STAMATIADES: No, no.

21 CHAIRPERSON AVELLA: If, Gerry,  
22 Council Member Gioia has a--

23 GEORGE STAMATIADES: Are there any  
24 questions? Guess not.

25 CHAIRPERSON AVELLA: Wait a second.

1

2 Wait one second, please. Irving, if you could  
3 come back, there are some questions. Council  
4 Member Gioia.

5 COUNCIL MEMBER GIOIA: For those of  
6 you who didn't hear Council Member Felder 'cause  
7 his microphone is off, what he said was he was  
8 hoping that George's answer was far more  
9 interesting than having to walk the dog. No one  
10 got that. Never mind.

11 COUNCIL MEMBER FELDER: It's the  
12 delivery, Eric.

13 COUNCIL MEMBER GIOIA: It's the  
14 delivery. I'm lousy. Simcha's much funnier than  
15 I am. That's the truth. I really just want to  
16 make a very brief statement on this. I want to  
17 thank George and Gerry, in particular. They have  
18 run the Civic Association for many years. They do  
19 not get paid. They give so much labor to the  
20 neighborhood and to the Civic Association, it's  
21 really remarkable. The entire neighborhood owes  
22 you a thank you.

23 And, the most important point I  
24 want to make about you guys is that you don't have  
25 a dog in the fight other than that you love the

2 neighborhood. It's not a financial interest.  
3 It's not about your view. It's not about an axe  
4 to grind. You just want what's best for the  
5 neighborhood. And, I can't tell you how much I  
6 respect that. And, as much as you've gone  
7 through, I know the neighborhood respects it, as  
8 well. So, thank you.

9 GEORGE STAMATIADES: Thank you,  
10 Councilman.

11 CHAIRPERSON AVELLA: Council Member  
12 Sears.

13 COUNCIL MEMBER SEARS: I really  
14 have to say that I know Mr. Stamatiades for a  
15 long, long time. And, I don't think there was  
16 ever a time when he was not really pushing for  
17 Dutch Kills. I think you eat, breathe and sleep  
18 Dutch Kills. And, I've always considered the  
19 community to be very fortunate for the Dutch Kills  
20 Association, because you've always had your pulse  
21 on how to make it better. So, I have to thank  
22 you, 'cause what happens in Dutch Kills happens in  
23 Woodside and it happens in Jackson Heights. I've  
24 always said that one community is not isolated  
25 from the other. So, I have to publicly thank all

1

2 of you for doing that.

3 GEORGE STAMATIADES: Thank you,  
4 Councilwoman.

5 CHAIRPERSON AVELLA: Seeing no  
6 other questions, thank you.

7 GEORGE STAMATIADES: Thank you.

8 CHAIRPERSON AVELLA: The next panel  
9 will be a panel in opposition; Eric Palatnik,  
10 Carmel Monpolock. Did I pronounce it right?  
11 Sherry Laska. I only see two people up there.  
12 So, are we missing somebody? [Pause]

13 ERIC PALATNIK: Sure. Hello, good  
14 afternoon. Good afternoon, almost, yeah, almost.  
15 Eric Palatnik. I'm an attorney. And, I'm  
16 representing about 70% of the manufacturing  
17 operators within the Dutch Kills community that  
18 occupy approximately 70% of the affected rezoning  
19 lot area. So, they have a lot at stake. No pun  
20 intended. First, I'd like to say Happy New Year  
21 to everybody who's Jewish and non-Jews, alike.

22 This is not a for or against thing,  
23 Council Members. It's not portrayed that way,  
24 although we're sitting on opposite sides of the  
25 room. Everybody in this room are friends with

1  
2 each other. The residents and the manufacturers  
3 have existed peacefully for the last 40 years  
4 together. It's an active thriving manufacturing  
5 area, as you've heard. What you haven't heard  
6 come out of City Planning's mouth today, which is  
7 quite surprising, is the word Ombudsman. And, for  
8 those of you who are familiar with the industrial  
9 business zones, of which happens to rest right to  
10 the left of the 1 and the 3 three, we happen to be  
11 in an Ombudsman area. And, the Ombudsman area is  
12 an area that the Mayor has designated to encourage  
13 manufacturing uses.

14 Our guys have a 5 FAR  
15 manufacturing. They'd like to maintain it. But,  
16 we realize that's not necessarily realistic. So,  
17 we've created this map. And, the number 2 there  
18 shows you the area that we want to maintain with a  
19 high-density light manufacturing area that will  
20 mimic the high-density residential area that City  
21 Planning has set forth. The rezoning began  
22 because the residents that you'll hear from wanted  
23 the ability to get permits and get insurance.  
24 They did not want to build highrise residential  
25 buildings. And, I don't think you'll hear one of

1

2 them testify to that effect.

3 The problem is that the commercial  
4 uses got caught up in this. And, they were  
5 prevented from growing. Very few of the  
6 manufacturing users had any input in the map that  
7 City Planning set forth before you. And, once the  
8 process started, yes, that was six months ago.  
9 You just heard this started four years ago. Six  
10 months ago was when the manufacturing people  
11 started talking. This map doesn't reflect their  
12 interests. I should also add, by the way, we're  
13 here today with the New York Industrial Retention  
14 Network and PRATT, both of whom are going to  
15 testify with us on this issue.

16 This rezoning is not geared to help  
17 the manufacturing and industrial community. Its  
18 proximity to Manhattan makes it ideal. And, the  
19 time that you've just rezoned numerous areas  
20 around the City—if I may just ask for a few  
21 moments, and I'll knock a few people off the end  
22 of my speech so that I can represent everybody's  
23 interests that I'm representing. And, I promise  
24 you, Council Member, I'll ask three people to  
25 stop. Thank you.

1  
2           It's proximity to Manhattan makes  
3 it ideal for manufacturing and light manufacturing  
4 uses. You've just rezoned Greenpoint. It's no  
5 longer a manufacturing area. You've rezoned  
6 Williamsburg. My wife takes my daughter to baby  
7 class there now. This area is the last of the  
8 true manufacturing areas. As with anything else  
9 in the economic markets, when there's less of it,  
10 it's worth more. The question came up before why  
11 haven't they expanded before the manufacturing  
12 interests. Who is expanding in New York City  
13 until the last five years? Now, is the time  
14 they're ready to expand. And, they have the money  
15 to expand. They're ready to. But, you're taking  
16 the legs out from under them.

17           You're going to hear today from  
18 woodworkers, metalworkers, fan makers, arts  
19 organizations, film businesses, office users,  
20 businessmen, netmakers, printers. He's asking me  
21 to hurry up. I'll keep going on.

22           The 24<sup>th</sup> Street is an issue we'd  
23 like you to look at, number 1 there. That's an  
24 area where City Planning took away the 5 FAR from  
25 manufacturers, brought them back to 3 and didn't

1  
2 give them any residential component. That's  
3 number 1. When we asked why, they said they want  
4 a buffer zone. I said how come that number 1 is  
5 the only special area that needs a buffer zone.  
6 What about the rest the perimeter? Shouldn't  
7 there be a buffer zone there? We never heard an  
8 answer on that. That whole number 1 area is  
9 filled with active, thriving manufacturing users,  
10 not one residence is in that area.

11 Our plan recognized the need to  
12 allow the residential and the manufacturing to  
13 grow. By pairing the number 2 area there with a 4  
14 FAR, which is really what we'd be happy to settle  
15 with, a 4 FAR at that area, you'll allow us to hit  
16 a 70-foot height limit that the residential can  
17 reach. If you ask City Planning if manufacturing  
18 can hit the same height limit in that area as the  
19 residential right now, they'll say no. They're  
20 model show it only hit 60 feet. When I asked City  
21 Planning why can't you raise it up to 4 FAR, let  
22 manufacturers get 70 feet, have ground floor for a  
23 showroom, first floor, second floor for offices,  
24 second floor to rent out to other people to make  
25 some money, fourth and fifth to have their



1  
2 manufacturing area. When I said to City Planning,  
3 why not give us the 4, let us get to the same  
4 height as residential, be contextual, which is  
5 their buzzline, City Planning said that will tip  
6 the scales in favor of manufacturing and it's not  
7 what we're shooting for.

8           What I took from that is they are  
9 not shooting for manufacturing at all. They have  
10 a vision of residential. Condos have been  
11 everybody's savior for the last five years. And,  
12 they're thinking condos, condos, condos. What  
13 we're seeing now, condos are a false illusion that  
14 were driven by the Feds. What makes money are  
15 jobs. I'll finish it up right now.

16           The whole way we've been asked to  
17 present to City Planning what we're going to do in  
18 the future, the manufacturers. They said to us at  
19 every meeting, come to us with plans. They have  
20 not once said to Michael Levine of Levine  
21 Builders, come with us and show us plans of what  
22 you're going to build for residential on this  
23 site. They've never said to Donald Trump come  
24 show us what you're going to build here.

25           The manufacturers have been forced

1  
2 to defend why haven't you built for the last 40  
3 years. Well, they all took the day off. Each of  
4 them are losing their salaries today. And,  
5 they're not managing their employees. And,  
6 they're going to tell you why they need the space.  
7 I'm finishing up one more thing.

8 CHAIRPERSON AVELLA: Eric.

9 ERIC PALATNIK: I'm wrapping up  
10 right now, Council Member. It's the last, my last  
11 piece of paper.

12 CHAIRPERSON AVELLA: Because I  
13 don't mind, you know. I allowed you to go a  
14 little bit over

15 ERIC PALATNIK: I appreciate it.

16 CHAIRPERSON AVELLA: --to discuss  
17 the technical aspects. But, if you're going to  
18 refer to other people who are going to testify,  
19 that's not fair.

20 ERIC PALATNIK: My last page and  
21 it's very small. You can see. We all just  
22 watched what went on with financing. Now, think  
23 this through. When they go for financing, the  
24 manufacturers, they went to their bank ten years  
25 ago to get financing to do anything, the bank

1  
2 valued the financing on a 5 FAR. Now, they have  
3 to come back and redo their deal with their bank,  
4 right. Now, they're going back to their bank and  
5 saying we got a 3 FAR. Do you think the bank's  
6 going to give them the same amount of money they  
7 would to expand their operations. You're all  
8 watching the cash crunch right now. A bank is  
9 going to say no. Your property has been reduced  
10 by approximately 30% of your value. We're going  
11 to give you 30% less money. And, if you can't  
12 make do with that, go to China or Mexico like  
13 everybody else.

14 They're not going to Mexico and  
15 they're going to tell you they're active. They  
16 want to live next door to them. They don't want  
17 to build hotels. But, they got to get more FAR.  
18 And why City Planning hasn't been so reluctant to  
19 go along and agree with us, I think is because, as  
20 you pointed out earlier Councilman Jackson, a time  
21 clock is started and the decision has to be made  
22 and there's not enough time. So, even if it's not  
23 the best decision, it's the decision to be made.

24 Thank you very much for your time.  
25 Thank you for affording me more time, Council

1

2 Member.

3 CARMEL MEMOPOLAU: Good morning,  
4 ladies and gentlemen. My name is Carmel Memopolau  
5 [phonetic]. I own a property on 24<sup>th</sup> Street,  
6 between 37<sup>th</sup> and 38<sup>th</sup> Avenue. Across the street  
7 from me is Scalamandra, which everybody know I  
8 think. It's a five-story building.

9 I own a woodshop. I manufacture  
10 custom-made stuff, which is one of a kind. I  
11 bought the building in 1995. I'm about finished  
12 paying my loan. I bought very expensive  
13 machinery, which I just finished paying. Now, I'm  
14 thinking of building up. I employ 30 people.  
15 And, they're saying they want to reduce it.

16 A year ago, the same broker that  
17 find me this building, came to me and he said you  
18 have a building that's 80 feet by a 100. You  
19 could build five times the size of your lot for  
20 \$125 square foot. You could sell this for \$5  
21 million for a hotel. I decide to do what I like  
22 doing, building furniture. Now, because I didn't  
23 sell it for a hotel, I feel they're going to take  
24 it away from me and cut the value of it in half.  
25 I don't think it's right. I think if I want to

1  
2 grow, I will have to move to New Jersey or retire  
3 and let 30 people go out in the street. Thank  
4 you.

5 CHAIRPERSON AVELLA: I have a  
6 question, Eric.

7 ERIC PALATNIK: Yes.

8 CHAIRPERSON AVELLA: Since you're  
9 obviously representing a number of the property  
10 owners, and you heard the previous testimony from  
11 the Dutch Kills Civic Association. Would your,  
12 and you know, I assume since you're representing  
13 them, you can answer this question. We're going  
14 to hear more testimony from other business owners,  
15 obviously. Are you saying modify the plan? Or,  
16 are you saying gee, we have an interest here. We  
17 realize that the plan needs to move ahead in a  
18 specified timeframe, could you then do a relook,  
19 what we call sometimes a follow-up corrective  
20 action, so that the plan moves ahead, but that  
21 there's more time to look at your specific issue  
22 and the building owners' issues?

23 ERIC PALATNIK: I would--

24 CHAIRPERSON AVELLA: Because I  
25 think that's a key question here.

1  
2 ERIC PALATNIK: Given the  
3 uncertainty in what can go on in politics in the  
4 future and who could be in office, especially  
5 considering the Mayor's announcement that's  
6 anticipated today, no, I would not want to place  
7 the fate of their jobs and their employees and  
8 their careers in the promise of the current  
9 administration that there will something done,  
10 because God forbid or, hopefully, depending upon  
11 your position, something does change in the next  
12 12 months, the same people, as we know, term  
13 limits are up. Many of you will be, if you don't  
14 vote yourselves back in, will be back out of work  
15 and you won't be here to make the promise that  
16 you're making right now. And, we don't have that  
17 assurance. So, as much as we trust you, we don't  
18 know what's going to happen in the administration  
19 within the next year.

20 And, the other thing I would say,  
21 too, is the request that we're making is no more  
22 than a pen stroke on a piece of paper. We've sat  
23 down with John Young. He knows the issue inside  
24 out. And, we sat down with a lot of the Council  
25 Members and everybody is very familiar with it. I

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2 don't think we have to slow it down. I think you  
3 can still vote Monday and just make a small  
4 revision, the number 2, where you see the number  
5 2, instead of making it a 3 FAR, make it a 4.

6 MALE VOICE: [Off-mic]

7 CHAIRPERSON AVELLA: Eric, you know  
8 the process as well as anybody. You make a slight  
9 change, that's a modification that has to go back  
10 to City Planning. That's a--

11 ERIC PALATNIK: It can go back  
12 quickly, though. It can go back within four or  
13 five days. I've seen it happen. I watched Harlem  
14 go back and forth. It can go back very quickly.

15 CHAIRPERSON AVELLA: But, Eric, you  
16 just said, oh, you could just make it and still  
17 vote on this. No. Any modification you make,  
18 let's be honest, is a modification that has to go  
19 back to City Planning.

20 ERIC PALATNIK: True.

21 CHAIRPERSON AVELLA: You and I can  
22 just disagree how long it's going to take. But,  
23 please--

24 ERIC PALATNIK: It does, yes.

25 CHAIRPERSON AVELLA: --don't

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2 mislead--

3 ERIC PALATNIK: No, it does have to  
4 go back.5 CHAIRPERSON AVELLA: --the public  
6 or the Committee--

7 ERIC PALATNIK: Of course.

8 CHAIRPERSON AVELLA: --because  
9 that's not the case.10 ERIC PALATNIK: No, it does have to  
11 go back to City Planning. I didn't mean to  
12 represent that. But, I also know that John Young  
13 is very familiar with the issue at hand. And  
14 then, after the City Planning hearing, they were  
15 very quick to take it from a 2 manufacturing to a  
16 3, without any fanfare. I don't see why that same  
17 lack of fanfare can't be applied here. Limit the  
18 hotels the same way they went from the 2 to the 3  
19 and didn't allow the hotels to go to 3. Keep the  
20 hotels at 2 and let the manufacturers, these  
21 people, they're telling you, they want--

22 CHAIRPERSON AVELLA: All right.

23 ERIC PALATNIK: --to provide jobs.

24 CHAIRPERSON AVELLA: Eric--

25 ERIC PALATNIK: I don't know what



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2 else we can tell you.

3 CHAIRPERSON AVELLA: --we obviously  
4 disagree. And, I'm surprised that you're  
5 characterizing it in such a way. You know it can  
6 be done if this Committee agrees--

7 ERIC PALATNIK: Yes.

8 CHAIRPERSON AVELLA: --to it. But,  
9 it's still a modification. And, it still goes  
10 back to City Planning. And, you know, some of the  
11 items I don't know are even in scope at this  
12 point. So, there are a number of issues.

13 ERIC PALATNIK: This issue--

14 CHAIRPERSON AVELLA: But--

15 ERIC PALATNIK: --is in scope.

16 CHAIRPERSON AVELLA: But, I am just  
17 surprised for somebody who, obviously, knows the  
18 procedure to suggest that it's a simple thing. It  
19 is not necessarily a simple thing.

20 ERIC PALATNIK: But, I know your  
21 Committee. And, I know you're a can do Committee.  
22 And, I know, if you put your mind to it and want  
23 to make it happen, you can make it happen in  
24 matter of days regardless of the bureaucracy  
25 that's in front.

1  
2                   CHAIRPERSON AVELLA: I didn't know  
3 we had that much power. Council Member Gioia, I  
4 know you want to say something.

5                   COUNCIL MEMBER GIOIA: Well,  
6 certainly we all wish we were more powerful. But,  
7 I think, just to bridge what you're both saying,  
8 if I can. I think, and I laughed, Eric, as well,  
9 when you said it's just a stroke of the pen and,  
10 you know, I mean, obviously, you know, it would be  
11 great if it were. But, it's not. But, and I  
12 don't think I'm hearing the Chairman say  
13 otherwise. This can be done. Not just this, but  
14 other modifications can be done and keep this on  
15 time for--is it Monday or Tuesday? I don't  
16 remember if it's Monday or Tuesday. When are we  
17 voting?

18                   ERIC PALATNIK: Your vote is  
19 Monday, I believe.

20                   COUNCIL MEMBER GIOIA: Monday.  
21 There are things we can do and change this before  
22 Monday.

23                   CHAIRPERSON AVELLA: No, but if you  
24 modify the plan, whatever we do after the, you  
25 know, it goes back to City Planning. So, you are

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2 delaying the time table.

3 COUNCIL MEMBER GIOIA: In terms of  
4 the effective date?

5 CHAIRPERSON AVELLA: In terms of  
6 the effective date, you're delaying the time  
7 table.

8 ERIC PALATNIK: If I may interject.  
9 Yes, you may be delaying the timetable, but--

10 CHAIRPERSON AVELLA: No, no, no,  
11 I'm not asking you a--

12 ERIC PALATNIK: I apologize.

13 CHAIRPERSON AVELLA: I'm directing  
14 my comments--

15 ERIC PALATNIK: I apologize.

16 CHAIRPERSON AVELLA: --to Council  
17 Member Gioia, who just asked me a question. Now,  
18 it would then--

19 COUNCIL MEMBER GIOIA: The point of  
20 information, my question is, are you suggested  
21 that we can't make any changes and still vote on  
22 this on Monday?

23 CHAIRPERSON AVELLA: No. We can  
24 make a modification and vote it on Monday. It  
25 then goes to the Land Use Committee. But then, it

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2 goes back to City Planning. So, it's not being  
3 voted on the 7<sup>th</sup>.

4 COUNCIL MEMBER GIOIA: Got you.

5 CHAIRPERSON AVELLA: It will delay  
6 the actual implementation of the plan. Normally,  
7 it's about two weeks. So, it would be the next  
8 stated meeting if it follows normal procedure.

9 Thank you, Eric.

10 ERIC PALATNIK: Thank you for  
11 giving me the opportunity to speak.

12 CHAIRPERSON AVELLA: Next panel is  
13 a panel in favor; Megan Friedman [phonetic], Jack  
14 Friedman, Diane Martin.

15 COUNCIL MEMBER KATZ: [Off-mic]  
16 back to City Planning.

17 COUNCIL MEMBER SEARS: Well, we  
18 know that going forward, yeah, but they don't have  
19 a timeframe [pause] City Planning. They could  
20 take that back. They could have a special  
21 [pause]. This is done--

22 CHAIRPERSON AVELLA: Staff just  
23 reminded me that the next stated meeting is  
24 October 23<sup>rd</sup>. So, that would most likely be the  
25 next opportunity for the full City Council to vote

2 if the Committee does a modification. [Pause] - -

3 MEGAN FRIEDMAN: Who's name was  
4 called?

5 DIANE MARTIN: Yours.

6 MEGAN FRIEDMAN: I was. Okay.

7 DIANE MARTIN: Megan.

8 MEGAN FRIEDMAN: Can I pick this  
9 up?

10 DIANE MARTIN: I think she's first.

11 MEGAN FRIEDMAN: Okay. I'm going  
12 to start. Good morning, members of the Council.  
13 My name is Megan Friedman and I've lived in my  
14 house in Dutch Kills for 29 years. And, I believe  
15 it's our house is the only one that asked to go up  
16 and have the permits. It took a year to get the  
17 permits. That's how long it was.

18 I'm going to urge you to vote today  
19 and approve the Dutch Kills zoning as it was  
20 written and without any delay. The delays are  
21 what is killing us. And, I'm going to skip  
22 through as quickly as I can to get to the point.  
23 I just want to touch on the history.

24 I know the Department of City  
25 Planning says they've done a fine-grained plan. I

1  
2 don't think they have. I think there are a lot of  
3 problems with it. But, we can't afford more  
4 delays. The entire community embraces the plan  
5 from the beginning, all the way through the  
6 process. The Civic Association informed people in  
7 the neighborhood who were members, who were not  
8 members, who were commercial people, everybody  
9 knew about it. There were no objections from any  
10 corner until six months ago.

11 And then, the Department of City  
12 Planning, they devised this plan. They promoted  
13 it. And, we accepted and embraced it. But, they  
14 insisted on an EIS that was time consuming. And  
15 then, they had delayed the beginning of the EIS  
16 for 11 months. And then, they went through the  
17 EIS. And that time, which has taken 'til August  
18 of this year, has delayed it more than a year.  
19 During that period of time was when 16 permits  
20 were given for highrise hotels to invade and  
21 ravage our small low-scale residential core of  
22 Dutch Kills.

23 I passed around a portfolio. Every  
24 building pictured in there has a highrise, and,  
25 we're not talking 12 stories, we're talking 16

1  
2 stories, 13 stories, 12 stories, that looks like  
3 Dubai in the middle of this tiny, nice, middle-  
4 class community. We're multi-racial. I mean,  
5 we're like the premium wonderful community. We  
6 all get along. We're all different types,  
7 different backgrounds. We all get along.

8 No objections. We cannot afford  
9 any delays. We thought you'd vote today. We  
10 can't afford another week. These guys are working  
11 against the clock trying to get their foundations  
12 in. And, I just say vote now and get it over  
13 with. And, 32<sup>nd</sup> Street, they have a very lousy  
14 plan that they were handled poorly. Let that be  
15 dealt with afterwards. We support helping them  
16 get through their problems because what happened  
17 to them was wrong.

18 Jack, you. No, sit down, sit, sit.  
19 Here, sit.

20 JACK FRIEDMAN: Good morning,  
21 Chairman Avella, members of the Council. I'm Jack  
22 Friedman and I am a resident and a homeowner in  
23 Dutch Kills. I want you to vote and promptly  
24 approve our new zoning. I'll let others tell you  
25 about the merits of the zoning and the unfortunate

1  
2 cost of its mishandling and delays. I urge you to  
3 do everything you can to get the zoning in effect  
4 as soon as possible for reasons of public safety.

5 [Pause] doing so is the way to put  
6 an end to the unseemly, beat the zoning clock race  
7 by fly-by-night contractors, which is likely to  
8 end in one more New York City construction  
9 disaster like the other recent—like the others  
10 that have killed people and destroyed millions of  
11 dollars of property. On many blocks in Dutch  
12 Kills, irresponsible contractors are racing to put  
13 in foundations for out-of-character highrise  
14 hotels. These hotels have no business being built  
15 in the middle of quiet, tree-lined streets of two  
16 and three-story houses, far from public  
17 transportation.

18 These contractors care nothing for  
19 public safety. And, apparently, neither does the  
20 City of New York, since these contractors have  
21 been permitted to proceed recklessly to satisfy  
22 their desire to build as cheaply and as fast as  
23 possible. This has led them to work with  
24 underpaid, under-trained, non-union workers who  
25 work with uninspected cranes and other equipment



1  
2 on unreviewed self-certified plans. Their hasty,  
3 slipshod work has undermined the foundations of  
4 many adjacent properties.

5 While violations have been found on  
6 many of these jobsites, Department of Buildings  
7 has done nothing to stop the work from continuing,  
8 nor to ensure the public safety from the frenzied  
9 activity of these dangerous contractors. I know  
10 more than one case where the contractors have used  
11 illegal means to get consent to underpin documents  
12 from adjacent property owners. In one such case,  
13 the contractor building the proposed Marriott, at  
14 3830 27<sup>th</sup> Street, obtained such a consent form by  
15 browbeating an 84-year-old man and his 83-year-old  
16 wife into signing a paper they could not even  
17 understand since neither of them speaks or reads  
18 English. As a result of the work, a chunk of  
19 their property's caved on the construction site,  
20 probably damaging the foundation of their own  
21 home. In other cases, a contractor just forged a  
22 needed signature.

23 MEGAN FRIEDMAN: Quick, quick,  
24 quick.

25 JACK FRIEDMAN: This disregard for

1  
2 the safety and quality of life in our community  
3 must stop before more of our neighbors become  
4 collateral damage of real estate development  
5 greed. Therefore, you members of the City Council  
6 must do your duty and put an end to it by making  
7 sure that the new Dutch Kills zoning is enacted  
8 without a moment's further delay or further  
9 amendments. Thank you very much.

10 DIANE MARTIN: My name is Diane  
11 Martin. I've lived in Dutch Kills for 25 years.  
12 I live on 41<sup>st</sup> Avenue, between 27<sup>th</sup> and 28<sup>th</sup> Street.  
13 I live there and next door, I rent a studio. I'm  
14 an artist. I don't want to move.

15 On 41<sup>st</sup> Avenue, we have, it seems,  
16 just averted another hotel, literally, right next  
17 door to me. I think perhaps we might have the  
18 credit crunch to thank for that, might be the only  
19 thing. But, any moment that you wait to approve  
20 this zoning is going to mean that perhaps the deal  
21 for the three lots on my block is going to go  
22 through. And, if they can hustle and you delay  
23 this, they can get their foundation in the ground  
24 and we will have yet another hotel. If I were a  
25 hotel developer, I'd love to put a hotel on 41<sup>st</sup>

1  
2 Avenue. As you know, you can see from the map, we  
3 are one short block to Queens Plaza where every  
4 subway in the world is and we're a short even  
5 stroll across the bridge to Bloomingdale's.

6 So, you guys have a, and lady, have  
7 a very, very important job to do. And, I hope you  
8 do it fast and do not delay. Thank you.

9 CHAIRPERSON AVELLA: Hold on one  
10 second. First, Council Member Sears has a  
11 question, and then Council Member Jackson.

12 COUNCIL MEMBER SEARS: Mine  
13 actually is a technical question. The, obviously,  
14 the zoning is very important and it is crucial. I  
15 don't know the answer to this. But, if voting  
16 took place on Monday, what kind of process are we  
17 talking about to revisit the FAR going from 1 to  
18 going up to 4? What's the timeframe for that? I  
19 want to know what is that process?

20 CHAIRPERSON AVELLA: I assume  
21 you're talking about a modification, then, to the  
22 plan.

23 COUNCIL MEMBER SEARS: Um, hm.  
24 Well, what is the process, sir?

25 CHAIRPERSON AVELLA: Well, if you

1

2 make a modification, then it has to go back to  
3 City Planning.

4 COUNCIL MEMBER SEARS: I  
5 understand.

6 CHAIRPERSON AVELLA: The other  
7 alternative, which we have done in the past--

8 COUNCIL MEMBER SEARS: I didn't say  
9 stopping the voting.

10 CHAIRPERSON AVELLA: Right, I know.

11 COUNCIL MEMBER SEARS: Okay.

12 CHAIRPERSON AVELLA: I know. I'm  
13 trying to give you both options.

14 COUNCIL MEMBER SEARS: Right.

15 CHAIRPERSON AVELLA: If you make a  
16 modification, then it has to go back to City  
17 Planning. If, on the other alternative, we  
18 recognize that there are still some outstanding  
19 issues--

20 COUNCIL MEMBER SEARS: Um, hm.

21 CHAIRPERSON AVELLA: --which we  
22 have done in the past--

23 COUNCIL MEMBER SEARS: Right.

24 CHAIRPERSON AVELLA: --we ask for,  
25 and I think I mentioned it when I was questioning

1  
2 Eric Palatnik, we ask City Planning to agree to do  
3 a FUCA, follow-up corrective action, which is a  
4 commitment that City Planning would make saying we  
5 recognize there are some outstanding issues and we  
6 make a commitment to come back, usually within a  
7 very short period of time, to do the follow up.  
8 So, those are the two alternatives. Or, the  
9 alternative is to pass it as is.

10 COUNCIL MEMBER SEARS: Okay.

11 CHAIRPERSON AVELLA: Without any  
12 follow-up action.

13 COUNCIL MEMBER SEARS: I know you  
14 can't answer for City Planning, but it seems to me  
15 that the community has great empathy for the  
16 manufacturing industry and all the jobs and  
17 everything else. So, I don't see how we could  
18 ignore that. What I'm really trying to see is how  
19 you get along with the voting and then City  
20 Planning, I think, has to make a commitment as to  
21 what kind of timeframe are we talking about in  
22 order to do exactly what is the right thing to do,  
23 which is to look at moving along with the  
24 manufacturing in the way that it should be. I'm  
25 not saying to delay the vote. I'm not finished.

1

2 I'm up here. So, let me finish.

3 The fact is if we need to direct  
4 this question to City Planning without putting  
5 City Planning on the spot, it seems to me that we  
6 should be able to at least come to some  
7 understanding of at least where we are in voting  
8 on this on Monday; where do we leave the rest of  
9 that community? That's the answer. And, I don't  
10 know if City Planning can address that now and be  
11 called back to the table. Or, is it something  
12 that—I don't know. So, I think that's an  
13 ambiguity and we need to clear that because I  
14 understand the urgency for doing this. I don't  
15 even know how hotels got there in the first place.  
16 But, they did.

17 CHAIRPERSON AVELLA: Council Member  
18 Sears--

19 COUNCIL MEMBER SEARS: Okay.

20 CHAIRPERSON AVELLA: --if I can.

21 COUNCIL MEMBER SEARS: Sure.

22 CHAIRPERSON AVELLA: There's no  
23 answer, at this particular moment, because there  
24 is no modification on the table. So, even before  
25 City Planning can give us an answer, they have to

1  
2 know what we're trying to suggest. Those type of  
3 issues are not going to be settled here at the  
4 public hearing. They're going to—let me finish.  
5 Those are things that immediately after the  
6 hearing the Council Member and Land Use staff,  
7 should be meeting with City Planning and having  
8 these discussions before the Monday vote, because  
9 we're laying the vote over 'til Monday. So, there  
10 are several days to have those discussions.

11           Whether or not City Planning can do  
12 it within the normal timeframe, can do it before  
13 the October 7<sup>th</sup>, it is sheer speculation because  
14 that involves some cooperation on City Planning's  
15 part. And, they can't commit either because they,  
16 even the issues that we're discussing, they have  
17 to take it back within their own agency. So, and  
18 I don't want to belabor this because we're not  
19 going to solve these issues here. There are  
20 possibilities. There are alternatives. But,  
21 nothing can be decided now. It is up to Council  
22 Member Gioia, Land Use staff, City Planning and,  
23 of course, the Committee and the Land Use  
24 Committee, I'm sure Melinda Katz is available to  
25 help. But, we're not going to solve that at this

1

2 moment.

3 COUNCIL MEMBER SEARS: Okay.

4 CHAIRPERSON AVELLA: And, I can't  
5 give you anymore information on the alternatives  
6 because there is no answer yet.

7 COUNCIL MEMBER SEARS: All right.  
8 I'm raising that issue and I would like to make a  
9 comment. This isn't a fly-by-night issue. This  
10 is one of the key zoning issues facing the City  
11 and certainly the Borough of Queens for multiple  
12 reasons. It is not something that we can  
13 basically push aside and say well, this and this  
14 and that. This is coming up. It's been coming up  
15 for years. The Committee has a right to be better  
16 informed than it is, when we sit here and look at  
17 what we're doing. And, secondly, there is an  
18 absolute difference where there is the support of  
19 the community, has empathy for the manufacturing  
20 and we can't ignore that. You certainly don't  
21 want that to go out. And, we want the vote to go  
22 on.

23 It seems to me that maybe after  
24 this hearing, there should be some conference.  
25 City Planning knows exactly what manufacturing is



1

2 about. They know exactly what they want to do.  
3 They know exactly what they're asking for. And,  
4 all that we can say is they come together and do  
5 this and I think that certainly Councilman Gioia  
6 has absolutely manufacturing as well as the Dutch  
7 Kills at heart. And, I really think that that is  
8 something because somehow, Council Members seem to  
9 move a lot faster than the bureaucracy of the  
10 City. And, I think that that's what I'm basically  
11 saying.

12 CHAIRPERSON AVELLA: I--

13 COUNCIL MEMBER SEARS: I think we  
14 need to have that.

15 CHAIRPERSON AVELLA: The only  
16 comment I would have to your comments is that  
17 nobody is obviously ignoring the concerns that are  
18 being brought here today. And, I think that's an  
19 unfortunate comment that that is not the case.

20 COUNCIL MEMBER SEARS: I think it  
21 is, 'cause I think--

22 CHAIRPERSON AVELLA: Okay.

23 COUNCIL MEMBER SEARS: --we're  
24 being that I know there's a lot of people speaking  
25 and it's five to 12. But, this is an issue that

1

2 I've seen when we've had zoning in Columbia. It  
3 took all day. And, maybe this room isn't filled  
4 to the gills, but it certainly is important to the  
5 manufacturing industry and it's important to Dutch  
6 Kills. And, I love Dutch Kills. I know Dutch  
7 Kills very well. And, it's something that should  
8 be resolved.

9 MEGAN FRIEDMAN: Well, I'd like to  
10 respond to what you're saying.

11 COUNCIL MEMBER SEARS: No--

12 MEGAN FRIEDMAN: If you're  
13 characterizing--

14 CHAIRPERSON AVELLA: Megan, Megan--

15 COUNCIL MEMBER SEARS: No, no.

16 CHAIRPERSON AVELLA: --I'm sorry,  
17 you can't.

18 COUNCIL MEMBER SEARS: No, no. I'm  
19 not characterizing--

20 CHAIRPERSON AVELLA: Unless she  
21 asks the question, you can't. I'm sorry.

22 COUNCIL MEMBER SEARS: I am not  
23 characterizing. And, if it comes across like  
24 that, my apology. I am supporting the Dutch  
25 Kills. And, I am supporting the rezoning. And,

1

2 the fact is is that we need to basically to,  
3 there's a few more questions. It's not delaying  
4 the zoning. It's not delaying the voting. It is  
5 putting together what happens with some of the  
6 diverse questions that are here. I'm not getting  
7 into any controversy. I don't think I  
8 misunderstood you. Zoning, and I've said for  
9 years, needs to happen in Dutch Kills. So, I  
10 certainly have always supported the Dutch Kills  
11 community. I've lived in Jackson Heights over 35  
12 years. And, Dutch Kills has been an important  
13 part of my growth. So, it isn't that. But, I've  
14 heard you say that you didn't think that the  
15 manufacturers that they should be looked at.  
16 Didn't you? Or, did I misunderstand?

17 MEGAN FRIEDMAN: No, I did not.

18 COUNCIL MEMBER SEARS: Then you  
19 should correct me.

20 MEGAN FRIEDMAN: Thank you.

21 COUNCIL MEMBER SEARS: Okay.

22 MEGAN FRIEDMAN: What I said was—  
23 I'm sorry—32<sup>nd</sup> Street group is not a group of  
24 manufacturers. We do support the manufacturers  
25 that live with us. We do not support them going

1

2 up to a 5 FAR. We've already given them the  
3 concession. And, I think we've been very  
4 reasonable by saying we'll go ahead with a 3.  
5 But, we do not, at all, support a 5.

6 DIANE MARTIN: Absolutely.

7 MEGAN FRIEDMAN: We support the  
8 other residents who live on 32<sup>nd</sup> Street, who have  
9 been surrounded with the permission to go up very  
10 high. And, that needs to be relooked at. That's  
11 a different issue. And, that's all, Councilman  
12 Sears, that I wanted to make clear.

13 COUNCIL MEMBER SEARS: Well, I mis-  
14 -

15 MEGAN FRIEDMAN: That's okay.

16 COUNCIL MEMBER SEARS: Okay.

17 CHAIRPERSON AVELLA: Council Member  
18 Jackson has a question.

19 COUNCIL MEMBER JACKSON: Thank you,  
20 Mr. Chair. Let me thank you for coming in. And,  
21 I'm listening to everyone about what your position  
22 is. And, I hear panels in favor of it saying  
23 please do this immediately. Don't delay. Well,  
24 we can't delay. We're in a process that has a  
25 time clock. And, that time clock has a beginning

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2 and ending. And, part of that time clock is if,  
3 in fact, the City Council determines that we need  
4 to send it back for a modification, that's part of  
5 the time clock. So, I'm not saying that's going  
6 to happen. I'm not directly involved in the  
7 negotiations. But, as a member of the Zoning &  
8 Franchise Committee and the Land Use Committee and  
9 City Council, I have a vote on it. And, my vote  
10 is not a rubber stamp.

11 So, I just say to all of you that I  
12 respect what you're saying. You live there. I  
13 don't. And, I can clearly understand your  
14 position concerning the particular matter. But,  
15 there is a specific timeframe that we have to deal  
16 with. And, that's what it is. It is what it is.

17 But, my question to you is this.  
18 You had said that we've been dealing with this  
19 rezoning for about four years and that everyone,  
20 as far as the Civic Association has communicated  
21 with the resident and even those people that are  
22 not members, in essence, everyone and I truly  
23 believe that. I have no question about the truth  
24 of that. But, you had commented that only  
25 objections were raised about six months ago. And,

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2 am I assuming those objections were raised by the  
3 manufacturing members of the community, meaning,  
4 you know, because that's the impression that I got  
5 even though you did not specifically state that.

6 MEGAN FRIEDMAN: Can I answer you?

7 COUNCIL MEMBER JACKSON: Yeah.

8 MEGAN FRIEDMAN: I'd be happy to.

9 COUNCIL MEMBER JACKSON: I would  
10 love to hear a response.

11 MEGAN FRIEDMAN: That is--

12 COUNCIL MEMBER JACKSON: Could you  
13 speak into the mic, if you don't mind, please?

14 MEGAN FRIEDMAN: I'm sorry.

15 COUNCIL MEMBER JACKSON: And, just  
16 identify yourself, again.

17 MEGAN FRIEDMAN: I'm Megan  
18 Friedman.

19 COUNCIL MEMBER JACKSON: Thank you.

20 MEGAN FRIEDMAN: And, I've been  
21 living there 29 years. And, I do know that they  
22 did reach out to everyone, all the commercial  
23 people, who are also members of our Civic  
24 Association--

25 COUNCIL MEMBER JACKSON: Okay.

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2

MEGAN FRIEDMAN: --by the way,

3

which is unusual, and, not just property owners,

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but people who live in apartments and rent. So,

5

we have a broad mix in our Civic Association.

6

And, there were no complaints. Then, when

7

Mr. Palatnik came to our meetings, he was starting

8

to speak for a group of commercial owners who

9

wanted—they wanted more.

10

COUNCIL MEMBER JACKSON:

11

Mr. Palatnik--

12

MEGAN FRIEDMAN: And--

13

COUNCIL MEMBER JACKSON: --is a--

14

MEGAN FRIEDMAN: Is the lawyer--

15

COUNCIL MEMBER JACKSON: The

16

lawyer.

17

MEGAN FRIEDMAN: --that spoke

18

originally.

19

COUNCIL MEMBER JACKSON: Okay.

20

That's what I thought.

21

MEGAN FRIEDMAN: And, he comes to

22

all our meetings, too. So, there was plenty of

23

back and forth.

24

COUNCIL MEMBER JACKSON: Um, hm.

25

MEGAN FRIEDMAN: The only reason we

2 were talking about don't delay is that City  
3 Planning's delayed this for over a year.

4 COUNCIL MEMBER JACKSON: Hmm.

5 MEGAN FRIEDMAN: And, because of  
6 that, we've been inundated with these hotels.  
7 And, they should have known that would happen. We  
8 didn't. We're not in the urban planning business.  
9 But, anytime you shoot off a gun and say the race  
10 is started, speculators will come in. And, we're  
11 under the gun, like this lady next to me said,  
12 that I don't even know quite honestly--

13 COUNCIL MEMBER JACKSON: Um, hm.

14 MEGAN FRIEDMAN: --because every  
15 day, every week, another foundation goes in.  
16 That's the only reason that we feel pressured and  
17 that we're pressuring you, not to make you rubber  
18 stamp anything, but just to have the sympathy for  
19 the dire circumstances that we are in. We're  
20 having Holiday Inns and Marriotts put on blocks  
21 that are two-family homes--

22 COUNCIL MEMBER JACKSON: Hmm.

23 MEGAN FRIEDMAN: --and one-family  
24 homes. Across from a city day care center, taking  
25 care of poor children whose parents work all day,



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2 they can't even get down the block when the buses  
3 come in. The buses can't come in to drop and pick  
4 up off the children. What's going to happen when  
5 the hotel's in business? It's insane.

6 COUNCIL MEMBER JACKSON: Well, let  
7 me thank you for coming in. And, I appreciate  
8 your position on that. I guess, if I lived there,  
9 I'll be up here testifying, too.

10 MEGAN FRIEDMAN: Thank you.

11 COUNCIL MEMBER JACKSON: Thank you  
12 very much.

13 MEGAN FRIEDMAN: Thank you.

14 CHAIRPERSON AVELLA: Thank you.

15 The next panel is a panel in opposition; Christian  
16 Lundgren, Jody Uribe, I can't—okay, Robert Altman.  
17 You've got opposition here. Okay. You changed  
18 it. Okay. Nicholas Griffin.

19 ROBERT ALTMAN: This on? Okay.  
20 Very good. Thank you. My name is Robert Altman.  
21 I'm testifying for the Dutch Kills Property Owners  
22 Association. Rather than read my prepared  
23 statement, I'm just going to off on some different  
24 remarks.

25 It's important to recognize that

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2 what the manufacturers here are asking for is not  
3 more. They already, right now, have a 5 FAR.  
4 What they're saying is don't cut us so much. And,  
5 what we mean by don't cut us so much is there are  
6 height restrictions that are put in here. In  
7 these two areas, I'll just point here, it's 70  
8 feet. We've basically said to City Planning we're  
9 willing to go with that height restriction. But,  
10 you have modeled us for a building which is 55 to  
11 60 feet high. So, we can't build up to your  
12 contextual height. You're allowing it for other  
13 types of users, but you're not allowing it for us  
14 by the basis of your modeling. But, going to a 4  
15 FAR was simply no.

16 Not only that, that building  
17 includes a new construction building. There are  
18 some buildings that already don't have  
19 setbacks and requirements 'cause they're already  
20 built out lot line to lot line. Theoretically  
21 they could use the whole 5 FAR. We are not pigs.  
22 Again, we're willing to go with 4, but we have not  
23 heard a response back on that.

24 You know, a lot of times we hear  
25 from our elected officials how they love

1

2 manufacturing, they love small businesses. But,  
3 you don't get a lot of opportunities to show that.  
4 This is one of the rare instances that you will  
5 vote where you will get the opportunity to show  
6 your support for manufacturing. These people are  
7 here. They're going to create jobs. They're  
8 looking to expand. In the past, they went  
9 horizontally. Now, because of the price of land,  
10 they can only go vertically. Help them. Let them  
11 expand. Let them go vertically. Help the  
12 manufacturer. Make the modification that you need  
13 to make. Thank you.

14 JODY SCHURIB: Good morning. My  
15 name's Jody Schurib. And, I am the owner and  
16 operator of J & P Decorators. We're a family-  
17 owned and operated business. And, we moved into  
18 Dutch Kills about ten years ago with about six  
19 employees. We bought our first property and,  
20 within two years, bought the adjoining property.  
21 And now, we occupy 8,000 square feet and employ 25  
22 people. At this point, we can't buy the  
23 properties adjoining us because they're  
24 residential apartment buildings. So, our only way  
25 is to go up.

1

2           This zoning change, obviously, is  
3 going to affect our ability to go up and expand  
4 our business. And, we're doing extremely well,  
5 even though the economy is not doing well. You  
6 know, being a small business owner is not easy,  
7 you know. I work 70 hours a week. I put a lot of  
8 hours of time into it. I've been paying my  
9 mortgage. I've been paying my taxes. All I want  
10 is to live up my dream. And, my dream is to make  
11 my business as best as it can be, have it compete  
12 with my competitors on a level that they're at,  
13 which this zoning will not allow me to do.

14           All I'm asking for is, we're not  
15 asking for anything more than what we had, you  
16 know. You're taking stuff away from us that, when  
17 we bought into this area, we knew was a right we  
18 had. So, you know, we're all for the residential  
19 side getting what they want. But, it shouldn't be  
20 at our expense. We did nothing wrong here. And,  
21 there's plenty of us out there in the audience who  
22 feel this way. We don't understand what we've  
23 done to deserve this down-zoning. I mean, nowhere  
24 else is this done, except for us. And, we're a  
25 small business. And, we can't afford this type of

1

2 stuff.

3                   It's difficult for us, you know.  
4 When I have to go and refinance my property to get  
5 a loan in order to expand, my property value is  
6 based on that FAR, as Eric mentioned. And, if  
7 that goes away, that means it's less ability for  
8 me to expand, less employees and less revenue for  
9 the City. So, all I ask for is that you revisit  
10 this and look at it and take our needs in mind  
11 here and give us the opportunity to at least  
12 expand in a manner which is good for business.  
13 Thank you.

14                   NICHOLAS GRIFFIN: Hi, there. My  
15 name's Nick Griffin. And, I'm here on behalf of  
16 Flux Factory, which is a arts and education  
17 organization in Long Island City. We've been in  
18 Long Island City for about ten years.

19                   And, we're losing our space  
20 currently because the MTA project. And, but, we'd  
21 like to stay in Long Island City. And so, we've  
22 been negotiating to buy a building in Dutch Kills.  
23 Our plan is to expand that to accommodate other  
24 arts organizations and creative companies. But,  
25 the bottom line is it's not really feasible under

1

2 the down-zoned FAR. We think there's a real  
3 opportunity in this area for expansion of culture  
4 and business and that there are arts organizations  
5 and small companies that are being priced out of  
6 Manhattan, which are sort of ideally suited to  
7 coming to Long Island City because there's room  
8 for growth, because there's good transportation  
9 and that they are a good complement to the  
10 existing light industrial industry.

11 And so, we fell like this is a  
12 project which not only we will pursue and that  
13 would be good for that particular spot, but it's  
14 also something that's, to some extent, replicable  
15 in the area and that would be that brings cultural  
16 and economic activity to the area and that it's  
17 without changing the scale and that it's in  
18 context with the other commercial uses there. We  
19 think it's good for the arts, good for business,  
20 good for Long Island City and good for New York.  
21 Thanks.

22 CHAIRPERSON AVELLA: Council Member  
23 Jackson has a question.

24 COUNCIL MEMBER JACKSON: Thank you.  
25 I guess this question is for you, sir. I think

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2 because you're a representative of the group.

3

NICHOLAS GRIFFIN: Yes, I am.

4

COUNCIL MEMBER JACKSON: Is that  
5 correct? Now, I've heard the previous panel where  
6 they talked about the fact that this is nothing  
7 new, that this zoning change has been going on for  
8 four years and that the only objections started  
9 about six months ago.

10

NICHOLAS GRIFFIN: We never had

11

the--

12

COUNCIL MEMBER JACKSON: I mean,

13

so--

14

NICHOLAS GRIFFIN: I'm sorry. We  
15 never had the opportunity to beforehand to know  
16 that they were going for a down-zoning of such a  
17 grand scale of our level. That's one. Two--

18

COUNCIL MEMBER JACKSON: You mean  
19 to tell me that this was not available to you  
20 until six months ago?

21

NICHOLAS GRIFFIN: We were unaware  
22 of what was happening to manufacturing in this  
23 area.

24

COUNCIL MEMBER JACKSON: Did you or  
25 your organizations attend the Civic--the one

1  
2 individual mentioned that some of the businesses  
3 are member of the Civic Association. And, this  
4 has been going on for four years. So, it just,  
5 for me, if the Civic Association and business is a  
6 part of it, I don't think that, and correct me if  
7 I'm wrong, that the City Planning at the last  
8 minute say this is what it is.

9                   NICHOLAS GRIFFIN: One of the  
10 things that this a prime mover of this, if I have  
11 my history correct, one of the prime reasons for  
12 this rezone, is that--well, two of the prime  
13 reasons--one is that people are having problems in  
14 the area with the current zoning for their  
15 residential use. The area was zoned a certain  
16 way, as City Planning discussed a little bit,  
17 whereby it was very difficult to either expand  
18 your house, make changes to your house. And, as a  
19 result, they had to change the zoning. And, they  
20 set up a process in the late '80s by which they  
21 were allowed to take care, do certain things  
22 residentially. But, that actually had to go  
23 through City Planning. I think that somebody said  
24 that there was only one, in all the years, one  
25 residence that went through the whole thing.



1  
2           So, this was primarily designed to  
3 like push by the residential home owners, and  
4 manufacturers have no issues with it, to allow  
5 them to more easily go through the process of  
6 renovating their properties, expanding their  
7 properties and the like. What has changed a  
8 little bit about this here is that there's also  
9 now an allowance that's going to have a bit more  
10 of an expansion of the properties. You can see  
11 here, you know, previously, it was designed a  
12 certain way. Now, you're having a situation where  
13 they're expecting to have 1,500 more units within  
14 a ten-year time span.

15           COUNCIL MEMBER JACKSON: I'm sorry.  
16 Yeah, I understand that--

17           NICHOLAS GRIFFIN: And so, that was  
18 the primary reason. The focus of--

19           COUNCIL MEMBER JACKSON: But, no--

20           NICHOLAS GRIFFIN: --this was not  
21 of--

22           COUNCIL MEMBER JACKSON: --let me--

23           NICHOLAS GRIFFIN: --manufacturing-

24 -

25           COUNCIL MEMBER JACKSON: Let me go

1

2 back--

3 NICHOLAS GRIFFIN: --though.

4 COUNCIL MEMBER JACKSON: Let me go  
5 back to my question. It seems as though that, you  
6 know, that you and the manufacturers, the small  
7 businesses, were not aware until six months ago  
8 that the proposal, as put forward by City  
9 Planning, was not communicated to you, was not  
10 known to you. And, all of a sudden, you say hey,  
11 what are you guys doing. Wait a minute.

12 NICHOLAS GRIFFIN: Right, and we  
13 would--

14 COUNCIL MEMBER JACKSON: Are you  
15 telling me that's what occurred?

16 NICHOLAS GRIFFIN: We did not  
17 object to the residential down-zoning. We did not  
18 know that the manufacturing down-zoning was  
19 planned. That we were unaware of.

20 COUNCIL MEMBER JACKSON: Okay.  
21 Now, with respect to, if you could just quickly  
22 tell me and I'm going to try to end this 'cause I  
23 know we have to move on, what is the difference  
24 between what manufacturers or the small businesses  
25 could do currently, under the current zone, and

1

2 under the proposed zoning? My understanding is  
3 that they will be able to expand, but not maybe at  
4 the level in which they want to. Is that correct?  
5 Am I wrong? And, I can ask that question to City  
6 Planning. But, I--

7 NICHOLAS GRIFFIN: It depends upon  
8 your--

9 COUNCIL MEMBER JACKSON: --want to  
10 hear from you.

11 NICHOLAS GRIFFIN: --property. It  
12 depends upon your property.

13 COUNCIL MEMBER JACKSON: Okay.

14 NICHOLAS GRIFFIN: First of all, if  
15 you're a property that is built out to a 1 FAR,  
16 you could go to a 3. There are people who are  
17 built out to the 3.

18 COUNCIL MEMBER JACKSON: Okay.

19 NICHOLAS GRIFFIN: We do have  
20 people here already built out. There are people  
21 here who also have plans, by the way, approved by  
22 the Buildings Department, where this will end  
23 their expansion of their business.

24 COUNCIL MEMBER JACKSON: Because  
25 they don't have--

2 NICHOLAS GRIFFIN: Because they--

3 COUNCIL MEMBER JACKSON: --the  
4 foundation in [crosstalk].

5 NICHOLAS GRIFFIN: They don't have  
6 foundations in.

7 COUNCIL MEMBER JACKSON: Okay.

8 NICHOLAS GRIFFIN: Some people have  
9 started in one area. For example, one person has  
10 two buildings. He has one that has its foundation  
11 in, but, you know, he can only afford and oversee  
12 one project at a time.

13 COUNCIL MEMBER JACKSON: Right.

14 NICHOLAS GRIFFIN: So, he's  
15 increasing one site, adding 50 jobs. The other  
16 thing will increase another building and add 50  
17 more jobs. That area is actually now within the  
18 white line, as you see, which is the M zoning,  
19 without any shaded. So, you know, this impacted--

20 COUNCIL MEMBER JACKSON: But, the  
21 white--

22 NICHOLAS GRIFFIN: --us--

23 COUNCIL MEMBER JACKSON: The white  
24 side, there's no residential units over there.

25 NICHOLAS GRIFFIN: That's correct.

2 COUNCIL MEMBER JACKSON: Isn't that  
3 correct?

4 NICHOLAS GRIFFIN: That's correct.

5 COUNCIL MEMBER JACKSON: Okay.

6 NICHOLAS GRIFFIN: And, the thing  
7 is that you should realize. If these people were  
8 looking to—these are owner/operators. These are  
9 not people who rent out. These are people who own  
10 their land, looking to expand. In the past, they  
11 would have just bought the property next door.  
12 You know the price of real estate in New York and  
13 how much it's skyrocketed in the past ten years.  
14 They can't do that any more. They have to go up.  
15 They have no more choices.

16 COUNCIL MEMBER JACKSON: Okay.

17 Thank you. Thank you, Mr. Chair.

18 CHAIRPERSON AVELLA: [Off-mic]

19 COUNCIL MEMBER GIOIA: Thank you,  
20 Mr. Chair. I think Council Member Jackson asked a  
21 very good question. You know, I'm very familiar  
22 with what is happening in Dutch Kills. But, for  
23 my colleagues and in hearing this testimony,  
24 seeing seemingly reasonable people, some people  
25 saying well, we've been working on this for five

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2 years, four years, three years, whatever it is and  
3 we haven't heard an objection. And then,  
4 seemingly reasonable people saying I had no idea  
5 this was going on, until six months ago, to the  
6 extent that it's going on. And so, correct me if  
7 I'm wrong, but it's my impression that this has  
8 been going on for a very long time. I mean,  
9 probably longer than I've been in office. The  
10 reason I asked for the history from City Planning  
11 Commission 'cause I wanted to hear the whole  
12 history of the zoning; the nonconforming use,  
13 people who were afraid their house would burn  
14 down, they wouldn't be to rebuild it, people who  
15 couldn't get insurance for their house or people  
16 who couldn't then get the ability, even after  
17 1989, to expand their home.

18 My understanding is is that the  
19 impetus behind this is that finally the Dutch  
20 Kills Civic Association, in the person of Gerry  
21 Walsh, very effectively, personally made the case  
22 to Mayor Bloomberg to take this seriously in 2004  
23 or 2005. And, at that point, I've never heard  
24 anybody in Dutch Kills say the problem in this  
25 neighborhood are these manufacturers. That's not

1  
2 been the complaint. The problem has been is the  
3 nonconforming uses. The problem post the proposed  
4 rezoning has been the devastation caused by  
5 hotels.

6 And so, what I'm hearing you say,  
7 now correct me if I'm wrong, is we knew this was  
8 going on. We knew people had talked about a  
9 rezoning because everyone knew for 40 years the  
10 zoning was bad in this neighborhood. What we  
11 didn't know is when they talked about correcting  
12 the rezoning what they were going to do was down-  
13 zone us. Is that what you're--

14 NICHOLAS GRIFFIN: That's correct.

15 COUNCIL MEMBER GIOIA: Thank you.

16 COUNCIL MEMBER SEARS: Okay. I  
17 want to thank you very much. Our next panel is  
18 Christian Lundgren, from the 32<sup>nd</sup> Street Block  
19 Association, Barbara Vitel, Dutch Kills 32<sup>nd</sup> Street  
20 Block Association and Nicholas Jonaranta  
21 [phonetic]. Am I pronouncing this right?

22 MALE VOICE: [Off-mic]

23 COUNCIL MEMBER SEARS: Okay.

24 Thanks. [Pause]

25 CHRISTIAN LUNDGREN: Good

1

2 afternoon.

3 COUNCIL MEMBER SEARS: Is that on  
4 now?

5 CHRISTIAN LUNDGREN: Yes.

6 COUNCIL MEMBER SEARS: Please give  
7 your name and--

8 CHRISTIAN LUNDGREN: My name's  
9 Christian Lundgren. I'm representing the 32<sup>nd</sup>  
10 Street Block Association. That's us where it's  
11 circled in the northern part of the corner there.  
12 I'm representing 28 out of 30 deed holders on that  
13 block, who are in agreement with the original plan  
14 because there's nothing that can be done for us.  
15 We're told we're out of scope. We are asking for  
16 a follow-up action. We have a Community Board  
17 recommendation with a vote of 33 to 0 for what we  
18 were asking. We have our Borough President's  
19 recommendation that we have building heights more  
20 comparable to what are around us.

21 We're being left at three stories  
22 and everyone's going to be allowed to build seven  
23 stories all around us. My family's been on the  
24 block for four generations. I bought a house on  
25 the block in '99. A lot of my neighbors are



1  
2 raising third, fourth, fifth generation. And, we  
3 really don't feel that that's right for our block.

4 I found out about this rezoning  
5 5/29/2008 with an E designation letter sent to my  
6 house. I know there was a lot of outreach.  
7 There's also a lot of variables in that outreach.  
8 I watch your meetings on Channel 74 and hear that  
9 a lot of people feel if you get a tax letter to  
10 pay your taxes that the City should owe you notice  
11 that you're going to be rezoned. It would save a  
12 lot of problems that we have with this last minute  
13 stuff.

14 As far as I'm concerned, we will be  
15 engulfed and left in the shadow of the surrounding  
16 buildings. The Community Board proposed an R6B,  
17 which would allow us five stories. And, I took  
18 that back to my people, a lot of them are here  
19 today. And, we were in agreement with that. The  
20 Borough President proposed, in her recommendation,  
21 that we have a height more comparable to the seven  
22 stories that's going to be around us.

23 We are the only block that goes  
24 from three stories to seven stories, which split  
25 in half [pause] and for what I'm fighting for,

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2 everyone with the hotels, when this plan is  
3 enacted, it's going to stop their problem. And,  
4 our problem, for 32<sup>nd</sup> Street, is going to begin,  
5 because when you're stuck at three floors, whether  
6 there's someone at seven floors or nine behind  
7 you, it doesn't matter when you're stuck at three.  
8 And, they're going to take our city view, our  
9 sunsets and that's what we had for all these years  
10 on this block.

11 There's pictures of the homes. You  
12 can see the level with the sunsets through them.  
13 I really need a follow-up action from City  
14 Planning. I need City Planning to come to the  
15 table on this. We've been asking them. I'm  
16 presenting you, we have folders that were sent up  
17 there. There are news articles. This plan  
18 started in January of 2004. There is a news  
19 article from the Queens Chronicle dated Thursday,  
20 May 18, 2006. We were slated for seven-story  
21 development up until 2006, the middle of 2006.  
22 That's two and a half years into the plan. And  
23 now, we were thrown to three stories and into an  
24 EIS plan that now we're out of scope. I feel, if  
25 anyone in this room knows a better compromise

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2 between seven and three, than five, let me know.  
3 That's all we're asking for is a compromise.

4 COUNCIL MEMBER SEARS: Do you want  
5 to hear all three or just ask Mr. Lundgren  
6 directly? Okay.

7 CHRISTIAN LUNDGREN: I didn't use--

8 COUNCIL MEMBER SEARS: Yeah.

9 CHRISTIAN LUNDGREN: Can I just say  
10 one more thing?

11 COUNCIL MEMBER SEARS: 'Cause--

12 CHRISTIAN LUNDGREN: Also in the

13 COUNCIL MEMBER SEARS: --Council

14 Member Gioia has a question--

15 CHRISTIAN LUNDGREN: Okay. Sure.

16 COUNCIL MEMBER SEARS: --for you.

17 COUNCIL MEMBER GIOIA: Thank you  
18 very much. I very much appreciate your testimony.

19 And, as someone whose family has lived, I actually  
20 don't even remember how many generations my family

21 has been in Woodside. But, I guess it's about 100  
22 years, a little over 100 years. So, I guess it's

23 about four generations. So, when I think about

24 your family, I think about my family living on 50<sup>th</sup>

25 Street and Roosevelt Avenue in Woodside. When you

1  
2 came into my office, you did something which I  
3 thought said 1,000 words. I think you had—or a  
4 million words—you had those mockups with you. You  
5 can do it again if you like, where you build the  
6 little—you don't have to.

7 CHRISTIAN LUNDGREN: What? Oh, oh.  
8 Here's what I did. He was sitting at his desk and  
9 I said this will be us. This is what I did.

10 COUNCIL MEMBER GIOIA: Right. You  
11 don't have to come up here. I meant for you,  
12 right.

13 CHRISTIAN LUNDGREN: Yeah.

14 COUNCIL MEMBER GIOIA: But, the  
15 Sergeant of Arms'll mad at me for making you guys  
16 stand up. But, I think it speaks volumes what  
17 you're doing in that you have this little  
18 residential house. And, all around you is going  
19 to be this wall of development. And so, let me  
20 say, I mean, first at the outset, I mean I support  
21 precisely what you're saying. I'm disappointed  
22 that it's not within the scope of City Planning.  
23 And, I think your testimony encapsulates so many  
24 of the problems that I have and I think many of us  
25 have with City Planning.

1  
2 For one, the truth is is that the  
3 Civic Association did a fine job of representing  
4 their members, representing the neighborhood, of  
5 trying to get the word out. But, the truth is  
6 they're a Civic Association. And, they don't have  
7 the resources or the time to blanket a  
8 neighborhood with information. If you work at  
9 night, if you're working two jobs, if English  
10 isn't your first language, if you've a million  
11 other things going on, maybe you didn't hear about  
12 this. And, you're absolutely right, the City does  
13 have the ability to send a tax bill to everybody.  
14 Why don't they have the ability to give you notice  
15 that your property value, your property rights are  
16 being—well, your property rights are not being  
17 taken away, but your property values and what you  
18 can do with your property is being affected. It  
19 is an ongoing problem with City Planning.

20 And, in terms of it not being in  
21 scope, well, when you draw the scope so narrowly,  
22 you give really this body so little room to work.  
23 And so, I do support, and I think a follow-up  
24 action, what we colloquially call a FUCA, is  
25 appropriate for your block.

2 But, I want to ask a few questions.  
3 Do you want to build a hotel on your property?

4 CHRISTIAN LUNDGREN: No.

5 COUNCIL MEMBER GIOIA: All right.  
6 Are you a speculator? Are you looking to get into  
7 the real estate market? Do you want to start  
8 breaking up the block, selling it and building big  
9 buildings?

10 CHRISTIAN LUNDGREN: If that was  
11 the case, we would still be pushing for the R6A,  
12 which was proposed, as we know, two and half years  
13 into the plan.

14 COUNCIL MEMBER GIOIA: Okay. So,  
15 you're just a family that's been in the  
16 neighborhood a long time. You'd like to see your  
17 kids grow up in the neighborhood. You'd like to  
18 see your grandkids grow up in the neighborhood.  
19 And, maybe you'd want to put a few stories onto  
20 your house?

21 CHRISTIAN LUNDGREN: What we  
22 realize is there's nothing in this life constant  
23 but change as a group. And, if we don't have the  
24 right to go up, we are in fear of getting phased  
25 out.

1

2 COUNCIL MEMBER GIOIA: Thank you.

3 COUNCIL MEMBER SEARS: Thank you,  
4 Council Member. Any questions for Mr. Lundgren?  
5 If you'll--

6 BARBARA VITEL: I'm Barbara--

7 COUNCIL MEMBER SEARS: --give your  
8 name.

9 BARBARA VITEL: I'm Barbara Vitel.  
10 I'm the secretary of the 32<sup>nd</sup> Street Block  
11 Association. My family has lived on the block  
12 since 1930. There's five generations who have  
13 lived there. Up until three, like four years ago,  
14 my mom was still in the house. Or before that  
15 actually. I brought her over to my house. But,  
16 we couldn't really fix the house. So, she had to  
17 come and stay with me and couldn't go back there.  
18 That ugly property that you saw. That's mine,  
19 okay, 'cause we really haven't have the money and  
20 none of the resources to do that.

21 We're asking that the follow-up  
22 action, and we are asking that this be put  
23 through, because of the hotels and because of all  
24 of the problems that have gone on in this  
25 neighborhood. But, I can remember it as a little

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2 girl. I can remember walking down that block and  
3 little gardens and whatever. But, I also remember  
4 three months ago walking down that block, looking  
5 at the building behind me, looking at the building  
6 behind me, walking down our block and thinking oh,  
7 my God. We're going to wind up being front  
8 driveways for these large buildings that are on  
9 either side because what will we be able to do.  
10 We're surrounded.

11 What we're asking is for an  
12 immediate study, in a timely manner, where the  
13 City promises to put the money together to do  
14 that, where they will do it in the next couple of  
15 months because sometimes it's a matter of just  
16 putting in numbers into the computer. We're  
17 asking for an M1-2/R6B instead of the M1-2/R5B,  
18 which will bring us a little bit more parity.  
19 That doesn't mean that everybody on the block is  
20 going to do that. It just means that we haven't  
21 been able to do anything there for since 1961.  
22 So, what looks historical is only historical  
23 because you couldn't change anything. You weren't  
24 able to fix anything.

25 So, we're asking you, as members of



1  
2 the City, who live in the neighborhoods, who love  
3 their city, to help us.

4 COUNCIL MEMBER SEARS: Thank you.  
5 Please state your name.

6 NIKO SERMANETT: Hello, Council  
7 Members. My name is Niko Sermanetta. I am not  
8 part of the 32<sup>nd</sup> Street group, although I support  
9 their desires to have parity with their neighbors.  
10 I grew up on 28<sup>th</sup> Street. That's where my family  
11 is. And, you heard from my mother before.

12 The thing that I want to bring to  
13 the table is that the event that Council Member  
14 Gioia referred to with the metaphor of a starting  
15 gun at a race, really changes the neighborhood  
16 because incentivized land owners and land  
17 speculators to build as high as they could as fast  
18 as they could. And, I think this has all become a  
19 question of incentives. And, we now have an  
20 incentive to get this zoning through as fast as  
21 possible because their maximization of the value  
22 of their land is at the expense of the value of  
23 our land and the quality of our life.

24 Also, the commercial landowners,  
25 we've never had a problem with. I grew up around

1  
2 all of them. My father actually used to own a  
3 factory on our block, long ago, which is now  
4 becoming a huge hotel. Anyway, it's not his  
5 anymore. They now have the incentive to build  
6 tall, as they were saying before. We never had to  
7 worry about that before because they could have  
8 always expanded horizontally. Now, there's an  
9 incentive to build tall because of the change in  
10 real estate prices. This means that we now have  
11 the concern that we're going to be overshadowed by  
12 them, too.

13           So, no, we don't support them  
14 having the continued right to go up to R5. We  
15 think R3 is a good compromise. We didn't have to  
16 worry about it before because not many of them  
17 would have wanted to do it. It wasn't worth it  
18 then. With new incentives, comes a need for new  
19 regulation. If, later on, some very carefully  
20 tailored relaxation of that regulation is  
21 possible, that is understandable. But, there is a  
22 sudden rush to build taller, bigger commercial  
23 things in our neighborhood. And, these giant  
24 hotels and this needs to be stopped immediately.  
25 And, if they need leeway, they can ask for it

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2 later.

3 And, I'd also like a lot of the  
4 commercial owners who don't live in the  
5 neighborhood, but are part of our community and  
6 always have been, to think would you really want,  
7 I guess it's not a R5, I'm sorry, a five-story  
8 manufacturing building put up behind your  
9 backyard. I mean, a lot of people in our  
10 neighborhood grow vegetables in their backyard.  
11 They eat that way. You can't have sun if you  
12 build a factory five stories over your garden.  
13 That's all I have to say.

14 COUNCIL MEMBER SEARS: We  
15 understand what you're saying. Are there any  
16 questions for this panel. If not, I want to thank  
17 you very much. And, we're going to call up the  
18 next one. We have Michael Caradanides [phonetic],  
19 am I pronouncing that correct, Theodore Casapes  
20 [phonetic], and Robert Nusbaum. Are the three of  
21 them here? Okay.

22 MICHAEL CARADANIDES: Good morning.  
23 My name is Michael Caradanides. I'm a structural  
24 engineer and practicing engineering and  
25 architectural for the past 25 years. My office

1  
2 sits on Broadway and 34<sup>th</sup> Street in Astoria. My  
3 home, it's in Astoria, 37<sup>th</sup> Street and Ditmas.  
4 And, also, I own two other businesses which are  
5 located in Astoria and, in particular, in Dutch  
6 Kill area.

7           The first one, it's on 3701 24<sup>th</sup>  
8 Street. And this is a manufacturing facility  
9 producing metal studs and C-joist that are used on  
10 the construction industry. This particular parcel  
11 is 20,000 square foot. Now, the second business  
12 that I own is located at 3823 24<sup>th</sup> Street. And,  
13 it's 15,000 square foot of parcel area. For both  
14 parcels, I have approved plans form the Building  
15 Department. And, actually, for the one that is  
16 located at 37<sup>th</sup> Avenue and 24<sup>th</sup> Street, I subdivide  
17 the lot and I have approved plans for six-story  
18 building, which actually it's under construction.  
19 We finished the foundation work and the first  
20 floor. For the second one, the construction will  
21 start as soon as the first one finish. And, this  
22 will be used strictly for manufacturing use. And,  
23 actually, on the second location, we'll be  
24 practicing some kind of engineering business,  
25 which is involved with soil test, - - test and any

1  
2 kind of engineering test and also manufacturing of  
3 special piles that are used on the construction  
4 industry.

5           And, as I mentioned to you before,  
6 on 24<sup>th</sup> Street, both my properties are located 24<sup>th</sup>  
7 Street area and I think it's not fair to down-zone  
8 of the 24<sup>th</sup> Street due to the fact the east side of  
9 the street has a FAR of 5 and then downsize to 3.  
10 Both of my buildings that I'm going to build are  
11 only used for my own business. I do employ 50  
12 employees today. We have plans to increase to  
13 100. You know very well how critical is the  
14 economical situation today. And, please do not  
15 stop the growth.

16           And, also, we ask the City Planning  
17 what is the reason on 24<sup>th</sup> Street that you down-  
18 zone. And, they told us the buffer zone. Now, we  
19 explained to them the buffer zone, this is through  
20 the zoning books and everything, can be created by  
21 really other requirements between 24<sup>th</sup> Street and  
22 Crescent Street. And, I'd like to ask the City  
23 Planning why did they not—okay. Okay. The  
24 comment that I have to make is they up-zone on 37<sup>th</sup>  
25 Avenue, north of 37<sup>th</sup> Avenue between 29<sup>th</sup> Street and

1  
2 33<sup>rd</sup> Street. They up-zone from 1 FAR to 3. And,  
3 they did not provide any buffer zone for the  
4 existing residential area, which is north of this  
5 3. Thank you.

6 ROBERT NUSBAUM: Robert Nusbaum,  
7 Nets that Work. I am a 17-year resident of 28<sup>th</sup>  
8 Street. I do not want to develop a hotel. I do  
9 not to sell to anyone who wants to build a hotel.  
10 I can't even remember the last time I stayed in a  
11 hotel. Donald Trump is building a hotel in  
12 Manhattan. And, a few months ago a worker died  
13 falling off the building. However, two workers  
14 were saved in the same incident when they fell in  
15 a safety net my company installed. Construction  
16 safety is a growing business and my company has  
17 plans to expand. I am small business, the  
18 backbone of America and Dutch Kills. I don't  
19 receive incentives or tax breaks like Goldman  
20 Sachs or Madison Square Garden. When I screw up,  
21 I don't get bailed out like Bear Stearns, AIG,  
22 Fannie and Fred. I'm left for dead. If I did  
23 stay in a hotel, I might have received a wake-up  
24 call.

25 My zoning is being reduced with no

1  
2 written notice. Why Dutch Kills? Why did I  
3 invest so much? Did I do my research? I didn't  
4 take a variable rate mortgage. I didn't choose to  
5 live in a flood plain. I invested heavily in an  
6 up and coming community that fit my up and coming  
7 company. Mayor Bloomberg calls it an Ombudsman  
8 area. Queens West, growth in OIC. Queens Plaza,  
9 growth in OIC. 28<sup>th</sup> Street, you stick it to me. I  
10 paid dearly for a 5 so my company could thrive. I  
11 had no clue I could be reduced to a 2.

12 Let's put a face on it. We're not  
13 all fat, bald, hardworking business owners. We  
14 have employees, tenants, products, but no rights.  
15 I spend more time in Dutch Kills than I do in any  
16 other place on the planet. I pay huge taxes and  
17 hope to pay more in a City that, until weeks ago,  
18 was giving the cops \$25,000 a year. The fire  
19 house, a block away from me, was closed. The  
20 Planning Board won't let me earn in the City that  
21 doesn't care if I burn. I guarantee the workers  
22 who fell in my net are glad I'm here.

23 The people who built this  
24 community, with their money and sweat, are having  
25 their property values stolen. The MTA wants more.

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2 Con-Edison wants more. Exxon wants more. We  
3 don't want more, just what we got, just what we  
4 earned. I guarantee you no City Council person or  
5 Community Board member or Planning Board official  
6 live in a property that's going to have its zoning  
7 reduced. This is government intervention at its  
8 worst, hurting the people who have given the  
9 neighborhood the most and for the longest. It's  
10 hard to believe it's legal because for sure it  
11 isn't right.

12 THEODORE CSAPES: Thank you,  
13 everyone. I'd like to say what a pleasure it is  
14 to be back in Council chambers after working for  
15 Speaker Vallone. First thing that I wanted to  
16 mention to the Board here. My name is Theodore  
17 Casapes and I represent various of the landowners  
18 on 24<sup>th</sup> Street, on the west side, as opposed to the  
19 east side, where nothing is being done, no changes  
20 are being made.

21 The first thing I'd like to point  
22 out to this Committee is that the Planning  
23 Commission did not put out, as part of its general  
24 purposes, what it puts out on almost every other  
25 zoning issue, to promote the most desirable use of



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2 land and thus, conserve the value of the land and  
3 buildings and thereby, protect City tax revenues.  
4 What is happening here is the City is going to  
5 lose out. Not only are these business owners  
6 going to lose out, but the City's going to lose  
7 out.

8 One other thing that happened that  
9 came up and I just want to touch on the notice  
10 issue. Most of the commercial owners do not read  
11 the Gazette. They're here to work. They work all  
12 day and they did not get notice of this. That's  
13 why they've only had six months to proceed. Now,  
14 particularly on 24<sup>th</sup> Street, I'd like to point out  
15 to the members of the Board--

16 MALE VOICE: [Off-mic]

17 THEODORE CASADES: Okay. On 24<sup>th</sup>  
18 Street, if you will look here, it is divided east  
19 and west. Anybody who bought property on the west  
20 side can do--on the east side--east side can do  
21 whatever they want. Under this proposed  
22 legislation, all the people on the other side,  
23 unfortunately, cannot buy anything. And, to use  
24 Michael as an example, Michael had to buy some  
25 property on 37<sup>th</sup> Avenue and 24<sup>th</sup> Street and he

1  
2 expanded there and he's expanded to the extent he  
3 can. However, what he also had to do, because the  
4 properties are so small, he had to buy another  
5 property up on 24<sup>th</sup> Street between 38<sup>th</sup> and 39<sup>th</sup>  
6 Avenue. He has approved and audited plans for  
7 this.

8                   What we are asking is that 24<sup>th</sup>  
9 Street not be included in this zoning or be  
10 included only to the extent that a use restriction  
11 of no hotels be put there. It's an MX zone. It  
12 can be done. I do not know why the City Planning  
13 Authority does not want to do that. But, that's  
14 all we're asking.

15                   Oh, one other thing for you,  
16 Councilman Jackson. You were asking about the  
17 prices. And, on the way coming over here, I went  
18 through Dutch Kills. And, I saw a studio  
19 apartment for \$500,000, a condo. That's what  
20 they're selling for. So, if you think there's  
21 affordable property coming in there, it isn't.

22                   CHAIRPERSON AVELLA: Thank you.  
23 Our next panel, is it Azu Hader, Barbara Lorenz  
24 and is it Nome Pratt, 'Nonnie.' It was either N-I  
25 or N-M.

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2 BARBARA LORENZ: Good afternoon,  
3 Council Members. My name is Barbara Lorenz  
4 [phonetic]. I live in Dutch Kills all my life. I  
5 am a Board member of Dutch Kills Civic  
6 Association. I am with the 114 Precinct Civilian  
7 Observation Patrol for 24 years. And, I am with  
8 the new organization called CERT, Community  
9 Emergency Response Team. I'd like to make a  
10 comment about some of the statements the  
11 commercial people made.

12 First of all, that Robert Nusbaum,  
13 he does not live in Dutch Kills. He has a  
14 business on my block. And, I'd like to inform  
15 everybody almost every morning at 6:30, you hear  
16 his employees banging their metal, that we have to  
17 call the precinct. That's one statement. The  
18 other thing is Dutch Kills Civic Association put  
19 out a mailing to everybody in our community,  
20 residents and businesses. We spent \$450 out of  
21 the Dutch Kills Civic Association expense to  
22 inform everybody about the zoning change. So, we  
23 don't want to hear any of this business that they  
24 just heard about it. And, they didn't read the  
25 newspapers, because it was in the newspapers also.

1

2 Okay.

3 We need to put this zoning in place  
4 on October 7<sup>th</sup>. Our residential community has  
5 worked long and hard with City Planning to pass  
6 this zoning. We would like new families to reside  
7 in Dutch Kills and attend our wonderful schools.  
8 We are happy with the zoning and need it to pass  
9 your office with no further delays.

10 We have about 20 hotels being  
11 constructed in our community within a six-block  
12 radius. This is excessive in any community. It's  
13 out of line. Because these developers are trying  
14 to beat the zoning clock, foundations have  
15 collapsed, since they use cheap labor and material  
16 to rush it through. Homeowners' foundations have  
17 cracked and yards have collapsed. These  
18 developers and contractors are out of control.  
19 The homeowners and residents monitor these sites  
20 and are constantly on the phone with 311. These  
21 sites work late at night and on Saturdays without  
22 permits. These illegal operations and activities  
23 have endangered our lives and our homes with no  
24 respect for our community. Some contractors have  
25 even made offers to keep our mouths shut.

1  
2 We want our lives back. We want  
3 our homes replaced or repaired. And, we want  
4 peace of mind. We had enough. And, also, I'd  
5 like to know what is the loophole that these 20  
6 hotels are going to turn over in our community  
7 besides claiming hardship. There's got to be some  
8 kind of loophole. How could 20 hotels make out?  
9 What are their plans? It's certain they're not  
10 going to keep them hotels.

11 And, also, the commercial people.

12 CHAIRPERSON AVELLA: If you can sum  
13 up.

14 BARBARA LORENZ: Okay. I'm summing  
15 it up now. How do we know they want their FAR of  
16 4 now. We gave them 3, now they want 4. What  
17 more do they want? How do we know that these  
18 commercial people are not going to sell in three  
19 years and sell it to a big developer? And now,  
20 what do we got? The same thing all over again.  
21 Hotels and highrises. Thank you.

22 AZU HADER: Good afternoon,  
23 everybody. My name is Azu Hader [phonetic]. I  
24 live in 32<sup>nd</sup> Street in the same block in the Dutch  
25 Kills. And, I support what have been proposed.

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2 But, the thing is that we are surrounded by the  
3 highrise buildings around us. And, we are just  
4 like, I mean, we are living dead-like a grave.  
5 The surrounding block is high and we are in a low  
6 position. And we are like a dead alive. So, it  
7 is a very inconvenience for all of us and, as well  
8 as this situation is going, then this devaluation  
9 off our property and that is not fair. So, I  
10 would request all the Council Members to look into  
11 it and have a fair judgment on that. And, that's  
12 it. Thank you very much.

13 NONNIE PRATT: Good afternoon,  
14 everyone. My name is Nonnie Pratt. And, I very,  
15 very recently moved to Dutch Kills from Manhattan.  
16 I'm one tiny person who represents many more than  
17 myself. For example, the neighbors on all sides  
18 of me, the young guys who play football on 29<sup>th</sup>  
19 Street, who are in school right now, their  
20 parents, their grandparents, their aunts and  
21 uncles who cannot be here because they're at work  
22 or elderly and unable to travel. The list is long  
23 and these are just a few. My voice is not the  
24 voice of one person in urging you to pass the  
25 rezoning with attention to the many flaws in the

1

2 very near future.

3 I chose to move here in order to  
4 help start a Buddhist Center. The neighborhood is  
5 remarkable. It's close to Manhattan. There's sky  
6 and light and it's peaceful. We searched for many  
7 neighborhoods in all the boroughs and are very,  
8 very happy to be in Dutch Kills and to be in this  
9 room with all of you and our new neighbors.

10 I know many things are soon to  
11 change with these new hotels. And, I have to  
12 accept what has happened to date. Clearly the  
13 proposal is not as tidy as any one of us would  
14 wish. But, please, please, I urge you to pass the  
15 new zoning without any further delays, as do my  
16 many neighbors who are not here. Please pay  
17 careful attention to the needs of the 32<sup>nd</sup> Street  
18 group, the small businesses and the arts  
19 organizations after passing this zoning. Thank  
20 you very much.

21 CHAIRPERSON AVELLA: Thank you.  
22 Next panel, panel in opposition, Gloria, is it  
23 Castaminis? Catsmindis, Joan Scorbolis and  
24 Dominick Fortino. Another eight to ten.

25 JUSCO LEWIS: Ladies and gentlemen,

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2 Council Members, my name's Jusco Lewis [phonetic].  
3 I have a business in Dutch Kill. And, I own a  
4 house and two lots. I have been in business for  
5 35 years. I want to grow my business and hire  
6 more people. My perspective is on reasonable  
7 progress. Queens Plaza is just down the block  
8 from me. And this, to me, it's considered the new  
9 Times Square.

10 When I bought my property, the  
11 zoning was 5 FAR. This the reason I bought the  
12 property. I love the community. I love the  
13 neighborhood. And, the business here is Planning  
14 Board want to downsize my dream. Imagine what  
15 Times Square would look like two-story residential  
16 homes surrounding it today. It is still to try to  
17 convince the Times Square residents and business  
18 owner to revert to. The Planning Board has no  
19 right to stand in my growth. If they want to do  
20 down-zoning, they - - what they do, they should do  
21 in the suburbs and not in Dutch Kill where it's  
22 only few minutes from Manhattan.

23 I'm here to express my feelings.  
24 I'm here to support the change. But, I don't want  
25 down-zoning. And, I love people to work in



1  
2 democratic way and not be this with a way where  
3 they think well, I want it one-family house or  
4 two-family house in Times Square. I don't think  
5 that's working appropriately. Thank you.

6 GLORIA CATSMALIS: Good afternoon.  
7 My name is Gloria Catsmalis. My husband and I, we  
8 purchased our business. We live in for the past  
9 20 years. My husband is a plumber. He does  
10 plumbing and heating. We have about ten  
11 employees. And, we would like to continue  
12 assemble heating units. And, we need to build  
13 out. We need to expand. In the past, we couldn't  
14 afford to build out because I have two daughters  
15 and we have to pay for their education. But, now,  
16 we are in a little better position. And, we would  
17 like to expand our job, especially my husband. I  
18 mean, that's the kind of job that he has and we  
19 support ourself.

20 I agree with no more hotels in the  
21 area. I mean, we are surrounded by hotels. At  
22 least, we need to expand to the level where we  
23 could do it. I am all for that, at least for the  
24 4 FAR would be very good. It would help us a lot.  
25 Thank you very much for your time.

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2                   DOMINICK FORTINO: Hello, thank you  
3 for the opportunity to speak here today. I'm the  
4 guardian of a 54-year-old family business located  
5 in Dutch Kills. I'm also the President of the  
6 Dutch Kills Property Owners Association made up of  
7 mostly commercial property owners. I want to  
8 thank the Dutch Kills Civic for initiating this  
9 rezoning. We agree a zoning change will bring  
10 growth to the area.

11                   Having said that, I'm very  
12 disappointed in the way the process has excluded  
13 business owners who occupy the majority of  
14 property within the rezoning area. To think that  
15 such a rezoning complex can be driven by the hopes  
16 and desires of such a small interest group within  
17 Dutch Kills Civic is disappointing. I say that  
18 after countless attempts to be involved in a  
19 constructive way and being turned away time and  
20 time again by Civic and City Planning.

21                   Our first meeting with City  
22 Planning was at the direction of Chairman Donado  
23 [phonetic] of Community Board 1. Had he not  
24 intervened on our behalf, I believe we may still  
25 be waiting for that meeting. All that aside,

1  
2 everyone here is aware of the hotel problem in  
3 Dutch Kills. And, we are sympathetic to that  
4 issue. But, we are not the cause of that problem.  
5 And, we do not think our future rights should be  
6 sacrificed to resolve a problem we did not create.  
7 This rezoning is at least partly directed at the  
8 hotel problem. But, the rezone with all the  
9 special text has not one mention of hotel  
10 development or how to deal with it, other than to  
11 reduce the FAR, not to stop hotels, but to  
12 discourage them.

13 So, after gutting the commercial  
14 FAR, the problem has not been solved. It's only  
15 become less appealing to hotel developers. Why  
16 not deal with the problem head-on? We have come  
17 to City Planning with reasonable requests and have  
18 not received any good faith offers in return,  
19 until a public hearing process brought some  
20 pressure on them to act. Even when they did act,  
21 they felt it necessary to add - - to the offer in  
22 that they excluded uses under the expanded 1 FAR  
23 offered.

24 We have had a Citywide M zoning  
25 text, which has been modified under the MX special

1  
2 text so when businesses commingle with  
3 residential, it is understandable that further  
4 safeguards must be added. Why did the City  
5 Planning feel it necessary to further reduce uses,  
6 which have already been reduced for this exact  
7 purpose?

8           If the existing text is good enough  
9 for the rest of the City, what's special about  
10 Dutch Kills? That question was never answered.  
11 Speaking on questions that were never answered,  
12 24<sup>th</sup> Street was down-zoned, but never given a  
13 residential component. 24<sup>th</sup> Street is no different  
14 than any other block in Dutch Kills. It was a  
15 simply a mistake, a mistake that City Planning  
16 first expressed a desire to correct, but later  
17 declined after they found out they backed  
18 themselves into a corner by supporting an EIS that  
19 left no room for modification. Keeping a 5 FAR in  
20 areas of Dutch Kills represented on the map, the  
21 map, I might add, that was certified and drawn by  
22 City Planning, which represents the wider blocks  
23 will not adversely affect this plan. It will  
24 create jobs, tax revenues and growth for the City.

25           Some of these blocks are entirely

1

2 commercial and are controlled by one or two  
3 owners.

4 CHAIRPERSON AVELLA: Sir--

5 DOMINICK FORTINO: Why stop  
6 development--

7 CHAIRPERSON AVELLA: If you can sum  
8 up.

9 DOMINICK FORTINO: Yes. Why stop  
10 development so desperately needed by the City?  
11 The downside to the residents may have a five-  
12 story commercial building on a corner of block  
13 that already has three 10 to 15-story hotels. I'm  
14 sorry. But, these are just the facts. The hotels  
15 are here. Please don't rush to judgment on such  
16 an important issue and don't reward the inability  
17 of planners to allow for modifications because  
18 it's the easy thing to do. If a new study is  
19 needed, maybe a valuable lesson can come from  
20 that.

21 CHAIRPERSON AVELLA: Thank you.

22 Next panel is a panel in favor; Gina Logan,  
23 Theresa Covalo [phonetic] and Naoki Yakaman,  
24 Yokomana [phonetic].

25 GINA LOGAN: Yeah. All right. I

1

2 want to pass out some pictures.

3 COUNCIL MEMBER SEARS: Neighbors  
4 have been watching.

5 GINA LOGAN: Good morning,  
6 Councilmen. My name is Gina Logan. I currently  
7 reside on 27-08 39<sup>th</sup> Avenue. I am a parent of  
8 three children. And, the reason that I mention  
9 that I'm a parent of three children is because I'm  
10 not employed at this time. However, I pass out  
11 some images of what I see on a daily basis, where  
12 trucks are going the wrong direction on 27<sup>th</sup>  
13 Street. I'm also a Board member at Queens Ridge  
14 Daycare Center.

15 Oftentimes, I've had to call 311.  
16 The construction companies do not care about the  
17 people in that area. They do not care about the  
18 safety of the children that walk down 27<sup>th</sup> Street.  
19 There's construction going on at 39<sup>th</sup> Avenue, on  
20 the corner of 39<sup>th</sup> Avenue and 27<sup>th</sup> Street. And,  
21 just a little bit inside on 27<sup>th</sup> Street, there's  
22 more construction going on there.

23 The other evening I had to call  
24 311. The cement trucks is pouring cement at 7:45,  
25 8:00 at nighttime and there's no lights on on the

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2 construction site or on the sidewalk. I ran  
3 outside because I got on the cell phone and I'm  
4 making calls to 311. Where the hotels are being  
5 built, PS 112, 204 and Newcomers High School is in  
6 the middle of that, not including churches, two  
7 churches, as well as a couple of weeks ago, a dear  
8 friend of Dutch Kills died at the hand of someone  
9 missing the mark. A man let out of the jailhouse  
10 earlier and the guy was walking down. He was  
11 intoxicated or he was heavily drugged. And, a man  
12 died because he came outside to help his neighbor  
13 outside.

14 Now, we have a lot more  
15 prostitution going on in the area at nighttime. I  
16 go out at nighttime to go and pray. When I go  
17 outside, I see people coming up. When the hotels  
18 go up, I don't know whether it's going to be—are  
19 you guys going to be monitoring the prostitution  
20 situation? Are you going to be monitoring the  
21 trucks and how they're handling their businesses?  
22 They're putting up shoddy framework where children  
23 could easily sneak underneath the frameworks and  
24 get into the construction sites.

25 I am very heartbroken because this

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2 is a community I've been living in for 17 years.  
3 And, again, thank you for listening to my  
4 concerns.

5                   THERESA COVALO: My name is Theresa  
6 Covalo. I have lived in Long Island City. I was  
7 born there and still live a block away from where  
8 I was born. My only objection is to the building  
9 of hotels, one right behind me. We had trees and  
10 grass and all and this is what my objection is to  
11 it. This is all I have to say. I can't do  
12 anything about it, but I wish I could. I mean,  
13 it's not fair that we have to have now. That was  
14 a nice community, small houses and now, giants  
15 like this. And, this is why I'm here.

16                   NAOKI YOKOYAMA: Good morning,  
17 everybody. My name is Naoki Yokoyama [phonetic].  
18 I'm a member of the 32<sup>nd</sup> Street Block Association.  
19 I bought my house and moved in on 32<sup>nd</sup> Street  
20 almost two years ago with my young children,  
21 hoping them to grow up in this residentially  
22 growing neighborhood. I would like you to  
23 reconsider our block's M1-2/5RB proposed zoning to  
24 be another that would allow us a building height  
25 that would be more comparable with the height of



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2 the other proposed M1-2/6RA that surrounds us.

3 According to the rezoning plan, our  
4 block does not even get M1-2/5RD, when everywhere  
5 adjoining to M1-2/6RA will be rezoned to M1-2/5RD.  
6 This is not only unnatural, but also very damaging  
7 to our block. That would inevitably leave our  
8 block as a valley in the shadow surrounded by tall  
9 buildings and developments more than twice the  
10 available height over our homes.

11 Me and my children are immigrants  
12 from Japan. When my ex-husband abandoned us and  
13 left for good for Japan, I had no choice but raise  
14 my two children in New York where they were born  
15 and growing up to be Americans. This is the  
16 neighborhood I chose to raise my children. When I  
17 sold my home in Manhattan, which was the only  
18 asset my ex-husband couldn't hide from his  
19 financial paper and looked for permanent place.  
20 And, I bought this house on the 32<sup>nd</sup> Street. I  
21 bought my house in this neighborhood because I  
22 wanted my children to grow up here and raise their  
23 family when I am a grandmother.

24 It is so painful to see our block  
25 so much left out from the growth of adjoining

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2 blocks and to live in the worry that neighbors  
3 houses both will be parking lots of M1-2/6RA,  
4 which inevitably leave our children living in the  
5 shadow of the tall buildings and among their  
6 parking lots and driveways. Do they have to move  
7 out if they don't like it?

8 Our request to modify proposed  
9 zoning of our blocks was approved at the public  
10 hearing of Community Board 1 by a vote of 33 in  
11 favor with zero against and one absentee. Thank  
12 you very much.

13 CHAIRPERSON AVELLA: I think we  
14 need a little clarification because you signed up  
15 that you were in favor of the application.

16 NAOKI YOKOYAMA: Yes.

17 CHAIRPERSON AVELLA: Is that--

18 NAOKI YOKOYAMA: Favor with the--

19 CHAIRPERSON AVELLA: You're in  
20 favor?

21 NAOKI YOKOYAMA: Yes, favor with  
22 the modification of our block of the 32<sup>nd</sup> Street.

23 CHAIRPERSON AVELLA: Okay. So,  
24 you're in favor with a modification?

25 NAOKI YOKOYAMA: Yes.

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2                   CHAIRPERSON AVELLA: Okay. Council  
3 Member Gioia has a question for the panel.

4                   COUNCIL MEMBER GIOIA: Thank you,  
5 Mr. Chair. Just to be clear that modification is  
6 not part of this proposal. Just to be clear,  
7 ma'am. First, I just want to say to all of you  
8 thank you for coming down. I meant to say it  
9 earlier to the earlier panels, but to see so many  
10 people from the neighborhood take their time out  
11 to come down to City Hall, it's very important and  
12 it's very appreciated. It's the future of the  
13 neighborhood we're talking about. And so, your  
14 neighbors, when you go home tonight, should be  
15 grateful that you've taken out the time to do it.

16                   And, to Miss Covalo, especially,  
17 you know, when I hear these stories about these  
18 hotels and I see it myself, it is terrible. And,  
19 there's no other way to say it than the City has  
20 failed you, that you had a bad zoning and  
21 development has been allowed to happen that is out  
22 of character and out of context with the  
23 surrounding blocks. It has hurt your views. It  
24 has hurt your quality of life. And, this should  
25 never have happened. And, I, for one, apologize.

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2 I wish there was more that I could have done about  
3 it. And, I think part of my frustration with City  
4 Planning is when you look at this step by step by  
5 step, it's all the things that should not happen  
6 to a neighborhood. But, I thank you for coming  
7 down here today, all of you. Thank you very much.

8 CHAIRPERSON AVELLA: Next panel is  
9 a panel in opposition; John Morgan, Christos  
10 Bacacelis [phonetic] and Timothy Wong. I see only  
11 two people up there. So, I'm going to call—oh,  
12 okay.

13 JOHN MORGAN: Good morning. I'm  
14 John Morgan. I'm from Morgan Elevator. I'm in  
15 business for 35 years. I employ 26 men in the  
16 Dutch Kill area. In that time, I've moved four  
17 times, each time to a larger space. This time, I  
18 need a larger space and when I go to look around  
19 the buildings, I can't afford to buy another  
20 building. So, we plan to move, I mean to build up  
21 on my existing building.

22 Just for your information, for my  
23 business and my building, I was offered  
24 retirement-type of money, which I denied because  
25 I'm not in it to really just make a quick dollar

1

2 and leave. I'm in it because I have a family  
3 business that's been there for 35 years and I plan  
4 to stay a lot longer.

5 I purchased in Dutch Kills because  
6 it was an industrial neighborhood, with the most  
7 mass transit in Queens. And, I could walk to the  
8 7, the N, the R, the W, the E, the G, the V, the F  
9 trains. And, in my, you know, I would think that,  
10 if anything, this should be a place to raise the  
11 FAR, not lower it, but at least keep it the same.  
12 The hotels don't make any sense to me. But, and I  
13 might not think they belong. But, trying to stop  
14 them, you seem to be stopping the business and the  
15 business growth.

16 At this time, there's a 16-story  
17 building on my block and with zoning allowing the  
18 16 story hotel to go on. But, with the new  
19 zoning, I probably won't even be allowed to up two  
20 stories. And, there are two, on both sides of me,  
21 I have four-story resident properties on both side  
22 of me. But, I won't be able to go up two stories  
23 with the zoning they propose. In trying to stop  
24 the hotels, you're stopping business growth and  
25 the jobs that built this neighborhood and--

1

2

CHAIRPERSON AVELLA: Can you sum

3

up, sir?

4

JOHN MORGAN: --will keep on

5

building this neighborhood up. And, the only

6

other thing I do want to say is I never heard of

7

Dutch Kills Civic Association until about a year

8

ago. I never heard of them. They never notified

9

me. You know, if they--

10

CHAIRPERSON AVELLA: Okay. You're

11

point is made, sir.

12

JOHN MORGAN: Very good. Thank you

13

very much.

14

CHAIRPERSON AVELLA: Next speaker.

15

TIMOTHY WONG: My name is Tim Wong.

16

I'm sacrificing my time to Eric who spoke

17

previously. So, I'm passing on my right to speak

18

now.

19

CHAIRPERSON AVELLA: You can't pass

20

time. I mean, if you don't want to speak, that's

21

fine. But, you can't add time onto somebody else.

22

TIMOTHY WONG: Okay. I can speak

23

then.

24

CHAIRPERSON AVELLA: Okay. All

25

right. Go ahead, sir.

1

2

CHRISTOS VACATELLIS: Good

3

afternoon. My name is Chris Vacatellis

4

[phonetic]. And, I own property on 23<sup>rd</sup> Street.

5

We have construction and manufacturing. We have

6

electrical equipment. And, we've been there, we

7

moved from the City, 20 years ago. And, we're in

8

the process of expanding. And, we find out that

9

we can no longer expand with the new FAR. We have

10

a two-story building. And, we'd like to add to

11

that for our future expansion.

12

We're surrounded by tall buildings,

13

loft buildings that are 90 feet, maybe even 120

14

feet. Right across the street from us, the FAR is

15

5. And, we cannot see how we're going downgrade

16

to a 2 or a 3. I think it's totally unfair.

17

That's not why we moved in the area. And, that's

18

a family business. I've been in business 30 years

19

and 20 of those years have been in Dutch Kills.

20

That's all I have to say.

21

And, one more addition. We own

22

three lots. We were never informed, whether by

23

the City or Dutch Kills or anyone that this was

24

happening. We only found about this through the

25

media.

2 CHAIRPERSON AVELLA: The last panel  
3 is another panel in opposition and one person who  
4 signed up in favor, but with modifications. So,  
5 we'll call them all together. Brad Lander, Barry,  
6 is it Mainzer, and Adam Friedman.

7 MALE VOICE: Thank you, sir.

8 BARRY MENCER: Okay. My name is  
9 Barry Mainzer. The name of my business is Alfred  
10 Mainzer Greeting Cards. We're located at 3933 29<sup>th</sup>  
11 Street. My family moved their business out of  
12 Manhattan in 1954. And, that trend still happens  
13 today. Small businesses are moving out of  
14 Manhattan and moving to Long Island City.

15 In 1966, we were able to obtain the  
16 building next to us and expand. In 1977, we  
17 needed to expand again and we took what was called  
18 the shooting gallery and we turned that into a  
19 really nice property. Today, if you want to  
20 expand, you cannot expand horizontally in Long  
21 Island City. You only have one choice and that's  
22 to go vertically.

23 Two, as far as I was attending the  
24 Civic meetings. I was informed by my friend,  
25 Dominick, about it. I can tell you. There was



1  
2 maybe two or three commercial people there from  
3 the beginning. As far as us not being included,  
4 that was willful and deliberate on City Planning's  
5 side. They have never reached out to us and we  
6 had to force the issue.

7           The third thing is is that most of  
8 my employees are local. They come from Community  
9 Board 1. They come from Astoria. Two-thirds of  
10 them, I've been there 35 years, we look for  
11 employees that are local. By depriving these  
12 people, and commercial owners are building up, I  
13 mean you're really going to do a number on all the  
14 people that are looking for employment close to  
15 their homes. Like I said, it's impossible to go  
16 vertically. It's very, very expensive.

17           This has really been handled very,  
18 very poorly and City Planning, this has all really  
19 been deliberate, 'cause they've had their idea  
20 from the beginning and they really did not want us  
21 involved in this. And, to see that we had to push  
22 our way in the door to get to this point. And,  
23 now we're at, got a gun to our head and we're at  
24 the last minute after three years of this is just  
25 absolutely ridiculous.

1  
2 And, on top of which, I was just  
3 informed the market's down another 250 points.  
4 So, I think you guys really better start looking  
5 at what's going on here because, economically,  
6 this is really a joke and it's a disaster.

7 CHAIRPERSON AVELLA: Before you  
8 speak, I just want to mention that somebody left  
9 their inhaler by the Sergeant at Arms desk. So,  
10 if somebody has that, they better check their  
11 pockets. I hope somebody didn't leave without  
12 realizing that they had left it here. Next  
13 speaker.

14 LYNN ZANG: Hi. My name is Lynn  
15 Zang [phonetic], I'm actually reading for Brad  
16 Lander. Chairman Avella, Council Member Gioia,  
17 members of the Committee, thank you for this  
18 opportunity to testify on Dutch Kills rezoning. I  
19 am Brad Lander, who is Director of the Pratt  
20 Center for Community Development. As you know, we  
21 work with community groups on a range of community  
22 planning, affordable housing, neighborhood  
23 preservation and economic development issues.

24 I come before you today to plead  
25 with you to modify the proposed Dutch Kills

1  
2 rezoning to maintain the floor area ratio for non-  
3 hotel manufacturing uses to 5. Do not allow the  
4 Bloomberg Administration's sweet talk about mixed-  
5 use areas or mumbo jumbo about process to obscure  
6 the unnecessary misguided hostility preserving  
7 appropriate long time, much-needed blue collar  
8 businesses in this long industrial area.

9           You can make this change without  
10 undoing any of the important aspects of the  
11 rezoning. You can and should allow residential  
12 development within the height and FAR limits  
13 allowed, including an inclusionary housing bonus  
14 in the M1/R7A area. You can, and should,  
15 implement height limits to restrict residential,  
16 commercial and manufacturing to appropriate  
17 contextual limits. You can, and should, restrict  
18 hotel uses to a lower FAR of 2. I'd prefer that  
19 you go even further here and only allow hotel uses  
20 by special permit. I can see that this change  
21 would be out-of-scope, though only because the  
22 Bloomberg Administration has refused to include  
23 it, despite the fact that it is the best  
24 alternative to achieve the goal.

25           These changes alone would be more

1  
2 than enough to tip the balance of this area from  
3 manufacturing to residential. For the truth, as  
4 we all know, is that the Bloomberg  
5 Administration's so-called mixed-use zones are, in  
6 fact, designed simply to be transitional zones, to  
7 provide a few years to convert from manufacturing  
8 uses to residential ones as landowners, who aim to  
9 achieve the highest paying use convert their  
10 properties. When in this neighborhood, where you  
11 have owners who would like to retain and  
12 strengthen manufacturing uses even when they would  
13 be allowed to convert to a higher paying  
14 residential at a time when economic diversity is  
15 so sorely needed in our economy. It adds insult  
16 to injury to go even further and take away  
17 manufacturing FAR that they already have.

18 The only conclusion that can be  
19 drawn is that despite their claim to support  
20 diverse economy, despite the lip service they pay  
21 to preserving viable manufacturing, they actually  
22 prefer to undermine manufacturing and to convert  
23 whatever land they think that's even remotely  
24 viable from industrial uses into condos.

25 What other explanation is there for

1

2 the fact--

3 CHAIRPERSON AVELLA: I would ask  
4 you to sum up.

5 LYNN ZANG: Okay. For today, it is  
6 within the power of the City Council to restore  
7 non-hotel manufacturing FAR in Dutch Kills to 5,  
8 which leaving the newly proposed mixed-use zoning,  
9 height and use restrictions in place. Do not be  
10 cowed by the claims that this is out of scope or  
11 that there are obscure procedural reasons why you  
12 cannot do the right thing. Restore the  
13 manufacturing FAR to 5 and let the Bloomberg  
14 Administration go to court if they're so insistent  
15 on making it harder for blue-collar business to  
16 thrive here for the long term.

17 I urge the City Council to take  
18 more aggressive steps to stop the Bloomberg  
19 Administration's ill-timed and ill-considered  
20 hostility to manufacturing. Put forward  
21 legislation that would prohibit hotels, big box  
22 stores and office buildings in manufacturing areas  
23 except by special permit, so that they don't crowd  
24 out viable manufacturing.

25 Move more M zone land into IBZs to

1

2 end the open--

3 CHAIRPERSON AVELLA: You're going  
4 to be the first person I'm going to cut off.

5 LYNN ZANG: Okay.

6 CHAIRPERSON AVELLA: Thank you.

7 LYNN ZANG: Sorry, thank you.

8 CHAIRPERSON AVELLA: Adam.

9 ADAM FRIEDMAN: Hi. I'm Adam  
10 Friedman. I'm the Director of the New York  
11 Industrial Retention Network. I'm just going to  
12 summarize my written testimony. I have to say I  
13 know this has been a heated discussion at some  
14 points. But, it's been incredibly important  
15 because it really gets to the heart of zoning and  
16 how zoning is a tool to recognize a city or a  
17 community's vision.

18 As you've heard, far more  
19 eloquently than I could state, Dutch Kills is a  
20 thriving industrial area. And, to answer Council  
21 Member Sears' questions earlier on, yes, there's  
22 growth potential, up to what's been proposed for  
23 the modification, the modified FAR, and probably  
24 beyond that. DCP has made some very reasonable  
25 modifications here. And, I'm specifically

1  
2 pointing to the restrictions on office development  
3 in the increased FAR. But, they didn't directly  
4 confront the issues surrounding hotels and the  
5 hotel problem. Hotels are allowed as of right in  
6 manufacturing areas. DCP was in effect forced to  
7 sacrifice the industrial jobs in order to prevent  
8 hotel development, which everyone agrees at this  
9 point is over-saturated and over the top.

10 I think this really gets to the  
11 heart of what Council Member Gioia was asking  
12 before. This sacrifice is unnecessary, you know.  
13 It should have been accomplished directly from  
14 inception by excluding hotels or requiring a  
15 special permit and by establishing height  
16 restrictions. This convoluted approach was  
17 unnecessary. And, if, as DCP argues, the problem  
18 was not precipitated by the rezoning, then you  
19 really have a Citywide problem that needs to be  
20 addressed Citywide.

21 Second, the City is confronting the  
22 need to accommodate as many as a million new  
23 residents. And, part of the City's strategy has  
24 been to increase residential density in  
25 appropriate areas. That same strategy should

1  
2 apply to the industrial areas. Ten years ago,  
3 this was unthinkable that anyone would develop a  
4 multi-story, multi-tenanted building. But, we  
5 work all over the City. And, all over the City,  
6 you're seeing new multi-story, multi-tenanted  
7 buildings; in Gowanus, in the Brooklyn Navy Yard,  
8 in Long Island City, in Greenpoint, in Crown  
9 Heights.

10 We recently did a survey of 200  
11 businesses, 200 manufacturers, and one of the big  
12 findings was that a very large percentage are now  
13 willing to take upper floor use, which ten years  
14 ago, would have been inconceivable. So, this same  
15 issue, how to create space for both residential  
16 development, for commercial and industrial jobs,  
17 not to mention schools and open space and  
18 everything else that you need to create a healthy  
19 community is going to come back to the Council  
20 again and again. And, the answer lies in new  
21 zoning tools that allow a more fine-tuned  
22 approach.

23 The Chair has suggested that we  
24 need to perhaps move quickly here and then take  
25 corrective action. And, maybe that's the



1  
2 opportunity to really come back and do what should  
3 have been done from the beginning here is just  
4 disallow hotels in the industrial areas 'cause  
5 there's complete consensus that they're  
6 inappropriate. Thank you.

7 CHAIRPERSON AVELLA: This is going  
8 to be the last time I remind people not to clap.  
9 But, that doesn't matter because that's the end of  
10 the public testimony.

11 ADAM FRIEDMAN: Well, thank you.

12 CHAIRPERSON AVELLA: City Planning,  
13 my colleagues would like City Planning to come  
14 back and sort of answer some of the issues that  
15 have been brought up. I would also mention that  
16 we received testimony from Assemblywoman Margaret  
17 Markey in favor of the rezoning. And, that is  
18 submitted for the record. We also do have some  
19 other testimony from individuals in favor of the  
20 rezoning that weren't able to come. Thank you.

21 JOHN YOUNG: [Pause] would be happy  
22 to take questions. But, Chair Avella, if you  
23 could, I just would like a couple minutes to  
24 explain a bit more about the rezoning process  
25 because I think there was some concern about the

1

2 timeline.

3                   The discussions with the Dutch  
4 Kills Civic Association do date back further than  
5 the actual inception of the study. Typically,  
6 that's what occurs. Anytime a rezoning has to  
7 take place, we first have to have a series of  
8 conversations to understand what the concerns are  
9 and evaluate whether or not a study is an  
10 appropriate way of addressing them. Sometimes, it  
11 isn't actually a zoning issue per se that is  
12 causing this quality of life concern because  
13 generally, what we hear and what people talk to us  
14 about is my neighborhood is changing, the quality  
15 of life issue. And then, we have to determine  
16 what's the best approach to address it.

17                   So, we did have conversations going  
18 back to 2004. The study was initiated over the  
19 summer of 2005. And, we did have a tremendous  
20 amount of outreach and meetings with the Dutch  
21 Kills Civic Association and there was quite a bit  
22 of media coverage going along with this. We're  
23 always available to meet with anyone during the  
24 process of one of these rezoning studies, whether  
25 it's, again, through formal meetings that Civic

1  
2 groups or other stakeholders have or people who we  
3 host meetings with in our office.

4           The key milestones then, once we  
5 started this study is there has to be a process  
6 where we actually collect data, evaluate and do  
7 some analysis. And, there was, I think, some  
8 testimony about a meeting that was covered in the  
9 Queens Chronicle on May 18<sup>th</sup>, 2006. That really  
10 was the first presentation of our conclusion of  
11 our analysis period and the preliminary rezoning  
12 recommendations. It was not a formal final  
13 proposal because what we'd like to do is have the  
14 process of consultation and involvement with the  
15 community go on to make sure that our analysis is,  
16 first of all, correct and the recommendations  
17 everyone feels comfortable are addressing the  
18 issues that have brought forward. And, at that  
19 May 18<sup>th</sup> meeting, as some of the Dutch Kills  
20 Association members said, there was a broad  
21 spectrum of participation in the discussion.

22           Again, it's been our privilege to  
23 serve and try to come up with a rezoning with the  
24 very passionate perspectives from the residents  
25 and the business owners. And, they were at many

1  
2 of these meetings. In fact, the news article  
3 quotes the President of the Dutch Kills Property  
4 Owners Association, Dominick Fortino in his  
5 evaluation of the proposal at the time that it's  
6 better than what we have now. And, that really  
7 has been a lot of the process is that we've  
8 actually not heard significant problems.

9           And then, the next step was that we  
10 actually had to finalize the proposal, moving in  
11 the direction that we've been talking to. And,  
12 there was a broad outreach effort in November of  
13 2007, first with another Dutch Kills Civic  
14 Association meeting, where we presented the final  
15 recommendations. And then, a formal large public  
16 meeting held in the Evangel Church in the evening,  
17 when many people can attend, for scoping the  
18 environmental review process to start. I know  
19 there was a lot of discussion about the whole  
20 environmental review process. But, one of the  
21 good things is that it is another opportunity for  
22 more public participation in meetings. And,  
23 again, we had over 150 people attend that meeting  
24 at the Evangel Church, again, across the board.

25           And, Council Member Gioia sent his

1  
2 staff and there was a letter from him at that  
3 meeting thanking them for our hosting the public  
4 scoping meeting and getting this quickly  
5 accomplished. So, there was a lot of outreach up  
6 until, again, Council Member, I know you and I  
7 attended a meeting in February of 2008 with the  
8 Civic Association and then, eventually the  
9 certification and the start of the public review  
10 process. We had a meeting before that November  
11 scoping with Eric Palatnik and the property owners  
12 and had a half dozen meetings up until this point  
13 with them. We have not willfully excluded anyone  
14 from our discussions on this proposal.

15 CHAIRPERSON AVELLA: And, you know,  
16 I've had my disagreements with City Planning.  
17 And, you know, when I feel something is wrong, I  
18 certainly state it. But, I will say that I've  
19 never known a situation where you, John, have not  
20 met with somebody on a rezoning that has ever  
21 asked for a meeting. And, in fact, you probably  
22 bend over backwards too much to meet with  
23 everybody before something moves ahead. But, I  
24 know that's not the case. That you've done your  
25 best to get it to this point. Council Member

1  
2 Gioia.

3 COUNCIL MEMBER GIOIA: Thank you,  
4 Mr. Chair. And, to build on that point and if  
5 anything I have said would be misconstrued to  
6 imply that, I don't mean to say that at all. You  
7 have been very accommodative. There's no one I've  
8 asked you guys to meet with you haven't met with.  
9 And, I very much appreciate it and I think you are  
10 accommodating. And, you have been out in public.  
11 So, if anything I've said was misconstrued, please  
12 don't take it that way 'cause I do think you do  
13 bend over backwards to meet with people who take  
14 the step to want to meet with you or an elected  
15 official asked to meet with you.

16 The disagreement, if there is one,  
17 or the misunderstanding, and it's not just with  
18 City Planning. I think it's something I'd like to  
19 clear up. Let me put it this way. You have a lot  
20 of active citizens who should be applauded for  
21 being as active as they are. Not only do they  
22 read the newspaper, but they read the Gazette and  
23 they read the Woodside Herald and they read the  
24 local newspapers. And, they should be applauded  
25 for that. We need more people doing that. And,

1  
2 there are a lot of good people who don't do that.  
3 I wish they were more civically involved, but I  
4 don't judge them for not being civically involved.  
5 And, their rights are no less than those who are  
6 civically involved. And, they shouldn't be  
7 diminished because they're not.

8 And, I can understand both  
9 perspectives. I really can. I can understand  
10 somebody who takes their time out to volunteer at  
11 the Civic Association, who volunteers down at  
12 their local church or synagogue who knows the  
13 pulse of the neighborhood, who says I've taken my  
14 time out, why don't you. But, what I say to  
15 people sometimes is, and I want you all to think  
16 about this, think about it in your head, can you  
17 name who the second baseman is for the New York  
18 Mets or their manager or the GM? Now, I know Gail  
19 can. I know I can. If you can't, I don't judge  
20 you. But, the Mets play 165 games a year and  
21 every single day, they're in the newspaper. Every  
22 single day, they're in the newspaper. Even if you  
23 read the newspaper, you might be missing that.  
24 And so, that's a minor thing. It's a baseball  
25 team. But, my point to you is it's not a

1  
2 reflection of your intellect that you don't know  
3 who that person is even though you read that  
4 newspaper every day.

5           And, tell you another—in terms of  
6 sending out mail notice. Now, tomorrow's my  
7 wife's birthday. I'm taking her to see Little  
8 Mermaid tonight with my daughter. Now, she  
9 doesn't know, but by the time this is on  
10 television, we'll have gone and so it's to be a  
11 surprise. I've been checking the mail every day  
12 for these tickets. But, I haven't found them.  
13 They may have come in the mail and I could have  
14 missed it. And so, my point to you is something  
15 as important as my wife's birthday and the theater  
16 tickets I'm taking her to see, I can't find the  
17 tickets. I've been e-mailing, by the way, trying  
18 to make sure I can still go without the tickets.  
19 But, my point to you is this. You may have sent  
20 out, you didn't, but the Civic Association  
21 certainly did send out mail notice, hey, this is  
22 going on. But, it doesn't make you a bad person.  
23 It probably makes you a busy person if you didn't  
24 receive it. If you did receive it and you didn't  
25 read it.



1

2 I say all this to say that because  
3 you didn't read your mail, because you didn't get  
4 your mail, because you didn't read the local  
5 newspaper, because you're not as civically  
6 involved as I'd like you to be or as the Civic  
7 Association want you to be, doesn't mean that you  
8 have less rights in this process. And, I know you  
9 don't believe that those people have less rights.  
10 But, what I'd like to see City Planning do a lot  
11 more of is proactively go to people and inform  
12 them what's happening in their neighborhood,  
13 empower people, especially when you're going to be  
14 taking away something they can do today.

15 I heard someone else say well, you  
16 know, we gave you 4 and you had 3. We're not  
17 giving anybody anything. We believe in private  
18 property rights in this city and in this country.  
19 And, what we're talking about is not giving folks  
20 something. We're talking about how do we manage  
21 our City. How do we plan our City. And so,  
22 there's no one given anything. It's about  
23 planning the future of our neighborhood. And, I  
24 think what you've heard here today, and it's how  
25 we began, is that you want people to be able to

1  
2 live in a neighborhood that has residential  
3 development. We need more housing. What we don't  
4 need is more hotels. That has been a huge problem  
5 in this neighborhood for the past five years. You  
6 also find, I think some small business owners who  
7 would like to expand their business.

8 What I've asked City Planning to do  
9 over the next day is to find, if we can, reach a  
10 place where everyone is happy here. And, I'm  
11 looking forward to that dialogue, without delaying  
12 this process. Thank you.

13 COUNCIL MEMBER SEARS: [Pause] And  
14 the fact that it's been a long morning, I just  
15 want to say that in meeting with Council Member  
16 Gioia that hopefully you'll be able to do this.  
17 And, I know that you're as accommodating as you  
18 can be. And, you certainly have worked with me  
19 extremely well. Question I have is that sometimes  
20 when you have such mixed-use and you have  
21 manufacturing. It's unique in Long Island City  
22 [pause]. There was a time when manufacturing  
23 enriched the City and it was huge. So, when you  
24 have a mixed-use like that and to hear that they  
25 have not heard except six months ago, I would

1  
2 think it's urgent not only that we vote for this,  
3 but at the same time, you work out with Councilman  
4 Gioia how you can come to an amicable conclusion  
5 and not exclude what are some very valid  
6 arguments. And, I urge you to do that.

7           And, I know the government can work  
8 very quickly when it has to. And, it can also  
9 procrastinate with very definite intentions when  
10 it wants to. So, I would say that I urge you to  
11 work together to do this. Monday is, I know with  
12 the Mets stadium. I can tell you we worked the  
13 whole weekend so that on Monday we could vote on a  
14 pilot program. We worked the entire weekend on  
15 that because it was so urgent to get that through.  
16 I don't think Dutch Kills is any less urgent. I  
17 really don't. And, I think that it needs to be  
18 done because there's a vote on Monday. And, I  
19 want to thank Councilman Gioia because I think  
20 that I'm very optimistic that you can make  
21 something happen there. So, I just wanted to say  
22 that. Thank you.

23           JOHN YOUNG: We share the sense of  
24 urgency. [pause] Well, no, I'm going to make a  
25 point [pause] We'll work diligently and positively

1  
2 to getting this resolved. I just want to say that  
3 some of the testimony today I think did point out  
4 the need to be careful in balancing this. It's  
5 not a purely industrial area. What's unique about  
6 Dutch Kills and some other parts of—is its mixed  
7 use. I know people said it's a viable industrial  
8 area. But, again, it's sort of looking at only  
9 half the equation. And, we have to make sure that  
10 the character of these expansions still will not  
11 overwhelm the quality of life for the residents  
12 next door.

13 COUNCIL MEMBER SEARS: I want to  
14 thank you for coming.

15 CHAIRPERSON AVELLA: Thank you,  
16 John. And, I want to thank everybody who came and  
17 testified today. As we stated earlier at the  
18 request of Council Member Gioia, the vote will be  
19 held Monday morning. The Committee will reconvene  
20 at 9:30 Monday morning. We also have a vote on  
21 the Hospital for Special Surgery at the same time.

22 This meeting of the Zoning &  
23 Franchises Subcommittee is recessed until Monday  
24 morning.

C E R T I F I C A T E

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

Signature

A handwritten signature in cursive script that reads "DeeDee E. Tataseo". The signature is written in black ink and is positioned above a horizontal line.

Date October 12, 2008