

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LAND USE

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November 13, 2008

Start: 11:35am

Recess: 12:25pm

HELD AT: Committee Room
City Hall

B E F O R E:
MELINDA R. KATZ
Chairperson

COUNCIL MEMBERS:
Tony Avella
Charles Barron
Leroy G. Comrie, Jr.
Simcha Felder
Eric N. Gioia
Robert Jackson
John C. Liu
Miguel Martinez
Michael E. McMahon
Larry B. Seabrook
Helen Sears
Albert Vann
Sara M. Gonzalez

A P P E A R A N C E S

COUNCIL MEMBERS:

Annabel Palma
Maria del Carmen Arroyo
Inez E. Dickens
Daniel R. Garodnick
Jessica S. Lappin
Rosie Mendez
Vincent Ignizio
James S. Oddo

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2 CHAIRPERSON KATZ: We will go right
3 into Land Use. I think we have a quorum.

4 [Pause]

5 CHAIRPERSON KATZ: Gale?

6 [Pause]

7 CHAIRPERSON KATZ: Councilman
8 Koppell.

9 [Pause]

10 CHAIRPERSON KATZ: We are just
11 waiting for other members, so give us a moment.

12 [Pause]

13 CHAIRPERSON KATZ: Good morning,
14 ladies and gentlemen. And we are here to do-- two
15 items, right?

16 [Pause]

17 CHAIRPERSON KATZ: We are here to
18 do two applications, one is a Hunters Point--

19 [Pause]

20 CHAIRPERSON KATZ: If we could have
21 some order in the room while we take up these two
22 extremely important items that have been worked
23 on-- in one case for years, and are deserving of
24 our attention. The first rezoning is going to be
25 an amendment to the zoning map, which establishes

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2 a Hunters Point South District. It creates
3 affordable housing. It creates a designation
4 which will keep the area in the quality that it is
5 now, and there was a last minute negotiation by
6 the Councilman for 200 more units of senior
7 housing within the area and also the Chair of our
8 Senior Committee loves that, Aging Committee,
9 loves that. And also for the City to look at the
10 surrounding area to create another 1,000 units of
11 affordable housing. The other application that
12 we're going to take up to today is Willets Point
13 Development Plan. It is LU numbers 779 through
14 784. The technical applications are an amendment
15 to the City map, an amendment to the zoning map, a
16 special district creating the Willets Point
17 Special District, the Urban Renewal Application,
18 disposition of City-owned properties by HPD.
19 Before we go on, I'd like to just make a comment
20 or two, if I can, about Willets Point. This was
21 probably one of the most complex rezonings that we
22 have done, I believe, in Land Use. The amount of
23 different interests, components that were involved
24 in this rezoning were truly enormous. We had
25 concerns about affordable housing, concerns about

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2 imminent domain; concerns about job creations,
3 training people to work that might be displaced by
4 this rezoning. But in the end, this is really a
5 perfect example of everyone coming together, the
6 administration, the advocates for affordable
7 housing, the advocates for job creation, the City
8 Council, the Council Member who's district it's in
9 Hiram Monserrate, the Speaker of the Council, and
10 really many of the Council Member coming together
11 to create I believe what is ultimately a very good
12 plan for the Borough of Queens, and for the entire
13 City. This creates jobs, creates affordable
14 housing and is going to be, I believe, one of the
15 good and great legacies that we are going to leave
16 the City in the years to come. It will create
17 55,000 units of residential, over 1,000 of
18 affordable units at 60% AMI or lower. It is going
19 to create retail, a school, convention center,
20 office space, community space, and it will develop
21 that area as we move forward in a way that will
22 keep the City and the borough moving forward. In
23 the times of economic crisis, it is good for the
24 City to be investing in, municipalities, to be
25 investing in our future. I believe this is a good

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2 investment. When I was-- I want to acknowledge
3 former Borough President Claire Schulman, who when
4 I worked at her office in 1998, this was a very
5 large issue for her in the district. I'd also
6 like to take a moment to acknowledge the new
7 Senator, Senator Joe Addabbo, who has joined us in
8 the back there. Senator Addabbo.

9 [Applause]

10 CHAIRPERSON KATZ: And I saw the
11 new Councilwoman Elizabeth Crowley walk in earlier
12 before. I don't know if she's still here, but I
13 saw that she was here as well. What, where? Oh,
14 he's hiding. We also have a new congressman,
15 Congressman Mike McMahon. I am at this moment,
16 still Councilwoman Melinda Katz. Many of you know
17 that when I come to Land Use what I like to do is
18 think about the fact that in 10 or 15 years we'll
19 be able to walk through this area and be proud of
20 the accomplishments that we've made, hopefully
21 leaving the City in a better place than we got it.
22 And I think that this is one of the projects that
23 will achieve that goal. So I will open it up now
24 for discussion. Councilman Barron.

25 COUNCIL MEMBER BARRON: You know,

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2 most items that come before this Committee after
3 they've been worked out, we basically know how the
4 vote is going to go. But I want to continue to be
5 consistent. I know affordable housing is
6 important. It's important for all of us in all of
7 our districts. So is jobs, important for all of
8 us, in all of our districts. But as long as they
9 continue to use the threat of imminent domain to
10 displace retail or residents on projects, I think
11 that this Council should be the voice and the
12 protector of the voiceless and the weak, who will
13 be victims of imminent domain. And to have
14 someone holding over your head as a negotiating
15 leverage, you either accept this for this amount
16 of money or we can take it anyway for whatever we
17 want to do, is not a good tool. We in the City
18 Council should protect the most vulnerable in our
19 communities from the use of imminent domain. It
20 is the-- the retail is in that, and they are--
21 some will be negotiating. It's just like the
22 Ratner project in Brooklyn and our project in
23 Brooklyn; affordable housing, temporary jobs for
24 construction, some permanent jobs. And then now,
25 Ratner's project has changed. It's going to take

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2 a dozen years for these developments to be built,
3 and before you know it all of this agreement that
4 we're making now, it's changed. And the Ratner
5 project, all of that has changed now to some talk
6 of just building the Nets stadium and not the
7 affordable housing. So I just think at some
8 point, I know that things are going to get passed,
9 and the reason why I consistently vote no-- I'm
10 not anti-development. I'm certainly not anti-
11 affordable housing. I'm certainly not anti-jobs.
12 But at the risk of sometimes unions not
13 appreciating you or my colleagues not appreciating
14 it, I'm going to be a consistent voice of the
15 voiceless, of the ones who are powerless in this
16 equation that will have to sit at a table with all
17 the electeds, with the Mayor, with rich developers
18 and then, in addition to all of that, have this
19 treat of eminent domain hanging over their heads,
20 and then people saying that we may or may not use
21 it. You don't come to a table to negotiate with
22 anyone with a threat. That's what happened in the
23 Ratner project. They say, oh, but we're not using
24 it. 80% of the people already conceded. Yeah,
25 because you said either take my \$900,000 for your

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2 home or I'll take it at market with imminent
3 domain. Well what is a person going to do? So I
4 just think that we need to continue to protect
5 those who are victims of imminent domain. And in
6 this project that will happen. And I urge in a no
7 vote on this project. Thank you.

8 CHAIRPERSON KATZ: Councilman
9 Avella?

10 COUNCIL MEMBER AVELLA: Thank you,
11 Madam Chair. I will also be voting No on the
12 project. You know, I have been a consistent
13 opponent of the use of imminent domain since I've
14 been in the City Council. We've had the Columbia
15 expansion, which is going to invoke imminent
16 domain; the Ratner project, although it's not
17 coming before the City Council, will invoke
18 imminent domain, and now we have the Willets Point
19 Project. Imminent domain should be used only in
20 those rare circumstances where we're taking
21 somebody's private property or private business
22 for a hospital, for a highway, some real public
23 purpose. But to take somebody's business and in
24 this case some of these businesses have been
25 family owned for generations, who have worked very

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2 hard to build it up, and they want to stay there,
3 and then take it away from them under the guise of
4 economic development, and then give it to some
5 rich developer who is going to make millions of
6 dollars off this is un-American and is absolutely
7 disgraceful. If we're talking about economic
8 development, well what about the economic
9 development that goes on there now? What about
10 the jobs, the 3,000 jobs that are there now? Yes,
11 you will have a different type of development, and
12 you're probably going to have a different type of
13 worker there. That is not progress. The \$3
14 million that is included in this plan, by the way,
15 for relocation fund for Willets Point Businesses
16 based on square footage; first of all, I don't
17 know what that means by square footage. That
18 seems to be a loophole that's put in there
19 deliberately, but there are 260 businesses in that
20 area. Please divide up \$3 million among 260
21 businesses and you tell me what you come up with.
22 Where are these workers going to go? We're
23 talking about the businesses. A lot of these
24 businesses are not going to be able to relocate.
25 They are going to close their doors and you're

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2 going to have probably 1,000 workers on the
3 unemployment line. Does that make sense? Where
4 is the economic development in this? I appreciate
5 the concessions that Council Member Hiram
6 Monserrate got from the administration, especially
7 in the affordable housing component. It is much
8 better than it was. But still, you have to look
9 at the overall picture. This is a perfect example
10 of what I've been talking about for a long time,
11 of planning from the top down and not from the
12 bottom up, where you involve the community. This
13 was not a community-initiated project, this was an
14 administration-initiated project. And at some
15 point in the future of this City, we have to do
16 some real planning and involve the people of this
17 City and not the developers. I urge my colleagues
18 to vote No.

19 CHAIRPERSON KATZ: Robert--
20 Councilman Jackson.

21 COUNCIL MEMBER JACKSON: Thank you,
22 Madam Chair. I rise today to speak in favor of
23 the project and I urge my colleagues to vote yes.
24 And let me tell you the reasons why. And
25 obviously, I don't believe anyone around this

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2 table, maybe with the exception of Hiram and maybe
3 somebody else were involved in the intense
4 negotiations on this particular matter. And I
5 truly believe that most of my colleagues know just
6 as much what I know on it, what we've read in the
7 paper, what we've communicated with directly with
8 people involved, but we weren't involved in the
9 negotiations. We don't know all of the details of
10 it. We do know that our colleague, Hiram
11 Monserrate, who represents the district, has been
12 against the project initially because he wanted to
13 see certain things done. And in fact, 32 of our
14 colleagues, including myself, wrote a letter to
15 the City Planning that we would support Hiram in
16 his request to try to get more for his community.
17 The end result is that there is going to be
18 minority and women-owned business jobs out there.
19 The end result is that there's going to be at
20 least \$3 million for retraining of the employees
21 out there, approximately 1,700 employees. The end
22 result, there's going to be about 35% of the over
23 5,000 housing there for affordable, and not only
24 affordable, but if you look at the details as far
25 as the range of affordability, 60% AMI, I think

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2 50% AMI and I think even 40 and even 30% AMI. I
3 mean clearly this is the type of advocacy that
4 ideally anyone would want in their community. So
5 is everyone happy? I don't think so. But clearly
6 I think that when you look at the whole entire
7 picture, and when the signal has been made by
8 Hiram Monserrate, who is the Council Member from
9 the district, that he's urging his colleagues to
10 vote yes, I can not-- I can question him about
11 some of the details, rightfully so, but all things
12 considered, when you consider all things, I have
13 to vote yes, and I urge my colleagues to vote yes
14 today.

15 CHAIRPERSON KATZ: Just a point of
16 information, Councilman Jackson. 35% of the 5,500
17 units will be affordable, 60% at-- 60% AMI or
18 lower. That's 29% of those units will be at 60%,
19 47% of those units will be at 50%, 11% of those
20 units will be at 40% and 13% of those units will
21 be at 30%. It is probably, as Chair of the Land
22 Use Committee I can say, one of the best
23 affordable housings we've had of a rezoning.
24 Councilman Comrie?

25 COUNCIL MEMBER COMRIE: I urge my

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2 colleagues to vote yes on the Willets Point
3 Project, and I come to this decision after talking
4 with many different people. But if you go out to
5 Willets Point today, you would have to wear
6 galoshes. It's a horrible location as it stands
7 today. It's environmentally unsafe. It's
8 dangerous for even the workers that are working
9 there in that present condition, because it's an
10 unhealthy site. If we're not a city that does
11 future planning, if we're not a city that tries to
12 work to improve the conditions around us, we'll
13 never grow as a city. If we're not a city that's
14 taking on the tough challenges, and making the
15 decisions to keep our city moving forward in the
16 future, we're not doing the things that we need to
17 do as a city. We can say no to change. We can
18 say no to progress. We can say no to hard
19 decisions, but the fact of the matter is that
20 Willets Point is a site that needs to be improved.
21 The question is how do you do the improvements.
22 The Community Board voted for the site to be
23 improved because of the environmental conditions.
24 There's a river and a bay that must be cleaned up,
25 and in order for Willets-- in order for those

1 sites to be cleaned up and improved, Willets Point
2 must be cleaned up. The environmental issues
3 there are not anything that we can ignore. The
4 need to do a cleanup at that site is not anything
5 that we can afford to ignore if we need to grow as
6 a city. Council Member Jackson spoke to all of
7 the issues to make sure that the affordable
8 housing is real and to make sure that there are
9 employment opportunities that are real, because
10 there are a class of people there that we need to
11 take care of. Even though they're undocumented,
12 they are still people that we need to work to make
13 sure have opportunities, and that is being done.
14 So I want to congratulate Council Member
15 Monserrate, Council Member Katz, all of the people
16 that were involved in bringing this project to a
17 level where now we have the ability for some of
18 the business-- I'll wait for the room to be
19 quieter. Now we have an opportunity for some of
20 the businesses that have worked long and hard
21 there, struggling in difficult conditions to stay.
22 The City has amended the terms of the agreement
23 greatly from its inception to make sure that the
24 businesses that want to stay there will have an
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2 opportunity to stay there, that the training that
3 will need to be done for people that are even
4 working at the bottom of the socio-economic ladder
5 will be done. And there will be plenty of
6 opportunities for us to go back to this in two
7 different ways, as a Council and within the
8 Borough as the Borough Board to make sure that
9 this project is implemented. Yes, it's a long-
10 term project. Yes, it will be done years from
11 now. But yes, this City has to grow and I would
12 ask anyone there that doubt that Willets Point
13 needs improvements, go there today, but make sure
14 you wear the shoes that you don't want to wear
15 tomorrow. Thank you. I urge all my colleagues to
16 vote Aye.

17 CHAIRPERSON KATZ: Councilman Liu.

18 COUNCIL MEMBER LIU: Thank you,
19 Madam Chair. I want to congratulate our
20 colleague, Hiram Monserrate. He really fought
21 long and hard on this project and set a new bar as
22 Council Member Dickens did just a couple weeks
23 ago. We certainly are thankful to our Chair of
24 Land Use, Melinda Katz. She's been intimately
25 involved in the process as well. I do want to

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2 acknowledge the extreme efforts of our current
3 Borough President, Helen Marshall. She has been
4 in this from the get go. She has been the biggest
5 cheerleader to redevelop Willets Point, and her
6 efforts cannot go unacknowledged; and to the
7 Economic Development Corporation and the Deputy
8 Mayor's Office, I know that they have been working
9 day and night. And I know for a fact that they've
10 been in lots of 3:00 a.m. meetings over these last
11 few months, and I commend them for their efforts.
12 The only thing-- okay, since we're in the league
13 of mutual admiration here, let me just add a few
14 more. We congratulate ACORN; we congratulate the
15 Queens for Affordable Housing Coalition,
16 congratulate the Hotel Trades Council, the
17 Building Trades and Retail Wholesale Workers and
18 the Food and Commercial Workers. The main point
19 that I want to get across here is that there is a
20 great deal of imminent domain being used here, and
21 that is a point that-- it's a point that should
22 not be lot upon us here. We in this city, we talk
23 about small businesses being the backbone of our
24 economy, and we encourage through-- we encourage
25 entrepreneurs and people to set up their

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2 businesses and to really pour their lives into
3 making their businesses a success. And so we have
4 to make it very clear that when we do, when we
5 take actions such as invoking eminent domain that
6 those actions are taken very seriously and we know
7 the ramifications. Just three weeks ago when the
8 EDC testified before the subcommittee, they had
9 only secured control over 12% of the privately
10 owned land. In the intervening weeks they have
11 worked, as I said before, day and night, to come
12 to agreement with now a majority of the private
13 landowners in the area. A simple majority though
14 is not enough, and we need to work more forcefully
15 and more diligently to secure agreements with the
16 remaining landowners who are not yet happy and
17 satisfied. I totally agree with the Mayor when he
18 says one or two holdouts should not stop progress.
19 The problem is that we have more than one or two
20 holdouts. And so even as this plan gets passed
21 today, I implore the City and the EDC and all of
22 us in this body to make sure that those
23 negotiations continue fairly and diligently and
24 that people are treated with respect. It is not
25 only the treatment of the Willets Point Property

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2 Owners that is at stake here. It is a message
3 that we send to everybody in this city, the
4 backbone of our economy are entrepreneurs. We
5 have to make people feel welcome to pour their
6 lives into creating success in New York City.
7 Thank you, Madam Chair.

8 CHAIRPERSON KATZ: Okay. I'd like
9 to take this opportunity to also just thank
10 everyone involved. This is a very complex
11 rezoning. The administration, First Deputy Mayor
12 Lieber; the Congressman in the area, Congressman
13 Joe Crowley; the Subcommittee Chair, Councilman
14 Garodnick, who sat through hours of hearings to
15 make sure that everyone who wanted to be heard was
16 heard; and also the staff of the Land Use
17 Committee, who really worked tirelessly over the
18 last few months. But I also want to thank the
19 community, who was involved, and the Community
20 Board voted on this and we've been meeting with
21 them extensively and making a lot of discussions
22 to make sure that the needs of that community was
23 also answered, so I want to thank them as well.
24 I'm going to make a motion to approve this
25 project. I believe this project is good not only

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2 for the borough of Queens; I believe that it is
3 good for the entire City of New York. Just for
4 the record, over 51% of the acreage out of the 48
5 acres have already made contracts with the City of
6 New York. The Community Board voted to vote yes
7 for this. The environmental cleanup that is going
8 to be extensive on this area is desperately needed
9 for Willets Point. 60% AMI is a great component
10 for affordable housing, it's 60% of the units that
11 are going to be going in. I believe that the
12 Borough Board approval of all the business terms
13 after this is passed is key in making sure that it
14 still is responsive to the community as we move
15 forward. This is a good overall project for the
16 City. It will keep people working. It will keep
17 people in jobs. It will train the 1,700 people
18 that are now working there who want to be trained
19 for future employment. There will be training
20 there without any question of immigration status
21 and open to everyone that is there and it will
22 create 5,000 permanent jobs at Willets Point right
23 now. It keeps the City moving forward. That's
24 important. And the amount of discussion that
25 happened in this project, I believe, was

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2 reasonable and led to this day. So I thank
3 everyone for their work, and I do a motion to
4 approve.

5 WILLIAM MARTIN: William Martin,
6 Committee Clerk, Committee on Land Use.

7 CHAIRPERSON KATZ: We're going to
8 do a motion to approve both Willets Point and
9 Huts.

10 WILLIAM MARTIN: Council Member
11 Katz.

12 CHAIRPERSON KATZ: Aye on both.

13 WILLIAM MARTIN: Avella.

14 COUNCIL MEMBER AVELLA: Aye.

15 [Pause]

16 Council Member AVELLA: Land use
17 number 779 through

18 WILLIAM MARTIN: Barron.

19 COUNCIL MEMBER BARRON: May I be
20 excused to explain my vote?

21 CHAIRPERSON KATZ: Yes.

22 COUNCIL MEMBER BARRON: I just want
23 people to understand that when I, and I believe
24 Tony, make these kinds of votes, it's not we don't
25 understand the progress being made in certain

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2 areas of it, but let's be real you know, you can
3 say 51% is done. 49% isn't done. And you can say
4 we've got 35% affordable housing, you know, 65% is
5 not affordable. You can say-- and even in that
6 affordable housing formula, it has to be part of
7 an RFP. There's no legally binding anyone to
8 affordable housing. It's a part of the RFP and
9 the RFP, someone could agree with it or not agree
10 with it. It always looks sweet here because
11 they've got to get our approval, because we have
12 the authority to approve. When these projects are
13 played out, and you mark my words, I'm glad it's
14 on tape, when it's actually built and it actually
15 happens-- it's already changed in the Ratner
16 project. It has already changed. They're talking
17 about just building the stadium now and moving
18 away from some of the housing promises and all of
19 that. So the reason why I raise my voice all the
20 time, I know this is going to pass, and Hiram did
21 the best I think he felt he could for his
22 community, and I think he did it earnestly, and I
23 supported him as far as he needed us for the
24 leverage to get the best deal he can get. And I
25 applaud him for that. But I just want to always

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2 be that voice as we pass all these projects, I'm
3 not anti-labor, I'm not anti-job, I'm not anti-
4 development. It's not that I don't want to see
5 things go forward. We have to be very, very
6 careful and responsible as we move forward that we
7 don't damage those who don't have the authority,
8 the power and plus we do have term limits, even if
9 it's 12 years, you might be an entrepreneur one
10 day after this and have a little business
11 somewhere that you work your heart out for, and
12 someone comes and says because of development--
13 not a school, not a highway, not for the public
14 use, but for private profit that you have to move.
15 I have no problems with eminent domain when they
16 want to build a school or build some-- a park or
17 they want to use it to build a highway or
18 something that's for the public use. But since
19 the Supreme Court changed it that it can be for
20 economic development now, then the only protection
21 our people have since they don't have the Supreme
22 Court is us. And for us to pass these projects
23 and not even raise it strong enough to let the
24 people know that even as they're going to be
25 forced out at least they had a voice. And with

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2 that I vote no on Willets Point and yes on the
3 other project.

4 CHAIRPERSON KATZ: Well noted on
5 your comments on imminent domain, Councilman.

6 WILLIAM MARTIN: Comrie.

7 COUNCIL MEMBER COMRIE: I want to
8 vote aye. I didn't go down all the list of people
9 to thank, so I'll just say ditto to what everybody
10 else said about all the people that should be
11 thanked. I don't disagree with Council Member
12 Barron's comments about the projection that we
13 have as a Council. I think that we've had that--
14 we need to maintain that opportunity at every
15 level. I just want to remind people that Willets
16 Point is an environmental hazard that needs to be
17 cleaned up, and at the end of the day, that that
18 has to be held as an important, I think the most
19 important obligation that we have, to make sure--
20 I think that all of the parties, and all of the
21 voices have led to the fact that three of the
22 largest businesses are going to be able to stay,
23 that the opportunities to educate people that want
24 to be re-educated so that they can get better jobs
25 is going to be made, and that we still have

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2 another opportunity where they're coming back to
3 the Borough Board to make sure that anything
4 that's done there is done with the full
5 opportunity for people to have input and to--
6 economies change, people's ability to do financing
7 change; but we need to make sure that what's done
8 there is done so that we can clean up an
9 environmental blight in that area. And we can do
10 all of those things if we keep our voices and
11 focus on that issue so that-- we don't want to
12 hurt businesses that have been striving and
13 struggling to survive, but we also need to make
14 sure that the environmental issues are taken care
15 of, and I think we can do both, working together.
16 I encourage everyone to vote Aye on all. Aye on
17 both.

18 WILLIAM MARTIN: Gioia.

19 COUNCIL MEMBER GIOIA: Thank you.
20 I'd like to briefly explain my vote.

21 CHAIRPERSON KATZ: Yes.

22 COUNCIL MEMBER GIOIA: Charles has
23 informed me that this is the No microphone.

24 COUNCIL MEMBER KATZ: Use this one.

25 COUNCIL MEMBER GIOIA: No, that's

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2 okay. I can do a Yes from the No mic. I want to
3 speak very briefly on the Willets Point project,
4 then talk about the project that is in my
5 district. First, let me just say-- thank you.
6 Thank you, Tony. I believe that imminent domain
7 for economic development purposes is wrong. I
8 think it is bad policy and I think the Supreme
9 Court decision was wrongly decided on the law. In
10 addition to being wrongly decided on the law, if
11 you read the Supreme Court decision, however, it
12 also says that although this may be legally okay,
13 we're not saying it's a good idea. We're saying
14 that it should be left up to the municipalities
15 and the states. I believe that if imminent domain
16 for economic development purposes did not exist,
17 this project actually would have happened easier
18 and faster. I believe, actually, that it actually
19 is an impediment to economic development, because
20 municipalities know that they can use it. I also
21 believe that it extorts the terms of the bargain.
22 The use of imminent domain for economic
23 development purposes is like negotiating with Al
24 Capone. Al Capone comes in, puts a gun on the
25 table and says, I don't want to use it and I'll

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2 only use it if I have to. By its nature, it
3 changes the terms of the bargain, and that's why
4 it is wrong. And the problem with eminent domain
5 is that it tarnishes even good and great project.
6 I think this is a good project, but I've spoken
7 with landowners and small business owners in the
8 past few months who have been put under enormous
9 pressure that they need not have been put under.
10 And when we talk about government trampling the
11 rights of people, it's not just little people.
12 Government is so big and so powerful that it can
13 trample the rights of everyone. I do believe that
14 this project, however should go forward, because I
15 believe that-- I don't believe at the end of the
16 day eminent domain will be used for economic
17 development. I've spoken with many of the
18 landowners over the past few days. I've actually
19 spoken with everybody who has contacted me. And
20 while I don't believe they're happy, I don't
21 believe that their property will be taken through
22 eminent domain, nor do they believe that it will
23 be taken through eminent domain. And I think
24 that together with the Hunters Point
25 redevelopment, we have an affordable housing

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2 crisis in New York. I'm happy that finally the
3 waterfront is being opened up. We have a
4 situation where the middle class is being pushed
5 to the suburbs, and the poor are being pushed into
6 squalor. Today is a big step forward towards
7 correcting that, and to correcting historic
8 inequities, where our housing policy took poor
9 people and put them under bridges and far away
10 from mass transportation on places where they
11 really were forced to not break that cycle. Today
12 we take a step forward in creating middle-income
13 housing and to sparking the development in
14 affordable housing in Western Queens and
15 throughout Queens. I want to the housing
16 advocates who've worked tirelessly to get this
17 done, and I want to send a message to the City
18 that they need to take eminent domain off the
19 table. It hurts small business owners. It casts
20 a pall over even good projects like this one, and
21 I urge them to stop. With that, I vote Yes.
22 Thank you.

23 WILLIAM MARTIN: Jackson.

24 COUNCIL MEMBER JACKSON: Well, I'm
25 just so happen that an agreement was reached which

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2 includes a school with about 850 seats. So
3 obviously the borough that has the most
4 overcrowded of schools of New York City is the
5 borough of Queens. Listen, the bottom line is we
6 must look after our children and their future.
7 It's important to all of us, and they're our
8 future leaders, so a school at that site with 850
9 seats are going to be built, and so based on all
10 things considered, as I indicated before, I vote
11 yes on both Willets Point and Hunters Point, which
12 is in Eric Gioia's district. Thank you.

13 WILLIAM MARTIN: Garodnick.

14 COUNCIL MEMBER GARODNICK: Thank
15 you, and I vote Aye.

16 WILLIAM MARTIN: Liu.

17 COUNCIL MEMBER LIU: Yes.

18 WILLIAM MARTIN: Martinez.

19 COUNCIL MEMBER MARTINEZ: May I be
20 excused to explain my vote?

21 CHAIRPERSON KATZ: Yes.

22 COUNCIL MEMBER MARTINEZ: Thank
23 you, Madam Chair. I want to commend Council
24 Member Hiram Monserrate, and I trust his judgment
25 in the negotiation that took place. As we all

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2 know, Hiram has been working on this project for a
3 very long time and he has brought many of the
4 issues to our concern early on, and as an advocate
5 of small business in the City of New York, I trust
6 his judgment that the decision made here will
7 protect the vitality of small business people in
8 the community, short term and long term. And I
9 believe that we have a responsibility to vote on
10 Land Use issue and allow the leverage for that
11 member who represents the community to negotiate
12 and do what's best for his or her constituents,
13 which has been the tradition of this Council for
14 the last seven years. And I believe that trusting
15 the judgment of Council Member Hiram Monserrate,
16 who has been a strong advocate and an opponent of
17 imminent domain, we've seen that when he stood up
18 for outside his district, but he stood up for
19 those at the Bronx Terminal Market. He has a
20 track record of standing up for the small guys and
21 I believe that now he had the opportunity in his
22 district, I'm sure that at the end of the day we
23 could trust that Hiram has done the right thing
24 for that constituency. So I'll vote Aye for
25 Willets Point and after the eloquent explanation

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2 by Eric Gioia, he motivated me to vote Aye also on
3 Hunters Point. So I'll vote Aye on both.

4 WILLIAM MARTIN: McMahon.

5 COUNCIL MEMBER MCMAHON: I vote Aye
6 on both projects. I applaud all parties that got
7 these worthwhile efforts done. I would just like
8 to remind, as I did in the subcommittee, our
9 colleagues from the Economic Development
10 Corporation, the Mayor's Office and HPD that just
11 south of here there's a little island called
12 Staten Island that has an incredibly underused
13 waterfront, has been crying out for developments
14 of the scope that we're talking about there, some
15 fits and starts, but we really don't have anything
16 done yet. So I urge you to think about us once in
17 a while, maybe send us a postcard and let us know
18 how things are going in queens and the other
19 boroughs. With that dig, I respect all those who
20 I chide here as well and thank you for your work
21 on behalf of the City of New York. Please bring
22 some to Staten Island, and again I vote Aye.
23 Thank you, Madam Chairwoman for indulging me.

24 CHAIRPERSON KATZ: Thank you,
25 Congressman.

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WILLIAM MARTIN: Seabrook.

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COUNCIL MEMBER SEABROOK: Thank you, Madam Chair, the opportunity to explain my vote?

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CHAIRPERSON KATZ: Yes.

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COUNCIL MEMBER SEABROOK: This is a real interesting project. And the use of imminent domain is rather unique. As we were taught in law school that a compelling state interest is what is necessary in terms of doing this. And the Supreme Court made a decision about its use and what could take place with a sense of economic development. And I'm going to say here on the record of what I've said to the Mayor of this city, and what I've said in these committees and will continue to say, that we're going to have this mega development all over the City, and the level of unemployment for African American males, Latino males in this City is a compelling state interest. It is at the level of a depression that's taking place. And if we're going to so this mega development and the City of New York is going to be a partner to it, the use of imminent domain is a unique situation and above and beyond a compelling state interest.

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2 So therefore the level of creativity that the City
3 of New York has to do is to assure minority and
4 women-owned business participation. Because when
5 I asked the Mayor about it in terms of minorities
6 and jobs, he said, well you know the unions,
7 etcetera. Well if you made provision for minority
8 and women-owned businesses to participate, they
9 know how to hire Black people, they know how to
10 hire Latinos, they know how to hire women. So if
11 we should be a part of making this, this is
12 unique, and so it requires some uniqueness about
13 how do we get out of the situation that we're in,
14 this level of unemployment. So, and I will
15 continue to say that we cannot have these billion
16 dollar developments and not allow the
17 participation of the majority of the population in
18 this City not to participate in the business
19 enterprise of this. We can build all of the
20 housing, but if the brothers have no bread they
21 can't pay for it anyway. So you've got to be able
22 to provide people with the opportunity for
23 businesses to create jobs in those communities
24 which will not share in this. And just remember,
25 the same people that we're talking about

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protecting for imminent domain, these are the same people that are going to get the contract to do this development, and I want to see if there's going to be an reciprocity in terms of what they're doing. Because you need to look and see who we're negotiating with over there. And I vote Aye, but I just wanted to go on the record with this so that people would understand what's taking place. I vote Aye.

WILLIAM MARTIN: Sears.

COUNCIL MEMBER SEARS: Permission to explain my vote?

CHAIRPERSON KATZ: Yes.

COUNCIL MEMBER SEARS: Willets Point has been probably one of the most controversial issues coming before Land Use that we have had in this Council since we've been there, besides the Harlem and Jamaica rezoning. The fact is that we have gotten to this point, and we're voting on it, with a very, very controversial issue, is amazing in itself. Because the parties have been so diverse, they have disagreed, there has been both sides for the development, recognizing what has to be, and those

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2 opposed to it. But I have to say that those that
3 are voting yes does not mean that we've lost the
4 sensitivity or diminished the importance of the
5 other issues that are still unresolved that have
6 to do that. The fact that both, all parties not
7 both, but the Community Boards, the communities,
8 the businesses, the merchants, the administration,
9 I see here that we have our former Borough
10 President from Queens. And I say welcome to you,
11 because her effort has been extraordinary in that
12 process. It has been done with-- to the degree
13 that we can without committing 100%. It has been
14 fair. That fairness, I believe, and believe me,
15 I've spent a lot of time coming to where my vote
16 was going to be. Even though I believe in
17 development, we just have economic development, we
18 must create jobs. That's our job to do that. We
19 cannot watch the City fall apart. We have to do
20 that. That means we make very hard decisions.
21 And in doing that, that doesn't mean that
22 everything is put aside and we only look at the
23 dollars and we only look at the jobs being
24 created. We haven't done that. I'd like to look
25 at the positive in this and recognize that we have

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2 brought all minds and all thoughts together. And
3 it doesn't mean that we're going to ignore it as
4 soon as the shovel gets in the ground. There is a
5 lot of work to that, and I think everybody is to
6 be commended, to get to the point where I vote
7 yes, and I hope that all the rest of you do, and
8 that means our work is beginning. And I don't
9 think that when we got to this point our work
10 stops. So I congratulate anybody and I'm very
11 pleased to vote yes. Thank you.

12 CHAIRPERSON KATZ: I'm going to use
13 Chair's prerogative to table the vote for a moment
14 so that Councilman Monserrate can say a few brief
15 words.

16 COUNCIL MEMBER MONSERRATE: Thank
17 you very much, Madam Chair. And first and
18 foremost I want to thank all my colleagues here in
19 the City Council who have been so supportive, who
20 have for the last 24 months or so stood by the
21 21st Council District, my community, to ensure
22 that this project struck a balance within fairness
23 and responsible economic development. I have a
24 much longer statement that I will be saying at the
25 general stated in a little while, but I really

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2 wanted to just thank my colleagues. I believe
3 that this project and the proposal in its current
4 form is a win-win. It's a positive for the people
5 of the borough of Queens and of the City of New
6 York. There was a lot of ups and downs along the
7 way, but I think it's a good project, one that
8 will provide for many of our society's needs,
9 predominantly affordable housing. And Larry, I
10 hear you with respect to the MWB component. I
11 will be on guard to ensure that that happens, and
12 I just wanted to thank all the parties and the
13 administration and Claire Schulman and my staff
14 and it's a good thing for Queens and a long time
15 coming and thank you very much and God bless.

16 CHAIRPERSON KATZ: Continue the
17 roll please.

18 WILLIAM MARTIN: Vann.

19 COUNCIL MEMBER VANN: May I explain
20 my vote?

21 CHAIRPERSON KATZ: Yes.

22 COUNCIL MEMBER VANN: Well I was
23 going to vote one way, then a guy came in and
24 bumped me, and spoke before I had a chance to
25 vote. So I have to consider whether I would vote

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2 the same way. I'm kidding. I try to vote on
3 principle, every vote that I take, actually, where
4 I can identify the principal. What I've come to
5 understand and what is in the best interest of the
6 City is what we all try and represent, is not
7 always in the best interest of a particular
8 neighborhood. But what's in the best interest of
9 a neighborhood tends to be inure to the benefit of
10 the City, what I have come to observe. There are
11 reasons why broader overriding principles that
12 entice me to want to vote against this, because I
13 am concerned about the imminent domain issue and
14 definitely concerned about the MWB issue. The
15 other principle, however, is one that I hold very
16 dear, and that is the neighborhood or community
17 and those who represent that neighborhood and
18 community tend to and ought to know what is best
19 for their particular community. So with both
20 principles staring me in the face, knowing I can't
21 be wrong because I'm voting on principle, I tend
22 to vote with the community and the neighborhood
23 and those who represent it. And I always look for
24 that reciprocity. It's not always there. So let
25 my vote, as I vote for this, I want every member

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2 in this Committee and in this House to bear that
3 in mind. When there's an issue in front of some
4 other member's community, unless you have some
5 overriding major principles in the best interest
6 of the City, you ought to support that member's
7 instinct, his negotiation, indeed his or her
8 leverage. And with that having been said, I vote
9 Aye on both issues.

10 WILLIAM MARTIN: Gonzalez.

11 COUNCIL MEMBER GONZALEZ:

12 Permission to explain my vote?

13 CHAIRPERSON KATZ: Yes.

14 COUNCIL MEMBER GONZALEZ: Most of
15 the times I sit silently in the chamber, and even
16 when I make my vote, though I study it diligently,
17 and I have to say that this particular time I met
18 with EDC probably twice on this issue with Willets
19 Point, understanding the idea of imminent domain,
20 trying to figure out what message we were sending,
21 understanding the fact that there may be
22 displacement, understanding that the expense of
23 remediation to that particular area and the impact
24 that it was going to have on our entire City,
25 believe me I worked really hard on this issue.

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2 But more than anything, I bear in mind that this
3 was Hiram Monserrate's decision to make. And I
4 knew that at the end of the day, despite whatever
5 I was thinking, that I had the right to tell him
6 and to convey to him what I was thinking. But on
7 the same token, I needed to defer to him as the
8 member of that district, because that is what we
9 are and that is who we are. Our role as a member
10 of this body is not to dismember it, but to stay
11 together hopefully and to the right thing for the
12 entire city as a team. That's what I believe.
13 And so therefore, I clearly understood that a lot
14 of things were being done in respect to
15 displacement. I understood that they were working
16 hard to give him the max on affordable housing.
17 That's what he needed for his district, and I in
18 turn am respecting and deferring to him. So
19 therefore, I vote Aye. Thank you on both.

20 WILLIAM MARTIN: Palma.

21 COUNCIL MEMBER PALMA: Yes.

22 WILLIAM MARTIN: Arroyo.

23 COUNCIL MEMBER ARROYO: Aye.

24 WILLIAM MARTIN: Dickens.

25 COUNCIL MEMBER DICKENS:

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Permission, Madam Chair, to explain my vote?

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CHAIRPERSON KATZ: Yes.

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COUNCIL MEMBER DICKENS: Council

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Member Monserrate worked very hard, and I stood

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with him when he was against this project from the

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very beginning. That coupled with the community,

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both those who support it and those who are

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against it, are what provided the foundation in

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order for the Council Member to fight so

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diligently and so hard to garner everything that

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he possibly could get for his community. The

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Council Member loves that community. He lives in

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that community. He's from that community. He

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wants only the best for the whole community, and

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often times it's very difficult, because you feel

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like you stand alone in making a decision because

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everyone is not going to be pleased all of the

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time. But if you can do the very best that you

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can do for your community, if you can do what he

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has done such as the taskforce to oversee the MWBE

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enforcement, so that small businesses can be and

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will be protected, the 35% affordable, of which

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60% will be 40% AMI and lower for housing, Hiram,

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thank you. Because you have set a standard for

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2 all of us in the City Council to fight for. Yes,
3 I understand that we must be the voice of the
4 people, and we are. But also being the voice of
5 the people means protecting the people on all
6 levels, which includes this environmental impact,
7 which shows toxic waste that could severely impact
8 upon unborn children, upon pregnancies, upon our
9 seniors, upon our families. This too, the Council
10 Member has to stand up and protect also. So
11 Council Member Monserrate, I support you. I stand
12 with you. I thank you for fighting so hard to the
13 bitter end to get all that you got for your
14 community, because what you have set will indeed
15 be what all of us can fight for and aspire to in
16 the City Council, and I do commend also Council
17 Member Gioia on the increased housing that he was
18 able to get. And I thank EDC for being willing to
19 listen, albeit sometimes they don't want to, but
20 they did this time. So thank you so much, and
21 thank you Madam Chair.

22 CHAIRPERSON KATZ: Thank you.

23 WILLIAM MARTIN: Lappin.

24 COUNCIL MEMBER LAPPIN: Aye.

25 WILLIAM MARTIN: Mendez.

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COUNCIL MEMBER MENDEZ: Aye.

WILLIAM MARTIN: Oddo.

COUNCIL MEMBER ODDO: I'd like to associate myself with the comments of Council Member Al Vann and vote yes.

CHAIRPERSON KATZ: Thank you.

WILLIAM MARTIN: Felder.

COUNCIL MEMBER FELDER: Yes.

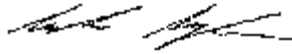
WILLIAM MARTIN: By a vote of 21 in the affirmative, zero in the negative and no abstentions, all items are adopted, with the exception of Willets Point, items LU 779 through 784 are adopted by a vote of 19 in the affirmative, two in the negative and zero abstentions. All members, please sign the Committee Reports.

[Pause]

CHAIRPERSON KATZ: We will remain-- we will have some amount of decorum in this room. Both motions have passed. Both applications have passed, Hunters Point and Willets Point. Congratulations to all involved.

C E R T I F I C A T E

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



Signature_____

Date February 8, 2009