

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

LAND USE SUBCOMMITTEE ON PLANNING, DISPOSITIONS, &
CONCESSIONS

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February 9, 2009
Start: 1:25 pm
Recess: 1:40 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
DANIEL R. GARODNICK
Chairperson

COUNCIL MEMBERS:
Sara M. Gonzalez
Inez E. Dickens
Vincent Ignizio

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

Theresa Arroyo
Director of Land Use
NYC HPD Intergovernmental Affairs

Ted Weinstein
Director of Bronx Planning
NYC HPD

CHAIRPERSON GARODNICK: Good

afternoon everybody, welcome to the Subcommittee of Planning, Dispositions, and Concessions.

Today's date is Monday, February 9th, this is a Subcommittee of Land Use of the New York City Council. My name is Dan Garodnick, I am the Chair of the Subcommittee.

We're joined today by committee members Vincent Ignizio, Inez Dickens, and Sara Gonzalez, and we're going to get right to it.

We have very few items on today's agenda, so we will move into them expeditiously. The first is Land Use number 976, the Erbograph Apartments in Manhattan Community Board 10, N090144 HAM, this is an HPD application, so I'm going to invite them to come up to the witness table. Pursuant to Article 16 of the General Municipal Law for designation of property as part of an urban renewal area and to facilitate the development of a building that is known as the Erbograph Apartments.

So, Ms. Arroyo, welcome. Please introduce yourself and go right ahead.

MS. THERESA ARROYO: Hi, good

1
2 afternoon, Council Members. My name is Theresa
3 Arroyo, Director of Land Use at HPD
4 Intergovernmental Affairs.

5 This first item Land Use number
6 976, which is known as the Erbograph building,
7 consists of the proposed disposition of one city-
8 owned building located at 203 West 146th Street.

9 Under the Section 202, Supportive
10 Housing Program for the Elderly, the Department of
11 Housing and Urban Development selected the West
12 146th Street Senior Housing Development Fund
13 Corporation to develop an eight-story building.
14 When completed, the project will provide 64 units
15 of rental housing for elderly persons of low
16 income, plus one unit for superintendent.

17 Council member Jackson has been
18 briefed and supports the project.

19 CHAIRPERSON GARODNICK: Thank you.
20 How under 202, what was the process for the
21 selection of this site?

22 MS. ARROYO: How did--

23 CHAIRPERSON GARODNICK: And the
24 selection of the developer of this site?

25 MS. ARROYO: I'm so sorry. HUD

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2 issues a Notice of Funding Availability and it's
3 opened for anyone who's interested can acquire
4 either private land or seek to acquire city-owned
5 property. In this case then, the sponsor, which
6 is Harlem Congregations for Community Improvement
7 and the Jonathan Rose Companies came to HPD to
8 acquire the city-owned vacant parcel.

9 CHAIRPERSON GARODNICK: Okay. Thank
10 you. So it was through a competitive process and
11 it was owned by the city--

12 MS. ARROYO: Correct.

13 CHAIRPERSON GARODNICK: --and the
14 Harlem Congregation for Community Improvement was
15 selected.

16 MS. ARROYO: Correct.

17 CHAIRPERSON GARODNICK: Okay. And
18 Council Member Jackson?

19 MS. ARROYO: He has been briefed and
20 indicated his support.

21 CHAIRPERSON GARODNICK: Okay. Thank
22 you.

23 With that, and seeing nobody
24 wishing to testify on Land Use number 976, we'll
25 close the hearing on the Erbograph Apartments in

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Community Board 10.

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And we will open the hearing on Land Use number 894, non-ULURP 20095106HAK at 1216 Pacific Street in Brooklyn in the district of Council Member Vann.

MS. ARROYO: Land Use number 894 consists of the proposed disposition of one vacant city-owned building located at 1216 Pacific Street through HPD's Asset Sales Program.

The proposed sponsor Devin [phonetic] Brown will convert the building, which is currently a vacant SRO into a three-family home.

And Council Member has been briefed--Council Member Vann has been briefed on this project.

CHAIRPERSON GARODNICK: Thank you. How was the sponsor Devin Brown selected in this process?

MS. ARROYO: Through a competitive process known as the Request for Offers.

CHAIRPERSON GARODNICK: And the building will be converted you noted into a three-family home--

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MS. ARROYO: [Crosstalk]

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CHAIRPERSON GARODNICK: --and that will be available to whom and at what income?

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MS. ARROYO: To the public and at market rate.

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CHAIRPERSON GARODNICK: Market rates to public and so you'll just advertise and--

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MS. ARROYO: The sponsor, the purchaser will take care of all of that, yes.

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CHAIRPERSON GARODNICK: Thank you.

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Seeing no members of the public wishing to testify on Land Use number 894, non-ULURP 20095106HAK, we will close the hearing on that item.

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And we will open the hearing on Land Use number 895, non-ULURP 20095107HAK at 476 Linden Boulevard in Brooklyn, the district of Council Member Mathieu Eugene.

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MS. ARROYO: Thank you. LU 895, as you stated, located at 476 Linden Boulevard, consists of the proposed disposition of one vacant city-owned building, through HPD's Asset Sales Program. The proposed sponsor, Sherma Chambers Nichols [phonetic], will conserve and occupy the

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2 one-family home. Council Member Eugene has been
3 briefed and supports the project.

4 CHAIRPERSON GARODNICK: Thank you.

5 And, again, this is a part of HPD's--

6 MS. ARROYO: RF [background noise]--

7 [Coughing]

8 CHAIRPERSON GARODNICK: Excuse me.

9 Asset Sales Program and, you know what I'm going
10 to ask, I think you just answered it, how was the
11 sponsor here Sherma Chambers Nichols selected?

12 MS. ARROYO: Through a Request For
13 Offers, a competitive process.

14 CHAIRPERSON GARODNICK: Okay. And
15 Ms. Nichols will be occupying the building--

16 MS. ARROYO: Yes.

17 CHAIRPERSON GARODNICK: Now, is
18 there any restriction at any point going forward
19 or just the incentive here is the investment to
20 take it off the city's roles and make it into
21 something useful without future restriction.

22 MS. ARROYO: Right, when we lists
23 this occupancy requirement, the purchaser is
24 required to stay on the property for five years, a
25 minimum five years.

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2 CHAIRPERSON GARODNICK: Okay. Thank
3 you.

4 Seeing no other members of the
5 public wishing to testify on Land Use number 895,
6 we'll close the hearing. It is also non-ULURP
7 20095107HAK.

8 We'll open the hearing on Land Use
9 number 896, 20095108HAQ and for this, I have a
10 letter addressed to Gail Benjamin, the Director of
11 the Land Use Division of the New York City
12 Council, dated today, February 9, 2009, Re: Land
13 Use number 896 at 142-05 Rockaway Boulevard. Dear
14 Ms. Benjamin, the above-referenced project
15 consists of the proposed disposition of a vacant,
16 city-owned, two-family home for development under
17 the Asset Sales Program. On behalf of the New
18 York City Department of Housing Preservation and
19 Development, I request that this Land Use item be
20 withdrawn from consideration before the Council
21 Subcommittee on Planning, Dispositions, and
22 Concessions. Thank you. Sincerely, Joseph
23 Rosenberg, the Deputy Commissioner of the New York
24 City Department of Housing Preservation and
25 Development. And that will be entered into the

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2 record for today. So that is a motion to file
3 pursuant to withdrawal is what we will be
4 entertaining on Land Use number 896.

5 We'll now open the hearing on
6 Preconsidered--this the next one?

7 MALE VOICE: Yes.

8 CHAIRPERSON GARODNICK: 20095298HAM
9 at 94 Hester Street in Manhattan. Ms. Arroyo?

10 MS. ARROYO: Thank you, sir. This
11 project consists of the proposed disposition of
12 one occupied city-owned building located at 94
13 Hester Street through HPD's Tenant Interim Lease
14 program.

15 TIL, as you know, assists organized
16 tenant associations in city-owned buildings to
17 purchase and manage low income cooperatives.

18 This project consists of 12 fully-
19 occupied residential units and 4 commercial units.

20 Council Member Gerson has been
21 briefed and has indicated his approval.

22 CHAIRPERSON GARODNICK: Thank you.
23 So this is, all those units are fully occupied--

24 MS. ARROYO: Right.

25 CHAIRPERSON GARODNICK: --at this

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2 point? Twelve residential, you said, and four
3 commercial?

4 MS. ARROYO: Right.

5 CHAIRPERSON GARODNICK: And the
6 residents under this program will be taking
7 control over the building in a cooperative
8 fashion?

9 MS. ARROYO: Correct.

10 CHAIRPERSON GARODNICK: Okay. Thank
11 you.

12 [Off mic]

13 CHAIRPERSON GARODNICK: We hope they
14 will be cooperative in their co-op.

15 MS. ARROYO: Yes [off mic]

16 CHAIRPERSON GARODNICK: It's easier
17 that way.

18 Okay. With that [pause] and seeing
19 no other members of the public wishing to testify
20 on this item Preconsidered non-ULURP 20095298HAM,
21 we will close the hearing on that item.

22 And we will open the hearing on the
23 last item of today, Preconsidered non-ULURP
24 20095293HAX, two addresses on Jennings Street in
25 the Bronx, in the district of Council Member

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2 Foster.

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MS. ARROYO: Okay. I'd like to defer to Ted Weinstein, who is the Director of Bronx Planning at HPD.

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MR. TED WEINSTEIN: Good afternoon. The disposition of this property for housing development--[clears throat] excuse me--was previously approved by the City Council on April 16th, 2008. At that time, the project was going to be 103 units of a cooperative. Since then, the developer has come back to HPD saying that they've been unable to--

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[Sneezing]

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MR. WEINSTEIN: Bless you. Had been unable to finalize bank financing for the cooperative at this site and they've requested that we change the project to a rental, and so the application in front of the Council now is to do that. It remains 103 units, including one for a super, but instead of a co-op, it'll be a rental, and the income levels are changing as well.

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CHAIRPERSON GARODNICK: Okay. Tell us more.

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MR. WEINSTEIN: Okay. As a co-op,

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2 it was going to be 80 units at 80% HUD income
3 levels, 19 units at 90%, and 3 units at 140%.
4 Now, as a rental, it'll be 81 units at 80%, and 21
5 units at 100%.

6 It's an eight-story building, it's
7 a urban renewal site.

8 CHAIRPERSON GARODNICK: Those
9 numbers are not too far off from one another, why
10 the change?

11 MR. WEINSTEIN: Essentially it's
12 changing the slightly higher income units from the
13 90 and the 140 to 100.

14 CHAIRPERSON GARODNICK: Okay. But
15 why?

16 MR. WEINSTEIN: Just the feeling
17 being that for a rental, it was appropriate. This
18 is a location, it's a Katonah [phonetic] Park East
19 area, this is only a block away from the Charlotte
20 Gardens Development, there's other small home
21 ownership in the area, and there's multifamily
22 development going on. So it's actually at a very
23 attractive marketable area, one of the reasons why
24 we originally had proposed a co-op building and,
25 while the co-op is no longer feasible given the

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2 current market, the developer is agreeable to
3 doing it as a moderate middle income rental
4 instead of just the low income, which there are
5 other buildings being built in the immediate area
6 as well.

7 CHAIRPERSON GARODNICK: Remind us,
8 when we approved it on April 16th, what were the
9 resale restrictions on the co-op?

10 MR. WEINSTEIN: The prices or--

11 CHAIRPERSON GARODNICK: Well, you
12 tell me. What were the restrictions on either
13 resale or sale in the first instance? Or were
14 they market sales of co-ops? Oh, I guess they
15 were not market [crosstalk]--

16 MS. ARROYO: [Crosstalk]

17 MR. WEINSTEIN: Well no, they're
18 limited to the income [crosstalk]--

19 CHAIRPERSON GARODNICK: --to those
20 units, but then I guess the question is on resale,
21 it just had to be sold to people who met those--

22 MR. WEINSTEIN: Yes.

23 CHAIRPERSON GARODNICK: --income
24 restrictions. And for what period of time, I
25 think I guess is the applicable question here.

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2 MR. WEINSTEIN: I'm sorry, I don't
3 remember exactly.

4 But CHAIRPERSON GARODNICK: Okay.
5 Well then let's talk about the rental that you
6 want to change it to.

7 MR. WEINSTEIN: Okay.

8 CHAIRPERSON GARODNICK: We know what
9 the income levels are, for how long will that be
10 in place?

11 MS. ARROYO: Usually [off mic]
12 whatever the [off mic]. We're not sure at this
13 point--

14 MR. WEINSTEIN: I'm not sure if it's
15 30 or 40 years.

16 MS. ARROYO: --it would have to be--
17 and we assume generally a 30 year minimum. And
18 that will be part of the regulatory agreement.

19 CHAIRPERSON GARODNICK: You have
20 reached out to Council Member Foster on this?

21 MR. WEINSTEIN: Yes, the developer
22 recently met with the Council Member and she's
23 supportive of this.

24 CHAIRPERSON GARODNICK: Okay. Thank
25 you.

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2 All right, seeing no other members
3 of the public wishing to testify on Land Use
4 number--this is Preconsidered non-ULURP
5 20095293HAX and no questions or comments from
6 colleagues, we will close the hearing on this
7 item.

8 And just to be absolutely clear as
9 to we're doing here today, we are going to vote on
10 Land Use 976, we are going to lay over Land Use
11 894 at the request of Council Member Vann, and
12 we're going to take that up right before the Land
13 Use Committee tomorrow morning at 9:45, so I ask
14 Subcommittee members to be across the street in
15 the committee room at 9:45 just before Land Use.
16 We're going to vote on 895 and the motion to file
17 on 896 and the last two, the Preconsidered
18 20095298 and Preconsidered 20095293.

19 With that...

20 [Pause]

21 I believe I said 976, but if I
22 didn't, then we're voting on that one. I did say
23 that, yeah, okay 976--

24 MS. ARROYO: It was the first one
25 you said.

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2 CHAIRPERSON GARODNICK: Okay. So
3 now everybody knows we're voting on the Chair
4 recommends an aye on all of those items and I'll
5 ask the counsel to call the roll.

6 COUNSEL: [Off mic] Counsel to the
7 Committee.

8 Chair Garodnick.

9 CHAIRPERSON GARODNICK: I vote aye.

10 COUNSEL: Council Member Gonzalez.

11 COUNCIL MEMBER GONZALEZ: Aye on
12 all.

13 COUNSEL: Council Member Dickens.

14 COUNCIL MEMBER DICKENS: Aye.

15 COUNSEL: Council Member Ignizio.

16 COUNCIL MEMBER IGNIZIO: Aye.

17 [Pause]

18 COUNSEL: Four in the affirmative,
19 none in the negative, no abstentions, all items
20 are approved, referred to the full Land Use
21 Committee.

22 CHAIRPERSON GARODNICK: Thank you.

23 And with that, we will stand in
24 recess until tomorrow morning at 9:45 a.m. Thank
25 you everybody.

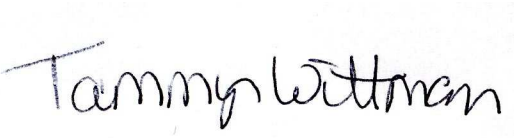
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MS. ARROYO: Thank you.

C E R T I F I C A T E

I, Tammy Wittman, 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 19, 2009_____