

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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June 4, 2009  
Start: 1:50pm  
Recess: 2:08pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
TONY AVELLA  
Chairperson

COUNCIL MEMBERS:  
Maria Baez  
Simcha Felder  
Eric N. Gioia  
Robert Jackson  
Melinda R. Katz  
Joel Rivera  
Larry B. Seabrook  
Helen Sears  
David Yassky

CHAIRPERSON AVELLA: Good

afternoon, everyone, I'd like to reconvene the meeting of the Zoning and Franchises Subcommittee.

Joining me are committee members Melinda Katz,

Robert Jackson, Helen Sears, Joel Rivera, Eric

Gioia, Larry Seabrook, and Simcha Felder; and

we're also joined by other council members, I

think I see Maria Baez and Council Member David

Yassky. We had, we have two items on the agenda.

The Fordham University application had been laid

over for a vote. We are laying that over again

till June 10<sup>th</sup>. So, we already have a number of

items laid over to that morning. We will add

Fordham University to that. The only other items

are the Dock Street Proposal, and what I will do

is call upon Council Member Joel Rivera to make

the motion on Dock Street.

COUNCIL MEMBER RIVERA: Hi, I just

wanted to thank you, Mr. Chairman, I just wanted

to make a motion to approve the Dock Street

Proposal on today's agenda.

CHAIRPERSON AVELLA: I know Council

Member Jackson has to leave, so maybe what we will

do, if it's okay with Committee Members, whoever

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2 wants to speak, that they can speak during their  
3 vote. I'd like to call on Council to call the  
4 vote.

5 COUNSEL: Christian Hylton, Counsel  
6 to Committee. Chair Avella.

7 CHAIRPERSON AVELLA: I vote no and  
8 if I--well, first of all, call on - -

9 COUNSEL: Council Member Jackson.

10 COUNCIL MEMBER JACKSON: Thank you.  
11 I'd just like to explain my vote. I've sat  
12 through the testimony and heard all the testimony  
13 from all of the parties involved. And I  
14 understand what some of the issues and concerns.  
15 Obviously, I do not live in Brooklyn. I've talked  
16 to the council member involved, David Yassky.  
17 I've talked to advocates, and received  
18 documentation from both sides of the issue.  
19 Questions that I ask is, where did the community  
20 board stand? Where did the borough president  
21 stand? Where did the City Planning Commissions  
22 stand on this particular matter? Where does the  
23 Council Member stand? And all things considered,  
24 I must say that some of the questions that were  
25 raised concerning the SCA's involvement, in

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2 responding to questions from the council member,  
3 and through Freedom of Information, leaves a lot  
4 to be desired, to say the least. But all things  
5 considered, I have to vote yes on this particular  
6 matter, because I think it's, overall, in the best  
7 interests of the community as a whole. There's 20  
8 percent affordable housing in this particular  
9 project. There is a site location where the shell  
10 of a intermediate school for the entire district  
11 13 will be involved. And I'm hoping that in the  
12 long run, that everyone will see that this project  
13 is a good project overall. I sure hope so. And  
14 so with that hope, I vote yes. Thank you.

15 COUNSEL: Chair Avella.

16 CHAIRPERSON AVELLA: I'm voting no  
17 on this application, and I am just thoroughly  
18 disgusted. The Brooklyn Bridge is a national  
19 treasure, and you know, as people go by, if this  
20 building does go up, and people are going to go by  
21 and wonder, "Who the heck ever allowed this  
22 building to be built?" Weigh carefully your vote  
23 today, members of the Subcommittee and the Land  
24 Use Committee, and the entire Council, because  
25 people are going to remember this particular vote

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2 when they see that building go up. And while  
3 we're talking about the shell of a school, that  
4 was just thrown in there to get this thing done.  
5 And unfortunately, when it comes to the real  
6 estate industry and politics in City government,  
7 money talks, and it's really shameful. I vote no.

8 COUNSEL: Council Member Rivera.

9 COUNCIL MEMBER RIVERA: I vote aye.

10 COUNSEL: On all previous items.

11 COUNCIL MEMBER RIVERA: And I vote  
12 aye on all previous items as well.

13 COUNSEL: Council Member Felder.

14 COUNCIL MEMBER FELDER: [off mic]

15 COUNSEL: Council Member Gioia.

16 COUNCIL MEMBER GIOIA: Thank you,  
17 Mr. Chairman. May I have a moment to explain my  
18 vote.

19 CHAIRPERSON AVELLA: Absolutely.

20 COUNCIL MEMBER GIOIA: Thank you.

21 At the hearing last week, or I guess two weeks ago  
22 at this point, the hearing about two weeks ago,  
23 the day before the hearing, I was presented with a  
24 series of emails that were produced by a Freedom  
25 of Information request, by some of the opponents

1 of the project. And it was late in the afternoon,  
2 and they gave me these emails. And I was  
3 absolutely stunned. Really stunned, to the point  
4 where I thought maybe the weren't actually  
5 accurate emails, because I couldn't believe what I  
6 was reading. The next day, I asked the School  
7 Construction Authority at the hearing about the  
8 veracity of the emails, and of the document  
9 request. They acknowledged that these in fact  
10 were emails that they had produced, because of the  
11 request. And I want to just read this one email  
12 into the record once again. Tuesday, December 8<sup>th</sup>  
13 2008 from a School Construction Authority  
14 official: "Hi, Kenrick [phonetic], so David Yassky  
15 referred this guy to me because he has a property  
16 in Brooklyn, on Water Street, between Bridge and  
17 J. His name is [redacted] and his number is  
18 [redacted]. He says it's about 20,000 square  
19 feet. Now I know that if we don't do the Wolentus  
20 [phonetic] Project, that we don't really want to  
21 do anything else over there. But, I think we have  
22 to follow up on this, just so we can say that the  
23 Wolentus Project is such a good deal." That's a  
24 shocking email to me. It could, it could lead a  
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1 reasonable person to believe that what has  
2 happened here is that the government has colluded  
3 in private, to deceive an elected official and the  
4 neighborhood they represent, in order to justify a  
5 real estate development project. That is wrong.  
6 I asked the School Construction Authority about it  
7 two weeks ago. They told me, they said,  
8 "Councilman, you don't understand, in the context  
9 this email is not wrong." And frankly, by the  
10 way, unless the next email that went out was just  
11 kidding, I don't know what could have put this in  
12 context. But I waited, I waited a week. I asked  
13 the, as you'll recall, I asked that the School  
14 Construction Authority produce for me the so-  
15 called exculpatory emails, the ones that would  
16 put, to me, this email, this devastating email, in  
17 context. I asked them to have it for me by the  
18 end of the day. They told me they'd already  
19 produced it, so it wouldn't be that difficult. I  
20 waited nine days. I did not hear from the School  
21 Construction Authority. I called up the School  
22 Construction Authority, I asked for the emails.  
23 They said that they had them, but if I wanted  
24 them, I needed to send someone to pick them up.  
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2 So we did. I then spent quite a few hours reading  
3 through all of the emails, trying to find a  
4 scintilla of evidence that would exonerate this  
5 email. And I did not find any of it. The  
6 questions remains, does this email accurately  
7 reflect the thinking of the School Construction  
8 Authority? And if so, that is not how government  
9 is supposed to work. And I'll tell you what  
10 really offends me, is I was talking to a few  
11 people about this, and someone said to me, "What's  
12 really shocking about this is not the email, but  
13 that it's public. This is how it happens all the  
14 time." That is wrong. Government cannot operate  
15 one way in private and another way in public. And  
16 a government that does do this, taints every  
17 project, whether it's a good project or a bad  
18 project. A government that colludes in private to  
19 deceive the public, it is a bad government. And  
20 if that is in fact the way this government  
21 operates, then this government needs to change.  
22 And every public official in this City should  
23 demand that it does. Because as I sat at this  
24 hearing two weeks ago, I did not sign up to be  
25 part of a government that deceives the public,

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2 that concocts reasons in order to help projects  
3 get through. It is simply wrong, and that is why  
4 I will vote no on this project. [laughter] My  
5 grammar, as Council Member Felder correctly points  
6 out, is incorrect, and I am in fact voting no on  
7 this project. Thank you.

8 COUNSEL: Council Member Katz.

9 COUNCIL MEMBER KATZ: I vote aye,  
10 I'll talk during the Land Use Committee meeting.

11 COUNSEL: Council Member Seabrook.

12 COUNCIL MEMBER SEABROOK: - - I'd  
13 like to explain my vote. I had the opportunity  
14 to, early on in this process, talked to people who  
15 had come to me about support of, of this project.  
16 They talked about housing, they talked about a  
17 school, that's it, sounds good. Then Tish James  
18 talked to me about it. And then I had the  
19 opportunity to talk to people who were in  
20 opposition to this project. And I admitted to  
21 them that I had never been over in that area to  
22 see where the project is, and I didn't know where  
23 it was. But I thought it, you know, there was,  
24 and I made a commitment to them that I would go  
25 and take a look at the area, what I'm actually

1  
2 voting for, because it's a situation that I wanted  
3 to take a look at. I understand the historical  
4 aspects of the, and the importance of the Brooklyn  
5 Bridge, and the history of the City of New York  
6 and the importance of that, and how best we  
7 preserve that. And so I, as it relates to this  
8 Committee vote, I certainly will, have made a  
9 commitment that I want to go and see this site  
10 myself. And so I will make a decision on the, on  
11 the final vote, but I will vote in terms of the  
12 Committee, but I made a commitment that I would go  
13 and, and see this site myself, and the importance  
14 of it. We're voting for this today, but there is  
15 a vote that is going to take place later. You're  
16 going to vote three times, brother. You're voting  
17 today, you're voting Land Use and you're voting on  
18 the floor. So, I get an opportunity, and I made a  
19 commitment that I was going to see it, so I'm  
20 voting on this Committee that it, it's out of the  
21 Committee, but I still reserve the right, that I  
22 made a commitment, that I would go and see the  
23 place, and I'm going to do that. So I'll vote  
24 that it's out of the Committee and I'll have the  
25 opportunity to go and see it. So I'm voting yes.

COUNSEL: Council Member Sears.

COUNCIL MEMBER SEARS: Permission to explain my vote, please.

CHAIRPERSON AVELLA: Yes.

COUNCIL MEMBER SEARS: Alright, I'm voting yes for this project. So right off the bat you know how I'm voting. But I do have a comment, 'cause I don't happen to agree with my colleague, who thinks there's a subterfuge, and that this Committee behaves rather falsely, and disrespectfully. And I truly have an issue with that. I don't agree with him. This process, and we all know that, with this Zoning Committee, and with Land use, with everything that's involved, there is a transparency. We've all had the opportunity to meet for those, who are putting forth this project, and also to meet with those who have been opposed to this project. There has been great consideration on both sides to be very persuasive. And one may think government doesn't behave all that--Well government makes mistakes sometimes, and then we have the ability to correct it. But we certainly don't work with a veil over our eyes that immediately can frame non-integrity,

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2 dishonesty, and I think that's an outrage. There  
3 has been a great deal put into this project. Now,  
4 we love the Brooklyn Bridge, and anybody who  
5 thinks it's, that we don't, is outrageous. The  
6 Bridge is a symbol of the history of this City,  
7 the history of labor, the people who died to put  
8 that bridge up. Does not destroy the bridge, nor  
9 does it destroy the image, nor does it destroy the  
10 symbolism of what it means in terms of the history  
11 of this City. So Mr. Chairman, I just had to make  
12 that very clear from the beginning, because I have  
13 respect for this Committee, I have respect for the  
14 Council, I have respect for the people who are  
15 putting this project forward, as I do those who  
16 are not in agreement with it. And I think to cast  
17 any kind of shadow of anybody being bought is  
18 absolutely outrageous, and it's scandalous to even  
19 suggest that in a public hearing. Thank you.

20 COUNSEL: Council Member Felder.

21 COUNCIL MEMBER FELDER: May I be  
22 excused to explain my vote.

23 CHAIRPERSON AVELLA: No.

24 COUNCIL MEMBER FELDER: Okay.

25 [laughter]

CHAIRPERSON AVELLA: Go ahead.

COUNCIL MEMBER FELDER: Thank you.

So, on this discussion, first of all, on the issue, I just would like to discuss it--Huh? Oh, I'd just like to discuss it briefly. There are a few issues that have discussed so far, and that's why I passed, 'cause I wanted to have an opportunity to think about. One was the issue of the school. I don't think that the project should be built because of the school, I don't think it should not be done because of the school either. The issues that some of my colleagues raised about the School Construction Authority or other agencies in my mind is irrelevant. The school being there or not being there is not the determining factor as to whether this project should be built. Those that think a school is a good thing, it helps; those that think it's bad, it hurts; that's not what this is about. So, that issue, the school or anything else involving the school, does not play anything in my mind. It hasn't been a factor. The Brooklyn Bridge, some of, some of the people live nearby, some of the people don't. I'm very familiar with the Bridge,

1 I did, I did walk over, believe it or not, I  
2 wouldn't have gone to the other side, that  
3 would've been too much exercise, but I did walk  
4 enough to see what we were talking about. And I  
5 know the neighborhood very, very well. I would  
6 say intimately. I frequent the park nearby with  
7 my, with my youngest child. So with regard to the  
8 bridge, I'm not convinced by any measure that  
9 somehow the Brooklyn Bridge is going to disappear  
10 or that a hundred years from now, somebody's going  
11 to say, "Simcha Felder, why did you destroy the  
12 Brooklyn Bridge's view?" It's bizarre. I, I  
13 really take offense myself, when I make something  
14 a holy issue of any sort, things aren't that holy,  
15 and the view from Manhattan, the view from  
16 Brooklyn, and whatever else. The minute people  
17 start bringing in other issues, and I'm talking on  
18 both sides of this argument, it doesn't play  
19 anything in my mind about the--I walked over it,  
20 people are concerned about this, about that. The  
21 minute somebody's building something nearby, when  
22 it affects them personally, and I'm the same way,  
23 suddenly the bridge's view is an issue. And if it  
24 was somebody who's living ten blocks away, the  
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2 view is not such a problem. So, you know, I think  
3 that that's, that that's not the issue, either,  
4 about the bridge. So, there've been many projects  
5 that have been built there. I think that people  
6 will continue to be able to see Manhattan, despite  
7 this project; in fact, I would daresay they'll be  
8 able to see most of Manhattan, including the  
9 humongous Verizon building that's on the other  
10 side of the, of the water. I don't see, I don't  
11 see the issue. I'm not, I don't think anyone here  
12 feels that it will not impact the view whatsoever,  
13 that's not what I'm saying. The question is,  
14 every project has good and bad, and this is no  
15 different. I don't think it's the worst thing  
16 that ever happened. The movie, that movie, with  
17 the bridge in it, was the worst thing that ever  
18 happened. Anyway, so I vote yes on this item. It  
19 was a terrible movie, I'll let you know. It's on  
20 sale at J&R for \$4.99 now. [laughter]

21 COUNSEL: By a vote of six in the  
22 affirmative, two in the negative, no abstentions,  
23 Preconsidered LU 20095229SCK, LU 1073, 1074 and  
24 1075 are approved and referred to the full Land  
25 Use Committee.

2 CHAIRPERSON AVELLA: Thank you,  
3 everyone, this closes this meeting of the  
4 Subcommittee on Zoning and Franchises, and I will  
5 remind everybody that the meeting on June 10<sup>th</sup> is a  
6 new meeting. So, it is not a carry over meeting,  
7 it will be a new meeting. [gavel]

8 COUNCIL MEMBER FELDER: Chair Katz.  
9

C E R T I F I C A T E

I, JOHN DAVID TONG 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.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in a dark ink and is positioned above the printed word "Signature".

Signature

Date July 22, 2009