

CITY COUNCIL  
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND  
FRANCHISES

----- X

March 6, 2019  
Start: 10:12 a.m.  
Recess: 12:47 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: FRANCISCO P. MOYA, CHAIRPERSON

COUNCIL MEMBERS:

COSTA G. CONSTANTINIDES  
BARRY S. GRODENCHIK  
RORY I. LANCMAN  
STEPHEN T. LEVIN  
ANTONIO REYNOSO  
DONOVAN J. RICHARDS  
CARLINA RIVERA  
RITCHIE J. TORRES  
LAURIE CUMBO, MAJORITY  
LEADER  
BRAD LANDER  
KAREN KOSLOWITZ

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

Richard Lobelle

Amanda Aonati (SP?)

Eric Tomin

Resident Carol Street, founder of  
Backyard Garden

David Lutz

Acting coordinator Backyard Garden, lives  
on Van Brunt Street

Ariel Meyer

Resident 22 Carol Street, local mother

Denise Connors

Resident of 149 Van Brunt Street,  
founding member of Backyard Garden,  
resident of Columbia Waterfront District

Matthew Neswinder (SP?)

Resident 12 Carol Street

Owen Foot

Resident

Gayle Wrestler

Resident Columbia Street Waterfront  
District

Abby Hill

Resident Carol Street

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

Jill Berstein  
Resident 25 Carol Street

Katarina Jaranik  
Resident

Eric Carrell  
Resident

John Tran  
Resident

Anthony Bradfield  
Resident 22 Carol Street

Anu Schwartz  
Resident of Columbia Waterfront

Stuart Brodski  
Resident 47 Carol Street

Clara Marleno  
Resident Columbia Waterfront Neighborhood

Marlene Ramer  
Resident 299 Columbia Street and member  
of the Community Garden

Andrew Bradfield  
Part owner of 22 Carol Street

Sara Nolan  
Resident Carol Street

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

Anna Mann

Susan Weltman  
Resident of Carol Street

Mohit Satram

Eric Vallonik

Alvin Shine

Brian Newman

Vinny Stilleto (SP?)  
32BJ

Dan Eagers  
Attorney with Greenberg Chard

Deidra Carson  
Attorney

Morris Edgmy  
Architect

She Denor  
Represents the developer

Al Wiltshire  
Read statement from Reverend Andrew  
Durbage

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

Alex Leiber, AKRF

Duke Lambert

Maydell York

2 SARGEANT AT ARMS EDWIN LOPEZ: Test,  
3 test. This is a test. Today's date is March 6,  
4 2019. This is a Committee Hearing on Zoning and  
5 Franchise. This is being recorded by Sargeant at  
6 Arms, Edwin Lopez.

7 CHAIRPERSON FRANCISCO MOYA: (gavel).  
8 Uhm Good morning and my apologies for us starting a  
9 little late but welcome to the meeting of the  
10 Subcommittee on Zoning and Franchises. I am Council  
11 Member Francisco Moya the Chairperson of this  
12 Subcommittee and today we are joined by Council  
13 Members Rory Lancman, Antonio Reynoso, Carlina  
14 Rivera, Barry Grodenchik, Stephen Levin and we have  
15 also been joined by Majority Leader Cumbo,  
16 Constantinides who is here and Lander, sorry about  
17 that. Uhm today we bring, today we will hold  
18 hearings on a number of applications and we will  
19 conduct votes on several previously heard  
20 applications. If you are here to testify on an  
21 application for which the record is not already  
22 closed, please fill out a white speaker slip with the  
23 Sargeant at Arms and indicate that name and/or the LU  
24 number of the application you wish to testify on that  
25 slip. First, we will be laying over Resolution 748,

an authorizing resolution pursuant to section 363 of the City Charter, also known as the Staten Island Bus Franchise authorizing resolution and we will now move on to our votes. Today we will be voting on approving LUs 331 and 332 the Douglaston Parkway Rezoning in Queens. The proposed zoning map amendments would rezone an existing R12 District to an R6a/C12 District and the proposed Zoning Text Amendment would establish an inclusion of rehousing area utilizing MIH options 1 or 2. The proposal would facilitate the development of an 8-story building and a 5-story building including 83 total swelling units of which 34 would be affordable independent residents for seniors or AIRS in accordance with the MIH Program as well as ground-floor commercial use. Uhm Council Member Vallone is in support of this application and today we will also be voting to approve with modifications LUs 335, 336, 337 and 570 Fulton Street Rezoning Application in Brooklyn. The proposed zoning map change would rezone a C64 District to a C69 District. The related Zoning Text Amendments would establish a maximum permitted FAR of 18 for commercial or community facility uses, applying certain bulk regulations of

1 the Special Downtown Brooklyn District to a C69  
2 District and create a new Special Permit to allow  
3 both modifications other than FAR. The requested  
4 Special Permit Application pursuant to the proposed  
5 text would modify certain bulk, yard and lot coverage  
6 requirements. Together these actions would  
7 facilitate the development of a 40-story mixed use  
8 tower with retail use on the ground and second  
9 floors, office use on floors 3 through 16 and  
10 residential use on 17 through 40. Our modification  
11 will be to make the special permit inapplicable to  
12 hotel use and Majority Leader Cumbo is in support of  
13 this application. We will also be voting to approve  
14 LUs 348 and 349 the Williams Bridge Rezoning  
15 Application in the Bronx. The proposed zoning map  
16 changes would rezone an existing C81 District to an  
17 R76 and an R76 C23 Districts and the proposed zoning  
18 text change would designate the project area as a  
19 mandatory inclusionary housing area utilizing MIH  
20 options 1 and option 2. These actions would  
21 facilitate the re-development of a 9-story mixed use  
22 building with 30 residential units, accessory  
23 recreation space, below grade parking spaces, bicycle  
24 parking and ground floor commercial office space,  
25

2 Council Member Gjonaj is in support of this  
3 application. We are also voting to improve the  
4 modifications of LUs 350 and 351 the Betances  
5 Rezoning in the Bronx, the proposed zoning change  
6 would rezone an R6 District to an R7x and an R6c14  
7 District to an R7xC24 as well as a related zoning  
8 text amendment to map the project area as mandatory  
9 inclusionary housing utilizing MIH options 1 and 2.  
10 These actions would facilitate the development of a  
11 15-story building with 101 affordable units and  
12 ground floor commercial space. Our modification  
13 would be to remove MIH option 2 requiring the use of  
14 MIH use option 1 and Council Member Ayala is in  
15 support of this application. Are there any questions  
16 from the subcommittee members on any of these items?  
17 Uhm we have been joined by Council Member Torres and  
18 now I will call.

19 CARLINA RIVERA: She's going to make  
20 remarks. Okay.

21 CHAIRPERSON FRANCISCO MOYA: I'm sorry,  
22 I'm now to turn it over to Majority Leader Cumbo for  
23 her remarks.

24 MAJORITY LEADER LAURIE CUMBO: Thank you,  
25 thank you all for being here. Thank you, Chair Moya,

and for all of my colleagues for being at this hearing. Although I am recommending that the subcommittee support a vote to approve the modifications on the 570 Fulton Project and I have secured some valuable commitments from this individual developer, I would like to take this opportunity to express my ongoing concerns regarding density in downtown Brooklyn and the way that the Department of City Planning has treated this application. The 2004 Rezoning of downtown Brooklyn continues to stand as an example of the unintended consequences of zoning that does not tightly match public policy objectives. Although predominantly commercial office, development was envisioned and projected by the Department of City Planning in 2004, the actual zoning had no requirements for including office space and allowed fully residential buildings. Fifteen years later, we have nearly 10,000 units of housing built or coming soon to downtown Brooklyn where fewer than 1000 units were projected and a severe shortage of office space. The Department of City Planning should learn from this experience and craft zoning to require office space if that is the purpose and goal of the action. We are modifying

1 this application to restrict hotels if the special  
2 permit is used and this developer is committed to  
3 building office space. But this is not legally  
4 guaranteed. Going forward, when adding commercial  
5 density to downtown Brooklyn, the Department of City  
6 Planning should not allow alternatives to office  
7 development like hotels. Otherwise we may be  
8 repeating the same mistakes of 2004. The Department  
9 of City Planning should also link increases in  
10 density to public benefits that address downtown  
11 Brooklyn's key challenges of affordability and  
12 infrastructure capacity. Increases in commercial  
13 density should be tied to contributions to transit  
14 improvements such as desperately needed ADA  
15 accessibility and permanently affordable space so  
16 that not for profit organizations and cultural  
17 institutions can continue to share in the growth of  
18 our borough. For this 570 Fulton Development I have  
19 secured commitments from the developer in both of  
20 these areas; \$550,000 to the MTA to fund an  
21 engineering study for ADA access at the Niven Street  
22 Subway station which is so severely needed and 8000  
23 square feet of space set aside in the development for  
24 not for profits and cultural uses at below market  
25

rent. This developer is also committed to providing meaningful, affordable housing by utilizing 421 option A, 10% at 40 AMI, 10% at 60 AMI and 5% of 100 AMI and partnering with local organizations on Arts Programming and local hiring initiatives. However, negotiating commitments with individual developers is not sustainable and it is not a comprehensive solution for these issues. Going forward we must build them into the zoning and I am disappointed that the Department of City Planning was not more open to incorporating these commitments into this application. It is critical that we put forward the safeguards to make sure that development moving forward has a checks and balance system and that there are punitive measures that are taken when developers do not adhere to it. I have been confused throughout this entire process in terms of the role that City Planning plays in terms of working with this Council to make sure that we do responsible development that takes into account that we need the oversight, we need the legal measures in order to enforce much of the things that we are able to negotiate during this particular process. While I am recommending that the subcommittee support a vote to

1 approve the modifications. I am really putting the  
2 department and any future applicants on notice that I  
3 will not support applications for greater commercial  
4 density at significant scale without linking  
5 contributions to infrastructure capacity and  
6 inclusive affordable space for not for profit and  
7 cultural uses in the zoning itself. Incorporating  
8 public benefit such as these directly in the zoning  
9 will make it clear to our communities that we mean  
10 what we say when we talk about the goals of a  
11 rezoning. In a similar vein, hotels or other  
12 alternative development scenarios must also not be  
13 allowed to interfere with the objective of adding  
14 much needed office space to the neighborhood and I  
15 just want to add that coming from the background of  
16 the Arts that I have come from and representing the  
17 Arts District in Brooklyn New York it is so  
18 imperative that we work towards creating  
19 opportunities to preserve the heart and the soul, the  
20 creativity, the uniqueness of the neighborhoods that  
21 we represent. The way City Planning and much of the  
22 development world looks at our communities is seeing  
23 Big Box, high glass towers that really do not  
24 preserve, protect or have any creativity or  
25

1 innovation or inspiration and I look at many of these  
2 buildings and I always say and anybody that has met  
3 with me has always understood that anything that we  
4 build should be beautiful. It should be something  
5 that is in the 100 best architectural designs and I  
6 don't feel like that is happening in Brooklyn New  
7 York. I don't feel that the cultural space, the  
8 cultural creativity, the innovation that makes  
9 Brooklyn New York what it is, is being preserved  
10 through this process and I am very frustrated that we  
11 have not come up with the tools and the measures to  
12 make sure that things such as local hiring,  
13 preserving the creativity and the authenticity of the  
14 neighborhoods are not put into the process so that we  
15 can make sure that this type of infrastructure and  
16 the building going forward preserves the character of  
17 our neighborhoods and I feel really passionate about  
18 this and I feel really disappointed that we continue  
19 to support project after project because we are able  
20 to get some infrastructure improvements such as MTA  
21 improvements, maybe a school here and there but there  
22 is a soul that a neighborhood has and we have to work  
23 harder and dig deeper in order to better figure out  
24 how to preserve that soul and to talk about soul in a

1 legislative process is a challenging one but there  
2 are ways that we can continue to do that, so, I thank  
3 you all for being here. I know I am going to commit  
4 the remainder of my term and here is another issue.  
5 As City Council Members and I didn't see it at first  
6 and this is not that I am opening up this  
7 conversation for that. The challenge with 2-terms as  
8 a Council Member is that when we approve projects  
9 like this without the support of City Planning it  
10 makes it much more difficult for her us to hold  
11 developers accountable when we are out of office.  
12 People nowadays switch jobs, switch roles, term  
13 limits come up the developers are able to switch and  
14 move because they are knowing that maybe the next  
15 Council Member has no idea of the history about what  
16 happened. People at City Planning have moved on and  
17 gotten new jobs. It creates a very difficult way for  
18 us to hold developers accountable to the commitment  
19 that City Planning has not allowed us to immortalize  
20 into the record. So, thank you so much. I do  
21 support this project but with very serious  
22 reservations and I do ask my colleagues to support it  
23 but we have to dig deeper to do better. (applause).

2 CHAIRPERSON FRANCISCO MOYA: Alright,  
3 Counsel please call the roll.

4 COUNSEL: Chair Moya?

5 CHAIRPERSON FRANCISCO MOYA: I vote aye.

6 COUNSEL: Council Member Grodenchik?

7 BARRY GRODENCHIK: Aye.

8 COUNSEL: Council Member Constantinides?

9 COSTA CONSTANTINIDIES: Aye.

10 COUNSEL: Council Member Lancman?

11 RORY LANCMAN: Aye.

12 COUNSEL: Council Member Levin?

13 STEPHEN LEVIN: Aye.

14 COUNSEL: Council Member Reynoso?

15 ANTONIO REYNOSO: Aye.

16 COUNSEL: Council Member Rivera?

17 CARLINA RIVERA: Aye.

18 COUNSEL: Council Member Torres?

19 RITCHIE TORRES: I vote aye.

20 COUNSEL: By a vote of 8 in the  
21 affirmative, 0 in the opposition and 0 abstentions  
22 the Land Use Items are approved and referred to the  
23 full Land Use Committee.

24 CHAIRPERSON FRANCISCO MOYA: Thank you  
25 uhm we will now begin or public hearings. Uhm our

2 first hearing is on Pre-considered LUs for the 41  
3 Summit Street Rezoning the property is in Council  
4 Member Landers District in Brooklyn. The applicant  
5 seeks approval for a proposed zoning map amendment to  
6 rezone an M11 District to an R7aC24 District as well  
7 as a related zoning text amendment to map the project  
8 area as a mandatory inclusionary housing area,  
9 utilizing options 1 or 2. These actions would  
10 facilitate that development of a 7-story residential  
11 building with approximately 7 dwelling units and  
12 approximately 10,000 square feet of floor area. The  
13 City Planning Commission in its decision modified the  
14 application to change the proposed R7a Zoning to an  
15 R6a District. I now open the public hearing on this  
16 application and I would like to turn it over to  
17 Council Member Lander for some remarks?

18 BRAD LANDER: Thank you Mr. Chair, we've  
19 got a ton of people here to testify so I will be  
20 brief so we can get to listening to them. I would  
21 just start by saying that I have genuinely not  
22 decided what to do with this application. It is  
23 overwhelmingly, probably unanimously opposed by my  
24 constituents, it's neighbors, many of whom are here  
25 to testify about it. Uhm but as you know I am deeply

2 mindful of our need for, especially affordable  
3 housing but for housing at that full range of incomes  
4 and so it is not easy just to say, no we shouldn't  
5 have it. I appreciate that City Planning reduces the  
6 the scale but not in a way that satisfies anyone in  
7 the neighborhood and not in the way which actually  
8 increases in any way, affordability so I am trying to  
9 figure out where there is a way through this that  
10 balances these issues better and if not then I will  
11 make my own decision and ask my colleagues to either  
12 support or reject the application. Uhm, I have some  
13 questions for the applicant after they give their  
14 presentation and I look forward to listening to the  
15 many constituents of mine who are in the room to  
16 testify.

17 CHAIRPERSON FRANCISCO MOYA: Thank you,  
18 great thank you uhm and we have Richard Lobelle (SP?)  
19 and Amanda Aonati (SP?). Counsel can you please  
20 swear in the panel?

21 COUNSEL: Do you swear or affirm that the  
22 testimony that you are about to give will be the  
23 truth, the whole truth and nothing but the truth and  
24 that you will answer all questions truthfully?

25 RICHARD LOBELLE (SP?): I do.

2 AMANDA AONATI (SP?): I do.

3 CHAIRPERSON FRANCISCO MOYA: Thank you,  
4 you may begin.

5 RICHARD LOBELLE: Thank you Chair,  
6 Council Members. We are here today for the 41 Summit  
7 Street Rezoning which in light of the intense  
8 interest and the rezoning is actually relatively  
9 small with regards to the number of lots concerned so  
10 as you can see on the slide which depicts the  
11 rezoning area this is a rezoning that involves three  
12 lots. The subject development site is highlighted in  
13 red. It is a 25 x 100-foot lot. It is 2500 square  
14 feet. The two additional lots amount to  
15 approximately 1800 square feet for the lot on the  
16 other side of the parcel and the central parcel is  
17 roughly 6100 square feet. So, in front of you, you  
18 have a Land Use map and what do we notice from this  
19 map. Much of this block is zoned R6B and so the  
20 applicant when they originally approached the  
21 Department of City Planning requested an R7A Zoning  
22 District. This would permit a maximum height of 90  
23 feet, 95 feet with a qualifying ground floor  
24 commercial use but the site itself is burdened by  
25 several factors. The first being the small size of

1 the lot and the second being the adjacent seat to the  
2 R6B which would result in a modification of that R7A  
3 height so at the height that which it was proposed we  
4 would actually only be coming in with a 7-story  
5 building would the R7A been improved. Uhm, we  
6 engaged in full conversations. We understand that  
7 the Community Board as well as the Brooklyn Borough  
8 President were not supportive of this application at  
9 an R7A. After discussions with the Department of  
10 City Planning in which we presented the proposed  
11 application including the 7-story building, the  
12 Department asked us and the Planning Commission asked  
13 us for additional materials reflecting and R6A Zoning  
14 District and they eventually felt that an R6A was  
15 more appropriate at the site. Our feelings on this  
16 were that an R7A were appropriate for reasons which  
17 we are about to discuss. But having said that, the  
18 R6A District is the one that is currently under  
19 review and under approval. So, you can see from the  
20 photos provided of the site, this site is a small 2-  
21 story warehouse building on the upper right portion.  
22 It is that central building right there, it is  
23 adjacent to a 2-story commercial building with a  
24 ground floor Chase Bank and adjacent to that on the  
25

2 other side of the parcel as you can see to the left,  
3 on the lower left slide is a 3-story building. This  
4 building has ground floor commercial with two floors  
5 of residential use above. So, in the existing M11  
6 District that third building is non-conforming. We  
7 also note that it is vacant. This is proved to be  
8 somewhat of a challenging site for development and  
9 for sustaining any long-term tenants as you can see  
10 from the following slides, so, here is kind of a  
11 picture of the outlook of the site. The site looks  
12 on to an M11 and an M21 area with many commercial  
13 buildings. You will notice the fan plant, a rather  
14 tall structure, comparable to a R6A in height above  
15 the entrance or the Brooklyn Battery Tunnel. So,  
16 really what you have here is you have a site that  
17 fronts out onto Hamilton Avenue and Summit Street.  
18 The City Planning Commission found that this provided  
19 an extra-wide area. So, while the R6B is most  
20 definitely customary and appropriate for mid-block  
21 properties they felt that in the initial  
22 announcements and R7A was appropriate for a much  
23 wider expanse and in the ultimate analysis that an  
24 R6A was appropriate. Given the fact that you are  
25 really more along a wide street than you are along a

2 narrow side street. Additional pictures basically  
3 demonstrate what this site looks out onto, again the  
4 confluence of these three streets here provide an  
5 extra-wide street as well as basically looking out  
6 onto manufacturing and commercial properties. So, we  
7 will note that when we left at the end of the day, we  
8 are left with a 5-story building. This is a 5-story  
9 building with 5 units. The owner here has been in  
10 the area for a number of years, has owned the  
11 property for a number of years and so has, is really  
12 seeking to change the zoning from an M11 to an R6A  
13 for several reasons. One of this is that as an M11  
14 on a block with residential you are still permitted  
15 to do commercial and light-manufacturing uses so it  
16 does really nobody any good to be a residential  
17 neighbor of an M11 District, you are allowed to use  
18 auto-related uses. There is light manufacturing that  
19 is available. It just, it just doesn't make sense to  
20 have a heavily commercial property. Not only of this  
21 property but of the two adjacent parcels to be  
22 allowed to locate heavy toxic commercial uses as of  
23 right next to both residential uses as well as to a  
24 community garden. They would be able to go into  
25 department buildings as a right and essentially

1 locate what would amount to be on the entirety of the  
2 parcel a 24,000 square foot commercial building with  
3 ground floor commercial and manufacturing if they so  
4 choose. This is not something which is desired. It  
5 is desired to a residential property which is much  
6 more contiguous with the context of the area. We  
7 know that there has been a lot of information with  
8 regards to this project particularly in the  
9 newspapers including Brooklyner and we note that the  
10 rendering that is used in that project has a 7 to 8-  
11 story building. This is no longer the case. The  
12 case now is what you see before you. It is a 5-story  
13 building. What would we note about this height?  
14 This is a R6A building despite the fact that many  
15 people asked for R6B the height of this building is  
16 indeed an R7B height and an R6A bulk. R6A floor area  
17 abides here. One of the reasons for that is that  
18 this R6A District is next to an R6B District and so  
19 they cannot use an unbridled 80-foot height limit for  
20 the R6A or actually 70-feet without mandatory  
21 visionary housing. Instead they are required to  
22 limit their height to 55 feet so this is the actual  
23 building that would be produced. We note that the  
24 R6B permits a 50-foot height as well so this  
25

2 application is about certain things. It is about the  
3 ability to do residential in a District where now  
4 only manufacturing exists. It is about the ability  
5 to add more units to this local area. It is not  
6 about the height of this building. This building is  
7 comparable to an R6B height and would remain so. It  
8 is also not about the total number of units there  
9 are. Individuals who provided testimony at the City  
10 Planning Commission with regards to their fears with  
11 regard to the number of units that would now be  
12 entering this area. This truth is that this building  
13 right here has 5 units and a maximum density factor  
14 of 680 for an R6A they would be able to put in 7  
15 units. What do note from the entirety of the  
16 rezoning area? The entirety of the rezoning area  
17 under an R6A would be allowed to do 25 units with  
18 these 5 units, 30 units. Under an R6B they would be  
19 allowed to do 26 units inclusive of the 7 units  
20 permitted at this site so literally the difference  
21 between the R6B and the R6A here is a matter of four  
22 units and essentially with regards to the height, you  
23 will see in front of you it is a matter of zero  
24 differential and height. We further note that there  
25 have been many concerns with regards to the community

2 garden which is adjacent to the property. We  
3 understand this, we have done re-zonings before which  
4 are adjacent to Community Gardens. This is important  
5 to us because when we fought so hard at the  
6 Community, at the City Planning Commission for an  
7 R7A, we demonstrated through evidence what an R7A  
8 building would look like and more importantly what  
9 that building would do with regards to the community  
10 garden, with regards to shadows. So, we submitted an  
11 M11 study with regards to the existing building as  
12 far as shadows and with regards to the now reduced  
13 R6A so what you see in front of you is the shadow  
14 study. This is what happens in four different  
15 measurement points during the year. This is  
16 basically a standard measurement procedure with  
17 regards to the environmental assessment states that  
18 are filed with the Department of City Planning. So,  
19 this is what happens in December. You will notice to  
20 the northwest of the parcel the community garden is  
21 in shadow. This is during the December season where  
22 this is not a planting season and so you will notice  
23 as far as the M11 parcel is concerned and the  
24 projected shadows, the situation of this parcel on  
25 basically an east-west thoroughfare as well as the

positioning of the sun results in the month of June.

Most of the community garden being basically

available for with sunlight for planting as well as

in the March iteration as well as in the May

iteration. So, again the December, the December

iteration has an entirely casting shadow with the

three remaining planting seasons to be fairly open.

You will now notice that with regards to the R6A

again in December the community garden is cast into

shadow. However, because of the positioning of the

parcel and because of the travel of the sun you will

see that this is the shadow study for March where you

have in the, by 11 o'clock, 12 o'clock noting the

different shades. The community garden has a much

wider planting area and then as you go into May and

the June seasons as well, you will notice that as

time passes over the course of the day, the community

garden is aval... that there is additional sunlight

available to the community garden, so we did studies

with regards to R7A which City Planning found and

compared favorably with the R6A. This is even more

so and I finally note that with regards to the

pictures provided of the surrounding area, you will

note that the community garden in these pictures,

2 these were taken from publicly available sources that  
3 there is a lot of tree cover on the community garden.  
4 So, without making any judgments I know there are a  
5 lot of people who are interested in talking about  
6 this. We find that the R6B and the R6A are basically  
7 very similar in terms of the building type that you  
8 will see here and that, uhm we, we are hopeful that we  
9 can move through with this Re-Zoning because the R6A  
10 would allow a more productive use of the property  
11 which is more contiguous and contextual with the  
12 surrounding residential uses and we are happy to  
13 answer any questions.

14 CHAIRPERSON FRANCISCO MOYA: Thank you  
15 just, two quick, quick questions if you don't mind.  
16 Uhm so I am glad to hear that you did a study that  
17 deals with the shadow impacts, because I know that  
18 Council Member and myself have gotten a lot of  
19 inquiries about that but just really quickly uhm  
20 considering that, under both an R7A and an R6A the  
21 proposed building would not trigger the, the 1200,  
22 the 12500 square feet for affordable housing through  
23 MIH. Can you just tell us a little bit about what  
24 the public benefit would be provided as a result of  
25 the project?

2 RICHARD LOBELLE: Mr. Chair can I just, I  
3 just want to make sure that we are on the same page  
4 here so let me just make this perfectly clear. In  
5 the building that you are proposing is there any  
6 affordable housing. There is not, given.

7 CHAIRPERSON FRANCISCO MOYA: Not one  
8 unit? Given that there are five units.

9 RICHARD LOBELLE: Are you contributing  
10 \$1?

11 CHAIRPERSON FRANCISCO MOYA: At this  
12 point while we are happy to talk about that there is  
13 no current open. There is not unit, not only square  
14 foot, not \$1 that you are proposing that is for  
15 affordable housing?

16 RICHARD LOBELLE: That is correct. Okay  
17 go-ahead Mr. Chair.

18 CHAIRPERSON FRANCISCO MOYA: I was just  
19 leading to that question.

20 RICHARD LOBELLE: Yeah no I thought we  
21 should be clear.

22 CHAIRPERSON FRANCISCO MOYA: Sure, so uhm  
23 there is, there are several aspects of the proposal  
24 which really are a public benefit. The first is that  
25 this proposal does not just involve the subject

1 property. It involves three parcels to the extent  
2 that the central parcel which was a 6100 square foot  
3 lot was included in this development site, that  
4 parcel would generate affordable housing, so they  
5 would not basically be able to wave out. They would  
6 generate more than the 12500 square feet so there  
7 would be affordable units that would be generated  
8 which would be under the R6A up to 7 units, that  
9 would be in the central parcel. The second is  
10 essentially a point that was made earlier, which is  
11 whether or not you are looking at affordable housing  
12 as well as market rate housing and housing in general  
13 pursuant to the 2018 study that was put out by the  
14 New York City Comptroller. There is a discussion on  
15 the fact that housing in general is in, is in short  
16 supply and the fact is that this would create  
17 additional units right now where there are none  
18 created? Uhm finally this is an M11 Zoning District.  
19 The Zoning of this parcel would allow up to a 2.4  
20 FAR. The proposed rezoning to R6A would allow a  
21 three without affordability and a 3.6 with  
22 affordability. So, the actual margin between whether  
23 or not the building would be, would be feasible under  
24 the M11 versus the R6A is important to note why  
25

2 because the M11 building would produce a building of  
3 similar size to the current proposal; however, that  
4 building would be populated by commercial if not  
5 manufacturing uses so we feel that those areas of  
6 public benefit are important. Again, looking at the  
7 housing in general as well as the fact that the  
8 rezoning does not contemplate solely this parcel but  
9 also contemplates affordable housing on the largest  
10 portion of the property. I am going to turn it over  
11 now to Council Member Lander.

12 CHAIRPERSON FRANCISCO MOYA: Thank you  
13 Mr. Chair. Alright so I just want to make sure that  
14 I am clear because most of what you said in response  
15 to the Chair's question was about things that would  
16 be true if this was rezoned to R6B as well, so, the  
17 and I don't think the community would have a problem  
18 if you were proposing to rezone it to R6B, so I guess  
19 what I am asking is what's the incremental public  
20 benefit of the difference between 6B and 6A. And it  
21 sounds like the only thing that you are saying is the  
22 additional market rate housing that would be  
23 developed which on your site is how much?

24 RICHARD LOBELLE: There is, there is five  
25 units that would be developed on our site.

2 BRAD LANDER: That could be developed you  
3 just told us under 6B too, so what was the  
4 incremental benefit of the 6A Zoning?

5 RICHARD LOBELLE: So, the central parcel  
6 here at an R6B Zoning District would be a 2.2 FAR  
7 while the central parcel under an R6A would a 3.6  
8 FAR. So, this is a material benefit.

9 BRAD LANDER: I under... that is not a  
10 public benefi... so you are saying that we reason we  
11 should approve a 6A Zoning when the rest of the block  
12 is 6B and what the community wants is 6B is for a few  
13 additional market rate housing units?

14 RICHARD LOBELLE: It is also the ability  
15 to actually develop which is that under an R6B Zoning  
16 District on this site in particular, given the  
17 situation of the site on an extra-wide street, if I  
18 could just.

19 BRAD LANDER: I don't believe you, I'm  
20 sorry, R6B, if we rezone this site. If we were able  
21 to rezone this site to R6B you would get built at  
22 R6B. I'm not sure whether how the land price would  
23 be transacted as lots of R6B construction on lots of  
24 this size.

2 RICHARD LOBELLE: The only issue is that,  
3 that the reason that City Planning rezoned it to an  
4 R6A was because the R6B bulk is less than what is  
5 currently permitted at the site, and so, the idea,  
6 the idea basically would be that.

7 BRAD LANDER: Marginal it is less than  
8 what would be permitted on the site under a community  
9 facility building.

10 RICHARD LOBELLE: Commercial and  
11 community facility.

12 BRAD LANDER: Well, it would currently be  
13 on the site under residential is none. So 6B would  
14 be substantially more residential square footage than  
15 is currently.

16 RICHARD LOBELLE: Than zero, sure, of  
17 course.

18 BRAD LANDER: A lot more. Okay, so I  
19 don't buy your argument that if we rezoned it to 6B  
20 which may or may not be in the scope of this  
21 application there would be a problem getting it built  
22 out. So, I don't know, so I mean, and you know it  
23 would be pretty different the whole application if  
24 you were bringing us all three parcels. Right, if  
25 your app... if your client had assembled these three

2 parcels and was bringing us an application that then  
3 included affordable units, it would be easier to  
4 understand why the additional density that you are  
5 proposing has public benefit. But I just, so far  
6 what you are saying is the reason that I should  
7 support 6A rather than 6B is a little bit of  
8 additional market rate housing.

9 RICHARD LOBELLE: The added incentive to  
10 produce additional units and the ability to actually  
11 do residential here instead of maintaining what could  
12 be a noxious commercial use.

13 BRAD LANDER: Uhm, okay, so you are  
14 showing a 5-story building now, is that the, that's  
15 the tallest building that would be permitted on this  
16 site?

17 RICHARD LOBELLE: The tallest building  
18 would be 55-feet but given the floor to ceiling  
19 heights we showed what we would build which is 5-  
20 stories at 10-foot floor to ceiling heights.

21 BRAD LANDER: And what if it were  
22 combined with the two adjacent parcels?

23 RICHARD LOBELLE: If it were combined  
24 with the two adjacent parcels you would end up  
25 producing a building with R6A bulk which would have a

2 full complement of mandatory inclusion housing  
3 because you wouldn't wave out for any, for the two  
4 smaller parcels and the maximum height that would be  
5 available for that building would be 80-feet with  
6 mandatory inclusionary housing which would, would  
7 result in additional units and would result in  
8 additional affordable units.

9 BRAD LANDER: So, it's a little hard to  
10 know what we are getting. Because if we vote on  
11 favor of this, we might get a 5-story building with  
12 no affordable housing or maybe someone else would  
13 come along and assemble the three parcels and build  
14 an 80-foot building. They could only do that if  
15 they did include at least 25% affordable housing but  
16 we could get an 80-foot building on this site  
17 pursuant to this zoning, yes?

18 RICHARD LOBELLE: Uhm it's possible. I  
19 think that the argument that was made at City  
20 Planning was that the corner lot and the lot on  
21 Hamilton is even more appropriate for our 6A  
22 development, so first of all the portion that was  
23 adjacent to the R6B which is our lot, would still be  
24 limited in height. You still have a transition rule.

25 BRAD LANDER: To what?

2 RICHARD LOBELLE: To 55 feet. So, you  
3 would, basically for properties that are adjacent to  
4 R6B Districts there is typically a step down in the  
5 building so that if you had a larger portion it would  
6 be in the area that was, uhm that was not adjacent to  
7 the R6B District. And Council Member to the extent  
8 that you want us to pencil out the, as a single  
9 zoning lot we would be happy to do that.

10 BRAD LANDER: I mean it is hard to do  
11 with the penciling out because once we would vote for  
12 this, we would not have any power of what happens  
13 subsequently.

14 RICHARD LOBELLE: Sure. I, we would be  
15 happy to at least show you what that development  
16 center would look like.

17 BRAD LANDER: Might look like.

18 RICHARD LOBELLE: Right, sure.

19 BRAD LANDER: Okay on your shadow studies  
20 you have showed four but two of them were May and  
21 June.

22 RICHARD LOBELLE: Correct.

23 BRAD LANDER: Are those different  
24 seasons?

25

2 RICHARD LOBELLE: So, the uhm the idea is  
3 that it is raised in each season so it is, basically  
4 they pick the sol...

5 BRAD LANDER: What months did we omit to  
6 put May and June in the proposal.

7 RICHARD LOBELLE: Well, I can take a  
8 look. It is pursuant to the EAS which was, which was  
9 given negative declaration by City Planning so this  
10 was a, this was an adopted documented.

11 BRAD LANDER: Convenient to pick May and  
12 June as two of the four months you show in a qua...  
13 that's not how I learned the quarters of the year.

14 RICHARD LOBELLE: Understood. Council  
15 Member again, we are happy to provide additional  
16 shadow studies, we provided them for City Planning in  
17 the course of the application.

18 BRAD LANDER: Okay I'm not going to ask  
19 any more questions because there is a lot of people  
20 here that I want to listen to. I, I feel genuinely  
21 torn about this application. I really do. The easy  
22 thing for me to do is to be mindful of the fact that  
23 it is unanimously opposed by its neighbors and just  
24 have told you from the beginning I am not going to  
25 support it, but I believe we need additional density

2 in the city, I believe we need more housing and it is  
3 hard to do everywhere and so I wanted to make a real  
4 possibility to listen and to hear the proposal but I  
5 just have to be honest, the, the compelling case of  
6 public benefits for the additional density that you  
7 are asking the community to support are pretty thin.

8 RICHARD LOBELLE: We appreciate your  
9 opinion in that regard. This was done. You know  
10 when we start out an application but we discuss with  
11 the City as a Land Use rationale and so when they  
12 look at this area and they look at rezoning generally  
13 they look at avenues and they look at side streets  
14 and so in that regard an R7A was considered to be  
15 appropriate. We provided you know evidence to City  
16 Planning, it was down zoned to an R6A, we understand  
17 that uhm but the truth of the matter is it is a, it  
18 is with a view towards what Land Use should be and  
19 whether or not it is appropriate on a wide street  
20 facing a fan plant that it appropriate to have a  
21 slightly higher district than a side street.

22 BRAD LANDER: Okay I mean I guess I will  
23 ask you just one last time. Because if you were  
24 bringing an R6B application here then all of your  
25 rationale about eliminating noxious uses would be

2 gone. You could build more of less the same thing on  
3 the site that you are current proposing as the  
4 application that you currently have, so you would  
5 have the vast majority of the benefits that you are  
6 bringing and the support of the community. So, like  
7 one more time tell me what you would say to the  
8 people behind you about why we should support  
9 something that they all really dislike for its  
10 additional shadow impacts and its additional height  
11 impacts on the neighborhood with the only really  
12 contemplated additional benefits maybe being a few  
13 more units of market rate housing. Like what  
14 argument would you make if that is the responsible  
15 policy decision to have.

16 RICHARD LOBELLE: I think at some point  
17 that you look at the feasibility of the development  
18 site. This is a 2500 square foot lot, while the R6A  
19 and R6B would be available at the same heights, the  
20 truth is that the bulk of those buildings would be  
21 5,000 square feet for an R6B and 7500 square feet for  
22 an R6A, you would be able to flush out the building  
23 design further on an R6A, so it is whether or not you  
24 want.

2 BRAD LANDER: Didn't you tell me you were  
3 more or less building, in the proposal that you  
4 showed us you could more or less do under R6B?

5 RICHARD LOBELLE: Correct, no, no, but  
6 what I said.

7 BRAD LANDER: And it is feasible.

8 RICHARD LOBELLE: What I said and Council  
9 Member what I said is that the height of 50 feet is  
10 available in the R6B, the height of this R6A parcel  
11 adjacent to an R6B is 55 feet. So, while the height  
12 remains the same under both or similar, the bulk of  
13 this, it allows it to be, to have a more feasible  
14 floor plate and makes really for a feasible  
15 development. The risk here..

16 BRAD LANDER: It would be feasible to  
17 build an R6B building on the site of the, what we are  
18 talking about?

19 RICHARD LOBELLE: An R6B building? It  
20 would be.

21 BRAD LANDER: It would be feasible to  
22 build.

23 RICHARD LOBELLE: It would be less  
24 feasible to build.

2 BRAD LANDER: It would or would not do  
3 you think it would be feasible to build?

4 RICHARD LOBELLE: It would be less  
5 feasible to build.

6 BRAD LANDER: Well less money would be  
7 made because you would be building a smaller building  
8 that's for sure. You are saying that it would not be  
9 feasible to build an R6 building on this site?

10 RICHARD LOBELLE: An R6B building.

11 BRAD LANDER: You are saying it would be  
12 feasible?

13 RICHARD LOBELLE: I am saying that it  
14 would be less feasible. It would be less likely to  
15 be built. Okay.

16 BRAD LANDER: Okay, thank you Mr. Chair.

17 CHAIRPERSON FRANCISCO MOYA: Thank you.

18 Uhm thank you very much for your testimony.

19 RICHARD LOBELLE: Thank you Chair,  
20 Council Members.

21 CHAIRPERSON FRANCISCO MOYA: Yeah. I will  
22 be calling up the next panel and I just want to let  
23 you know that you have a two-minute time limit. We  
24 have a lot of folks here to testify so please try to  
25 keep it to two minutes. Uhm Eric Tomin, David Lutz,

2 Ariel Meyer and uhm Denise Connors. (long pause).

3 If you can just state your name and we begin with  
4 you.

5 ERIC TOMIN: Hello my name is Eric Tomin,  
6 resident of Carol Street and Founder of Backyard  
7 Garden.

8 DAVID LUTZ: David Lutz, I'm, I'm acting  
9 coordinator of the Backyard Community Garden live on  
10 Van Brunt Street.

11 ERIC TOMIN: Okay, alright okay uhm  
12 Members of City Council including my Council Brad  
13 Lander I thank you for the opportunity to testify  
14 today against the re-zoning proposal before you on 41  
15 Summit Street. Before beginning, I would like to say  
16 on the advice of Parks Council that I am a Parks  
17 employee; however, what I am saying is my own  
18 personal, is my own personal opinion and I am here on  
19 my own personal time. Uhm, nothing that I say here  
20 reflects the opinions or the policy of the Parks  
21 Department so I do work for the Parks Green Thumb as  
22 an outreach coordinator. It is a vital position in  
23 the City uhm where City Policy comes into direct  
24 contact with its 20,000 citizens. Just last night I  
25 was in a Community Board Meeting speaking about the

2 vital importance of community gardens and I need your  
3 help to help protect our Backyard Garden here. Uhm,  
4 but I am here today not as a City employee but I am  
5 here as a resident, 25-year resident of Carol Street  
6 and the original founder of the Backyard Garden. Uhm  
7 both cases they are, they will be affected by the  
8 shadow that will be cast by the 41 Summit Street  
9 proposal. Carol, uhm Carol Street is a human scale  
10 neighborhood. The City Council affirmed this in your  
11 2009 Resolution for the 86-block rezoning of Carol  
12 Gardens in the Columbia Street area. Carol Street is  
13 also, has a special interest in that it is one of the  
14 only doubles allays in New York City and that is a  
15 great display of two rows of calorie pear trees on  
16 both sides of the sidewalk, that cannot be two  
17 minutes.

18 CHAIRPERSON FRANCISCO MOYA: It's two  
19 minutes, thank you. Thank you.

20 ERIC TOMIN: Thank you. Yeah.

21 DAVID LUTZ: Good morning I want to  
22 thank.

23 CHAIRPERSON FRANCISCO MOYA: You just got  
24 to speak into the microphone. Thank you.

2                   DAVID LUTZ: Good morning, I want to  
3 thank everybody for taking the time to be here and I  
4 appreciate the opportunity to present a little bit of  
5 information that refers to the Backyard Community  
6 Garden. First, I saw some slide presentations today  
7 that were new to me and it showed some shadow studies  
8 and I would like to let the Council know that when  
9 that garden was designed, it was designed to include  
10 a shady side and a sunny side. And the slide  
11 presentations I saw today cast shade on the sunny  
12 side of the garden which is the area which people use  
13 to grow vegetables which require full sun. So, we  
14 would lose that full sun. I would also like. I, I  
15 believe that this committee is going to be meeting  
16 with Friends of the Brooklyn Botanic Garden within  
17 the next few days and they are going to come with a  
18 similar complaint. You can't grow a garden in shade.  
19 What we depend on at the Backyard is kind of a trade-  
20 off, we ask, we give people a little bit of land to  
21 grow some vegetables to teach their children where  
22 vegetables come from and we ask of them in return  
23 service to the community, service to the garden  
24 including keeping the garden open during open hours  
25 and being a presence, a welcoming presence in the

2 community. I think it is part of the reason that you  
3 are going to hear from a lot of people today, the  
4 support that we have. I would hate to see that  
5 change. I think that if the garden goes into shade,  
6 uhm it would be much more difficult to obtain the  
7 active involved community membership that we have.  
8 So, I would appreciate if the Council chooses to vote  
9 no on this proposal.

10 CHAIRPERSON FRANCISCO MOYA: Thank you.

11 ARIEL MEYER: Good morning, my name is  
12 Ariel Meyer. I am a resident of 22 Carol Street,  
13 local mother of two young children, one college age.  
14 I would like to submit 27 emails of testimony of  
15 people who couldn't be here today in objection to  
16 this proposal and uhm I'd also like to mention all of  
17 us who are here and who have been working so hard to  
18 bring our view to you on your own time. Taking time  
19 off from work, time away from our families and I  
20 think that is important because it shows it tells you  
21 about our community which we are mixed use  
22 neighborhood in a transportation desert. The bus  
23 doesn't run so well, schools are overcrowded, there  
24 is no local hospital. We don't have the  
25 infrastructure in place. We need smart well though

2 out rezoning and new development. I feel that this  
3 project does not support our neighborhood, our  
4 neighborhood doesn't support this project. For one  
5 thing there is no affordability housing, no  
6 sustainability or energy-efficiency, no parking  
7 provided, to increase congestion and smog, far from  
8 good transportation options so more car ownership is  
9 likely. Bad president for Brooklyn being all of the  
10 other M1 lots that you will see in slides that you  
11 know, what is going to happen to our neighborhood,  
12 Community Garden. The rear yards of McCow Street  
13 resident, our rear yards will be blocked, will be in  
14 shade. I'm raising children you know teaching them  
15 about being outdoors, important. So, I hope you will  
16 support our community. Thank you.

17 CHAIRPERSON FRANCISCO MOYA: Thank you.

18 DENISE CONNORS: Good morning, my name is  
19 Denise Connors, I live at 149 Van Brunt Street. I am  
20 a founding member of the Backyard Community Garden  
21 and a resident of the Columbia Waterfront District.  
22 I have lived there for about 20 years. I am opposed  
23 to the rezoning of 41 Summit Street and the two  
24 adjacent properties attached to this proposal because  
25 there is no guarantee that affordable housing must be

2 included. R6B is incontinuity not to propose up-  
3 zoning putting our garden in so much shade imperils  
4 the health of our beloved garden which is also an  
5 important community resource. Please do not vote  
6 your approval for this up-zoning. Thank you for this  
7 opportunity to speak to you.

8 CHAIRPERSON FRANCISCO MOYA: Thank you,  
9 thank you all for being here and thank you for your  
10 testimony today. I will now call up the next panel.  
11 Matthew Neswinder (sp?). I don't know if I'm  
12 pronouncing that right, Matthew, okay, Owen Foot,  
13 Gayle Wrestler and Abigail Hill. Just make sure your  
14 mic is on and announce your name and you may begin.

15 MATTHEW NESWINDER (SP): Hi, my name is  
16 Matt Neswinder and I live with my family at 12 Carol  
17 Street and as someone new to this process it is  
18 surprising and kind of frustrating to me that a  
19 relatively recent zoning could be overturned without  
20 any real justification doesn't seem like any case has  
21 been made that circumstances have changed in the  
22 neighborhood and there is no real benefits being  
23 offered except this remote possibility of affordable  
24 housing but it seems dependent on a bewildering array  
25 of condensed disease. So, I hope that you will

2 listen to the voices of our neighborhood and the  
3 Community Board and the Borough President and see  
4 that this is an out of scale development that would  
5 diminish the distinct character of neighborhood, our  
6 low-rise neighborhood. Thanks.

7 CHAIRPERSON FRANCISCO MOYA: Thank you.  
8 You may begin.

9 OWEN FOOT: Good morning. My name is  
10 Owen Foot I am a city employee but I am here today on  
11 personal time to express my concerns as an architect  
12 and Urban Planner for the past 25 years. I submitted  
13 testimony that I won't be able to read today because  
14 I think it would go over the 2-minutes but I wanted  
15 to point out one of the uhm comments that our  
16 Councilman has made. He said let's be honest. So,  
17 one thing that we have before us is three lots. The  
18 honesty is that the bank, which is the middle and the  
19 only lot that could potentially generate affordable  
20 housing will not be developed. We know this because  
21 all of the other bank lots that are single lots in  
22 our community have not been developed. So, let's be  
23 honest. We are talking about two private lots, one  
24 to generate 7,500 square of private ownership and no  
25 affordable housing another with 5,500. That is

2 13,000 square feet of non-affordable housing at our  
3 neighborhood in today's market is earning about \$13  
4 million. \$13 million for the proposal before you  
5 today, no affordable housing. It is unlikely that  
6 bank is going to be developed when any other bank in  
7 our neighborhood is not. That sets a new policy  
8 standard for areas all over our City. I am sad that  
9 the other Council Members are not in the room,  
10 because this Council's next 2-1/2 years is going to  
11 mandate that when we up-zone communities of the City  
12 of New York we mandate the need for affordable  
13 housing. We need responsible development and a  
14 guaranteed Community benefit on this and future  
15 proposals that come before you. I am going to repeat  
16 something that was said earlier today because I found  
17 it to be very passionate and I love that the Council  
18 Person said this, unfortunately, she is not in the  
19 room and perhaps somebody could share this testimony  
20 with her. You're next 2-1/2 years of our Government  
21 is to preserve creativity, authenticity and to  
22 support the character of our mixed neighborhood soul.  
23 I hope you take that responsibility seriously and  
24 thank you for the opportunity to speak.

25 CHAIRPERSON FRANCISCO MOYA: Thank you.

2                   GAYLE WRESTLER: Hi my name is Gayle  
3 Wrestler and just to continue the thought I thought  
4 that the words from Majority Leader Cumbo were very  
5 inspiring and encouraging and I thought that the  
6 questioning from Mr. Lander was really pointed and I  
7 think asked the questions on behalf of the community  
8 and I appreciate that. I spent my adult life in  
9 three Brooklyn neighborhoods, Brooklyn Heights,  
10 Cobble Hill and then for the last 8 years in the  
11 Columbia Street Waterfront District. I chose to  
12 invest in my home in this neighborhood for its charm,  
13 its small town feel and its blend of creative and  
14 working-class people. As a freelancer who often  
15 works from home, my quality of life is intricately  
16 tied to my home. While this neighborhood lacks the  
17 elegant brownstones of my previous neighborhoods it  
18 makes up for it with light and openness and a relaxed  
19 neighborly vibe that is priceless. The community  
20 garden next to my bank at Hamilton and Summit offers  
21 a respite when running the most basic of errands and  
22 the neighbors who created it display the willingness  
23 to work hard to create the type of neighborhood which  
24 we could enjoy living in together. It is a  
25 neighborhood that embraces affordable housing in our

2 back yard and our front yard but just not over our  
3 heads. Just eight years ago, the relative  
4 affordability of the Columbia Street Waterfront  
5 District was also a great attraction for me and for  
6 most of my neighbors and myself getting priced out of  
7 our beloved neighborhood is a real concern. We are  
8 aware and share in the concern for affordable housing  
9 in our City. Because we are among the people who  
10 need moderately priced housing to stay in Brooklyn.  
11 Unfortunately, what we see in the proposed plans for  
12 re-zoning on Summit Street is not a likelihood of  
13 affordable housing at all, none is legally required.  
14 This proposal allows building taller than the  
15 surrounding area for no public benefit. Building to  
16 the maximum bulk and height would be out of scale  
17 with our neighborhood and will simply add to our  
18 already overcrowded schools and streets. Please vote  
19 no.

20 CHAIRPERSON FRANCISCO MOYA: Thank you.

21 GAYLE WRESTLER: Thank you.

22 ABBY HILL: Hi my name is Abby Hill and I  
23 live in an apartment on lower Carol Street in the  
24 area that will be very much affected by the new  
25 building project. I have heard what is happening and

1 how technically the city owns the air rights and the  
2 ability for these buildings to be so much bigger than  
3 the neighboring buildings and that the negotiations  
4 that you are making with the owners of these  
5 properties. Therefore, it must somehow benefit the  
6 area and the people where they are being built.

7  
8 Where I am living is a building that is very insecure  
9 in its future and if this type of building is allowed  
10 to go through, I think it would suddenly go precedent  
11 in the area and our building would be next. Also, it  
12 would be without any benefit to the area or to us. I  
13 am a low-income, single mom and I have been applying  
14 for public housing on the Housing Connect website for  
15 over seven years. One single time I was called and  
16 chosen to apply to the Gowanus Building on Bond  
17 Street because I was in the neigh... I was a resident  
18 of that neighborhood and I qualified perfectly but  
19 because of an employment, my employment changed  
20 during the process of the two-year application and I  
21 became a self-employed scenic artist because I am an  
22 artist, I was turned down because of a rule that said  
23 that if you were a freelancer you had to have three  
24 years prior the application in order to be approved.  
25 I was devastated. What I'm saying is that it is so

2 rare to be picked for housing and there needs to be  
3 more support for the local artists and allowances for  
4 artists in the affordable housing rules and in  
5 general. And if these buildings are approved as  
6 planned, if these buildings are approved as planned,  
7 I demand as a resident of this neighborhood that they  
8 must include low, middle, income housing and  
9 apartments and that the neighborhoods and residents  
10 of the area are given preference. Please don't let  
11 the ...

12 CHAIRPERSON FRANCISCO MOYA: Thank you.  
13 So I'm going to ask just kind of a general question  
14 of you guys and I would welcome future folks to offer  
15 reflections on it as well and I will do it briefly  
16 because we have a lot of people over here and also  
17 because it also a little bit politically foolish of  
18 me to like push back on my constituents but I want to  
19 engage us in a serious and honest conversation. I am  
20 going to Owen's invitation to do so, because, look  
21 you are right. The applicant has not presented any  
22 meaningful public benefit for the difference between  
23 6A and 6B so it is hard for me to anyway to take  
24 seriously that proposal but on the other hand part of  
25 the reason why I do is that we have a massive

2 affordable housing crisis. We have added 500,000  
3 people to the city and units for less than 1/3 of  
4 them so we are collectively increasing the crisis.  
5 And pretty much every time we get an application it  
6 is opposed on density grounds. So, I am sorry that  
7 the rules are the way that they are and I would love  
8 to work with you to change them but the building that  
9 you mentioned on Bond Street is one of the few places  
10 in our community where there are some affordable  
11 units that somebody has been able to move in to that  
12 was also opposed but almost all of its neighbors who  
13 were sure that it was too much density for that site.  
14 That is just where we are and like and like you guys,  
15 like I live in a three-story row house, not too far  
16 away. I love the scale, I love the gardens, I love  
17 the neighborhood but I feel a responsibility for how  
18 we are dealing with the housing crisis and I don't  
19 feel like collectively we are taking it on together.  
20 I will just be honest, we all are sure that it should  
21 be solved somewhere but every time it is right by us,  
22 we don't want it. And I don't, that's not just you,  
23 you are not more like that than me, you are not more  
24 like that than are most of our neighbors. I don't  
25 even think it is just like I'm white, like this panel

2 is white, I don't, that's how we kind of all are in  
3 this city but it just begs a bigger question that I  
4 would just like to ask you to be thoughtful of and  
5 this is not because I have persuaded of the argument  
6 on the other side. The argument for the other side  
7 was made pretty poorly today in terms of public  
8 benefit. But being snide about being honest while we  
9 are hoarding our lovely neighborhoods without taking  
10 a broader sense of shared responsibility for how we  
11 are going to accommodate growth in a diverse and  
12 inclusive City I don't feel it sits well on us  
13 either. So, I guess I would like to understand. I  
14 hear you on this application and I don't think that  
15 you are wrong about it. I would like to hear a  
16 little better sense of like whe... how should we be  
17 solving this problem? What should we be willing to  
18 sacrifice for it and not on somebody else's back but  
19 in a way that we have some skin in the game, too?  
20 So, that is a pretty general question, I don't have,  
21 there is not an easy answer to it but it is weighing  
22 on me in this hearing and I would be lying if I  
23 pretended it wasn't. So, the more we can own this  
24 responsibility together the better chance I have, I  
25 think that we will have both on this site and as we

2 move forward. So, if you want to offer reflections  
3 fine otherwise as future folks testify, I will look  
4 to them.

5 MATTHEW NESWINDER: Just to very quick  
6 when the City Council approved the mandatory  
7 inclusionary housing proposal, they limited it to  
8 sites that have development potential of greater than  
9 12,500 square feet. In certain communities like our  
10 neighborhood which I moved in to close to 30 years  
11 ago, the real estate price was at that time \$100 a  
12 square foot to purchase property. Now it is \$1500 a  
13 square foot to purchase property.

14 CHAIRPERSON FRANCISCO MOYA: If that is  
15 because we down zoned the entire neighborhood in  
16 2009.

17 MATTHEW NESWINDER: Understood and what I  
18 am saying.

19 CHAIRPERSON FRANCISCO MOYA: New  
20 development either market rate or affordable.

21 MATTHEW NESWINDER: There are certain  
22 areas of our City including our neighborhood where  
23 when a property owner comes in and wants to build,  
24 they have such a profit margin that they should  
25 guarantee affordable housing regardless of how big

2 they build. If they build a 5000 square foot  
3 building, they should guarantee support of affordable  
4 housing. That's what I've heard from our elected  
5 officials. I have only met with two elected  
6 officials but the idea of restricting it to  
7 development sites of over 12,500 square feet in our  
8 area that has a very high market value I think is  
9 unfortunate and I understand it has to be citywide  
10 and you now have the opportunity every time an  
11 applicant comes before you in our neighborhoods to  
12 demand that of them within their development  
13 property. Thank you.

14 CHAIRPERSON FRANCISCO MOYA: Thank you.  
15 Thank you very much for your testimony today and I do  
16 agree with my Council Colleague on what he said  
17 today, something that we as a body and as members of  
18 this Committee struggle with every day and I am glad  
19 that you brought that up and said that today and  
20 thank you for that Council Member. Uhm the next  
21 panel that is coming up is Jill Bernstein, we have  
22 Katarina Jaranik, did I say that right?

23 KATARINA JARANIK: Jaranik.

24 CHAIRPERSON FRANCISCO MOYA: Jaranik,  
25 sorry about that.

2 KATARINA JARANIK: That's okay.

3 CHAIRPERSON FRANCISCO MOYA: Uhm and Eric  
4 Carell and someone with just one name, John. John?  
5 So, we can begin. You just state your name and.

6 JILL BERNSTEIN: My name is Jill  
7 Bernstein I am a resident of 25 Carol and the mother  
8 of two children at PS58 our local zoned school. Our  
9 elected officials were some of the most vocal  
10 opponents of Amazon recently it's HQ2 to Long Island  
11 City. The argument was that this proposal was going  
12 to do nothing for the community except a lot of  
13 benefits but it has no community benefit. We are  
14 hear today because we, the actual constituents find  
15 ourselves in the same position. The scale admittedly  
16 is different, this is a small building. It sets a  
17 huge precedent. Where we live is a frontier in many  
18 respects for development. We know development is  
19 coming. We are not against it. There will be  
20 buildings. There will be housing. We are not  
21 fighting that. This is a symbolic moment for us  
22 which is why we are all here. The R6B would be a much  
23 preferable way to do this and we should start  
24 thinking about it now. We live here in this  
25 community. We are raising our kids here. We are

1 looking out for each other's kids here. It is a  
2 unique place; an economically mixed environment and  
3 we are in it. We are happily embracing, eagerly  
4 embracing District 15s new middle school initiative  
5 to diversity these middle schools even though there  
6 is an extreme amount of uncertainty given these  
7 brand-new rules for our 11-year-olds going in next  
8 year. We believe in this and it will improve the  
9 fabric of our neighborhood. Despite the fact that so  
10 many of our peers are leaving the city and going to  
11 private schools. It is a real big moment and we are  
12 in this and we are working hard to make this  
13 diversification work. We want to know that people  
14 are, our elected officials are looking out for us as  
15 well as we are extending our lives in this exact,  
16 specific little community. We want responsible  
17 growth as this happens inevitably. We are not  
18 fighting that this is going to happen. We need  
19 traffic abatement. Councilman Lander knows how  
20 emphatic we are about the traffic in this  
21 neighborhood. It is Mad Max Thunder Road down here,  
22 we need help.

24 CHAIRPERSON FRANCISCO MOYA: Thank you.

2                   KATARINA JARANIK: Hi my name is Katarina  
3 Jaranik and I've had the good fortune to live in the  
4 neighborhood for about 10 years and I've been on  
5 Carol mid-block just north of the proposed building  
6 on 41 Summit. I am an artist and in order to afford  
7 the cost of living in the City I also have an arts  
8 administration job which I took time off from this  
9 morning to come here and ask you not to support this  
10 proposal. I am also a renter and I am fortunate to  
11 have reasonably priced rent that I can now afford.  
12 Many res... of my neighbors are also renters and some  
13 own their buildings and they live there and rent to  
14 my neighbors. My neighbors are other artists,  
15 musicians, writers, teachers, small business owners,  
16 contractors, gardeners, career sale servants, retired  
17 people. They are mainly middle class and working  
18 class and creative class people and we live in a  
19 mixed income neighborhood, we need affordable places  
20 to live. Uhm could our neighborhood use more  
21 diversity? Of course, it could, but 41 Summit Street  
22 will likely have the opposite effect. It is not  
23 required to have any affordable units and the  
24 developer has expressed no wish to offer them  
25 voluntarily. Instead it will only bring market-rate

2 apartment that neither I nor most of my neighbors  
3 could ever afford, wrapped in the vague possibility  
4 of a few affordable units at adjacent lots if only  
5 two different property owners decide to develop their  
6 lots together. What will happen to my currently  
7 affordable rent and the rent of my neighbors when  
8 these new market-rate apartments with no affordable  
9 come out in the market? What will happen is what has  
10 been happening all over the city for decades.  
11 Everyone's rent will start to go up and we won't be  
12 able to afford to live here anymore. That is  
13 affordable housing lost with none gained. If this  
14 re-zoning passes it will send a signal to other  
15 developers that they can cash in here without  
16 providing any public benefits. Instead it could send  
17 a signal that any up-zoning and subsequent  
18 development must include guaranteed affordable  
19 housing in the re-zoning proposal and must respect  
20 the existing community. Thank you.

21 CHAIRPERSON FRANCISCO MOYA: Thank you.

22 ERIC CARRELL: Hi uhm Eric Carrell. So,  
23 I live in one of the buildings that was circled in  
24 red over there to which the developer representative  
25 said was vacant, it is not vacant I've been living

1 there for the past five years. Con Edison and  
2 National Grid and Time Warner have no problem finding  
3 me there, so, I would cast that as a simple  
4 elementary fact that it is incorrectly reported so  
5 cast it out on the veracity of their entire  
6 presentation as far as I am concerned. But I would  
7 like to talk about, Councilman Lander your idea of  
8 how do we solve this maybe going forward and I did  
9 have a linea of other complaints but I'm going to  
10 just, they've been so well expressed by other by so  
11 many of my neighbors. I think well one, two things.  
12 One is there needing to be a calculus. I am totally  
13 in support of your being pro-affordable housing, I am  
14 as well but I have affordable housing where I am now.  
15 I am an artist as my neighbor was just saying, so  
16 many of us are and so much in the spirit of the  
17 neighborhood it is so hard to find affordable housing  
18 as an artist. My studio is in my apartment. I am  
19 very productive. I think member of the cultural  
20 community here in the City, in particularly in that  
21 part of Brooklyn. There needs to be a calculus about  
22 what is lost and what is gained. What is lost would  
23 be my affordable houses which I am clearly not in  
24 favor of. So, I think that in the two ways, two  
25

2 ideas to think about how to solve this is what is in  
3 it? You know how can we make people who are living  
4 where they are living and getting kicked out give  
5 them an incentive to be for affordable housing? For  
6 example, if it was the case that I had to move I  
7 would be offered an incentive of some monetary award  
8 to find new housing for myself and it would be I  
9 think the proposal from Majority Leader Cumbo about  
10 making things beautiful. Making proposals for  
11 something that we want to have in the neighborhood.  
12 Making designs inspiring. These are things that I  
13 think would get people on board more quickly than the  
14 logistics of zoning regulations and housing. Thank  
15 you.

16 CHAIRPERSON FRANCISCO MOYA: Thank you.

17 JOHN TRAN: My name is John Tran. Part  
18 of why I am here today is to talk about why you as a  
19 committee need to be responsible. If we were not  
20 here to fight for this and is a different part of the  
21 community and they present it, no one potentially  
22 would fight back and part of it is the responsibility  
23 of the committee to say it is responsible or  
24 irresponsible. Part of their design is very, doesn't  
25 have any lead certification or any sustainability

2 components to it. I know there are initiatives to  
3 try to force that or enforce that on buildings but  
4 their design does not incorporate any of that in it.  
5 Part of it is also in allowing spot rezoning, it  
6 leads opportunity for other people or other projects  
7 to come in and do the same. So, I ask that you guys  
8 be responsible and trying to figure out if it makes  
9 enough sense or not. Currently you have already  
10 spoken about what you've thought and that they didn't  
11 make a clear enough argument for it but for all the  
12 projects and people who don't fight against it are  
13 you enforcing anything to help with that process.  
14 And that's all I wanted to say.

15 CHAIRPERSON FRANCISCO MOYA: Thank you.  
16 Thank you for your testimony today. Uhm, I will be  
17 calling up the next panel. Anthony Bradfield, Anu  
18 Schwartz, sorry, Stuart Brodski, Clara Marleno.

19 ANTHONY BRADFIELD: My name is Anthony  
20 Bradfield, I live at 22 Carol Street. I have lived  
21 there for 13 years. I am an elementary school  
22 teacher, I took a personal day to be here today. I  
23 had some uhm some com... some testimony prepared. It  
24 was for three minutes. I wanted to, I will just  
25 speak then which is to say that this has been a

2 learning process for me but I have been encouraged by  
3 the ULURP Process. I believe that what comes out of  
4 it is an honest appraisal of the merits of this  
5 proposal and what the Community Board has said and  
6 what the Brooklyn Borough President has said that it  
7 is with very little merit but that both points have  
8 been made and I think uhm Council Member Lander your  
9 questioning was, I made there is, there is no need to  
10 commit to what how this is being proposed. What I  
11 would like to say though is that I would like to take  
12 you up on your challenge that we would like to make  
13 an affordable housing or housing as an issue for  
14 that, that we can participate in and also put our  
15 skin in the game and I, I appreciate the fact that  
16 this proposal has come up early in the, in the ULURP  
17 deadline that there is still time to talk with you  
18 and to talk with the uhm, the City, the Council that  
19 I think the deadline for voting is still some time  
20 away. We would like the, the uhm a chance to do that.  
21 I may for me I just don't see how that the proposal  
22 could be considered and that your point that if they  
23 come back with a larger assemblage would make a much  
24 different scenario so I pass this one to you. Thank  
25 you.

2 CHAIRPERSON FRANCISCO MOYA: Thank you.

3 ANU SCHWARTZ: Hi my name is Anu Schwartz  
4 thanks for hearing my testimony. I am a resident of  
5 Columbia Waterfront. I also have a presentation  
6 which I will not go through all the slides for time  
7 reasons but I want to address your questions,  
8 Councilman Lander about getting into the details of  
9 how we as a community would accept development and  
10 responsibly because that is a good question to pose  
11 back to the community and I think the view that I  
12 would like to show here is of the neighborhood as you  
13 see is largely a low-rise neighborhood and how to get  
14 affordable housing seems like bulk would be the way  
15 to do that I think that neighborhood as you can see  
16 particularly this lot is not on a corner. You can  
17 see it is almost mid-block with the rest of the  
18 neighborhood looking north so I would propose if we  
19 are going to talk about affordable housing and  
20 getting development into the neighborhood it should  
21 be done responsibly and choosing lots that make sense  
22 for bulk and not in areas where it affects low-rise,  
23 adjacent buildings. I had a lot to say today about  
24 the community but I feel like I wanted to get into  
25 the question that you are asking because it seems

2 that it is getting down to that granular level of how  
3 do we responsibly develop our neighborhood and get  
4 affordable housing in the neighborhood through  
5 development and I think it has to be thought out,  
6 responsible development. I think this proposal does  
7 not account for any of that and should be rejected on  
8 that premise alone and consider the current zoning of  
9 R6B and for future take a broader look at the  
10 neighborhood and thank you for the time.

11 CHAIRPERSON FRANCISCO MOYA: Thank you.

12 STUART BRODSKI: Hi, my name is Stuart  
13 Brodski and I live in Carol Street, 47 Carol. I have  
14 a 3<sup>rd</sup> grader and a 5<sup>th</sup> grader at PS58 and my neighbors  
15 are really well spoken and just one thing that I  
16 heard in previous testimony that I wanted to repeat  
17 perhaps is that there are quite a few lots in the  
18 neighborhood that have yet to be developed. I moved  
19 in 8 years ago and in that time there were several  
20 buildings that were finished and some of the people  
21 in this room have moved in and they were all  
22 essentially at the same height and there are still  
23 plenty of potential for future housing including  
24 perhaps affordable housing even if the building is  
25 proposed at 41 Summit and the adjacent lots are

2 actually at a similar height to the surrounding  
3 neighborhood. So, yeah, thank you for listening to  
4 all of the testimony and I appreciate the  
5 opportunity.

6 CHAIRPERSON FRANCISCO MOYA: Thank you.

7 CLARA MARLENO: Hi, my name is Clara  
8 Marleno I've lived in the Columbia Waterfront  
9 Neighborhood for 40 years. I've been active in  
10 numerous successful community-based environmental  
11 initiatives over many of those years. The current  
12 R6A Zoning proposal means a reduction in height and  
13 bulk compared to the original proposal R7A but still  
14 has zero community benefits. Most problematic for me  
15 is the lack for any consideration for affordable  
16 housing in any form. There has been much discussion  
17 in our neighborhood over the years, not just elicited  
18 by this proposal but by ongoing gender identification  
19 and the concurrent loss of diversity. Thoughtful,  
20 affordable housing clearly supports diversity of  
21 income, background and education. In addition, we  
22 have an affordable housing crisis in the neighborhood  
23 and our neighborhood is no exception. My neighbors  
24 and I welcome the opportunity for more affordable  
25 housing in the neighborhood. Since the current

2 proposal in front of you confers zero community  
3 benefits, many of which has been addressed by the  
4 speakers. What is the point of approving this one  
5 building? On the face, it appears to be a handout to  
6 the developer and to what end? The other two  
7 property owners we have seen are clearly not involved  
8 in any development discussion. It appears that this  
9 is a ploy to get around the muchly zoning problem  
10 that has besought in so many New York City  
11 neighborhoods. This purely speculative re-zoning  
12 request on behalf of one developer who has no  
13 incentive to build any affordable housing but there  
14 are opportunities for affordable housing in our  
15 neighborhood. There are a number of undeveloped or  
16 underdeveloped properties zoned M11 if zoned R6B  
17 could yield affordable units and profit for the  
18 owners while at the same time keeping to the spirit  
19 and context of our low-rise neighborhood that in 2009  
20 was rezoned to mostly 6B. I have two examples, I am  
21 running out of time but one of them is there are four  
22 single-owner contiguous lots with no buildings on  
23 them that are currently used for storing vehicles.  
24 For simplicity sake these lots total approximately  
25 11800 square feet and even without calculating for

2 any FAR these lots are close to the 12500 MIH  
3 seclusion. Once the appropriate FAR is applied, they  
4 could yield a reasonable number of affordable units  
5 and this is just one example and there are also some  
6 HPD units that could also yield affordable housing.  
7 Thank you very much and I urge you to reject the  
8 proposal in front of you.

9 CHAIRPERSON FRANCISCO MOYA: Thank you,  
10 thank you all for your testimony today. I will call  
11 up the next panel. Marlene Ramer, Andrew Bradfield,  
12 Sara Nolan and Anna Mann. Yeah.

13 MARLENE RAMER: Thank you my name is  
14 Marlene Ramer.

15 CHAIRPERSON FRANCISCO MOYA: Just one  
16 second Marlene, I'm sorry Marlene, we have Andrea,  
17 Sara and Anna. She left, okay. You may begin.

18 MARLENE RAMER: Thank you. My name is  
19 Marlene Ramer, I'm a resident of 299 Columbia Street  
20 and I am also a member of the community garden. We  
21 live in a small.

22 CHAIRPERSON FRANCISCO MOYA: Can you just  
23 speak into the microphone.

24 MARLENE RAMER: Apartment.

25 CHAIRPERSON FRANCISCO MOYA: Thank you.

2 MARLENE RAMER: With a cat and a young  
3 child. The garden is our back yard. I garden, bring  
4 my food, scrap to compost, share with people, let my  
5 son play in the dirt. When I learn about the re-  
6 zoning request for 41 Summit and 75 and 79 Hamilton,  
7 I was just reading Michelle Obama's memoir Becoming  
8 and was struck by how her message can be applied to  
9 what is going on here. The proposed development of  
10 these buildings, they will only be built for personal  
11 gain. It is akin to what she describes what is going  
12 on in the country right now. Everything thinks about  
13 themselves and grabs what they can. I was very moved  
14 by what she wrote. How first in the life she was  
15 dreaming to do well, get ahead for herself? And then  
16 she learned through Barak Obama to apply it to  
17 others, to help others grow, to think about the  
18 community at large and this embodied in the backyard  
19 garden, the connective tissue of the neighborhood.  
20 It is where neighbors meet each other, make friends,  
21 find business opportunities, get help, advice and  
22 make connections that they would otherwise never  
23 make. Open and public space is what makes the city  
24 life, city life does not happen when people cannot  
25 connect on the street. And circling back to Michelle

2 Obama she created the vegetable garden in the White  
3 House. Building a 7, 8, 9, whatever story building  
4 will make sure that the garden is totally shaded,  
5 people will stop going. In this community, we are  
6 all here, it will turn into a place where everyone  
7 will go their own separate ways and does their own  
8 thing. I'm speaking out against the re-zoning  
9 request and I hope you agree. Thank you so much.

10 CHAIRPERSON FRANCISCO MOYA: Thank you.

11 ANDREW BRADFIELD: Good morning, my name  
12 is Andrew Bradfield. I am a part owner of 22 Carol  
13 Street which abuts the proposed re-zoned area. I, my  
14 profession is property development so I wanted to  
15 just echo some of the thoughts that Mr. Foot said  
16 about developing, the development potential for the  
17 bank lot. I agree with him that the likelihood of  
18 the bank being developed is very unlikely under its  
19 current ownership structure. It is currently owned  
20 by the bank, so Chase is the owner and the tenant but  
21 I wanted to address the possibility in the future  
22 that if Chase did decide to sell it, and looking at  
23 it from the perspective as a developer. The easiest  
24 way to resolve, to optimize value for this property  
25 would be to develop a building that had a ground

2 floor retail use, using approximately 1 FAR for  
3 commercial and the rest and then put the rest of the  
4 bulk, 12400 square feet of pure market rate and forgo  
5 maybe a quarter digit of FAR. That would allow the  
6 developer to avoid the encumbrances of affordable  
7 housing and almost completely optimize the full  
8 zoning envelope. That to me it makes it very. It is  
9 not just a lack of a guarantee of affordable housing.  
10 It is almost certainty that it would not be because  
11 the rational economic analysis says that it should  
12 be, it should be avoided. I also wanted to address  
13 the, the, your general question about the affordable  
14 housing crisis in New York and I think the, the  
15 really the solution has to involve one principal  
16 which is that doing it in little re-zonings one at a  
17 time is a, is a nightmare. Looking for critical mass  
18 locations where you can go 50, 60, 70, 150,  
19 affordable units. That's, that's the place to seek  
20 the re-zonings and put the attention. Thank you.

21 SARA NOLAN: Hi, good morning, my name is  
22 Sara Nolan I am also a resident on Carol Street.  
23 Thank you very much for the opportunity to speak  
24 today. You have heard from the community here,  
25 architects, developers, designers, community garden

2 members and really have given a very compelling  
3 picture of why this neighborhood is so unique and why  
4 people like to live in Brooklyn? Why they like to  
5 live in New York City? And I appreciate Council  
6 Member Lander your probing questions to the  
7 developers and you can see that we do take the  
8 affordable housing and the development needs of  
9 housing needs of the community very seriously. And  
10 would echo that we don't know that development is  
11 going to happen. The one thing that we haven't heard  
12 is how this particular proposal is going to solve the  
13 housing crisis in New York. We haven't really heard  
14 what the benefit is and any compelling explanation,  
15 the difference between the R6B and R7A and what the  
16 developer said it would be less feasible which really  
17 is code word for less profitable for them. So, for  
18 that reason and we believe, I believe that they have  
19 presented a less, a smaller building and have agreed  
20 to this to sort of diffuse the kind of opposition  
21 that you are seeing here today. I think personally  
22 that we can and we should demand more from the  
23 developers in these kinds of proposals in terms of  
24 sustainability, engaging community businesses and  
25 workers and sustainability. At the Planning

2 Commission hearing on this issue, we had a proposal  
3 like that, a property in Bushwick that was being  
4 developed and it was a partnership with a nonprofit  
5 in Brooklyn and it provided a whole, a whole array of  
6 real tangible community benefits and there wasn't a  
7 single person in that room that opposed it. No one  
8 from the community came out to oppose that plan. So,  
9 I think you are seeing here that if we allow this to  
10 go forward as it is there really is no incentive to  
11 developers going forward to provide any of those  
12 kinds of benefits because they know that they will be  
13 able to get what they want by proposing more housing.  
14 So, I think that we owe each other more than that and  
15 I hope this Council would agree, thanks very much.

16 CHAIRPERSON FRANCISCO MOYA: Thank you  
17 very much for your testimony today and I will be  
18 calling the last panel for this hearing. Susan  
19 Weltman and Mohit Santram (SP?). Susan we can start  
20 with you.

21 SUSAN WELTMAN: Okay my name is Susan  
22 Weltman. I live in Carol Street. I've lived there  
23 12 years, I feel very honored to be here. It is a  
24 very exciting process and I also oppose the building.  
25 I am the daughter of a City Planner. I have grown up

2 hearing conversations about affordable housing and  
3 the problems in cities my whole life and I think the  
4 point that you don't solve with one building. No,  
5 nothing for the community. It is inappropriate. It  
6 is the scale. It will indeed I think hamper the  
7 community garden and I hope that you will vote  
8 against it. Thank you.

9 CHAIRPERSON FRANCISCO MOYA: Thank you.

10 MOHIT SANTRAM (SP?): Hello everyone. My  
11 name is Mohit Santram. I am a resident of 36 Carol  
12 Street along with my 13-year-old golden retriever. I  
13 am a designer who works from home and as many of my  
14 neighbors have eloquently commented, the value of  
15 Green Space within our city cannot be solely measured  
16 in dollars and cents, price per foot or the promise  
17 of affordable housing in a community that certainly  
18 faces the continued-on slot of air and noise  
19 pollution and ever rising costs. I would just like  
20 to quote, align from J. Jacobs and her Seminole book  
21 the Death and Life of Great American Cities. Cities  
22 that have the capability of providing something for  
23 everybody only because and only when they are created  
24 by everybody. Thank you.

2 CHAIRPERSON FRANCISCO MOYA: Thank you  
3 very much, thank you for your testimony today. Are  
4 there any other members of the public who wish to  
5 testify on this item? Seeing none, I now close the  
6 public hearing on this application and it will be  
7 laid over. Thank you, Council Member Lander.

8 BRAD LANDER: Uhm Mr. Chair thank you for  
9 staying. Council Member Rivera especially for being  
10 here for the whole time and Council Member Koslowitz  
11 as well and uhm. Yes, and we will have more to say  
12 on this, obviously we will have to come back for a  
13 vote so I will offer some more remarks then but I, I  
14 think I have said the things that I am grappling with  
15 here, and I appreciate this Committee and the publics  
16 grappling with them together. It is the first time  
17 that I have heard the ULURP Process praised for  
18 enabling some serious public conversation. Uhm but I  
19 worry honestly about what it has, what we have here  
20 today because I feel like on the one hand, we do have  
21 a proposal with insufficient public benefit to merit  
22 the request and on the other hand an instinct that  
23 mapped citywide prevents us from the city that we  
24 need to be. Like I really do think that and I think  
25 it is on us all and I love the garden and I love our

2 blocks and I love the energy you put in to coming  
3 today. Like I love the neighborhood that I represent  
4 but I really think that we have more responsibility  
5 to see the ways in which those impulses rite large,  
6 prevent us from building the inclusive city that we  
7 want to have because this is not a neighborhood for  
8 everyone like that lovely J. Jacobs quote and the  
9 beautiful and the beautiful neighborhood that we have  
10 is not nearly as inclusive as it needs to be and a  
11 set of decisions we make together, keep it that way.  
12 So, that does not mean this application merits  
13 support. But it is hard and so and look as many of  
14 you know we are facing also in the middle of the work  
15 on the Gowanus Re-Zoning where we will have a lot  
16 more conversations about what is appropriate in our  
17 neighborhood and what we do planning at neighborhood  
18 scale as opposed to a small block scale. So, thank  
19 you all for being here. Thank you for your  
20 indulgence Mr. Chair.

21 CHAIRPERSON FRANCISCO MOYA: Thank you,  
22 thank you. We will now be moving on to our next  
23 public hearing for today which is on LUs 360, 361,  
24 the former Parkway Hospital Site Zoning for property.  
25 Council, Council Member Koslowitz's District in

Queens. The applicant seeks approval of a Zoning Map Amendment to Re-Zone an R12A District to an R7A District and an R7X District as well as a related Zoning Text Amendment to designate the project area as mandatory inclusionary housing area utilizing options 1 and 2 and the workforce option. As set forth in the application, these actions would facilitate the development of a new 14-story market-rate residential building and the enlargement and change of use of the former Parkway Hospital to an 8-story mixed use building containing 68 affordable dwelling units, 67 affordable independent residents for senior units, AIRS and community-facility space. In total the proposal would consist of 351 dwelling units and approximately 300,000 square feet of floor area, a 5.3 FAR and approximately 180 accessory parking spaces. I now open the public hearing on this application and I wanted to turn it over to Council Member Koslowitz to deliver some remarks.

KAREN KOSLOWITZ: Thank you Mr. Chair.

Today we are hearing an application that would allow for a project that is very important to me and my constituents. We need affordable senior housing in my District. I hear from my constituents about the

1 need for affordable senior housing constantly. Too  
2 often seniors are choosing between rent, medicine and  
3 groceries. HPD Data shows that over 60% of  
4 households with seniors in my District are earning  
5 50% of the area medium income or below. Too many  
6 seniors are living on social security alone and we  
7 owe it to our seniors to ensure they can retire with  
8 dignity. This project can delivery 135 affordable  
9 housing units for seniors in my District. I want to  
10 make clear that the affordable housing in this  
11 project needs to reflect affordability for seniors in  
12 my District. Those in the retirement age and I  
13 settle for anything that does not serve my  
14 constituents needs. We have had several discussions  
15 with the applicants to make sure that this project  
16 can prove, provide real affordable housing  
17 opportunities for seniors. We all recognize that the  
18 workforce MIH options is unresponsive to the needs of  
19 seniors and we will continue our discussions to  
20 ensure that we have truly affordable housing by the  
21 end of this process. I look forward to hearing the  
22 testimony from the applicants and from the public and  
23 I just want to say that I have been working on senior  
24 housing in my District for over 25 years trying to  
25

2 get some senior housing and unfortunately, we lost  
3 Parkway Hospital and now I saw an opportunity to have  
4 senior housing in my District. It is not enough but  
5 it is something, a start of something so I am very  
6 excited about this and I hope it meets the approval.

7 CHAIRPERSON FRANCISCO MOYA: Thank you  
8 Council Woman, thank you Council Member Koslowitz.  
9 We have Eric Vallonik, Alvin Shine, Shine and Timothy  
10 Hensick.

11 UNIDENTIFIED SPEAKER: Timothy Hensick  
12 had to leave and Brian Newman is also signed up, he  
13 is the project architect so Brian is going to  
14 speaking. There should be a speaking card for him in  
15 there.

16 CHAIRPERSON FRANCISCO MOYA: Thank you,  
17 you may begin. Thank you and if the Counsel would  
18 please swear in the panel.

19 COUNSEL: Do you swear or affirm that the  
20 testimony that you are about to give will be the  
21 truth the whole truth and nothing but the truth and  
22 will you answer all questions truthfully.

23 ALL: I will.

24 COUNSEL: Please state your name for the  
25 record as you respond.

2                   ERIC VALLONIK: Eric, Eric Vallonik, I  
3 do. Uhm good morning and thank you Councilman for a  
4 very concise introduction to the project. You have  
5 basically stolen all of my thunder and did a very  
6 good job summarizing the entire project so I am not  
7 going to go through the details that you just  
8 recited, especially since it remains you and just a  
9 few others in the room and the Councilwoman I know is  
10 incredibly familiar with the project. I would like  
11 to set forth the overriding concepts to what we are  
12 requesting of you today which is for a re-zoning from  
13 an R1 to an R7A and an R7X on a site that we feel and  
14 that the Councilwoman feels obviously and the Borough  
15 President, Linda Katz has supported as well as the  
16 Community Planning Board to convert a Darrell-licked  
17 old hospital which is well-known to everybody in the  
18 area that sits sort of in this nook, even though I  
19 had mentioned before we are at an R1 to a District,  
20 there really is higher density around us and you can  
21 see on the aerial the 6-story apartment building  
22 right next door to it, right across the street from  
23 us. We propose to include that within the re-zoning  
24 area, therefore providing the land use rational to  
25 increase the zoning in the area by making the

2 existing 6-story building legal and allowing for the  
3 enlargement of the hospital for the senior housing.  
4 As was suggested before, when all is said and done,  
5 we will be creating 135 units of senior housing on  
6 the former Parkway Hospital site. We will be  
7 proposing a market-rate building that will rest in  
8 the parking lot of the former Parkway Hospital that  
9 will front against the service road. The application  
10 as I mentioned before is very supported locally. I  
11 don't believe there was any opposition to it at the  
12 Community Board whatsoever and we look forward to  
13 constructing it. The architect is here with us today  
14 as is Alvin Shine who helped us out with the  
15 affordability numbers.

16 CHAIRPERSON FRANCISCO MOYA: Thank you.  
17 Is there anything. I don't think they have anything  
18 to say in particular unless anybody has any  
19 questions.

20 BRAD LANDER: Thank you I just, just a  
21 couple of questions and I might have just missed that  
22 part but what does your market analysis show as the  
23 median income for seniors that are the age of 62 and  
24 above.

2 ERIC VALLONIK: I have prepared the  
3 market analysis which I handed over to first to  
4 somebody before they left here. Uhm the market data  
5 that we discovered shows that within CB6 households  
6 that are age 55 and over with incomes over \$75,000  
7 make up 59% of the elderly population. Households  
8 with income over \$100,000 make up 43% of the senior  
9 population and that by the year 2020, I believe there  
10 will be 16,636 senior households age 55 and over  
11 within the area that have incomes over \$50,000 and  
12 that information was provided to support the  
13 rationale for the affordability numbers that we have  
14 provided. Thank you and just we are going to be  
15 submitting the incomes of New York City Seniors for  
16 the record as well.

17 BRAD LANDER: Very good.

18 ERIC VALLONIK: Yeah.

19 BRAD LANDER: Also, the CPC report on  
20 this application says the re-zoning is to facilitate  
21 the development of market-rate apartment buildings  
22 and to renovate the former Parkway Hospital as  
23 affordable housing for seniors; however, the MIH  
24 mapping action you requested the workforce option  
25 which allows rent set at 115% of AMI. You are also

2 stated that you wanted to market half of the units in  
3 the building to people 62 and older with incomes  
4 capped at 80% AMI.

5           ERIC VALLONIK: To slightly correct what  
6 you said, we plan to cap the former Parkway Hospital  
7 building itself which is the hospital that is  
8 standing right now, it is proposed to be enlarged, to  
9 be 8-stories and to hold 135 units in it that will be  
10 fully affordable senior units to age 62 and over that  
11 will be right now. Right now, it is proposed, the  
12 opportunity is presented is that 95% average AMI  
13 within that building utilizing the workforce option.  
14 That is what is proposed right now. There is a  
15 discussion going on about that right now. It is going  
16 on at another level.

17           BRAD LANDER: Okay but isn't the  
18 workforce option inconsistent with the objective of  
19 providing affordable housing to retirees?

20           ERIC VALLONIK: No, not in this case.  
21 The philosophy behind the application and where we  
22 came to the 95% AMI is that there is a tremendous  
23 shortage of senior housing as you know in the City.  
24 The reason why there is such a dearth of affordable  
25 senior housing is there is no, there are very limited

2 programs that are available to entice a developer to  
3 build senior housing. The one that comes to mind that  
4 we have been working on and talking about is Sara,  
5 which Sara has a very specific demographic target  
6 that it is trying to achieve. Of course, there are  
7 other demographic targets that have needs as well and  
8 unfortunately there are no problems to achieve that,  
9 those demographics. So, we have tried to create our  
10 own here, the proposal that we are doing, that we  
11 have set forth does not take any, it is 95% AMI.  
12 Does not take any city money unlike Sara, no state or  
13 any city money to do it and it was proposed, we have  
14 created it like this because there is no program in  
15 place and it would create a fully affordable senior  
16 development that would not be paid for with tax payer  
17 dollars. It was going to be funded by the developer  
18 and that is how we came to the 95% AMI. There are  
19 talks right now to maybe change that as I alluded to a  
20 moment ago.

21 BRAD LANDER: Okay.

22 ERIC VALLONIK: Okay that's the  
23 philosophy.

24 BRAD LANDER: But under the proposed re-  
25 zoning what would prevent you from developing the

2 Parkway Hospital as 100% workforce option building  
3 that is rented to not seniors but to the general  
4 public.

5           ERIC VALLONIK: As of this particular  
6 moment there is not. We are attempting to come to an  
7 agreement in place that will lock in the Parkway  
8 Hospital to make sure that that cannot happen. It is  
9 not the intent of anybody that is sitting at the  
10 table on the developer side nor has it been stated  
11 that it is the intent of the Councilwoman or anybody  
12 in city government to create anything other than  
13 fully affordable senior housing on the Parkway  
14 Hospital site. We have been grappling with a  
15 mechanism by which to do it and a program or a way to  
16 do that because there is nothing on the books that  
17 allows that to happen. As I said, unless the  
18 developer utilizes city and state money to do it  
19 there is no way for a developer to voluntarily lock  
20 in to that. The AIRS Program does exist and that is  
21 one option that is available but that also comes with  
22 its own quirks with respect to how that is being  
23 implemented right now. So, we are working in an  
24 imperfect system that with everybody has the greatest  
25 and most valuable goals to achieve the end result

2 which is fully affordable senior housing and we  
3 understand why you are asking the questions. It is  
4 not, you are not the first one to ask the question.

5 BRAD LANDER: And, so, also you have may  
6 have said this but can you remind me how much parking  
7 is required on the site.

8 ERIC VALLONIK: Yeah there is 149 parking  
9 spaces that are required, we are proposing to take a  
10 bonus through the AIRS Provision as well as there is  
11 also a bonus in the height that we are achieving  
12 through AIRS that will, but the parking we are  
13 providing 180. There are 149 proposed. The reason  
14 that we are asking for the bonus through the AIRS is  
15 because we have been having conversations with the  
16 school next door. They are very short as the  
17 Councilwoman will tell you on parking at the school.  
18 It is located immediately to the right of us so we  
19 are trying to work with them to free up additional  
20 spaces to accommodate them, not necessarily for free  
21 but to provide parking for their teachers who don't  
22 have anywhere to park and as the Councilwoman will  
23 tell you they park anywhere they can in the  
24 neighborhood because there is nowhere, there is not  
25 even a pay to park parking facility nearby. So,

2 there is literally no parking at all. So that's why  
3 we are utilizing the AIRS that's how we have excess,  
4 that's why we have excess parking.

5 BRAD LANDER: Okay and just to followup  
6 to that is how will the parking be managed on site to  
7 reduce the street congestion?

8 ERIC VALLONIK: Well, we don't anticipate  
9 that the parking at this site. You know the only  
10 rational part of it is that it is a fantastic  
11 location. It is perfect for re-zoning like this  
12 because it is up against the service of the Grand  
13 Central Parkway, so all of the vehicles and all the  
14 cars and everything is coming, being oriented through  
15 the Grand Central Parkway Service Road which right  
16 now serves as basically an ancillary route to the  
17 Grand Central Parkway. Traffic moves quite fast on  
18 it. It is not a quiet street so the idea is that all  
19 of the parking. I'm sorry to interrupt you.

20 BRAD LANDER: No, no I'm just saying that  
21 doesn't move that quickly.

22 ERIC VALLONIK: Oh yeah not during rush  
23 hour.

24 BRAD LANDER: Out of this and I'm asking  
25 this question given the fact that come, come 3

2 o'clock school lets out it is all backed up and so  
3 I'm just trying to figure out how do, how is this  
4 going to be managed so that it doesn't increase.

5 ERIC VALLONIK: A couple of different  
6 ways and I can take you through and show you in plan  
7 format. We have created, the first thing is we don't  
8 believe that we are going to draw that much traffic  
9 to site, especially during the times that you just  
10 specified. The market-rate tower that will be built  
11 we will imagine will be attracting more of a younger  
12 demographic, young families, that will be at work  
13 during the daytime hours. The senior housing, we  
14 will have a shuttle bus from the senior housing that  
15 will run up to Queens Boulevard and up to the subways  
16 which we would imagine most of the people are going  
17 to take advantage of it. Seniors, there is a lot of  
18 shopping, local shopping. With respect to the site  
19 part of it that has been proposed and shown to you,  
20 this is giving you the elevation from the Grand  
21 Central Parkway Service Road down to the bottom where  
22 I am going to take you in a second in plan form is a  
23 driveway that hopefully Brian put it on a site plan  
24 if I can find it here. There it is. Oops did I just  
25 go past it? I went past it didn't I? I blinked and

2 went past it. The computer is a little slower than  
3 me, I apologize or I'm faster than the computer one  
4 or the other. There we go, so what this is showing  
5 you uhm is the off-street loading area, where people  
6 who live within the building will be able to pull up  
7 onto a driveway once they are dropped off and the  
8 guests or whoever is being dropped off is dropped  
9 off. The car can get back on to the roadway, so when  
10 you have people being dropped off, they are to double  
11 parking within the roadway and deliveries and the  
12 like. If somebody get an UPS or an Amazon delivery  
13 for FedEx or whatever. They can, the trucks can pull  
14 up there to make the deliveries and won't be blocking  
15 the service road and then there is of course ample  
16 parking within the parking garage. It is 180 self-  
17 parks right now. There is road to make it a valet  
18 but I am giving you that information, because as you  
19 know as a self-park there is a lot of circulation  
20 room which means when cars pull in there is plenty of  
21 room for a car to come in. They are not going to  
22 pull into the garage and be stopped by other cars in  
23 the garage before they get in. So, I think all of  
24 that should help address the concerns that would be  
25 raised.

2 BRAD LANDER: Okay, thank you and just  
3 the last one is there a tenant that has been  
4 identified for the ambulatory medical facility yet or  
5 no?

6 ERIC VALLONIK: No, there has been tenant  
7 identified for that space but I'm glad you mentioned  
8 because there have been so many identified, because I  
9 failed to mention that 32BJ to switch gears a little  
10 bit, it has been selected. There has been an  
11 agreement entered in to for them to provide building  
12 services within the building when it is constructed.  
13 Switching gears. Switching gears.

14 BRAD LANDER: Is there an MIH  
15 Administrator?

16 ERIC VALLONIK: There is no MIH  
17 Administrator in place right now. There are two or  
18 three that we are talking to right now that all loops  
19 into the situation that I am speaking to and alluding  
20 to a minute ago as far as the affordability levels  
21 and what the final program that is going to be in  
22 place that is going to cause all of this to occur.  
23 Once that is nailed down and signed up and we could  
24 get more assurances. But there have been, I believe  
25 a lot of conversations with folks that are involved

2 in this with well-known respected persons that are  
3 involved in this industry of senior housing,  
4 affordable senior housing.

5 BRAD LANDER: Great, thank you very much.  
6 Thank you for your testimony.

7 CHAIRPERSON FRANCISCO MOYA: Thank you.  
8 Let me turn it over to Council Member Koslowitz.

9 KAREN KOSLOWITZ: I just want to say and  
10 I've said this many, many times. I would like to see  
11 a shovel in the ground before I leave office.

12 ERIC VALLONIK: We are more anxious than  
13 you are.

14 KAREN KOSLOWITZ: I don't think so.

15 ERIC VALLONIK: (laughing). I've never  
16 had a Council Member ever before dare me to have my  
17 client race them to dig. My client is anxious to dig  
18 so we are, we hope we can satisfy you.

19 KAREN KOSLOWITZ: Okay, thank you.

20 CHAIRPERSON FRANCISCO MOYA: Thank you  
21 very much. Thank you for your testimony.

22 ERIC VALLONIK: Thank you for your time.

23 CHAIRPERSON FRANCISCO MOYA: I am going to  
24 call up the next panelist Vinny Stilleto from 32BJ.  
25 (long pause).

2 VINNY STILLETTO: Good morning Chair Moya  
3 and Members of the Subcommittee. My name is Vinny  
4 Stilleto. I work as a doorman at North Shore Towers  
5 and have been a member of 32BJ for about three years  
6 now. I am here today on behalf of my union which  
7 represents over 80,000 people who clean and maintain  
8 buildings throughout New York City. Like many New  
9 York workers we are concerned about the rising costs  
10 of housing in our neighborhoods and City. We are  
11 here today to ensure that the community uses all of  
12 the tools at its disposal so that all of the people  
13 who live and work in Queens can afford to remain and  
14 live with dignity. As you know we believe that in  
15 order to create more equitable New York developers  
16 should commit to providing prevailing wage, building  
17 service shops that give workers mobility and  
18 security. All Berg Grand Central, LLC an affiliate  
19 of Jasper Venture Group has made a credible  
20 commitment to providing prevailing wage, building  
21 service jobs, once this project is completed. Before  
22 it closed, Parkway Hospital was an important source  
23 of economic opportunity and the both the local  
24 Community Board and Borough President Katz have  
25 expressed a desire to see the proposed development at

2 this site give workers a path to mobility. We are  
3 happy that Jasper Venture Group has permitted to  
4 prevailing wage jobs and will bring much needed  
5 affordable senior housing to this District. We  
6 respectfully urge you to approve this project. Thank  
7 you very much.

8 CHAIRPERSON FRANCISCO MOYA: Thank you,  
9 thank you for your testimony today. Uhm so are there  
10 any other members of the public who wish to testify  
11 on this item? Seeing none I now close the public  
12 hearing on this application and it will be laid over.  
13 We will take a brief pause for one second (long  
14 pause). Okay thank you. Our next public hearing is  
15 on LUs 362 through 365. The 809 Atlantic Avenue re-  
16 zoning for property in Majority Leader Cumbo's  
17 District in Brooklyn. The applicant seeks approval  
18 of a zoning map amendment to rezone an existing R7A  
19 C24 District to an R9 C25 and R6A District as well as  
20 a related zoning text amendment establishing a  
21 mandatory inclusionary housing area and a special  
22 permit pursuant to Section 74-711 of the Zoning  
23 Resolution to modify various bulk regulations and a  
24 special permit pursuant to section 74-533 of the  
25 Zoning Resolution to waive residential parking

2 requirements. These actions would facilitate the  
3 development of two new mixed-use buildings on  
4 property located on the north side of the Atlantic  
5 Avenue between Vanderbilt and Clinton Avenues. The  
6 proposed building would be four stories and 29-  
7 stories in height with approximately 2400 square feet  
8 of residential floor area and 33,000 square feet of  
9 commercial floor area and the project would also  
10 allow the restoration of the Landmark Church of St.  
11 Luke and St. Matthew. I now open the public hearing  
12 on this application and start. And now I will call  
13 up Dan Eagers, Deidra Carson, Morris Edgmy and Sha  
14 Denor. And we have Al Wiltshire. Wiltshire. Okay.  
15 So, I would ask the Counsel to please swear in the  
16 panel.

17 COUNSEL: Do you swear or affirm that the  
18 testimony you are about to give will be the truth,  
19 the whole truth and nothing but the truth and that  
20 you will answer all questions truthfully and please  
21 state your name in your response?

22 DAN EAGERS: I do Dan Eagers.

23 SHA DENOR: I do, Sha Denor.

24 MORRIS EDGMY: I do, Morris Edgmy.

25 AL WILTSHIRE: I do, Al Wiltshire.

2 DEIDRA CARSON: I do, Deidra Carson.

3 CHAIRPERSON FRANCISCO MOYA: You may  
4 begin when you are ready.

5 DAN EAGERS: Sure, how do I access the  
6 power point. This is, I think this is the last  
7 presentation.

8 CHAIRPERSON FRANCISCO MOYA: I think you  
9 should escape out of that one. Yeah. Full screen.  
10 There we go.

11 DAN EAGERS: Good now, afternoon, Chair  
12 Moya, Madam Majority Leader, Dan Eagers from  
13 Greenberg Chard, I am an attorney representing 550  
14 Clinton Partners LLC and 539 Vanderbilt Partners LLC,  
15 perspective developers of two new buildings along the  
16 north side of Atlantic Avenue between Clinton and  
17 Vanderbilt Avenues. I am joined by architect Morris  
18 Edgmy who will speak shortly. I am also joined to  
19 answer questions that you may have, by my colleague  
20 Deidra Carson, Sha Denor representing the developer  
21 and Al Wiltshire who will shortly read a statement  
22 from the Reverend Andrew Derbridge, the priest in  
23 chart of the St. Luke and St. Matthew Church who will  
24 explain to you why this project is so important to  
25 the church. Alex Leiber from the AKRF is also here.

1 Development site occupies the entire north frontage  
2 of Atlantic Avenue between Clinton and Vanderbilt  
3 Avenues. The site is immediately to the east of 470  
4 Vanderbilt which is in a C63A District having R9  
5 equivalent floor area ratio and diagonally across  
6 from the intersection of Atlantic and Vanderbilt from  
7 the eastern end of Pacific Park. Here are some site  
8 photos. The site was a nonconforming gas station and  
9 auto and car wash which is now vacated. The site is  
10 down the street from the church of St. Luke and St.  
11 Matthew which is one of the most architecturally  
12 significant church structures in Brooklyn dating from  
13 the 19<sup>th</sup> Century. Today the site lies in an R7A  
14 District mapped through a depth of 100 feet from  
15 Atlantic Avenue and 80 feet from Vanderbilt Avenue.  
16 The portion within 100 feet of Atlantic is in a C24  
17 Commercial Overlay. Within this District which is in  
18 an inclusionary housing designated area, the maximum  
19 permitted FAR is 4.6 of low-income housing is  
20 provided and 20% of the residential floor area. The  
21 proposed development would contain a total of  
22 approximately 235,000 square feet of floor area which  
23 approximately 35,000 square feet would be commercial  
24 and the rest residential. Three primary actions are  
25

1 before you. The first major action would re-zone the  
2 development site to an R9 District, subject to a C25  
3 Commercial Overlay. The re-zoning would increase the  
4 maximum permitted FAR on the development site to 7  
5 allowing the construction of an additional 3.4 FAR of  
6 residential floor area and the application of  
7 mandatory inclusionary housing to the residential  
8 floor area generated by the up-zone development site.  
9 This would result in approximately 20,000 square foot  
10 increase in the floor area required to be maintained  
11 permanently in affordable housing units and as  
12 proposed would ensure that the affordable housing  
13 would be entirely on site. 30% of the residential  
14 floor area generated solely by the footprint of the  
15 development site or approximately 40,000 square feet  
16 would be inclusionary housing floor area provided  
17 under the MIH program. Overall, 20% of the  
18 residential floor area developed in the project would  
19 be affordable under MIH. The buildings would have  
20 approximately 284 dwelling units of which at least 87  
21 are anticipated to be affordable under MIH. An  
22 additional 28 units would be affordable under the  
23 Affordable New York Program for a total of 85  
24 affordable units in the project. The second major  
25

1 action is a Special Permit for section 74-711. The  
2 Special Permit would allow the modification of  
3 several bulk regulations but the most important is  
4 the regulation that prohibits the transfer floor area  
5 across Zoning District boundaries from Districts that  
6 have different maximum based FAR for a particular  
7 use. In this case, the Special Permit would allow  
8 all the unused floor area from the church which is  
9 approximately 60,000 square feet to be transferred  
10 from the R7A and the R6A Districts in which the  
11 church is located to the development site. Also,  
12 mostly due to the irregular shape of the development  
13 site, to accommodate the buildings proposed, the  
14 applicant seeks a number of other bulks wavers which  
15 are enumerated on the slide here. Finally, the  
16 applicant is seeking relief from the obligation to  
17 provide off-street, residential accessory parking  
18 through a Special Permit under Section 74-533. This  
19 Special Permit was created as part of ZQA and applies  
20 in transit zones in which the site is located. In  
21 exchange for allowing the floor area transfer, the  
22 developer would fund a comprehensive restoration of  
23 the church. Morris Edgmy will tell you a little bit  
24

more about that and then introduce the new buildings to you.

MORRIS EDGMY: Good morning. I'm Morris Edgmy I'm the architect for the project. Here is a view looking northwest on Vanderbilt and you can see the proposed structure with a tower on a base. I will talk a little bit more in detail about the overall design but in general, we masked the bulk of the site on Vanderbilt which is caddy-corner to Pacific Park which has a building that is just slightly taller than what we are proposing and we've made some moves architecturally to both reveal the steeple as well as address the lower scale on Clinton, which I will show you in a second. Here we see the overall site looking southwest. The church is in the foreground indicated with the flag again and the development site in orange. And then the Pacific Park Site that I mentioned is on the other side of Atlantic. First, I'm going to talk a little bit about the restoration work. You see this image of the church today. It was built in 1888 to 1891 and there was a significant fire in 1914 when the central portion of the church was re-built. There was also a fire in 2012 during Occupy Sandy when they

2 were occupying the site, there was a fire set there  
3 so there was some further damage. And although this  
4 photograph of the church looks very beautiful, it is  
5 in need of significant repairs which I will show you  
6 in more detail now. Here is a diagram, all of those  
7 colored areas are indicating specific work that will  
8 be done to the structure. The basic cleaning will  
9 happen but all the way to replacement and removal of  
10 poor patches that occurred previously. There is work  
11 to the stained-glass frame, limestone, brownstone  
12 repair and replacement all along the base of the  
13 building. There is a tremendous amount of damage in  
14 the steeple and the belfry and that will have a  
15 significant replacement. It is structurally sound  
16 but in very, very poor condition which I will show  
17 you. There is also some slate and copper work on the  
18 roof. Here you see some of the images and you can  
19 see that the stone is falling. There were a number  
20 of poor patches made which caused further damage and  
21 so the goal would be to put this into first-class  
22 condition which landmarks has approved. We had very  
23 extensive drawings that were presented to them. Here  
24 you can see some of the damage belfry, stone is  
25 falling, bricks are in poor state, support is also

questionable. More views of that belfry. The rear of the building is going to have some waterproofing and drainage which will prevent further damage from occurring. You can see that water has actually infiltrated the building and is in poor condition. So, I will talk a little bit about the new project now and we see the site indicated on the corner of Vanderbilt, spanning between Vanderbilt and Clinton on Atlantic. There is a 29-story tower. The lower 4-story base and we are doing some articulation of the base of the tower as well as the podium. Here are two images, the top one from 1927 and the lower one from 1940 showing the prominence of the steeple in the neighborhood and this is one of the considerations that we felt was important. Here is a view looking northwest on Vanderbilt. You can see the proposed building at Pacific Park on the left and you notice the steeple approximately in the center of that image. We are just showing that what would be and as of right structure which would rise to 95 feet and would block the views of the steeple from many locations. This is our proposed building. You can see that we twist the base of that tower to create more viewing space for the steeple and lower the base

2 significantly so that it would be visible. And then  
3 on the corner of Atlantic and Clinton. This is  
4 existing condition and then the proposed building  
5 also with the twist on the side allowing for greater  
6 visibility and moving the back of that portion of the  
7 building to be more or less in line with the  
8 townhouses that are adjacent on the block. Here is  
9 an elevation showing the visibility. This is a  
10 series of drawing showing the design. We are using a  
11 buff-colored precast that has aggregate in the colors  
12 that you see on the charts. The limestone, the  
13 brownstone, etc. Here is a section showing how the  
14 plasters are attenuated on the higher portion of the  
15 building. The base which will have multiple entry  
16 points on Atlantic and here is a plan just to show  
17 you the entrances. There are two entrance. The  
18 entrance to the tower is on Vanderbilt for the  
19 residents and on Clinton for the lower portion and  
20 then multiple entry points for the retail. There is  
21 a few coming back to the view. Thank you. And now I  
22 turn to Al to read a statement from the Reverend  
23 Durbage.

24 AL WILTSHIRE: Good afternoon, my name is  
25 Al Wiltshire I am the former Senior Warden of the

2 Vestry. The Vestry is the governing body of the  
3 Parish. The letter is from our Director, Andrew  
4 Durbage who was unable to make it this morning  
5 because today is Ash Wednesday and he has priestly  
6 duties that he has to perform. The matter before you  
7 today are of critical importance to the ongoing  
8 viability for the Church of St. Luke and St. Matthew  
9 in Brooklyn. Our church has been serving the people  
10 of Clinton Hill and surrounds for 180 years and seeks  
11 to continue to do so. The current building is over  
12 130 years old and is an important landmark in the  
13 area both physically and spiritually. The cost to  
14 maintain the building in this magnitude and beauty is  
15 beyond the congregation means. It cost \$100,000 a  
16 year just to ensure the building. All religions are  
17 experiencing declining congregation and reduced  
18 revenue. We are no different. We do have great  
19 hopes for our future who by providing a spiritual  
20 home for our congregation and the many new residents  
21 that are moving into the new apartment buildings on  
22 our doorstep. The sale of our trans-development  
23 rights is supported by all members of the church and  
24 the trustees and the bishop of dieses. My other role  
25 with the dieses is that of Real Estate Manager and I

1 can attest to the critical need for use the Special  
2 Permit Process to release funds from which needed  
3 maintenance and the creation of a long-term  
4 maintenance of our oldest churches. The full value  
5 of the TDR sale as contemplated by the current design  
6 and contract would hope is \$9.0 million. 50% of the  
7 sale value is allocated to the Valsad Restoration  
8 Project that has been approved by the Landmarks  
9 Preservation Commission. After closing costs, we are  
10 allocated \$1.2 million for much needed interior  
11 restoration of the building to make them ADA  
12 compliant and functioning suitable for the ministry  
13 needs of the congregation. The balance of the sales  
14 proceeds will be invested by the Trustees as a long-  
15 term endowment to meet the obligations we are taking  
16 by entering into a covenant with Landmarks to  
17 maintain the building in first-class condition. This  
18 is not something that we did likely as it is sonorous  
19 obligation to saddle future generations of church  
20 members. The church's ability to realize the full  
21 contract price from the sale is therefore critical to  
22 its ability to make these essential investments in  
23 the church's future. The contract provides however  
24 that the contract price will be reduced if any of the  
25

1 floor area transferred from the church is subject to  
2 the inclusionary housing program. Jeff Garrison from  
3 Hope Street the Development Partner has guaranteed in  
4 writing to us that Hope Street will cover the full  
5 cost of any over-runs of the cost of the first phase  
6 of the LBC approved work beyond \$4.5 million. We are  
7 very appreciative of Jeff's offer as these types of  
8 projects are highly risky. Respectfully urge all  
9 Council Members to support this project. Not only  
10 will it guarantee the future use of this important  
11 congregation and building but it will also perform  
12 the development objects project site with new  
13 affordable housing for the housing. I give thanks  
14 for your time and work you do for this City and thank  
15 you on behalf of our congregation for approving this  
16 matter. God's Blessing. The Church of St. Luke and  
17 St. Matthew Brooklyn, Andrew Durbrage Priest in  
18 Charge. Thank you.

20 MORRIS EDGMY: For the reasons you've  
21 heard we respectfully request your approval of the  
22 actions and we welcome any questions.

23 CHAIRPERSON FRANCISCO MOYA: Great, I  
24 will turn it over now to Majority Leader Cumbo.

2 MAJORITY LEADER LAURIE CUMBO: Thank you,  
3 so glad that you all are here. Thank you, Dr.  
4 Wiltshire for your testimony. I appreciate the way  
5 you urge and thank for our approval all in the same  
6 sentence. Very appreciated. Uhm wanted to jump in  
7 to a few questions about how the deal was constructed  
8 between the church and the developer. Uhm, and I  
9 guess you all can decide who is best equipped to  
10 answer that question. Can you explain how the  
11 relationship between the church and the developer  
12 first began? Did the church see buyers for air  
13 rights or did the developer approach the church?

14 DAN EAGERS: No, the church because of  
15 the condition of the church, etc., we advertised that  
16 our air rights were up for sale and we sought out the  
17 developer. They did not approach us. We were  
18 looking for a developer to purchase our air rights.

19 MAJORITY LEADER LAURIE CUMBO:  
20 Interesting, how many square feet of development  
21 rights are being sold?

22 MORRIS EDGMY: It is approximately 60,000  
23 square feet from the church and a few additional  
24 thousand square feet from the intervening parcels  
25 which hare included in part of the Zoning Lot because

2 of the contiguous is required to form a Zoning Lot  
3 and then we are going to form a chain in the church,  
4 those sites are included as part of the Zoning Lot  
5 but there are not many development rights available  
6 in those parcels.

7 MAJORITY LEADER LAURIE CUMBO: And how  
8 was the value of their air rights approached or  
9 calculated?

10 MORRIS EDGMY: We are paying in a sense  
11 of everybody the same price per square foot for their  
12 rights. And if, you know, 60,000 square feet is \$9  
13 million, it is \$150 a foot.

14 DAN EAGERS: And there was an appraisal  
15 done for the rate that we would be paying for the air  
16 rights.

17 MAJORITY LEADER LAURIE CUMBO: Just to  
18 elaborate a little on that, the sale of developmental  
19 rights in a transaction of this kind requires  
20 approval not only by the governing body of the church  
21 but also by the courts and by uhm the Attorney  
22 General's Office so there is a lot of, there are a  
23 lot of eyes looking at it and in order to get it  
24 approved by all of those bodies at the kind of formal  
25 appraisal process that was gone through in this

2 particular instance had to be performed. So, the  
3 completion of those approval processes are actually  
4 conditions to our obligations to close with the  
5 church. So, the 800-pound gorilla in the room on  
6 this project is really the purchasing of the air  
7 rights from the church but in your new development  
8 those air rights will not be subjected to the MIH  
9 plan. If the sale or the transfer of the air rights  
10 met on your development side that it would be  
11 subjected to the MIH affordable housing program,  
12 would you have walked away from this project if you  
13 would have known that the transfer of those units  
14 would also have to be subjected to MIH. Would that  
15 have been a deal breaker for you or would you have  
16 continued to move forward?

17 DAN EAGERS: It is a very difficult  
18 question to answer without properly evaluating the  
19 economics. It definitely wouldn't have been the same  
20 building that we are going to be building and it  
21 would probably force us back to the drawing board in  
22 one sense or another.

23 MAJORITY LEADER LAURIE CUMBO: Can you  
24 state again how much the square footage of  
25 development rights is being transferred from the

2 church and how much from the additional mid-block  
3 properties.

4 DAN EAGERS: So, it is approximately  
5 60,000 square feet from the church and about another  
6 6,000 or so from the intervening parcels.

7 MAJORITY LEADER LAURIE CUMBO: Okay, so  
8 let me back up for a second, let me ask you this  
9 question on the development side. Of the time, is  
10 this your first project of this scale in this  
11 community?

12 DAN EAGERS: Uh, we just finished a  
13 building in Guam Hill not, not as long, so this would  
14 be our first project of this size in this community.

15 MAJORITY LEADER LAURIE CUMBO: Have you  
16 had an opportunity to familiarize yourself with this  
17 community?

18 DAN EAGERS: Yes, we are very familiar  
19 with the community and actually I personally live in  
20 Carol Garden, it is not too far from there. So, my  
21 kids go to public school, I am very familiar with the  
22 area and the community.

23 MAJORITY LEADER LAURIE CUMBO: And maybe  
24 it is a Council thing but we are super territorial  
25 about our neighborhoods. So, Carol Gardens is kind

2 of like Oklahoma. Uhm, not in terms of its feel but  
3 in terms of geographically how we could see something  
4 like that. What have you gotten to know about this  
5 community? How would you describe the community of  
6 Clinton Hill, Fort Green? How would you describe  
7 that community and how would you describe its  
8 challenges? What are the things that are challenging  
9 that community and what are the things that are its  
10 benefits?

11 DAN EAGERS: Well, in my personal  
12 opinion, I think the community is a, is a very  
13 vibrant community. Again, comparing it to my little  
14 Oklahoma, I see the restaurants, I see the night  
15 life, I see the bars there and there certainly seem  
16 to be a lot of them and they are certainly busier  
17 than in my neighborhood. So, it certainly seems to  
18 be a destination for a lot of people not just to live  
19 in the community. Being anchored by two parks, I  
20 consider you know Chrysler Park not too far away from  
21 there, bike ride wise do obviously a wonderful  
22 amenity and I think that personally I feel like this  
23 community has a substantial advantage over downtown  
24 Brooklyn. The busy area of downtown Brooklyn because  
25 it really offers the best of both worlds. It offers

2 you know the low-rise, the charming neighborhoods,  
3 but it also offers you know higher-density amenities  
4 like the Barclay Center, Atlantic Terminal as well as  
5 everything that is coming into Pacific Park. So, I  
6 almost think it is one of the best neighborhoods in  
7 Brooklyn these days because it really manages to very  
8 nicely providing the balance of the low-rises, the  
9 beautiful mansions of Clinton and Vanderbilt as well  
10 as some of the business and some of the facilities  
11 that are offered in a, in a denser area.

12 MAJORITY LEADER LAURIE CUMBO: I can see  
13 that you can easily write the marketing ad for this  
14 building with no problem. Now, let me ask you this  
15 question, what do you see as the challenges? Where  
16 are the areas or the issues that are confronting this  
17 community?

18 DAN EAGERS: So, I think the challenges  
19 in my opinion are probably not, are a little bit  
20 further out on Atlantic Avenue. I think there has to  
21 be a little bit more of you know eliminating some of  
22 the nonconforming use which I think it is  
23 nonconforming. I think the overall, you know it is  
24 amazing to me how once you travel from Atlantic  
25 Avenue going north, how just the scenery, the

2 aesthetics completely change so I personally think  
3 that this community needs to see higher caliber of  
4 development and like many people in the previous said  
5 good development is something that we can all be  
6 proud of.

7 MAJORITY LEADER LAURIE CUMBO: I want to  
8 add, because we all come to things with a different  
9 lens. I think it is important to challenge yourself  
10 and many other developers to see the community beyond  
11 the development and the building. So, when you look  
12 at a neighborhood like this, as I drive through, I  
13 see the lines continue to expand for the food  
14 pantries with people waiting in long lines with carts  
15 uhm looking for food options in areas where food has  
16 become very unaffordable. We see that there are, and  
17 continue to be challenges in terms of safety in our  
18 community and how safe people feel in our community.  
19 We have overcrowding in our schools and many of our  
20 school's lack after school programs and proper  
21 support to be able to do so. Many of the students  
22 uhm and the numbers vary in terms of school and  
23 academic performance are still not performing at the  
24 higher levels of the echelons as far as a lot of the  
25 testing and understanding where the children reside.

1 We have in the 35<sup>th</sup> District 5 NYCHA Developments  
2 that are still very challenged with employment. So,  
3 I could go on and on in terms of a lot of the  
4 challenges that the community is experiencing but one  
5 of the things that I want to see, is that I want to  
6 see development also be a solution or answer to many  
7 of the challenges so that when development is  
8 happening in our communities, people see that has an  
9 opportunity and a solution to solve many of the  
10 challenges and it is very easy I would imagine coming  
11 into a District and seeing the lights, camera and  
12 action of the Barclays and the institutions and many  
13 of those things but it is very easy to see that we  
14 have homeless shelters in our District, we have food  
15 pantry lines that are bursting at the seams, we have  
16 schools that are bursting at the seams with the need  
17 for after school programming and many of those things  
18 so I want, I certainly want that to be at the  
19 forefront of how you will continue to do your  
20 discussions and negotiations and leading to that,  
21 which is the hugest issue in our District is the  
22 housing crisis that is impacting so many. So, this  
23 application proposes an MIH option 2, 30% at an  
24 average of 80 AMI, why did you select to propose  
25

2 option 2 instead of the deeper affordability of  
3 option 1, 25% at an average of 60% AMI including 10%  
4 at 40 AMI. So, can you explain to me the choice of  
5 option 2?

6 DAN EAGERS: Sure, so option, option 2 as  
7 you know is linked to a higher percentage of  
8 affordable floor area, 30% as opposed to 25% and in  
9 this situation when applied to the up-zone to  
10 residential floor area if only 25% of that was  
11 required to be affordable under MIH there would only  
12 be a total of about 17% affordable units in the  
13 project and as you know, one of the actions here is a  
14 waiver of the required residential parking under a  
15 special permit and one of the requirements of that  
16 special permit is that 20% of the units in the  
17 development be affordable and the way that the  
18 statute is written and the way the affordability is  
19 defined, that is key to the MIH units. So, we had  
20 requested as part of the application the higher  
21 percentage of affordability under MIH and option 2,  
22 30%. We have heard your concerns on that over at the  
23 Community Board about providing deeper levels of  
24 affordability and our client is reviewing the various  
25 blends that could provide deeper levels. For

2 instance, 65% of 75% on the MIH units and we are  
3 looking forward to have a continuing conversation  
4 with you and find a solution that makes economic  
5 sense for the project and addresses your concerns and  
6 that of the community.

7 MAJORITY LEADER LAURIE CUMBO: I have a  
8 lot of solutions. What kind of retail tenants do you  
9 anticipate locating in this development?

10 DAN EAGERS: Well ideally, we would like  
11 to be able to secure you know community-based retail  
12 tenant, local small business owners. We have the  
13 ability to you know sub-divide the retail space and  
14 also include vertical access from the retail level to  
15 the basement so ideally, it's, it's operators that  
16 are either new or already operating in the area but  
17 from the community itself.

18 MAJORITY LEADER LAURIE CUMBO: I want to  
19 bring your attention to the fact that I graduated  
20 from Brooklyn Technical High School in 1993 and  
21 during that particular time, Fulton Street which is  
22 really a stone throws away from that development.  
23 Fulton Street was known as the largest strip for  
24 African-American owned businesses anywhere in New  
25 York State and over the course of years and through

1 the gentrification that happened to Brooklyn a lot of  
2 those businesses have been displaced and continue to  
3 be displaced. And so when you are looking at your  
4 commercial and retail options, I think it important  
5 to have a focus on many of those businesses that have  
6 been displaced or having challenges on Fulton Street  
7 because if we do not become intentional about  
8 recognizing that the only reason why this particular  
9 parcel of land is attractive now are because local  
10 businesses and many individuals, many African-  
11 American owned businesses made that particular  
12 neighborhood and community a thriving place for  
13 people to live and to work and to do business but  
14 have never really benefited from the growth and the  
15 development that is happening in Brooklyn. So, I  
16 would like for you to also continue to refocus your  
17 energy into the people of the community and the  
18 stories of the communities so that you can have a  
19 further breath because it is very easy to kind of see  
20 what are the retail chains in Manhattan that are  
21 thriving and to bring those to Brooklyn and re-brand  
22 them as Brooklyn based companies but there are really  
23 special, interesting and dynamic businesses that are  
24 doing a great job right here. So, I wanted to push  
25

2 that to you as well. So, MB, MWBE local hiring and  
3 prevailing wage, can you describe your plans for  
4 security MWBE and locally based contractors and  
5 subcontractors to participate in this development.  
6 It is of the utmost importance to me that the work  
7 site be reflective of the local community and how do  
8 you plan to achieve that?

9 DAN EAGERS: So, uhm I believe there was  
10 already an initial meeting of the Department of Small  
11 Businesses in the City and we also started a dialog  
12 with their team consulting to be able to efficiently  
13 identify these firms from WMB who would be able to  
14 participate in the project.

15 MAJORITY LEADER LAURIE CUMBO: On your  
16 last project in Borem Hill did you use that same  
17 firm?

18 DAN EAGERS: No, on that one we did not.

19 MAJORITY LEADER LAURIE CUMBO: Did you  
20 use any firm to do that sort of work?

21 DAN EAGERS: No on that one I was less  
22 involved with the minutia of the construction so I  
23 can't answer that you know with certainty.

24

25

2 MAJORITY LEADER LAURIE CUMBO: Okay, I'm  
3 going to need you to be way more involved on this  
4 one.

5 DAN EAGERS: If I may Councilwoman.

6 MAJORITY LEADER LAURIE CUMBO: Yes.

7 DAN EAGERS: As your direction when we  
8 first met, partner Jeff Gershwin we went with Jenna  
9 Varas the director of the minority women. Whatever,  
10 we met with her one and the two of them have been in  
11 contact and are supposed (clearing throat). Excuse  
12 me, we are supposed to have additional meetings Jeff  
13 is agreeing to work with this program on this  
14 project.

15 MAJORITY LEADER LAURIE CUMBO: That is an  
16 important element, because we talk a lot about MWBEs  
17 but the numbers aren't moving in terms of what our  
18 goals are so it is going to be important to have a  
19 written documented plan for what your MWBE and local  
20 hiring plans are going to be and wanted to ask you  
21 moving forward will future properties serve as a  
22 maintenance workers at the completed development be  
23 paid prevailing wage?

24 DAN EAGERS: Yes, they will, we entered  
25 into an agreement with 32BJ.

2 MAJORITY LEADER LAURIE CUMBO: Good to  
3 hear it and sustainability and resiliency. What  
4 sustainability and green building features are  
5 proposed for this development?

6 DAN EAGERS: We hope to achieve LEAD  
7 silver certification and what exactly entails I am  
8 sure Morris could.

9 MORRIS EDGMY: There are green and blue  
10 roof techniques that we are using on the project as  
11 well as high-performance glass and very efficient  
12 HVAC systems.

13 MAJORITY LEADER LAURIE CUMBO: Okay, well  
14 I don't have any further questions at this time. I  
15 just want to reiterate the point that have been made  
16 here today and they really all come down basic. To a  
17 basic point of getting to know the people of the  
18 community and getting to understand the stories of  
19 the community and what has made Brooklyn New York  
20 what it is today, particularly the Clinton Hill Fort  
21 Green Community. I will turn it back to Chair Moya  
22 if he has any additional questions and thank you for  
23 the time.

24 CHAIRPERSON FRANCISCO MOYA: Thank you  
25 Majority Leader Cumbo. No, we are good on questions

2 and I want to thank you for your insight in this  
3 project. Thank you to the panel for your testimony  
4 today. I will be calling the next panel.

5 DAN EAGERS: Uhm Chair Moya, I think my  
6 client has one clarification. One clarification in  
7 addition to the meeting that we are going to be. We  
8 did also engage with Ed Brown. I believe I mentioned  
9 that, right, I think that we met with Mr. Brown for  
10 consulting to actually be able to you know work in  
11 the process of identifying these parties more  
12 efficiently.

13 CHAIRPERSON FRANCISCO MOYA: Thank you.  
14 Thank you all. Thank you. I and I will be calling  
15 up Duke Lambert and Maydell York (SP?). (long  
16 pause). You can just state your name and then you  
17 can begin.

18 MAYDELL YORK (SP?): Okay good evening.  
19 It is good to be here, it is good to see you again.  
20 I'm Maydell York. To Chair Moya and Committee, to  
21 the members of the Subcommittee my name is Maydell  
22 York (SP?). I am a security officer and have been a  
23 member of 32BJ for the past two years. I am here on  
24 behalf of my union as a Brooklyn Resident to share  
25 our support for the proposed re-zoning and

2 development of 809 Atlantic Avenue which is being  
3 pursued by Freedom Hope Street Capital. As you know  
4 32BJ represents more than 80,000 in New York City.  
5 Our members clean and maintain buildings like these  
6 two are proposed. We believe that responsible  
7 development means good jobs that pay wages for the  
8 local community. We are happy to report that Hope  
9 Street Capital has made this commitment. We look  
10 forward to working with them. We believe that the  
11 developer's commitment to a good job, building  
12 restoration and a home for a local company provides  
13 benefits to the community and we are happy to support  
14 this project. For these reasons we respectfully urge  
15 you to approve this project and I also want to say  
16 the young lady I am saying before, making a point,  
17 what is your name?

18 MAJORITY LEADER LAURIE CUMBO: Laurie.

19 MAYDELL YORK (SP?): Yeah Laurie Cumbo I  
20 think they are going to commit to doing a good thing  
21 in the community not just for like the let's say the  
22 upper class part of the District, like the smaller  
23 part of the District too like the shelters, the lower  
24 income, like I think they are going to look out for  
25 that too, that is important too, that part of the

2 community and stuff and when they do that like they  
3 are doing the preventive wages and working with 32BJ  
4 and I am homeless, and lower part of the community  
5 you say. It is all one District but like basically  
6 two cities in one District do you know what I mean  
7 through the gentrification and stuff, like the Tale  
8 of Two Cities, almost but, I believe they are going  
9 to not just go for the higher part but the lower part  
10 too because that would be important so. So, that's  
11 why I respectfully urge y 'all. Thank you.

12 MAJORITY LEADER LAURIE CUMBO: Thank you  
13 and I'm glad that you feel so confident so we look  
14 forward to working with them on that. Thank you for  
15 your testimony.

16 DUKE LAMBERT: Uhm good day, my name is  
17 Duke Lambert I am a member of the St. Luke and St.  
18 Matthew Parish and you should turn the timer off  
19 because I am the only want so I am going to go all  
20 day so. I am here really with total support for this  
21 project. We have earmarked. I am a member. By the  
22 way I am a member of the church. What we have  
23 earmarked is there is a massive amount of outreach  
24 that the church can do in the community. It is not  
25 just a building that they are being proposed but

2 there are sections of construction going on in the  
3 area. And we as a, as a religious organization can do  
4 much for the community and this project and the  
5 finances that will come to us because of it will be a  
6 massive amount of help that will allow us to go out  
7 into the community and minister to the community.  
8 The community is changing and we have to change with  
9 it and the only way that we can change with it is if  
10 we have the resources to change, to effect this  
11 change. If this project doesn't go through there  
12 isn't much we can do in the community. If this  
13 project goes thru, there is a tremendous amount of  
14 good that St. Luke and St. Matthew can do for the  
15 community and I am hoping that you will consider the  
16 fact that doing good and doing good effectively for  
17 one's community, one's neighborhood is as important  
18 as breathing, as important as being able to say hello  
19 to somebody because of the things that we want to do  
20 is go out into the community and reach and ask them  
21 to come in and enhance our spiritual enhancement of  
22 the community. Thank you.

23 CHAIRPERSON FRANCISCO MOYA: Thank you  
24 for your testimony.

2 MAJORITY LEADER LAURIE CUMBO: That was a  
3 very compelling testimony. Thank you very much.  
4 Thank you for your words.

5 CHAIRPERSON FRANCISCO MOYA: Are there  
6 any other members of the public who wish to testify?  
7 Seeing none I now close the public hearing on this  
8 application and it will be laid over. This concludes  
9 today's meeting and I would like to thank the members  
10 of the public and my colleagues, Council and Land Use  
11 Staff for all of their hard work that they do and  
12 this meeting is hereby adjourned.

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 2, 2019