

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

LAND USE SUBCOMMITTEE ON ZONING & FRANCHISES

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June 23, 2009  
Start: 9:30am  
Recess: XX:XXpm

HELD AT: Committee Room  
City Hall

B E F O R E:  
TONY AVELLA  
Chairperson

COUNCIL MEMBERS:  
Albert Vann  
Melinda R. Katz  
Larry B. Seabrook  
Robert Jackson  
Eric N. Gioia  
Helen Sears  
Simcha Felder

## A P P E A R A N C E S

## COUNCIL MEMBERS:

Lewis A. Fidler

Maria del Carmen Arroyo

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

John Young  
Director  
Queens Office of Department of City Planning

Joy Tien  
Planner  
Community Board 6

Ellen Ryan  
Director of Government Affairs and Special Assistant  
to Chair  
City Planning Commission

Henry Sealine  
Board Member  
Old Forest Hills Association

Diane Elkin  
Chairman of Community Affairs Chapter  
Woman's Club of Forest Hills

Steve Goodman  
Resident

James Walsh  
President  
Association of Old Forest Hills

Albert Dayan  
General Counsel  
Bukharan Jewish Congress

Varda Mizraki

Doris Sucub  
Resident and member  
Old Forest Hills Association

Alan Brownschweiger  
Vice President  
Association of Old Forest Hills

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

Steven Cashub  
Resident

Susan Peppertone  
Resident

Frank Gulluscio  
District Manager  
Community Board 6

Patricia Dolan  
Executive Vice President  
Queens Civic Congress

Aaron Borogoff

Penny Lee  
Department of City Planning

Carol Samel  
Director  
Bronx Borough Office of Department of City Planning

Ryan Singer  
Deputy Director  
Bronx Borough Office of Department of City Planning

Paul Phillips  
Project Manager  
Bronx Borough Office of Department of City Planning

Demaris Oleville  
On behalf of  
Senator Jose M. Serrano

Lutger Ballen  
Urban Divers Estuary Conservancy

Mikalia Ritz

Harry Bobbins  
Friends of Brook Park

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

Winston Von Engel  
Deputy Director  
Brooklyn Office of Department of City Planning

Richard Jacobs  
Senior Planner  
Brooklyn Office of Department of City Planning

Representative for  
Senator Krueger

Dorothy Turano  
District Manager  
Community Board 18

Gardy Brazela  
President  
Friends United Block Association

Wanda Ihrig  
President  
Informed Voices Civic Association

Debbie Tamafolk  
Board Member  
Friends United Block Association

Mary Anne Sallustro  
President  
South Canarsie Civic Association

Elias Weir  
Member  
South Canarsie Civic Association

Leo Cukier  
Member  
Bayview Housing Association

Daniel McCullough

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

Daniel Baldwin  
Senior Development Counsel  
Battery Park Civic Authority

Carol Shine  
Committee Counsel  
New York City Council

1  
2 CHAIRPERSON AVELLA: Good morning,  
3 everyone. I'd like to call this meeting of the  
4 Subcommittee on Zoning and Franchises to order.  
5 Joining me are members of the Committee, Council  
6 Members Al Vann, Melinda Katz, Larry Seabrook,  
7 Robert Jackson. And, I see we're also joined by  
8 Council Member Lew Fidler, who has an application  
9 before us this morning.

10 We have a number of rezonings on  
11 the agenda. We will try and move through them  
12 quickly. We do have a number of speakers signed  
13 up on almost every item. The first item we will  
14 take up will be the C0090283ZMQ, commonly referred  
15 to as the Cord Myer Forest Hills rezoning, which  
16 lies within Council Member Melinda Katz' district.

17 I'd like to call up City Planning  
18 to give their presentation.

19 [Pause]

20 JOHN YOUNG: Good morning, Chair  
21 Avella, Chair Katz, City Council Members. I'm  
22 John Young, Director of the Queens Office of the  
23 Department of City Planning. And, on behalf of  
24 City Planning Director, Amanda Burden, I'm very  
25 pleased to be here this morning to present the

1  
2 Department's efforts to update zoning designations  
3 that date to 1961 for 32 blocks in the Cord Myer  
4 area of Forest Hills, Queens. I'm joined by Joy  
5 Tien, who'll present our rezoning proposal to you.

6 As Joy will explain, this rezoning  
7 proposal uses the newly established R1-2A  
8 designation adopted by the City Council as part of  
9 the North Flushing rezoning to replace existing  
10 R1-2 zoning in order to set a more predictable  
11 scale for new development or alterations of  
12 existing structures. Like the R2A zoning  
13 category, which has been implemented in Bayside  
14 and other single-family communities since 2005,  
15 the proposed R1-2A zoning will provide firm  
16 building wall and roof height limits and reduced  
17 floor area exemptions, while retaining most of the  
18 current R1-2 lot requirements to guide future  
19 development of detached single-family houses.

20 Overall, the proposed zoning will  
21 modestly reform existing regulations and carefully  
22 balances ensuring predictable outcomes, while  
23 providing flexibility for homeowners to improve  
24 their properties. Protecting the existing built  
25 housing stock and appealing qualities of Cord Myer



1  
2 is the chief goal of many dedicated residents and  
3 civic members; some of who are in attendance  
4 today. It's been the Department's privilege to  
5 have worked closely with all of the passionate  
6 stakeholders in Cord Myer on this important  
7 proposal. We have made it here only after holding  
8 many meetings and vigorous discussions with them.

9 Council Member Katz has provided  
10 invaluable and clear-sighted advocacy during the  
11 rezoning process. And, we're very grateful for  
12 her leadership in advancing the proposal.

13 Following the March 2<sup>nd</sup>  
14 certification of the proposal, we are pleased with  
15 the support the rezoning has received from  
16 Community Board 6, as well as from Borough  
17 President Helen Marshall. And, we thank them for  
18 expediting their reviews of the proposal. We hope  
19 that you, too, will support this well-considered  
20 and reasonable rezoning initiative to reinforce  
21 the built character of the cherished Cord Myer  
22 section of Forest Hills.

23 And now, I think Joy's set up.  
24 And, she'll present the details of the proposal.  
25 And, just, so you can follow along, we do have a

1  
2 handout that should be distributed to each and  
3 every one of you.

4 JOY TIEN: Good morning. My name  
5 is Joy Tien. I'm the Planner for Community Board  
6 6.

7 The Department of City Planning  
8 proposes a zoning map change for 32 blocks in  
9 Forest Hills, Queens Community District 6. The  
10 rezoning area is bounded by 66<sup>th</sup> Avenue, Grand  
11 Central Parkway, 72<sup>nd</sup> Road and 108<sup>th</sup> Street to the  
12 west.

13 We began this rezoning study in  
14 response to community concerns that recent  
15 residential development has been inconsistent with  
16 the established scale. Currently, about 90% of  
17 the area is residential; mostly one-family  
18 detached houses. And, the area is boarded by mid-  
19 rise apartment buildings and is just north of the  
20 Austin Street shopping district, which I think you  
21 might know. The entire area is mapped R1-2. And,  
22 we are proposing to change the entire area from  
23 R1-2 to the next contextual district, as John was  
24 saying, R1-2A.

25 To give a visual overview of the

1  
2 area's houses, please, if you'll look at the top  
3 section. These are examples of traditional Cord  
4 Myer streetscapes. The majority of houses were  
5 built between 1910 and 1940 and are typically  
6 between one and a half and two-stories tall. In  
7 the last several years, there's been an upsurge in  
8 development with houses being demolished and then,  
9 replaced with larger and taller structures that  
10 are out of scale with the neighborhood.

11 The street wall heights of the new  
12 construction are usually between 25 and 30 feet.  
13 The photographs in the middle, here, show examples  
14 of out-of-context houses that were recently built.  
15 The building on the left here has a building  
16 height of over 35 feet and a wall height, here, of  
17 over 30 feet. It's important to note that these  
18 changes that are being proposed are moderate. The  
19 majority of new construction would still be  
20 permitted under the new zoning. The photos at the  
21 bottom are examples of recently built or altered  
22 houses that would still conform to R1-2A. The  
23 rezoning would simply make future construction  
24 more predictable and more in line with existing  
25 context.

1  
2 I'd like to just briefly outline  
3 the primary characteristics of the existing and  
4 proposed zones. Both R1-2 and R1-2A are  
5 designations for lower density neighborhoods of  
6 single-family, detached houses on larger lots.  
7 The minimum lot width is 60 feet; minimum area is  
8 5,700 square feet and the maximum FAR would be .5.  
9 The yard requirements would remain the same at 20  
10 feet minimum front yard, 20 feet combined side  
11 yards, except that there would be an additional  
12 front yard lineup requirement, meaning that the  
13 front yard would have to be as deep as an adjacent  
14 front yard, up to 25 feet.

15 The primary differences involve  
16 maximum heights, floor area exemptions and lot  
17 coverage. Currently, building height limits are  
18 governed by the sky exposure plane. This means  
19 that the height limit can vary depending on the  
20 building's position on the lot. So, the maximum  
21 street wall height is currently 25 feet. But,  
22 with the sky exposure plane, each additional foot  
23 the house is pushed back give it another foot in  
24 height. Now, the new zoning would set a maximum,  
25 a firm maximum, perimeter wall height of 25 feet,

1 which is actually based on current regulations.

2 And, it would set the maximum building height at  
3 35 feet, which is the standard maximum height for  
4 low density residential districts.  
5

6 With current floor area exemptions,  
7 if the ground floor has a garage, the entire floor  
8 area of the lower story can be exempted from FAR  
9 calculations. Under new zoning, the floor area  
10 exemption would be limited to 300 square feet for  
11 a one-car, and 500 square feet for a two-car  
12 garage.

13 And, the last major difference is  
14 maximum lot coverage, which would be increased to  
15 30%. This greater lot coverage we believe would  
16 allow more flexibility for new construction and  
17 renovation, but would still give the neighborhood  
18 the predictability and scale that it desires.

19 Thank you.

20 CHAIRPERSON AVELLA: Thank you.

21 Before I call on Council Member Katz, I would just  
22 like to recognize Ellen Ryan. Ellen, are you in  
23 the room? Ellen? Ellen, where is Ellen? Ellen,  
24 you know, has served as the Director of  
25 Governmental Affairs and Special Assistant to the

1  
2 Chair on the City Planning Commission. And, this  
3 is actually her last meeting. And, she's done a  
4 tremendous job. It's always been a pleasure  
5 working with you. And, I know I speak for the  
6 Chair of the Land Use Committee as well, and the  
7 Committee and the entire Council. But, you'll be  
8 missed.

9 ELLEN RYAN: Thank you.

10 CHAIRPERSON AVELLA: We want to  
11 thank you for your service. Council Member Katz.

12 COUNCIL MEMBER KATZ: Thank you,  
13 Mr. Chair. And, I want to thank City Planning for  
14 all the work that they did on this rezoning. I  
15 have to tell you this is one of the rezonings in  
16 my community that I don't believe I've spent more  
17 time on than this rezoning in my last seven and  
18 half years, at least in my own community. I end  
19 up spending all that time in other people's  
20 communities and their rezonings. But, this one  
21 has been, from day one of my Council seat, one of  
22 the things that we had been working on and working  
23 towards and talking with City Planning about.

24 I need to just thank City Planning.  
25 We have had, I have to tell you, dozens of

1  
2 meetings with every side of the community on this  
3 issue. We have moved forward. We have resolved  
4 misunderstandings. And, not everyone is extremely  
5 happy. And, that's always the case in a rezoning  
6 that goes forward. And, I know we'll be hearing  
7 from a few folks that are not happy with the  
8 rezoning and many that are.

9           But, just to be clear, this is an  
10 area that is residential buildings, relatively  
11 small houses in our community of Cord Myer. This  
12 is the original actual neighborhood of Forest  
13 Hills from, I believe it was 100-something years  
14 ago. This was the first community in the area of  
15 Forest Hills. Everything else was built around  
16 this. So, to keep some modicum of context for  
17 these houses is extremely important to us.

18           The interesting part about this is  
19 you know this rezoning was probably good because  
20 no one's happy. The folks that want to keep this  
21 neighborhood exactly the same think that I should  
22 have done more in making sure the houses were  
23 smaller. And, the folks that want to build the  
24 houses bigger, think that it's too much in making  
25 the neighborhood smaller. So, it is amazing that

1  
2 you can actually move forward in this context.

3 But, just for the record, many,  
4 many homes have been knocked down and built very,  
5 very large out-of-context. But, even with this  
6 rezoning, even after this rezoning, 90% of the  
7 homes that have already been put up, which are  
8 totally out of context, will actually be within  
9 the new zoning. So, it really does create  
10 predictability. And, I thank City Planning and  
11 our staff for all the work that they did. And, I  
12 look forward to hearing the testimony. Thank you.

13 CHAIRPERSON AVELLA: Thank you.

14 Any questions from Committee members? And, we'll  
15 move to the public testimony on this item. Oh,  
16 I'm sorry. Council Member Jackson.

17 COUNCIL MEMBER JACKSON: Thank you,  
18 Mr. Chair. I'm looking at the map, the color-  
19 coded map here. And, I see that this is a  
20 residential area of one-family detached homes and  
21 some two-family homes. But, I'm looking here in  
22 the middle of some of this yellow and I see a  
23 couple of dots of red, which indicate commercial  
24 office. And, my question is how did the  
25 commercial office get right in the middle of the



1 residential area? And, why is that, you know, how  
2 is that the case?

3  
4 JOHN YOUNG: Council Member, I  
5 think there's a mixture of red tones. Some are  
6 actually mixed residential and commercial and  
7 some, a few, are offices. But, as was pointed  
8 out, much of the building stock here actually has  
9 been built prior to even the 1961 zoning. And, as  
10 a consequence of that, those types of activities  
11 were grandfathered and they're allowed to remain  
12 even if the zoning would, today, not allow new  
13 offices to be developed there. So, those are  
14 grandfathered activities.

15 COUNCIL MEMBER JACKSON: So, some  
16 of these red commercial/office, like in the middle  
17 of, I think this is north of 70<sup>th</sup> Avenue, you have  
18 one or two red subdivisions there. Those were  
19 prior to the rezoning in the 1960 or '61? Or,  
20 were they after that?

21 JOHN YOUNG: That's correct. No,  
22 they all predate. And, again, a number are either  
23 offices on the ground floor, like a doctor's  
24 office and that type of use. And, some of the  
25 others were, again, just preexisting buildings

1  
2 that were there when the 1961 zoning was  
3 established.

4 COUNCIL MEMBER JACKSON: And, how  
5 many, I looked at the presentation by your  
6 colleague there, where she showed us the pictures  
7 of the R1-2 out-of-scale development and  
8 basically, this is what this rezoning is  
9 attempting to-- not attempting, that will stop and  
10 build more in-line with the bottom pictures, as  
11 indicated here. How many out-of-scale  
12 developments are in that rezoned area at this  
13 point in time?

14 JOHN YOUNG: As Council Member Katz  
15 noted, you know, we've been monitoring the recent  
16 developments, certainly since 2000, when the  
17 area's activity picked up. And, out of that,  
18 again, it's about 10%. It's a small handful.  
19 It's four or five, six of out of the about  
20 approximately 50 homes that have replaced  
21 preexisting homes.

22 COUNCIL MEMBER JACKSON: So, only  
23 about four or five or six, 10% of the-- of  
24 approximately 10% of those homes that have been  
25 replaced. Is that correct?

1  
2 JOHN YOUNG: That's correct.

3 COUNCIL MEMBER JACKSON: Okay.

4 Thank you, Mr. Chair.

5 CHAIRPERSON AVELLA: Any other  
6 questions? Seeing none, thank you. We'll move on  
7 to the public hearing aspect. I would ask the  
8 Sergeant at Arms if they could put up another  
9 chair at the dais. First panel, as always, we  
10 will call alternating panels; panels in favor, a  
11 panel in opposition. I ask that everybody keep to  
12 the three-minute time limit. I don't cut somebody  
13 off. But, three minutes is plenty enough time to  
14 express your opinion. The first panel will be a  
15 panel in favor, Diane Elkin [phonetic], Steve  
16 Goodman [phonetic], James Walsh and Henry Sealine  
17 [phonetic]. [Pause] You should do is state your  
18 name.

19 [Pause]

20 HENRY SEALINE: I wanted not to be  
21 the first because I was counting on it being  
22 rebuttal. But, anyway, it's very hard to be the  
23 first one. My name is Henry Sealine. I'm on the  
24 Board of the Old Forest Hills Association.

25 And, what I got to say is that I

1 think, I've been to the last two of these affairs.  
2 We are not unreasonable in our requests and what  
3 we would like to occur in this situation. In  
4 fact, I'm very friendly with all the Russians that  
5 are coming into the neighborhood. And, looking  
6 forward to the future, I think they are the future  
7 of this neighborhood. Their children and their  
8 grandchildren will probably outlast all of us.

9  
10 My house is as old as I am. And, I  
11 don't think it can last much longer. And, what  
12 they have done, the good part, is that they set a  
13 sales plateau on the selling prices of the houses  
14 that most people who have sold are very happy  
15 about that.

16 But, what we are unhappy with is  
17 what most people call monstrosities. And, I think  
18 that those people should be a little more feeling  
19 about the feelings of other people on the height  
20 of the houses, the floor plans, the floor ratios  
21 are perfectly well. And, they are kept and they  
22 are done well. And, the houses, for most part,  
23 are beautiful. But, a lot of people are against  
24 the heights because it takes away their sunshine.  
25 And, I think that they should be very happy with

1  
2 the way the proposals are being done now because  
3 if they look across the way and see Forest Hills  
4 Gardens, where you can't even put a nail into the  
5 wall, they should be very happy with what they are  
6 allowed to do in Cord Myer.

7 And, I don't think it's a hardship  
8 on their part. And, they should go ahead and obey  
9 whatever restrictions, and there are very few in  
10 my estimation. Thank you, gentlemen and ladies.

11 CHAIRPERSON AVELLA: And, if I can  
12 paraphrase, you support the application.

13 HENRY SEALINE: Pardon?

14 CHAIRPERSON AVELLA: You support  
15 the application?

16 HENRY SEALINE: Yes, I do.

17 CHAIRPERSON AVELLA: Okay.

18 DIANE ELKIN: Hello. My name is  
19 Diane Elkin and I represent the Woman's Club of  
20 Forest Hills. We have 275 members whose families  
21 reside in Forest Hills with some in Rego Park and  
22 Kew Gardens. I'm Chairman of the Community  
23 Affairs Chapter. And, I've been a resident of  
24 Forest Hills for more than 40 years. And, I'm  
25 here to let you know that our members support the

1  
2 proposal for the Cord Myer rezoning.

3           The Woman's Club of Forest Hills  
4 has been around since 1913. And, although we  
5 social and philanthropic events, we're basically  
6 also charged with bettering-- civic betterment and  
7 with promoting a generous public spirit in the  
8 community. And, for that reason, we have become  
9 aware of this rezoning. We welcome and support  
10 the need for appropriate rezoning in the Cord Myer  
11 area Forest Hills. In recent years, as they said,  
12 many beautiful single-family homes that are Tutor,  
13 Georgian and Cape Cod-style houses have been  
14 demolished and replaced with larger, taller  
15 structures that are totally out of scale with the  
16 surrounding neighborhood and inconsistent with the  
17 neighborhood's established character. The Cord  
18 Myer area of Forest Hills has, for decades, been  
19 an upper middle-class neighborhood, cherished by  
20 its residents for tranquility and charm.

21           Our members urge the Department of  
22 City Planning to resist the development pressure  
23 to gain exemptions from current outdated  
24 regulations that have allowed larger massive  
25 buildings, high surrounding property walls and the

1  
2 elimination of green space in front yards.

3           Last week, I walked through the  
4 Cord Myer neighborhood from 112<sup>th</sup> to 108<sup>th</sup> Street  
5 and along 68<sup>th</sup> Road, 68<sup>th</sup> Drive, 60<sup>th</sup> Avenue, Jewel  
6 Avenue and 70<sup>th</sup> Avenue. And, I took photographs of  
7 some of these oversized homes. Now, I couldn't  
8 see the presentation. But, if anyone is  
9 interested in seeing these, I'll pass them around.  
10 Basically, what I took pictures of are lawns paved  
11 over, cars parked in front of what were formerly  
12 front lawns, brick or stone walls surrounding  
13 large ostentatious homes that tower and shade  
14 neighboring homes, trees cut down. There is  
15 barely a blade of grass or a flower around these  
16 homes. Some of these new so-called single-family  
17 houses take up more than a single lot and resemble  
18 public buildings rather than homes consisting with  
19 the prevailing scale of the neighborhood.

20           So, our Woman's Club of Forest  
21 Hills applauds and endorses the proposed rezoning.  
22 Thank you.

23           STEVE GOODMAN: Thank you. My name  
24 is Steve Goodman. I've been a resident of Cord  
25 Myer for 26 years and a homeowner in the area for

1  
2 the past 17 years. Basically what I want to talk  
3 about today was, I mean, what we have in this  
4 neighborhood is a clash of cultures, more than  
5 anything else. People from totally different  
6 backgrounds, and it's not just Bukharans,  
7 basically learning to live together and to share a  
8 neighborhood. That's what New York City is all  
9 about. If you, as people have said, if you don't  
10 like change, live somewhere else because things  
11 are constantly changing. New people come and go.  
12 That's what New York City is all about.

13 But, as I see it, the key to  
14 achieving this balance and people being able to  
15 live together is compromise. And, that's really  
16 what this rezoning is all about, allowing people  
17 to bring their own cultural nuances and cultural  
18 designs. People are allowed to do that. And,  
19 but, also blending into the neighborhood in a  
20 better way, the existing neighborhood. Any one  
21 group not being allowed to just have it completely  
22 their way. The existing zoning laws have lots of  
23 loopholes that allow the building of larger houses  
24 than would really fit in. And, nobody thought  
25 about that before.



1  
2 As reported in the New York Times  
3 last July, there was this major article about how  
4 the Bukharan specifically like to build big, using  
5 every inch of their property to accommodate their  
6 large extended families. And, that's fine. But,  
7 when we talk about compromise, if we didn't have  
8 the zoning at all, any kind of zoning, what would  
9 happen? People would build five-story homes on  
10 two properties and have 50 family members all  
11 living under one roof. Or, they'd build a ten-  
12 story hotel that would accommodate all the people.  
13 Why not? The zoning allows things to be  
14 consistent with the tone of the neighborhood and  
15 the rezoning will just allow, to me, allow  
16 everybody to live together better. And,  
17 compromise is what it's all about.

18 JAMES WALSH: Chair Avella and  
19 Council Members, thank you for your time. I'm Jim  
20 Walsh, President of the Civic Association, the  
21 Association of Old Forest Hills. And, I want to  
22 thank our Councilperson and the City Planning for  
23 listening to our complaints.

24 We've seen this type of large  
25 construction start about ten years ago. And, in

1  
2 the beginning, it didn't look too bad. But, the  
3 houses have gotten bigger over the years. And,  
4 some of the houses are very nice. Some, nice  
5 shading of gray, sand-colored, nice window  
6 designs, nice rooftops. But, many of them are not  
7 appropriate for our area. Our largest lots are  
8 100 by 100 feet. And, most of our lots are 50 by  
9 100. A large house may look very nice on one or  
10 two acres. But, put it into a 50-acre lot in the  
11 middle of the street, it looks outlandish. On the  
12 corners, not too bad, because you have 100 by 100  
13 lots. But, in the middle of the street, they're  
14 out of scale.

15 And so, we've been fighting to get  
16 something done on the zoning because, as you know,  
17 the last zoning change was 50 years ago, more than  
18 50 years ago. So, we're glad that this has been  
19 done. We are glad that the yards text amendment  
20 was passed last year because not only were the  
21 houses too large in many instances, but the fences  
22 were too high; 6-foot fences on the street,  
23 particularly on a corner, if you had a fence on a  
24 corner, very high fence, you couldn't see traffic  
25 coming down the next street. And, some people are

1  
2 paving over their front, not too many, but some  
3 paved over their front yards. And, it took away  
4 some of the aesthetic view-ability of the area.

5 So, we're glad that that has been  
6 changed. Now, I see the new houses being built  
7 are putting in lawns and the fences will be  
8 shorter, smaller. So, this is definitely needed.  
9 This has been needed for years and we're glad that  
10 our representatives listened to us. And, I hope  
11 that this brings about more uniformity.

12 Although, we're not completely  
13 happy with this, as Mr. Young said. We would have  
14 preferred to have the attic count for the floor  
15 area ratio, which is what R2A did. But, it's the  
16 best we could do. And, we are living with it.  
17 And, we're happy for it. And, thank you for your  
18 time.

19 CHAIRPERSON AVELLA: Thank you.  
20 Now, we have a panel-- oh, I'm sorry. Council  
21 Member Jackson.

22 COUNCIL MEMBER JACKSON: Thank you.  
23 And, thank you for the opportunity to listen to  
24 you. And, I reviewed some of the pictures. But,  
25 I guess, sir, you had opened up by saying that

1  
2 some of the new neighbors, they're Russians and  
3 they're coming into the neighborhood and making  
4 changes and what have you and so forth. Are there  
5 only Russians that are coming in? Or, are there  
6 other people, Blacks, Hispanics, Asians, are they  
7 coming in also? Because I mean, you gave the  
8 impression there's only Russians that are coming  
9 in and I'm just asking a question.

10 HENRY SEALINE: I would say that  
11 they were 99% Russians.

12 COUNCIL MEMBER JACKSON: Okay.

13 HENRY SEALINE: Because it takes a  
14 certain amount of affluency to come into the  
15 neighborhood and spend the money that they are  
16 spending. We're talking about \$2 million houses.

17 COUNCIL MEMBER JACKSON: Okay.

18 HENRY SEALINE: And, I don't mean  
19 to be disrespectful to any other nationality.  
20 But, that happens to be the case.

21 COUNCIL MEMBER JACKSON: Okay.

22 Now, I was reading, someone had, as part of your  
23 position, brought in this article from the New  
24 York Times last year. And, I think that it opens  
25 up by saying that these are individuals that are

1  
2 buying these homes are part of a group that have  
3 come from a certain part of-- Jews from Central  
4 Asia. I'm just reading from the paper. And, that  
5 a big house is an essential tradition. A place to  
6 shelter multiple generations, to hold large  
7 parties, memorials and holiday dinners to reaffirm  
8 a community's unity. This is the opening  
9 paragraph. Is there a problem with that? As far  
10 as, you know, to preserve community unity and to  
11 have large parties and memorials for families and  
12 friends.

13 JAMES WALSH: Actually, we've heard  
14 this argument. And, we understand their position.  
15 They like high ceilinged houses. And, they have  
16 multi-generational people living in the home.  
17 However, our position is that the houses as now  
18 are allowed are quite large for our area. You're  
19 talking about a 35-foot house. Most houses in  
20 Queens are not close to 35 feet. And, you're  
21 talking about a pretty good size floor area ratio,  
22 not counting the attic. So, I think the houses  
23 that are allowed now under the zoning are fine for  
24 what most people would like to see happen. But,  
25 we can't allow out of scale. We can't just allow

1  
2 people to build as high as they want to. There  
3 has to be some limit.

4 COUNCIL MEMBER JACKSON: But, there  
5 is a limit. I mean, there's--

6 JAMES WALSH: [Interposing] There  
7 is a limit, yes.

8 COUNCIL MEMBER JACKSON: -- there's  
9 a zoning regulations and right now, my  
10 understanding they are within the zoning  
11 regulation. Is that true?

12 JAMES WALSH: Not all. You know,  
13 it's very difficult, sir, to tell the height of a  
14 home. That has to be done by the Buildings  
15 Department.

16 COUNCIL MEMBER JACKSON: Right.

17 JAMES WALSH: And, it's very  
18 difficult. You have to have a special builders  
19 tool that measures. It takes a measurement and  
20 these are quite expensive. And, I went down to  
21 the Buildings Department a couple years ago and I  
22 asked them about this. Are you checking the  
23 height of the houses, because some of the houses  
24 looked very tall? And, they told us that they  
25 only had one for the whole Department.

COUNCIL MEMBER JACKSON: Okay.

JAMES WALSH: And, I said this really should be checked. So, we actually went out, our organization, and bought one of these tools. And, it's difficult to do it correctly because the fence is in the way. But, we thought that, in some cases, the buildings were a little bit too high.

COUNCIL MEMBER JACKSON: Okay.

JAMES WALSH: But, that's tough to enforce, that rule.

COUNCIL MEMBER JACKSON: Right.

But, I assume that the houses are built. They have commenced. They've built within the zoning regulations. And, if not, it's up to the Department of Buildings in order to communicate to someone that it's too big and you have to take a certain footage down. I mean, they've done that in Manhattan on the upper west side where, upper east side, rather, where a developer had built some tall skyscraper and it was too high. And, they had them remove a couple of stories of the building.

JAMES WALSH: That's a good point.

1  
2 A couple of houses we did complain about. We got  
3 calls from our neighbors saying that house looks  
4 too big. And, we notified the Community Board.  
5 They notified the Buildings Department. And, in  
6 certain cases, we got houses stopped.

7 COUNCIL MEMBER JACKSON: Okay.

8 JAMES WALSH: The construction  
9 stopped. And, they had to do something on the  
10 roof. But, sometimes, to be honest with you, to  
11 do this job correctly, I could use three helpers  
12 fulltime.

13 COUNCIL MEMBER JACKSON: But, it--

14 JAMES WALSH: [Interposing] You  
15 know, to be honest with you, it's very difficult  
16 to watch every little violation. So, we try to  
17 pick the worst, we think is the worse cases.

18 COUNCIL MEMBER JACKSON: Right.

19 JAMES WALSH: We get calls. And,  
20 we did stop several houses where they had to  
21 delay, they delayed them for several months. And,  
22 they had to bring it down. But, once the house is  
23 built, I don't know if they're going to make a  
24 house smaller.

25 COUNCIL MEMBER JACKSON: What it



1  
2 appears to me is that the residents of that area  
3 are used to a certain style, a certain style of  
4 living and certain scale of homes. And, these new  
5 developments are not what you feel should be the  
6 case. But, the people that are building them,  
7 it's appropriate for them.

8 JAMES WALSH: Okay.

9 COUNCIL MEMBER JACKSON: Is that  
10 correct?

11 JAMES WALSH: No. I'm sorry.

12 COUNCIL MEMBER JACKSON: I'm sorry,  
13 am I--

14 JAMES WALSH: I'm sorry you got  
15 that--

16 COUNCIL MEMBER JACKSON: Okay. One  
17 second, sir. You're saying no, I'm incorrect?

18 JAMES WALSH: Some of the styles  
19 are very nice. They come in with different  
20 styles. They're different from the old Cape Cod  
21 and the Tutors.

22 COUNCIL MEMBER JACKSON: Right.

23 JAMES WALSH: They're different.  
24 They have balconies. They have large windows.

25 COUNCIL MEMBER JACKSON: They have

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walls and they paved, some of them paved--

JAMES WALSH: Yeah.

COUNCIL MEMBER JACKSON: -- their drive--

JAMES WALSH: [Interposing] Right. They're very pretty. Some of them are very quite pretty. Our objection is that they have to be within scale because we don't have-- most of our lots are 50 x 100. So, they can't take a big house.

COUNCIL MEMBER JACKSON: Okay. So, okay, so, all right. I get it. So, thank you very much. I appreciate it.

CHAIRPERSON AVELLA: Thank you. The next panel is a panel in opposition, Albert Dayan [phonetic], and Varder [phonetic], and forgive me for mispronouncing it, Mishari [phonetic], Mizari [phonetic], Mizari. [Pause] Only see one person up. Is the other person here? No? Okay.

[Pause]

ALBERT DAYAN: Thank you. My name is Albert Dayan. I am a general counsel for the Bukharan Jewish Congress, the majority of the new

1  
2 home purchases in Forest Hills Cord Myer area. I  
3 am also a homeowner. In fact, I own two lots in  
4 Cord Myer area.

5           The basis of this rezoning, the  
6 basis of this rezoning has no issue in increase of  
7 value. It does not propose any development. As  
8 has been outlined, it's just purely character.  
9 The issue of the Old Forest Hills Association is  
10 that these new immigrants, who are not Russian, I  
11 just want to correct. We are Jews from the from  
12 former Soviet Union, country Uzbekistan, that was  
13 occupied by Russia, part of the former Soviet  
14 Union.

15           So, what we bring is change. But,  
16 character of this great country of ours has always  
17 been change. With every generation, new  
18 immigrants come in and they always bring change.  
19 And, this change makes our economy prosper. You  
20 go to Flushing, for example, you have these stores  
21 that are opening up every day with the Koreans,  
22 with the Chinese immigrants. You go to Forest  
23 Hills, Rego Park, our people have brought in so  
24 much productivity and so much prosperity to the  
25 neighborhood. And, we really do appreciate what

1  
2 the Association of the Old Forest Hills has done  
3 and kept our neighborhood clean and the way it  
4 has.

5 But, we are looking for a  
6 compromise. See, there are present regulations in  
7 zoning. And, if anybody builds outside those  
8 zoning regulations, they should be prevented from  
9 continuing to build further. The new proposed  
10 change is one, restriction of height of 35 feet.  
11 We do not oppose that. But, we do not want to be  
12 limited to a 25-foot outer wall because from there  
13 on, they're forcing us, indirectly, to build in  
14 Cape Cod and Tutor style. We don't want to do  
15 that. If we want to, if they want to let us build  
16 at 35 feet, we want to take a straight wall up to  
17 35 feet. If we want to work hard and make  
18 tremendous sacrifices in this country to ourselves  
19 and to our families and we want to invest into  
20 real property and we want to live large, as is the  
21 American Dream, no one should be able to tell us  
22 that we can only have eight-foot ceilings or nine-  
23 foot ceilings, when we want to have ceilings as  
24 high as this hall, especially if we're purchasing  
25 property that's a million dollars for property.

1  
2 An additional million and change to build  
3 beautiful homes. That is the American Dream.

4 You see, what's happening here is a  
5 reoccurring theme from history. It's always the  
6 old established ways that don't want any change.  
7 They want to prevent change. But, change is what  
8 made America great in the last 200 years. We have  
9 grown faster economically than any other European  
10 country in the last 200 years because we prosper  
11 because of change.

12 We're not asking for something  
13 extraordinary. They don't want us to cement our  
14 front lawns, fine. They want us to not to cut  
15 down trees, fine. They want to cap the homes at  
16 35 feet, fine. We're willing to compromise with  
17 all of that. But, do not tell us to build in Cape  
18 Cod if we want to build in Jerusalem style. That  
19 is what we want to do. And, that is what America  
20 allows us to do. I mean, I have so much to say.  
21 But, three minutes is... And, my three minutes  
22 are up?

23 CHAIRPERSON AVELLA: Your three  
24 minutes are up. You can always submit something  
25 in writing.

1  
2 ALBERT DAYAN: And, I just want to,  
3 just one issue, please. I know that the--

4 CHAIRPERSON AVELLA: You're already  
5 well beyond. I mean, does she want to speak? If  
6 she doesn't want...

7 VARDA MIZRAKI: Just couple of  
8 word, if he wants to continue.

9 CHAIRPERSON AVELLA: But, if I do  
10 that, then I have to let everybody do that. And,  
11 I can't. There are certain rules--

12 VARDA MIZRAKI: You want to talk?

13 CHAIRPERSON AVELLA: -- which we  
14 follow.

15 VARDA MIZRAKI: Okay.

16 ALBERT DAYAN: I mean, I do  
17 appreciate the many meetings that we've-- Oh, yes--  
18 -

19 CHAIRPERSON AVELLA: She's speaking  
20 or what?

21 ALBERT DAYAN: She wants to let me  
22 speak.

23 CHAIRPERSON AVELLA: You can't do  
24 that.

25 ALBERT DAYAN: You can't do that.

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CHAIRPERSON AVELLA: Can't do that.

ALBERT DAYAN: All right. So, you have to speak. I apologize.

VARDA MIZRAKI: Okay.

CHAIRPERSON AVELLA: Because otherwise people would just sign up and one person would keep speaking. Can't do it.

VARDA MIZRAKI: My name is Varda Mizraki [phonetic]. I just want to say that if the zoning will be changed, I think the value of the houses will go more down. And, I don't think it's fair for the owner. That's all I wanted to say. Thank you.

CHAIRPERSON AVELLA: The only thing I can tell you is where we've done rezonings like this, the property values have not been affected.

VARDA MIZRAKI: I think it's where-  
-

CHAIRPERSON AVELLA: You can say the property values have been affected by the overall economic situation of the country. But, I can tell you it has never been a situation, to my knowledge, since we've been doing these rezonings, that property values have gone down.

1  
2                   VARDA MIZRAKI: It's already  
3 starting to go down.

4                   CHAIRPERSON AVELLA: But, that has  
5 nothing to do with the rezoning. It has to do  
6 with the economic situation in the country. The  
7 two are not related. And, that's been the  
8 experience. That's why people are supporting  
9 this. I don't think any member of this Committee  
10 would support a rezoning if it meant that people's  
11 property value was going to evaporate. That has  
12 never been the case. That is not the case.

13                  VARDA MIZRAKI: In my opinion, it  
14 will go down if they change the zoning.

15                  CHAIRPERSON AVELLA: Well, and  
16 you're entitled to your opinion. I'm just telling  
17 you that has not been the case.

18                  ALBERT DAYAN: But, before you  
19 decide [crosstalk]--

20                  VARDA MIZRAKI: [Interposing] And,  
21 you know we didn't even know about it.

22                  ALBERT DAYAN: Before you--

23                  VARDA MIZRAKI: I mean, [off-mic]--

24                  ALBERT DAYAN: [Interposing] Before  
25 you decide today--



1  
2           VARDA MIZRAKI:  -- that they change  
3 the zoning.

4           ALBERT DAYAN:  Before you decide  
5 today, can you have an expert look at the  
6 properties and see that the properties will  
7 diminish in price by 30 to 40%.  Not one Russian  
8 immigrant family will invest a billion and change  
9 into 50 by 100 lot if they know that they cannot  
10 build to their desires.  I wouldn't.

11           CHAIRPERSON AVELLA:  And, that  
12 would be your choice.  Any questions?  Thank you.  
13 Next panel is Doris Sucub [phonetic], am I  
14 pronouncing it right?  Alan--

15           ALAN BROWNSCHWEIGER:  
16 Brownschweiger [phonetic].

17           CHAIRPERSON AVELLA:  Okay.  Thanks.  
18 It's bad enough with my cold.  Steven Cashub  
19 [phonetic], Susan Peppertone [phonetic].

20           [PAUSE]

21           DORIS SUCUB:  -- Sucub.  I'm a  
22 member of the Old Forest Hills Association and a  
23 long time resident of the Cord Myer section since  
24 1951.  I was raised here.  I believe the scale of  
25 the new homes diminishes the neighborhood, as well

1  
2 as the lack of greenery that prevails. And, I  
3 believe the new proposed zoning is moderate, yet  
4 substantial and would be fair for everybody.

5 Thank you.

6 ALAN BROWNSCHWEIGER: Good morning,  
7 Mr. Chairman and members of the Committee. My  
8 name is Alan Brownschweiger. And, I live in Cord  
9 Myer. I'm a Vice President of the Association of  
10 Old Forest Hills. I've lived in the neighborhood  
11 for 42 years and brought my children up.

12 To answer the gentleman that was  
13 opposed, when I moved into my house, well, after I  
14 moved into my house, I had three children and my  
15 mother-in-law in a small Cape Cod, three-bedroom  
16 house with one complete bath and one half bath.  
17 We survived. We had family gatherings and very  
18 large dinners at times.

19 I'd like to remind the panel also  
20 that the chopping down of trees and the  
21 elimination of grass, we are a three or four or  
22 five blocks away from the wetlands in Flushing  
23 Meadow Park, which is a bird sanctuary. And, they  
24 do have many different kinds of birds, which  
25 thrive and fly in the neighborhood and feed.

1  
2 [Pause]

3 Oh, okay. The neighborhood  
4 characteristics have changed by the building of  
5 these very large structures. The sunshine, as has  
6 been stated, has been eliminated in many areas.  
7 And, I would like the compromise, although I would  
8 have liked to go a little bit further, but can  
9 live with the compromise. And, I believe that the  
10 other side could also live with the compromise,  
11 because it does meet their needs.

12 Thank you very much for your time  
13 and attention. And, I'd like to thank Melinda  
14 Katz for all the work she has put in on this very  
15 much.

16 STEVEN CASHUB: Good morning,  
17 everybody. My name is Steven Cashub. And, I'm a  
18 neighborhood resident, who's here to testify in  
19 favor of the proposed rezoning plan for Cord Myer.

20 Although I think that it is  
21 unfortunately too little and too late to save the  
22 neighborhood from the very noticeable  
23 transformation and significant damage to its  
24 physical environments that has already occurred.  
25 I think that we should have been where we are now

1  
2 at least ten years ago. Instead, there were years  
3 of inaction and lack of organized action that were  
4 dismaying, heartbreaking and frustrating to me.  
5 Nevertheless, I think that the City of New York  
6 should do something instead of nothing to attempt  
7 to protect the neighborhood from the damage that  
8 even as I speak here this morning continues  
9 unabated all over the neighborhood.

10 I have lived in Forest Hills and  
11 its Cord Myer neighborhood for exactly 25 years,  
12 since the early summer of 1984. After that, I  
13 always enjoyed showing the neighborhood in my car  
14 to family members and friends, including ones  
15 living in Manhattan, when they would be visiting  
16 me. And, they all took delight in seeing a large  
17 lush and leafy suburban-looking gem of a  
18 neighborhood within New York City, just seven  
19 miles from midtown Manhattan.

20 Then, in the early 1990s, I noticed  
21 the first house that was drastically different.  
22 Being an American-born person with a suburban  
23 American upbringing, I did not understand or know  
24 what to make of this house, except that I thought  
25 that it was, the house and the property were

1  
2 fortress-looking.

3                   In the mid-1990s, including on a  
4 property directly across the street from me, and  
5 certainly by the late 1990s, it became very clear  
6 what was happening, as house after house, lovely  
7 old homes, including English Tutors, a housing  
8 style for which Forest Hills is renowned, and  
9 Dutch Colonials and Georgian Colonials were being  
10 torn down or gutted with the trees on the  
11 properties going down with the houses to simply be  
12 replaced by a large, boxy, aesthetically confusing  
13 and questionable, to be kind, modern showplace  
14 houses out of character and proportion to the  
15 houses around them.

16                   CHAIRPERSON AVELLA: [Off mic] You  
17 can sum up.

18                   STEVEN CASHUB: Okay. I just want  
19 to add that, in addition to these houses, making  
20 the situation worse is that many of these homes  
21 have had their properties surrounded, as has  
22 already been mentioned, by tall, brick and  
23 concrete and sometimes metal, too, fences,  
24 blocking any views of lawns, shrubs or other  
25 greenery, if any have remained on the property.

1  
2 And, the houses have been conspicuously adorned or  
3 accessorized, shall we say, with very, very showy  
4 details, such as tall columns, statues of little  
5 kneeling lions.

6 CHAIRPERSON AVELLA: I gave you the  
7 option to do a concluding sentence.

8 STEVEN CASHUB: I'm sorry.

9 CHAIRPERSON AVELLA: I didn't give  
10 you the option to keep going on. Now, I'm cutting  
11 you off.

12 STEVEN CASHUB: I'm sorry.

13 CHAIRPERSON AVELLA: Okay. Next  
14 speaker.

15 SUSAN PEPPERTONE: Good morning,  
16 everyone. My name is Susan Peppertone. I'm a  
17 resident of Forest Hills for the last I believe 15  
18 years. And, I'm also a member of the Forest Hills  
19 Homeowners Association.

20 What's going on in the  
21 neighborhood, and specifically what's going on  
22 right around me is that these huge houses are  
23 going up. They're so huge for the plot of land  
24 that they interfere with my personal quiet and  
25 enjoyment in my home. They build so far out in

1  
2 the back that I can now look into my neighbor's  
3 kitchen and wave hello and really just, I have  
4 lost my privacy.

5 My other neighbor enjoys playing  
6 the drums. And, he is so close to me that I hear  
7 his drum playing every day. When I ask my  
8 neighbors to please stop doing this, they tell me  
9 sorry, they can't. That's why they built this big  
10 huge house so that they could enjoy themselves in  
11 it. So, there's little regard for their neighbors  
12 as from what I can see.

13 My next point is that these homes  
14 are so huge that they require impinging upon other  
15 people's property to build them. And, if that is,  
16 in fact, the case, if I have to run to Court to  
17 get a TRO to stop this building, so that they can  
18 stop using my land so that they can build their  
19 house, that's an imposition on me. And, that's  
20 absolutely not fair.

21 My third point is that this new  
22 proposal allows for larger homes. And, this is  
23 really large enough. Thank you.

24 CHAIRPERSON AVELLA: Thank you.  
25 Council Member Jackson has a question.

1  
2 COUNCIL MEMBER JACKSON: Thank you.  
3 Sir, didn't catch your name. But, my question is  
4 addressed to you. I'm an American-born citizen  
5 also. But, my wife is an immigrant. She  
6 immigrated from Tanzania in East Africa. But,  
7 she's an American citizen also. I was just, what  
8 is the damage to the physical environment that you  
9 allege in your testimony? And, there was  
10 insinuations in your testimony because maybe these  
11 individuals are not American-born citizens, I  
12 sense some sort of either objection to the fact  
13 that they may be recent immigrants that are  
14 building what many people may deem to be the  
15 American Dream.

16 And so, I'm trying to listen and  
17 understand. But, in listening to some of the  
18 testimony, I'm getting pretty annoyed. Let me  
19 just be quite frank with you, because it hints of  
20 racism and discrimination, in my opinion. I may  
21 be wrong. I may be wrong. But, that's the  
22 feeling that I'm getting. So, I want to know from  
23 you, was there anything hidden in the fact that  
24 you said that you're an American born here in the  
25 United States versus someone that has immigrated



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here? That's number one.

And, number two, what physical space has been damaged when someone builds according to the zoning laws that are currently in existed?

STEVE CASHUB: I think you misunderstood my remark.

COUNCIL MEMBER JACKSON: Maybe I did. That's why I asked for--

SCOTT CASHUB: When I said--

COUNCIL MEMBER JACKSON: -- clarification.

SCOTT CASHUB: -- that in the early 1990s, I noticed the first house in the neighborhood that was drastically different. I said I, as an American-born person with a suburban American upbringing didn't understand or know what to make of it. That was because I had never seen a home and a property like this before. I had no idea who bought the house that was on the lot before to tear it down to replace it with the new house. I had no idea who or what they were. And, in fact, I had never even heard of Bukharan Jews until a few years ago. I had no idea who these

1  
2 people were. It didn't matter to me. What  
3 mattered to me is that the physical environment of  
4 the neighborhood was being changed, as well as the  
5 aesthetic of the neighborhood. There's no racism.  
6 My parents, as a matter of fact, are foreign-born  
7 people.

8 COUNCIL MEMBER JACKSON: Thank you.

9 SCOTT CASHUB: You're welcome.

10 SUSAN PEPPERTONE: I'm going to  
11 respond to that as well.

12 COUNCIL MEMBER JACKSON: Please.  
13 Just identify yourself, if you don't mind.

14 SUSAN PEPPERTONE: Susan  
15 Peppertone. My husband is actually a foreign-born  
16 as well. He was born in China. I actually feel  
17 that the racism is on the other side; that it's  
18 not on this side. That the--

19 COUNCIL MEMBER JACKSON:  
20 [Interposing] What do you mean on the other side?

21 SUSAN PEPPERTONE: Well, that this  
22 concept of being friendly to your neighbor is  
23 nonexistent. That's--

24 COUNCIL MEMBER JACKSON:  
25 Nonexistent where? I'm sorry. With whom?

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SUSAN PEPPERTONE: Nonexistent where the property owner who wants to build a huge house can then feel that they have every right to impinge on my property. That there's no consideration for the neighbor.

COUNCIL MEMBER JACKSON: Okay. I think, in your testimony, you had mentioned that where in order to build-out their property, they're coming on your land to do that. And, you had--

SUSAN PEPPERTONE: [Interposing] Yeah.

COUNCIL MEMBER JACKSON: -- to go-- did you have to go get a temporary restraining order in order to stop them from impinging on your property?

SUSAN PEPPERTONE: No. But, this is what people should do. This--

COUNCIL MEMBER JACKSON: [Interposing] Because I would agree with--

SUSAN PEPPERTONE: I haven't.

COUNCIL MEMBER JACKSON: -- you that no one should have to come onto your property to build out their property, not unless, you know,

1  
2 there's a sewer line that connects to the home or  
3 something like that. That's a little different.

4 You know what I mean?

5 SUSAN PEPPERTONE: Many, many of  
6 the buildings that's what's happening, that  
7 they're going onto their neighbors property so  
8 that they can build. They just can't do it. They  
9 use every portion of that land--

10 COUNCIL MEMBER JACKSON: Okay.

11 SUSAN PEPPERTONE: -- that they  
12 can't build without going on to someone else's  
13 property.

14 COUNCIL MEMBER JACKSON: Okay.

15 Thank you. I mean, I've already received a  
16 response from the people I directed it to. Thank  
17 you.

18 CHAIRPERSON AVELLA: Thank you.

19 The last panel in favor, the District Manager  
20 Community Board 6 and we also have Pat Dolan from  
21 Queens Civic Congress.

22 [Pause]

23 FRANK GULLUSCIO: Thank you,  
24 Councilman Avella. Good morning, members of the  
25 panel. My name is Frank Gulluscio. And, I am the

1  
2 District Manager of Community Board 6, which  
3 covers Rego Park and Forest Hills, Queens, which  
4 is one of the most diverse counties in New York  
5 City. We have one of the largest senior  
6 populations, also, in New York City at Community  
7 Board 6.

8 With regard to a statement that was  
9 made a little while ago that we did not reach out  
10 to the community, this particular zoning issue was  
11 reported in every media outlet you could possibly  
12 think of. We had meetings for about a year and a  
13 half, maybe more, with the Council Member and the  
14 community. So, it was an ongoing issue. There  
15 was nothing secretive about this at all. The date  
16 of the Community Board 6 public meeting was on  
17 March 11<sup>th</sup>, '09. We did have a quorum present.  
18 And, when the Chair did call for a vote, the vote  
19 was in favor, 29; against, two. So, it was  
20 approved and sent on its merry way on March 11<sup>th</sup>,  
21 2009 in favor of. Thank you.

22 PATRICIA DOLAN: Good morning. I  
23 am Patricia Dolan. I'm the Executive Vice  
24 President of the Queens Civic Congress, an  
25 umbrella organization of more than 110 community

1  
2 and neighborhood associations representing  
3 tenants, business owners, co-op and condo owners  
4 and homeowners living in every part of Queens.  
5 I'm also the President of the Kew Gardens Hills  
6 Civic Association. And, I want to thank you for  
7 the opportunity to be here this morning and  
8 discuss the application for the rezoning of Cord  
9 Myer.

10 Since its founding, the Queens  
11 Civic Congress has made neighborhood preservation  
12 and contextual zoning a key part of our civic  
13 advocacy. So, we are especially pleased to be  
14 here in support of the Association of Old Forest  
15 Hills and the residents of Forest Hills who have  
16 strived for so long for more accurate contextual  
17 zoning for their neighborhood. Forest Hills  
18 waited almost ten years for the action the  
19 Council's considering today.

20 The long-awaited R1-2A zone, which  
21 the Congress supported for the last five years,  
22 adds another critically needed element to the  
23 planning and zoning toolbox that the City's lower  
24 density neighborhoods need if they're to preserve  
25 their unique and irreplaceable character. The

1  
2 Forest Hills rezoning utilizing this new zone  
3 presented challenges which City planners and  
4 community leaders overcame. They have created a  
5 zoning plan that serves residents and allows for  
6 orderly growth. And, I emphasize orderly because  
7 that's what this is all about.

8 Every step of the way, planners and  
9 civic advocates consulted their neighbors and the  
10 larger community. The new zoning allows existing  
11 building, even those painfully out of context, to  
12 remain in place while preserving the generous  
13 traditional FAR that has long marked local  
14 development in this extraordinary neighborhood.

15 I would just like to insert in my  
16 testimony the following. I have sat through the  
17 review of more than 40 rezonings in the Borough of  
18 Queens that went through the Borough President's  
19 Zoning Task Force, which is a unique group, which  
20 no other borough has. Never, in those 40  
21 rezonings, have I seen any kind of discussion  
22 about the ethnic makeup of the neighborhoods under  
23 rezoning plans. And, I'm including neighborhoods  
24 in Queens that have the same makeup that the Cord  
25 Myer area in Forest Hills does, specifically the

1  
2 Utopia Fresh Meadows rezoning, which this  
3 Committee supported a few years ago, which did  
4 essentially the same thing that this zoning does.  
5 In the Fresh Meadows rezoning, the issue was to  
6 lower, to put in certain controls in the R2 under  
7 a new zone called the R2A.

8 This zoning does much the same  
9 thing on the larger lots that characterize the  
10 Cord Myer area. There's no racism here. This is  
11 all about buildings and houses that are just too  
12 big for the lots that they've been built on and  
13 that the neighbors just cannot countenance.

14 The Queens Civic Congress wishes to  
15 thank Borough President Marshall for her  
16 leadership, which has preserved almost 40 Queens  
17 neighborhoods and is a model for the other  
18 boroughs. And, we extend special thanks to John  
19 Young, Director the Queens Office of City  
20 Planning--

21 CHAIRPERSON AVELLA: Pat.

22 PATRICIA DOLAN: -- and his team.

23 CHAIRPERSON AVELLA: Pat, you have  
24 to sum up.

25 PATRICIA DOLAN: And, I also want



1  
2 to thank Councilman Katz for her steadfast help  
3 in this issue. Thank you very much.

4 CHAIRPERSON AVELLA: Council Member  
5 Jackson.

6 COUNCIL MEMBER JACKSON: Thank you.  
7 Frank, good afternoon. Good morning, Frank. How  
8 you doing? Frank--

9 FRANK GULLUSCIO: Okay.

10 COUNCIL MEMBER JACKSON: -- the  
11 Community Board, my understanding, I had asked the  
12 question whether or not there was unanimous vote  
13 and there was not. My understanding that two  
14 members of the Board, I think, voted against the  
15 proposal.

16 FRANK GULLUSCIO: That is correct.

17 COUNCIL MEMBER JACKSON: What was  
18 their objections to the proposal?

19 FRANK GULLUSCIO: I don't recall  
20 their objections at this point in time. But, I  
21 could certainly have it researched and sent to you  
22 if you like.

23 COUNCIL MEMBER JACKSON: Yeah. You  
24 could just e-mail me if you don't mind.

25 FRANK GULLUSCIO: Oh, okay. I will

1  
2 do that. I don't want to say on the record 'cause  
3 I'm not totally sure.

4 COUNCIL MEMBER JACKSON: Okay.

5 Okay. And, I have a question for you, Miss. You  
6 had mentioned that there was other rezonings that  
7 we did and the neighborhood was just as--

8 PATRICIA DOLAN: Diverse.

9 COUNCIL MEMBER JACKSON: --  
10 ethnically, I guess, the same or...

11 PATRICIA DOLAN: Much the same.

12 COUNCIL MEMBER JACKSON: Okay.

13 And, can you tell me the ethnic diversity of the  
14 neighborhood, if you don't mind? And, compare  
15 that to--

16 PATRICIA DOLAN: [Interposing] In  
17 the Fresh--

18 COUNCIL MEMBER JACKSON: Let me  
19 finish. Let me finish, please. And then, give me  
20 the one that you cited in your example. What's  
21 the--

22 PATRICIA DOLAN: I--

23 COUNCIL MEMBER JACKSON: -- ethnic  
24 diversity of this neighborhood?

25 PATRICIA DOLAN: They are well

1  
2 mixed neighborhoods, just as most neighborhoods in  
3 Queens are. And, I was referring to the Fresh  
4 Meadows Utopia rezoning, which took it, as I  
5 recollect, almost a thousand lots. It took in  
6 several hundred blocks, as a matter of fact. And,  
7 the ethnic mix was substantially, it was very  
8 diverse with a large percentage of people, of  
9 residents from the former Soviet Union,  
10 specifically, Bukharans, who I might add, did not  
11 object to the rezoning.

12 COUNCIL MEMBER JACKSON: You mean,  
13 the rezoning that you referred to.

14 PATRICIA DOLAN: In Fresh Meadows  
15 Utopia.

16 COUNCIL MEMBER JACKSON: And so, in  
17 essence, that neighborhood, that rezoning that  
18 took place before, the ethnic mix of that  
19 neighborhood basically somewhat mirrors the same  
20 ethnic mix--

21 PATRICIA DOLAN: [Interposing] I  
22 would say that--

23 COUNCIL MEMBER JACKSON: -- of this  
24 neighborhood that's--

25 PATRICIA DOLAN: [Interposing] I

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think that's--

COUNCIL MEMBER JACKSON: --

currently--

PATRICIA DOLAN: I think that's a fair conclusion.

COUNCIL MEMBER JACKSON: Okay.

PATRICIA DOLAN: But, the issue of the ethnicity in that community never was raised--

COUNCIL MEMBER JACKSON: Okay.

PATRICIA DOLAN: -- in the review process.

COUNCIL MEMBER JACKSON: Well, in my opinion, I sense underlines of raising that as an issue here based on their ethnicity and their culture and some of their, you know, their values as far as the way they see their home to be built, versus the way that many residents object. They feel it's fine. So, different cultures--

PATRICIA DOLAN: [Interposing]  
Councilman Jackson--

COUNCIL MEMBER JACKSON: -- and what have you.

PATRICIA DOLAN: -- my grandparents came from Ireland almost 100 years ago.

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COUNCIL MEMBER JACKSON: Yes.

PATRICIA DOLAN: They did not try to build sod houses to replicate what they were living in in the old country.

COUNCIL MEMBER JACKSON: But, if they did, it would be okay, wouldn't it?

PATRICIA DOLAN: I don't believe so.

COUNCIL MEMBER JACKSON: Why not?

PATRICIA DOLAN: We have zoning rules here in the City of New York that we should be proud of. They have preserved our neighborhoods. They have stabilized our neighborhoods.

COUNCIL MEMBER JACKSON: Okay.

PATRICIA DOLAN: And, that's what this discussion should be all about.

COUNCIL MEMBER JACKSON: And, I agree with you. But, currently, all of those homes are within the zone, though. So, for people that indicate that they're--

PATRICIA DOLAN: [Interposing]  
Given--

COUNCIL MEMBER JACKSON: I'm sorry.

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Excuse me. Let me--

PATRICIA DOLAN: -- the sorry--

COUNCIL MEMBER JACKSON: Can I finish, if you don't mind? And, I'm not going to talk over you. I wish you don't talk over me, if you don't mind. I mean, you said your parents came from Ireland and, you know. My mother was born of slaves. And, my grandparents were from Athens, Georgia. And, going back several generations, the slave owners down there owned most of the blacks down there. And, I'm saying to you that I don't know what it was. United States has always been my home. But, if the culture of individuals want their homes to be big and some people may think that the bigness is gaudiness and with statues, so be it. As long as within the zone.

Now, you have a proposal that the Community Board wants, that the Borough President agreed to, that the City Planning agrees to and, my understanding, Melinda Katz, the Council Member also agrees with it and it is in front of us. And, maybe no one asked these questions like I'm asking them. But, you know one thing, it is my

1  
2 right and duty to ask these questions of you and  
3 everyone else in order to ensure that my vote,  
4 whatever way I vote, is the way I feel based on  
5 all of the information that I have.

6 So, I'm just asking for  
7 clarification, because you are the one that raised  
8 the ethnic diversity of this zoned area is similar  
9 to the one, an area that was zoned before. And, I  
10 just asked for clarification on that. I didn't  
11 know what you meant by that when you made that  
12 statement. But, you clarified that. And, I  
13 appreciate your response. Thank you very much.

14 CHAIRPERSON AVELLA: We have one  
15 other person who is signed up to speak in the  
16 interim, Aaron, and I can't pronounce your last  
17 name. Aaron, you want to come up, in opposition.  
18 [Pause] And, following the last testimony, Council  
19 Member Katz would like to make a statement and  
20 actually, so would I.

21 AARON BOROGOFF: Good morning.

22 CHAIRPERSON AVELLA: Go ahead, sir.

23 AARON BOROGOFF: The last name is  
24 Borogoff [phonetic]. My name is Aaron Borogoff.  
25 And, I'm a member of a Bukharan Jewish community

1  
2 that was mentioned several times today. And, by  
3 way of a background, our community numerates close  
4 to 50,000 members, mostly living in Rego Park, Kew  
5 Gardens and Forest Hills. As a matter of fact,  
6 Cord Myer area, which the zoning in question  
7 intends to affect, mostly occupied by Bukharan  
8 Jews.

9  
10 Now, it is important because the  
11 officials of City Planning office and Councilwoman  
12 Melinda Katz' office mentioned that this proposed  
13 rezoning is being issued to address concerns of  
14 the community. Now, if Bukharan Jewish community  
15 is most of the community, then whose concerns are  
16 we addressing here? We have also heard several  
17 times today and in the past meetings, hearings,  
18 that notices of hearings were sent to people in  
19 the community so they could raise their voices and  
20 opinions, or positions with respect to zoning in  
the past.

21  
22 Personally, I live in Forest Hills  
23 for 15 years. And, I have a lot of clients and  
24 compatriots in that area, as I said earlier. None  
25 of them receive the meeting. We all learn about  
the meetings post fact. So, we didn't have a



1  
2 chance to raise or voice our concerns timely, at  
3 least.

4 In addition, I am a real estate  
5 attorney. I practice real estate law in the area.  
6 The value in today's economy where prices are  
7 going down, where people losing their properties  
8 to foreclosure, we have to be concerned about  
9 keeping the home values in the area. This  
10 particular rezoning will affect the values. We  
11 have a lot of homeowners that bought properties in  
12 the area, demolished properties and have plans  
13 approved. Now, this rezoning, this particular  
14 act, you know, will affect them detrimentally, you  
15 know. They invested millions of dollars in  
16 properties and now, what do they do with those  
17 properties?

18 Now, we also been told, and I guess  
19 Miss Katz should be, this question should be  
20 addressed to Miss Katz, if you are to keep the  
21 character in the neighborhood the same everywhere,  
22 then it should really be such, you know. And, I  
23 think, Councilwoman Katz, you were, so to speak,  
24 the frontrunner of the condominium building built  
25 on Austin Street, known as Windsor Tower. And,

1  
2 this building is 22-plus stories high. It is  
3 completely out of character. Completely out of  
4 character. Notwithstanding the fact you assisted  
5 the developer in putting that building together.

6 So, you know, even if the law  
7 doesn't have underlying affect to the Bukharan  
8 Jewish community, it affects only Bukharan Jewish  
9 community. I personally don't know any other  
10 community member that builds in that area. Okay.  
11 The law will affect only Bukharan Jewish  
12 community. There's no other development going on.

13 CHAIRPERSON AVELLA: Please sum up,  
14 sir.

15 AARON BOROGOFF: The current zoning  
16 that we have on the property is complied with by  
17 the current residents. The current zoning is not  
18 violated by the current residents. It should  
19 stand. It should stand because there's no need to  
20 change it as it is right now. If the property, as  
21 it is erected, impedes on other person's property,  
22 then this property has to be changed to make sure  
23 it doesn't. Please consider this, all of these  
24 facts at the face value. And, please do the right  
25 thing. Thank you.

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CHAIRPERSON AVELLA: Thank you.  
Council Member Katz.

COUNCIL MEMBER KATZ: I want to  
thank you, Mr. Chair, and thank really every-- I  
think we're done, right?

CHAIRPERSON AVELLA: Yes. We're  
done, sir. Thank you. And, that will close the  
public hearing aspect of this item.

COUNCIL MEMBER KATZ: I want to  
thank the Committee members for their patience  
during the testimony and also thank the community,  
both from the Bukharan community that came out.  
Albert and I have met God knows how many times  
over the last few months. And, even though we  
disagree on issues, we have become friends. And,  
very good thank you to Forest Hills, the Old  
Forest Hills, as well.

Mr. Chair, I just wanted to clarify  
some of the issues that have been brought up here  
today. First of all, there is no height limit  
right now on the zoning. What happens is that  
it's only a sky exposure plane. There are many  
buildings that have gone up to about, I think it's  
37, 38 feet, which is clearly, clearly out of

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context with the rest of the community.

The other thing that my colleagues should know is that with this rezoning, it is still 98% in conformity, 98% in conformity. And, the large buildings that were put up, only 10% of those will actually be out of conformity for the new zoning. So, it definitely gives a lot of leeway to everyone and anyone who may want to build a larger home.

The other clarification I'd like to make is much to the dismay of most of my constituents, or some of my constituents, who may want this rezoning, it will not affect the aesthetics. It will not affect statues. And, it will not affect the color. And, it will not affect the stone that's used. This will simply affect the height, the rear yards and the amount of percentage that can be filled when there is a building to be built.

The other issue I guess, I don't know the last speaker spoke about a building that went up that was 220 feet. I don't know which building that is. The last building we had was a BSA variance application. It was 190 feet. And,

1  
2 that went through the BSA. So, and, that was in a  
3 different part of the area. So, I'm not really  
4 sure what that was about. But, I thank you for  
5 your testimony.

6 I made the biggest mistake that a  
7 Chair can make; the hugest mistake that a Chair  
8 can make. When I was actually working this out  
9 with all aspects of the community, what I did is I  
10 reached what I thought was a good compromise and  
11 then, had City-- asked City Planning to work on  
12 it. Instead, what I should have done is actually  
13 created an application that I could have  
14 negotiated for a larger amount so that both sides  
15 of the community would feel like there was  
16 negotiations. But, when this went into City  
17 Planning, since it was still going to be 90% of  
18 the buildings would still be okay, I thought it  
19 was a good compromise from the beginning.

20 So, I look forward to this  
21 application moving forward. This has been a very,  
22 very, very long and detailed negotiations over the  
23 last few years. I look for the support of my  
24 colleagues. I really do thank all the  
25 communities, all parts of the community for coming

1  
2 out and testifying today. I thank you.

3 CHAIRPERSON AVELLA: I want to  
4 thank Chair Katz for her comments. You know, I  
5 was going to say some of the similar things that  
6 you just mentioned. I'll just make one quick  
7 comments in that, you know, in this country,  
8 everybody enjoys a lot of freedom, more so than  
9 any other country. But, that freedom ends when  
10 you start to interfere with other people's  
11 freedoms. And, I think that's what comes down to  
12 some of the larger buildings that have been built  
13 in this City and it comes down to interfering with  
14 people's privacy, air and light.

15 And, what we've been trying to do  
16 through this Committee and the rezonings we've  
17 done through the City Council, with the  
18 Administration, is to make sure that building goes  
19 on in contextual situations so that the character  
20 and charm of neighborhoods are protected. If you  
21 move into a neighborhood-- I've never understood  
22 why somebody moves into a neighborhood,  
23 personally, that has a particular character and  
24 does everything they can to change that character.  
25 The City of New York is made up of neighborhoods.

1  
2 And, I think we should be doing more to preserve  
3 that character and charm.

4 With that, let's move on to the  
5 next item, which is N090304ZRQ, Special Long  
6 Island City district text amendment. And, I will  
7 call up City Planning to give the presentation on  
8 this item. It lies within Council Member Eric  
9 Gioia's district.

10 [Pause]

11 JOHN YOUNG: Good morning, again,  
12 Chair Avella, Chair Katz, City Council Members and  
13 ladies and gentlemen. I'm John Young, Director of  
14 the Queens Office of the Department of City  
15 Planning. And, once again, on behalf of City  
16 Planning Director, Amanda Burden, I'm very pleased  
17 to be here this morning to present the  
18 Department's zoning text changes to support and  
19 guide development within the Special Long Island  
20 City mixed use district in Western Queens.

21 I'm joined by Penny Lee, who'll  
22 present our proposed zoning amendment to you. As  
23 Penny will explain in detail, six specific  
24 revisions to zoning requirements within the  
25 Special Long Island City mixed use district are

1  
2 proposed to ensure new buildings will more closely  
3 line up with existing buildings, provide  
4 pedestrian scale building bases at the street  
5 line, create mandatory or optional sidewalk  
6 widenings in two locations and change the location  
7 of a required new subway entrance to better serve  
8 the community's needs.

9 Overall, the proposed zoning text  
10 changes will refine current Special District  
11 controls in order to accommodate planned  
12 streetscape and infrastructure improvements and  
13 ensure that new buildings will reinforce existing  
14 block fronts and support the appeal of one of the  
15 Borough's prime regional hubs and transit centers.

16 The proposed zoning text changes  
17 have benefited from the input of area stakeholders  
18 and we're pleased with the support the zoning  
19 amendment has received from Community Board 2, as  
20 well as from Borough President Helen Marshall. We  
21 thank Council Member Gioia for his focus on making  
22 positive changes in Long Island City and his  
23 interest in the proposal.

24 CHAIRPERSON AVELLA: Can everybody  
25 take those conversations outside, please? It's



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getting difficult to hear.

JOHN YOUNG: Thank you very much.

And, simply to wrap up, we hope that this proposal will enjoy your support to help guide development within Long Island City. And now, Penny will review the proposal.

PENNY LEE: Good morning. The proposals are pictured, illustrated, in the handout that was just distributed to you. The proposed changes affect three of the four sub-districts of the Special Long Island City mixed used district. And, the first graphic is a map showing the boundaries of the Special District and the sub-districts. The sub-districts we'll be talking about are those indicated by QP, which is Queens Plaza; CS, which is in the middle, which is Court Square and HP, down at the bottom, which is Hunters Point.

If you turn to page 2 of your handout, what you'll see is a photograph of a new multi-tenant building that was constructed after 1995. You can see that it lines up with its neighbors; the neighboring buildings, which were there before the building was built. That was a

1  
2 consequence of a lineup requirement that the  
3 Department of City Planning applied to the Hunters  
4 Point sub-district, back in 1995, as well as a  
5 number of other text changes.

6 In 2004, when the Special mixed use  
7 district provisions were applied to that part of  
8 the neighborhood, the lineup requirement was  
9 inadvertently eliminated. So, what we've been  
10 getting instead is a new building, as shown on  
11 page 3 of your handout, which is a building that's  
12 set back from its neighbors. And then, as you're  
13 walking along the street, you get kind of an  
14 unsightly blank wall that's the result of the  
15 setback. And, also, you know, in the corners  
16 where the building is set back, there's a tendency  
17 for garbage to collect. And, it's just kind of an  
18 unsightly pedestrian environment.

19 So, we are proposing to restore the  
20 lineup requirement so, once again, the block  
21 fronts in Hunters Point will look like the block  
22 front on page 2, not the one on page 3.

23 The next change affects the Queens  
24 Plaza sub-district. And, it affects only one  
25 block of the Queens Plaza sub-district; the block

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2 that had been occupied by the 1,150-space Queens  
3 Plaza municipal garage until February of this  
4 year. The block is situated at the corner of  
5 Jackson Avenue and Queens Plaza South. And, the  
6 City of New York is currently doing streetscape  
7 improvements to the Jackson Avenue and Queens  
8 Plaza South frontages of that block. I'm sorry,  
9 Jackson Avenue and Queens Plaza South, except on  
10 the frontage of that block because, in Jackson  
11 Avenue, there is a subway tunnel running  
12 underneath it and in the sidewalk, there's a  
13 number of subsurface infrastructure problems, as  
14 well. There's a sewer line. There's an entrance  
15 to the subway station. So, we weren't able to do  
16 any landscaping at all on that particular street  
17 frontage. And, because of the traffic volumes and  
18 the elevated subway line, it's a particularly  
19 harsh block.

20 Right now, to develop on the  
21 Jackson Avenue frontage of that block, you have to  
22 put your building at the street line. And, that  
23 precludes any sidewalk landscaping because there  
24 just wouldn't be room for pedestrian circulation.  
25 What we're proposing to do instead is to allow for

1  
2 the street wall of the building to be set back  
3 five feet. And, that would allow for planting  
4 beds and still allow for adequate pedestrian  
5 circulation around the beds and the subway vents  
6 and everything else that's in the sidewalk. It's  
7 not a mandatory sidewalk widening. It's an  
8 optional sidewalk widening.

9 Tishman Speyer is the designated  
10 developer by the City of New York for this block.  
11 We have talked to Tishman Speyer and their land  
12 use attorneys. And, they believe this is the best  
13 compromise to achieve that allows them flexibility  
14 when they design their building and still can  
15 yield some landscaping on the block.

16 And then, the next three amendments  
17 affect the three-block Court Square sub-district.  
18 The boundaries and the various locations of the  
19 amendments are shown on page 5 of your handout.  
20 The first one I'll go over is 'A,' which is  
21 illustrating, it's a circle, which is located at  
22 the intersection of 23<sup>rd</sup> Street and 45<sup>th</sup> Avenue.  
23 That currently is where the developer of that  
24 block where the little 'a' is indicated, would  
25 have to locate a new entrance to the Number 7

1  
2 train to develop their property. The Court Square  
3 sub-district is predicated on a subway improvement  
4 requirement that says to develop to 15 FAR, which  
5 is the maximum FAR, you have to do a subway  
6 improvement that's specified in the text. The  
7 improvement for this block is a new entrance to  
8 the Number 7 train that would be enclosed within  
9 the building that's being developed.

10 The first developer of that block  
11 doesn't even control the property where the new  
12 entrance would have to be located. So, they  
13 couldn't do it. And, the location of the new  
14 entrance is also just not one that best serves the  
15 neighborhood. So, what we're proposing instead is  
16 a new entrance to the Number 7 train at the north  
17 end of the 23<sup>rd</sup> Street Courthouse Square Station.  
18 It would be located at 23<sup>rd</sup> Street and 44<sup>th</sup> Drive.

19 There would be a street stair at  
20 each of the four corners, illustrated by the  
21 little rectangles on each of those corners. The  
22 street stair would go up to the platform level of  
23 the Number 7 train. That way the Number 7 would  
24 have an entrance at the north end and the south  
25 end of the station. And, the loft buildings that

1  
2 are to the northwest of the 'B' and the new office  
3 and residential buildings to the right of the 'B'  
4 would have closer and better access to the Number  
5 7 line.

6           The next change is down at 'C,'  
7 which is down at the bottom, which is a mandatory  
8 five-foot sidewalk widening, unlike the optional  
9 five-foot sidewalk widening in the Queens Plaza  
10 sub-district. This would be a mandatory five-foot  
11 sidewalk widening for any development that fronts  
12 on that street frontage.

13           There's a subway improvement  
14 underway right now in that stretch of 45<sup>th</sup> Road,  
15 that is requiring the relocation of a sewer line  
16 from the middle of the roadbed to underneath the  
17 sidewalk. And, DEP was concerned that the  
18 resulting ten-foot sidewalk would not give them  
19 sufficient room to do any sewer maintenance should  
20 there be a problem. So, they asked us to change  
21 the text to require the additional five feet in  
22 sidewalk width when the property is developed.

23           And then, the last change is the  
24 establishment of height and setback, different  
25 height and setback regulations for the Court

1  
2 Square sub-district, illustrated on the last page,  
3 page 6, of your handout. This illustration shows  
4 the existing Citibank building, which is  
5 approximately 658 feet. The building is pulled  
6 back from all of the street frontages of its  
7 zoning lot. And, it just goes straight up.  
8 That's what the underlying C5-3 district allows.

9           There is a proposal to develop the  
10 south block, which is illustrated by the shorter  
11 building. They initially were proposing to set  
12 their building back a pretty far distance from the  
13 street line, which would be inconsistent with the  
14 height and setback regulations in effect on every  
15 other block in the area, but for the Citibank  
16 building.

17           So, we talked to the developer and  
18 their architect about a more pedestrian-scale  
19 building base, similar to what's in effect on the  
20 adjacent blocks. They were comfortable with that.  
21 So, the new text amendment will establish a 60 to  
22 85-foot base and then, a setback for the tower.

23           And, those are the five amendments.

24           [Pause]

25           CHAIRPERSON AVELLA: This

1 application lies within Council Member Eric  
2 Gioia's district. I'd like to call upon him.

3  
4 COUNCIL MEMBER GIOIA: Thank you  
5 very much - - and testify. Remind me again. In  
6 terms of making this more pedestrian-friendly,  
7 which I fully support, so, what, now what is that  
8 base now-- what will the use of that base be?

9 PENNY LEE: The use of the base  
10 will be lobby space and there will be a restaurant  
11 for the, assuming that the hotel is developed, it  
12 would be a lobby and a restaurant for the hotel.  
13 And, the building would be the street line instead  
14 of set back 15 feet with just pavement.

15 COUNCIL MEMBER GIOIA: But, there's  
16 nothing we can do to bring in first floor retail?

17 PENNY LEE: The restaurant will be  
18 retail.

19 COUNCIL MEMBER GIOIA: Open to the  
20 public?

21 PENNY LEE: That I'm not clear on.  
22 But, I do know that the hotel will be having a  
23 restaurant. Whether it will be open to the  
24 public, I'm not sure.

25 COUNCIL MEMBER GIOIA: Got it.



1  
2 And, I understand that Community Board 2 had  
3 requested City Planning review the flood plane  
4 regulations in regard to this lineup provision and  
5 modify the text to provide better handicapped  
6 entry ways. My office has since followed up with  
7 the constituents who raised this. And, I  
8 understand that their concerns have been  
9 addressed.

10 PENNY LEE: That's correct, yes.  
11 We worked very closely with their architect.

12 COUNCIL MEMBER GIOIA: Well, I  
13 thank you for this. I'm in support of the  
14 application. Thank you.

15 CHAIRPERSON AVELLA: Any questions  
16 from my colleagues? Council Member Jackson.

17 COUNCIL MEMBER JACKSON: Just one  
18 question. You talked about the setback in  
19 photograph number 2, I believe. Was the zoning  
20 initially-- find it here-- the zoning was  
21 initially like in photograph number 2 and then,  
22 you changed the zoning to allow a setback. And  
23 now, you feel that you should go back to the  
24 uniformity. Is that correct?

25 PENNY LEE: Well, yeah. I think

1  
2 what happened was in 2004, when the zoning was  
3 changed, it was just forgotten that the MX  
4 district provisions, which were then applied in  
5 2004 didn't have a lineup requirement. Most every  
6 other zoning district that the Department has  
7 formulated in recent history, there is always a  
8 lineup requirement. But, the MX district, because  
9 it was intended to be this kind of free-for-all,  
10 anything goes mixed use district, we eliminated  
11 any lineup provision. And then, I think that just  
12 got forgotten when we applied it. So, we're  
13 correcting for it now.

14 COUNCIL MEMBER JACKSON: Okay. All  
15 right. Thank you. And, that rezoning took place  
16 in 2004?

17 PENNY LEE: That's correct.

18 COUNCIL MEMBER JACKSON: So, you're  
19 amending it in order to bring it back the way--

20 PENNY LEE: [Interposing] To the  
21 1995 provisions that established the lineup  
22 requirement, correct.

23 COUNCIL MEMBER JACKSON: And, the  
24 Community Board and everyone else agreed with  
25 that. Was there any opposition to that?

1  
2 PENNY LEE: Well, the only issue  
3 that was brought up was, as Councilman Gioia  
4 pointed out, we hadn't put in a provision to allow  
5 for building entrance recesses. So, we  
6 established a recess provision of 8 feet in the  
7 event that they're in a flood plane and they need  
8 to set their building back to allow for the  
9 handicapped access.

10 COUNCIL MEMBER JACKSON: Um, hm.

11 PENNY LEE: And, otherwise, there  
12 would be the standard 3-foot allowance.

13 COUNCIL MEMBER JACKSON: Okay.

14 Thank you.

15 PENNY LEE: Um, hm.

16 CHAIRPERSON AVELLA: Seeing no  
17 other questions, thank you. I see no one signed  
18 up to speak on this item. Is that correct?  
19 Seeing none, I will close the public hearing. We  
20 will now skip to N090302ZRX and related  
21 application, C090303ZMX, C090166MMX. All these  
22 applications commonly referred to as the Lower  
23 Concourse rezoning in Council Member Arroyo's  
24 district. Call up City Planning to give the  
25 presentation.

[Pause]

CAROL SAMEL: Good morning, Council Members. We have a presentation that we're passing out a hard copy of. Good morning, Council Members. My name is Carol Samel [phonetic] and I'm the Director of the Bronx Borough Office of the Department of City Planning. And, I'm joined here today by Ryan Singer [phonetic], the Deputy Director and Paul Phillips [phonetic], City Planning Project Manager for the Lower Concourse rezoning proposal. And, we are most pleased to be able to present the Lower Concourse rezoning proposal to you today.

This proposal is the product of many years of outreach and research. And, the proposal is designed to invigorate a key corridor in the Bronx, the Lower Grand Concourse, the quintessential Bronx street, and to provide opportunities for much needed affordable housing, new waterfront open space, new retail, offices, restaurants, grocery stores, a hotel, all the uses that go into a healthy, attractive neighborhood. It strikes a critical balance between the need for housing opportunities and the protection of

1  
2 industrial businesses and jobs was we plan for the  
3 future of the South Bronx.

4 The plan is expected to result in  
5 more than 3,100 new units of housing and more than  
6 3,400 new jobs in the South Bronx. The proposal  
7 has a strong support from the community, including  
8 a unanimous unconditional approval from Community  
9 Board 1, approval from acting Bronx Borough  
10 President Earl Brown and the City Planning  
11 Commission. And, the City Planning Commission  
12 made important modifications to the proposal based  
13 on the comments received during the public review  
14 process and based on the recommendation of the  
15 Bronx Borough President. And, we will review  
16 those changes as we-- toward the end of the  
17 presentation. And, Paul Phillips will now provide  
18 a more detailed presentation.

19 PAUL PHILLIPS: Good morning. I'm  
20 going to walk you through the rezoning proposal  
21 for the Lower Concourse. And, I think you all  
22 have a handout that you can follow along.

23 The first slide is really just to  
24 locate you to the area. It's a 30-block area  
25 located in the South Bronx, Community District 1.

1  
2 If you turn to the next slide, this  
3 sort of zooms into the area. The rezoning area is  
4 bounded by 149<sup>th</sup> Street to the north, 135<sup>th</sup> Street  
5 to the south, the Harlem River to the west and  
6 Lincoln and Morris Avenues to the east. This area  
7 is extremely well served by mass transit. The new  
8 Metro North station is just north of the area.  
9 There's also been significant investment in this  
10 area and the surrounding neighborhoods. You got  
11 the new Yankee Stadium, the Metro North station,  
12 as well as the new Gateway Center, which some  
13 stores have already opened and will be completely  
14 open in the fall of this year. The Hub is located  
15 nearby, as well as the neighborhoods of Mott Haven  
16 and Port Morris. This area also benefits from  
17 industrial business incentives, both at the  
18 federal, City and the state level.

19 The next slide illustrates land use  
20 in the area.

21 COUNCIL MEMBER FELDER: [Off mic]

22 PAUL PHILLIPS: Page 4. Okay.

23 Sorry, okay.

24 COUNCIL MEMBER FELDER: If you can.

25 PAUL PHILLIPS: Okay, sure. Page 4

1  
2 is land uses in the area, predominantly industrial  
3 and manufacturing, with some larger community  
4 facilities in the area, including Lincoln Hospital  
5 and Hostos Community College. But, this doesn't  
6 tell the entire story of what's going on in this  
7 area.

8 If you turn to page 5, the existing  
9 zoning is predominantly M1-2 and M2-1. These are  
10 light industrial and commercial zones. I'll point  
11 out that residential is not allowed in either of  
12 these zones. Both are governed by the height  
13 exposure plane, the sky exposure plane, so there  
14 are no height limits in these areas. And, also,  
15 which is an important point, grocery stores  
16 greater than 10,000 square feet require a special  
17 permit. And, it's important to point out in this  
18 neighborhood, there is one existing grocery store  
19 in this 30-block rezoning area.

20 Turning to page 6, just going over  
21 some facts and trends in the area. Fifty-seven  
22 percent of the building area in this area is  
23 either vacant, used for personal storage, dead  
24 storage or for non-industrial uses. And, this is  
25 an important point as we look to redevelop it and

1  
2 reuse some of these underutilized sites. Since  
3 1980, three buildings have been built in this  
4 rezoning area; one includes self-storage, which is  
5 along our waterfront area, a gas station and also  
6 a car wash and a warehouse. This area has also  
7 seen significant job loss; 30% of job losses since  
8 1992. And, in the manufacturing sector, they have  
9 seen a 66% loss of their jobs.

10 Turning to slide 7, we divided the  
11 rezoning area into four distinct areas. The first  
12 is the Grand Concourse. The second are loft  
13 areas, both in the east and in the west. We also  
14 identified areas where there are active industrial  
15 uses. And then, also, our waterfront area is our  
16 fourth sub-area.

17 Turning to slide 8, this is just  
18 giving you some context of the existing context  
19 along the Grand Concourse. Typically  
20 characterized by low-scale uses including car  
21 washes and gas stations. And, this gas station  
22 that's over on the right is actually one of the  
23 new buildings that has been built in this area  
24 since 1980.

25 Turning to slide 9, this just gives



1  
2 you an idea of where the loft areas that we've  
3 identified, both in the east and the west, are  
4 located in the rezoning area.

5 And, turning to slide 10. In the  
6 west, we have the Major Deegan Gateway building,  
7 which is a major building in the area. And, you  
8 can see this photograph to the right shows the  
9 inside of the building, which is predominantly  
10 vacant. There's some underutilized sites in this  
11 area. And, there's several multi-story loft  
12 buildings, which would definitely be used for  
13 redevelopment.

14 Turning to slide 11, we have a  
15 similar condition in the east in terms of loft  
16 areas. Again, we have several multi-story loft  
17 buildings. You can see the photograph on the  
18 left. It's vacant on the upper stories and so, we  
19 really want our proposal to actually allow people  
20 to fully utilize these buildings. And, many of  
21 these buildings, again, as I pointed out, are  
22 underutilized, are used for dead storage.

23 Turning to page 12, we've  
24 identified, as I mentioned earlier, active  
25 industrial areas within the rezoning area.

1  
2 And, on slide 13, you can see where  
3 these areas are located. There's a active  
4 industry here. And, one of the important things  
5 to note here is that there's a large concentration  
6 of jobs. There are more than 750 jobs in these  
7 industrial areas that we've identified.

8 Turning to slide 14, just gives you  
9 an idea of where the waterfront area is located  
10 within the rezoning area.

11 On slide 15, the waterfront area in  
12 terms of the context, some of the current uses  
13 that exists along our waterfront area are car  
14 auction. We also have a race recycling station  
15 and self-storage, which is also one of the three  
16 new buildings that have been built in this area  
17 since 1980.

18 Going to slide 16, the waterfront  
19 area has several constraints that exist in terms  
20 of development here. The Oakpoint Rail line runs  
21 right along the water two times a day. We also  
22 have the Major Deegan, which is a constraint here  
23 that we needed to consider in developing this  
24 proposal, both at grade and there's also limited  
25 access at certain points underneath the Major

1  
2 Deegan Expressway.

3           Turning to side 17, so, in terms of  
4 our proposal and our objectives, first and  
5 foremost, we want to create a new neighborhood in  
6 the South Bronx, a vibrant, mixed use, mixed  
7 income neighborhood to really revitalize this area  
8 in the South Bronx. A major component of the  
9 proposal is creating opportunities for new  
10 housing. As I mentioned earlier, the existing  
11 zoning predominantly does not allow residential  
12 development. So, this is an important component  
13 of the proposal.

14           We also want to incentivize new  
15 permanently affordable housing in this area. I  
16 want to point out that the application of  
17 inclusionary housing is the first application of  
18 inclusionary housing in the Borough of the Bronx.  
19 We also want to retain viable light manufacturing.  
20 As I mentioned, there are many active industries,  
21 industrial industries and jobs that we want to  
22 encourage these businesses to retain and expand in  
23 many instances.

24           We also want to create new  
25 waterfront open space. The waterfront is an

1  
2 important component of this proposal. So, we want  
3 to reinvigorate this waterfront area, create new  
4 open space and access to a community that's  
5 currently underserved by open space.

6 We also want to connect to adjacent  
7 communities. As I mentioned, this area is  
8 adjacent to both the Port Morris neighborhoods, as  
9 well as Morrisania and significant development has  
10 taken place around the area. So, we want to  
11 create connections to these significant  
12 developments and investments in the South Bronx.  
13 And, as I mentioned earlier, there are several  
14 vacant loft and underutilized sites. So, we want  
15 to redevelop these vacant properties, as well as  
16 the vacant loft buildings.

17 So, just reviewing the proposed  
18 actions. First, we want to rezone this area to  
19 allow residential, commercial and light  
20 industrial. We also are mapping a park along the  
21 waterfront, which I will talk a little bit about  
22 later in the proposal. Additionally, we are  
23 creating a waterfront access plan, as well as a  
24 Special District, which are both going to be along  
25 the waterfront. And, as I mentioned before, we

1  
2 are applying inclusionary housing, which is the  
3 first instance here in the Borough of the Bronx.  
4 And, we're also going to encourage grocery stores  
5 through a zoning text change. As I mentioned  
6 earlier, there's only one grocery store that  
7 exists in the rezoning area currently.

8 Turning to slide 19, this gives you  
9 an overview of the inclusionary housing program.  
10 All the areas that are outlined in yellow are  
11 areas where the program would be applicable. And,  
12 the chart on the right gives you the base FARs,  
13 which would be allowed in each of the proposed  
14 zones. And then, to the far right is the maximum  
15 FAR which would be allowed if they take advantage  
16 of the inclusionary housing bonus.

17 Slide 20, our first proposed zone  
18 is a C6-2A, which we're mapping along the Grand  
19 Concourse. And, our concept here is really to  
20 transform this area that is currently typically  
21 low-scale with auto-related uses and some vacant  
22 and underutilized sites into a vibrant mixed use  
23 gateway, which is really the centerpiece of the  
24 South Bronx. And so, the base height here is a  
25 very strong 60 to 85 feet and then, a maximum

1  
2 height of 120 feet. And, this was really done to  
3 really mimic the historic Grand Concourse, which  
4 is mapped to the north of this area.

5 Turning to slide 21, this just  
6 gives you a vision of potentially what the Grand  
7 Concourse would actually look like. We're  
8 envisioning very active retail on the ground floor  
9 with some residential uses, obviously, some more  
10 greenery and street trees. So, really  
11 transforming this area from low industrial to...

12 We are also mapping MX districts  
13 throughout this rezoning area. It's important to  
14 note that we have mapped MX districts in the Bronx  
15 in both Port Morris and Morrisania. And, all of  
16 these MX zones have actually created business  
17 expansion, as well as several new residential  
18 developments. And, here you can see the building  
19 in yellow is a residential conversion and the blue  
20 is an existing building. Okay.

21 R6A, a strong street wall, 40 to 60  
22 feet, maximum height of 70 feet, again,  
23 inclusionary housing would be provided here, as  
24 well. We're also mapping an R7A, 40 to 65 feet,  
25 maximum height of 80 feet. We're also mapping an

1  
2 R7X, as well, as part of the MX districts.

3 In terms of the C4-4, Lincoln  
4 Hospital is being rezoned to allow to bring it  
5 into conformity and also to increase the community  
6 facility FAR from the existing 4.8 to a 6.5, which  
7 would allow them to expand if they chose to in the  
8 future.

9 We're also proposing an M1-4. And,  
10 this is really in an effort to protect existing  
11 industrial businesses. We have strong  
12 concentrations of jobs that are less desirable for  
13 residential.

14 We're also going to retain existing  
15 M1-2 zoning in the area. Again, this is in an  
16 effort to protect existing industrial businesses  
17 where there are concentration of jobs and less  
18 opportunities for residential development.

19 We are also mapping, along the  
20 waterfront area, a Special District, really to  
21 create a new lively neighborhood with public  
22 access to the waterfront. The northern portion of  
23 the area is proposed to be rezoned to C4-4, which  
24 is a commercial zone. Inclusionary housing would  
25 be applicable here. We envision a mix of regional

1  
2 commercial uses, including regional office as well  
3 as hotel. And, again, the Special District would  
4 actually control the bulk for these properties as  
5 well as the properties to the south.

6 For the lots to the south, we're  
7 proposing an R7-2, with a C2-4. These lots are a  
8 little more narrow, so we're envisioning smaller  
9 commercial uses here in terms of dry cleaners,  
10 beauty salons. And, again, residential would be  
11 allowed here. And, the Special District would  
12 control the bulk.

13 The next slide just gives you an  
14 idea of the components of the waterfront access  
15 plan, which includes a 40-foot required short  
16 public walkway, supplemental public access, as  
17 well as visual corridors and upland connections.

18 As I mentioned, we are mapping a  
19 park along the waterfront. The park is about 2.26  
20 acres. It's strategically located where we  
21 actually have access underneath the Major Deegan.  
22 Currently, the property's privately owned now.  
23 And, the property will be developed once the Major  
24 Deegan expansion has completed and the properties  
25 both to the north and south of the proposed park



1  
2 are developed.

3           Along the waterfront Special  
4 District, just to give you an overview of the  
5 area, maximum tower heights are dependent on the  
6 size of the lot. We're requiring active ground  
7 floor uses, 20%, for all the buildings. And,  
8 we're also incentivizing - - to create connections  
9 to all of the waterfront properties.

10           The next slide just gives you a  
11 vision of the waterfront. We're envisioning  
12 varied skylines for all the buildings and a strong  
13 base for all the properties along the waterfront  
14 area.

15           And, the next slide just gives you  
16 a vision of what we see along the waterfront area  
17 in the future.

18           As I mentioned earlier, we are  
19 encouraging grocery stores. Currently, anything  
20 greater than 10,000 square feet requires a special  
21 permit. Our proposal was to allow grocery stores  
22 as of right any size within the areas outlined in  
23 blue within the M1-4 districts.

24           As Carol mentioned, we did make  
25 modifications at the City Planning Commission to

1  
2 address some concerns and issues that were brought  
3 up during the public review process. The first is  
4 the modification to grocery stores. We're  
5 changing our proposal to allow grocery stores up  
6 to 30,000 square feet within the areas outlined in  
7 blue. And, this modification is consistent with  
8 the Citywide text amendment, which is currently  
9 out for review as part of the Fresh Program, which  
10 was referred on May 18<sup>th</sup> of this year.

11 Our second modification was to  
12 retain M1-2 zoning in an area that you can see  
13 that's outlined in red. This actually allows for  
14 smaller firms with a larger concentration of jobs  
15 to remain zoned M1-2. But, it also allows the  
16 properties that are going to be rezoned in yellow  
17 some vacant properties as well as some residential  
18 uses, bringing them into conformity.

19 And, our last modification is along  
20 the waterfront. It affects two properties. The  
21 first was adjustments that were made to allow for-  
22 - account for a sewer easement that traverses a  
23 property to the north. And, the last change was  
24 to allow commercial or public utility vehicle  
25 storage for Con-Edison, who is the owner of this

1  
2 site. They would be allowed to develop a limited  
3 building at 10,000 square feet. But, they would  
4 be required to provide waterfront public access on  
5 this site.

6 So, just to review, this proposal  
7 has the capacity to provide a significant number  
8 of housing units, over 3,100. Of those units,  
9 more than 500 would be permanently affordable,  
10 either through rental or also through home  
11 ownership. We would also be developing local and  
12 regional retail. There's an opportunity for a  
13 conference-level hotel, both in the C6-2A, as well  
14 as the C4-4, along the waterfront area. We're  
15 also expanding community facilities, for example,  
16 for Lincoln Hospital, retaining light industrial,  
17 as well as the creation of potential of over 3,400  
18 new jobs.

19 CHAIRPERSON AVELLA: Thank you.  
20 Any questions from Council Members at this point?  
21 Seeing none, I'd like to go to the-- Council  
22 Member Jackson.

23 COUNCIL MEMBER JACKSON: First of  
24 all, let me thank you for the detailed proposal.  
25 I mean, you went through this. It seems as though

2 you've been living this proposal for several years  
3 because you were moving so quickly, but very  
4 specifically. And, I guess it's just so much that  
5 you've been involved with you get to know it like  
6 the back of your hand, I guess. But, in summary,  
7 I appreciate you going through it as quickly as  
8 you did knowing that it's pretty detailed.

9 PAUL PHILLIPS: It is.

10 COUNCIL MEMBER JACKSON: It's very  
11 detailed.

12 PAUL PHILLIPS: There is a lot of  
13 detail behind it.

14 COUNCIL MEMBER JACKSON: But, I  
15 just have some questions. I received some  
16 correspondence from the Friends of Brook Park.  
17 And, with respects to that, I believe you had  
18 indicated toward the end of your proposal a  
19 proposed park that is owned by private property  
20 right now.

21 PAUL PHILLIPS: Yes.

22 COUNCIL MEMBER JACKSON: What's the  
23 game plan there, if you don't mind elaborating on  
24 that?

25 CAROL SAMEL: I'll just address

1  
2 that a little bit. My understanding that the  
3 Friends of Brook Park is concerned about an area  
4 at the end of the Park Avenue street end. Could  
5 you point that out to them--

6 PAUL PHILLIPS: Yes. It's  
7 actually--

8 CAROL SAMEL: -- the location.

9 PAUL PHILLIPS: Yeah.

10 CAROL SAMEL: Just outside of the  
11 rezoning area.

12 PAUL PHILLIPS: [Off mic] rezoning  
13 area.

14 CAROL SAMEL: The park that we're  
15 proposing to map--

16 COUNCIL MEMBER JACKSON:  
17 [Interposing] I'm sorry. Where is it located at  
18 on that map?

19 PAUL PHILLIPS: It's actually  
20 outside--

21 CAROL SAMEL: No, no. It's--

22 PAUL PHILLIPS: Yeah, it's actually  
23 right down here. So, it's just outside of the  
24 rezoning area.

25 CAROL SAMEL: Yeah.

2 COUNCIL MEMBER JACKSON: Okay. A  
3 little bit-- move your--

4 PAUL PHILLIPS: Yeah.

5 COUNCIL MEMBER JACKSON: -- finger  
6 again.

7 PAUL PHILLIPS: Yeah, it's just  
8 south of the rezoning area.

9 COUNCIL MEMBER JACKSON: That  
10 little yellow space outside of the--

11 PAUL PHILLIPS: [Interposing] Yes,  
12 just out--

13 COUNCIL MEMBER JACKSON: -- black  
14 dot.

15 PAUL PHILLIPS: Yeah. It's  
16 actually, this area's actually already been  
17 rezoned.

18 CAROL SAMEL: And, we're proposing  
19 to map a park further north along the waterfront.

20 COUNCIL MEMBER JACKSON: That green  
21 spot?

22 CAROL SAMEL: Yes.

23 PAUL PHILLIPS: Yes, right [off  
24 mic]

25 CAROL SAMEL: That's 2.2-acre park.

1  
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25

That is privately owned, correct.

COUNCIL MEMBER JACKSON: That's the one that's privately owned.

PAUL PHILLIPS: Yes.

CAROL SAMEL: Correct.

COUNCIL MEMBER JACKSON: And, what about I guess the people who wanted access to the water as far as boats and what have you, is that part of the plan down the road? And, if so, where?

CAROL SAMEL: Well, I would say this that one of the challenges of this waterfront--

COUNCIL MEMBER JACKSON: Just push it away from you a little bit.

CAROL SAMEL: One of the challenges--

CHAIRPERSON AVELLA: [Off mic]

CAROL SAMEL: Okay.

COUNCIL MEMBER JACKSON: Oh, is that what it is?

CAROL SAMEL: Can you turn... One of the challenges is that the Oakpoint Rail link runs along the water outside the-- it's just

1  
2 outside the water. So, we still have the  
3 shoreline and then, there's the Oakpoint Rail link  
4 that was built by the state in the '90s. So,  
5 we're trying to deal with that, you know, with  
6 design considerations to make the waterfront open  
7 space and the waterfront access plan that we have  
8 proposed, you know, overcome that barrier. It  
9 won't allow for direct access to the water. The  
10 state, you know, just won't allow that underneath-

11 -

12 COUNCIL MEMBER JACKSON: [Off mic]  
13 there, is that correct?

14 CAROL SAMEL: Right. I think the  
15 selling point for the Park Avenue street end is  
16 that it is on the other side of the Oakpoint Rail  
17 link and would allow direct access to the water.  
18 It has its own complications, that site. But, it  
19 does at least have direct access to the water  
20 itself.

21 COUNCIL MEMBER JACKSON: Which  
22 site? I'm sorry.

23 CAROL SAMEL: The Park Avenue  
24 street end.

25 COUNCIL MEMBER JACKSON: You mean



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the one that's--

CAROL SAMEL: [Interposing] The one-- yeah.

COUNCIL MEMBER JACKSON: -- down there?

CAROL SAMEL: Yeah.

COUNCIL MEMBER JACKSON: Where, at the proposed site, you're looking at which is owned by private owners right now that would not have direct access?

CAROL SAMEL: That's correct.

COUNCIL MEMBER JACKSON: Because of the rail situation.

CAROL SAMEL: Correct.

COUNCIL MEMBER JACKSON: And, you said it's in private hands. Do you anticipate purchasing that property from private owner?

CAROL SAMEL: Yeah. What we're--

COUNCIL MEMBER JACKSON: I mean, the City of New York--

CAROL SAMEL: Ultimately, ultimately. I would say there's a complication in the area in that the state is expanding the, or doing work on the Major Deegan. And, we expect

2 that they'll have to take some of the properties  
3 in that area. And, we'd like to work with the  
4 state to, when it comes time to, when they're  
5 finished with their work and possibly just acquire  
6 it directly from the state or work with them in  
7 some capacity.

8 COUNCIL MEMBER JACKSON: Now, some  
9 of the access to the water, based on, I guess in  
10 reviewing the plans as the other gentleman went  
11 through, right now is there access anywhere by  
12 going-- is there a tunnel underneath the Major  
13 Deegan? Or, how do you plan on accessing the park  
14 land?

15 CAROL SAMEL: Yeah. That's a very  
16 good point. We selected the location of the  
17 proposed park that we're mapping, it's-- I don't  
18 know if we have a photo of access under the Deegan  
19 at that point.

20 COUNCIL MEMBER JACKSON: What page  
21 is that?

22 CAROL SAMEL: That's what we're  
23 going to find here. It is-- because at page 16.

24 COUNCIL MEMBER JACKSON: Sixteen.

25 CAROL SAMEL: Sixteen. You can see

1  
2 there's actually really good clearance under the  
3 Deegan at that point. You have a nice view  
4 corridor actually from the Grand Concourse down to  
5 the waterfront, all along 144<sup>th</sup> Street. 144<sup>th</sup>  
6 Street is kind of unique in that it traverses the  
7 entire rezoning area from the Patterson houses to  
8 the east, all the way to the waterfront. Whereas,  
9 elsewhere we have the Deegan at grade, which you  
10 see also on page 16.

11 COUNCIL MEMBER JACKSON: Right.

12 CAROL SAMEL: You know, we have  
13 street ends that are blocked. So, we chose that  
14 site because of its easy access under the Deegan  
15 and its central location.

16 COUNCIL MEMBER JACKSON: But, that,  
17 currently, that little piece of land that is  
18 accessible to the water, who owns that little  
19 piece of land?

20 CAROL SAMEL: My understanding is  
21 that it's state owned.

22 COUNCIL MEMBER JACKSON: State-  
23 owned land.

24 CAROL SAMEL: Yeah.

25 COUNCIL MEMBER JACKSON: Do you

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know what the current use of that land is?

CAROL SAMEL: It's not used for anything. There's a combined sewer outfall there.

COUNCIL MEMBER JACKSON: Combined sewer what?

CAROL SAMEL: And, I think the-- sewer outfall--

COUNCIL MEMBER JACKSON: Okay.

CAROL SAMEL: -- in the water.

COUNCIL MEMBER JACKSON: You mean that goes into the water. Okay.

CAROL SAMEL: So, there's some infrastructure. And then, the state uses it, my understanding is, uses it for access to the Oakpoint Rail link. But, there's nothing there now.

COUNCIL MEMBER JACKSON: Okay.

Thank you.

CHAIRPERSON AVELLA: Thank you. We will proceed with the public hearing. I believe we have a representative from Senator Serrano. Is he still here? She, okay. Come on up.

[Pause]

Push the button.

2 DEMARIS OLEVILLE: My name is  
3 Demaris Oleville [phonetic]. And, I'm here to  
4 read testimony on behalf of Senator Jose M.  
5 Serrano.

6 "I would like to thank Chair  
7 Avella and the members of the Committee for the  
8 opportunity to present testimony today. Since  
9 last June, when I submitted comment as part of the  
10 public scoping meeting, New York City has  
11 witnessed great change. The downturn in the  
12 financial sector has underscored the need to  
13 diversify our economy. I applaud the focus on  
14 mixed use development and light manufacturing in  
15 the rezoning plan. City Hall must do everything  
16 it can to ensure such proposals are implemented  
17 successfully, with comprehensive job access for  
18 local residents.

19 The economic decline has further  
20 intensified the need for income-oriented housing  
21 in the South Bronx, while residents are making  
22 less money than one year ago and their rents have  
23 not dropped in a corresponding fashion. At the  
24 state level, I will continue to fight for stronger  
25 rent laws, in particular, through repeal of

1  
2 Vacancy Decontrol. But, it remains incumbent on  
3 the City to develop homes that are affordable for  
4 Bronx families.

5 What has not changed since last  
6 year is the state of the Harlem River.

7 Representing a Senate district that straddles this  
8 waterway, I am disgusted by the high levels of  
9 combined sewer overflow following each rainstorm.  
10 While positive steps have been taken to improve,  
11 for example, Jamaica Bay, the Harlem River is  
12 still rife with CSO contamination.

13 I offer two recommendations for CSO  
14 mitigation in the context of Lower Concourse  
15 rezoning. First, the City must commit to working  
16 with environmental agencies at all levels of  
17 government to develop comprehensive plans to  
18 protect the Harlem River and thus, enter into  
19 compliance with federal law. The South Bronx  
20 community will certainly embrace the 9-acre  
21 waterfront park and the rezoning plan, but only so  
22 long as that water is free from disease and foul  
23 odor.

24 Second, the City must work to  
25 foster a greater understanding of the River's

1  
2 unique ecology; the important role it plays in the  
3 overall environmental health of the Bronx.

4 Grassroots organizations have been at the  
5 forefront of this campaign for decades. And, the  
6 City would do well to work in concert with them  
7 and build upon their leadership.

8 As such, the City should consider  
9 designating the land just north of the Third  
10 Avenue bridge at the terminus of Park Avenue as a  
11 priority public access area. This parcel has long  
12 served as a launch point for canoes and kayaks  
13 enabling local organizations to introduce  
14 countless Bronx residents to the river. Turning  
15 this into a more formal and well-funded park will  
16 leverage tremendous amounts of community support  
17 and sweat equity behind governmental mitigation  
18 efforts. It's important to note that the proposed  
19 9-acre park to the north does not include a single  
20 launch point due to a rail line along the river  
21 park.

22 I wish to express sincere gratitude  
23 for your consideration on these remarks and  
24 recommendations. Moreover, please consider me an  
25 ally at the state level in your efforts to rezone

1  
2 this area in a way that most effectively benefits  
3 longstanding residents and the environmental  
4 health of the South Bronx." Thank you.

5 CHAIRPERSON AVELLA: I have four  
6 other speakers on this item; two in favor, one  
7 didn't indicate, but I think-- and one other  
8 person indicated in favor and opposition. I think  
9 what we'll do is call all four up at the same  
10 time. Harry Bobbins [phonetic], is it Lutger  
11 Ballen [phonetic], Mikalia Ritz [phonetic], and  
12 Debbie Tamafolk [phonetic]. Is everybody here?  
13 I'm sorry? [Pause] Oh. Yeah, you're right. Got  
14 mixed in.

15 LUTGER BALLEEN: Good morning,  
16 Council. My name is Lutger Ballen. And, I  
17 represent the Urban Divers Estuary Conservancy.  
18 The Urban Divers Estuary Conservancy established  
19 the Harlem River Ecology Center on the Bronx  
20 Harlem River waterfront about four and a half  
21 years ago. I'm here to speak on behalf of this  
22 development. And, I have some suggestion and  
23 recommendations.

24 Considering that the Harlem River  
25 is the most scenic and the most essentially the



1  
2 only true recreational waterway in New York City  
3 whereby the only commercial traffic on the Harlem  
4 River is the Circle Line, where everything else  
5 that is happening there are recreational. We  
6 should consider these factors when introducing  
7 such massive developments along such a wonderful  
8 resource.

9           The Harlem River itself, like our  
10 neighboring Brooklyn, is also home of the greatest  
11 concentration of what I call water people. Most  
12 of us, considering 90% of the population, are from  
13 the English, French, Spanish-speaking Caribbean  
14 and growingly a large continental African coastal  
15 people. These factors also should be considered  
16 when we are creating and considering amenities  
17 along the waterfront.

18           Public access to the water and  
19 waterfront vistas and other amenities that come  
20 with that, such as the recreational and  
21 educational components that we bring to the river  
22 is also essential in considering that, as well.  
23 Most of these amenities are offered throughout New  
24 York Harbor, yet the Harlem River, with all the  
25 scenic vistas and also the history that it

1  
2 possesses, with a great population of people,  
3 those amenities are extremely minimal on the  
4 Harlem River.

5           Increasing public access at every  
6 opportunity site along the Harlem River will also  
7 contribute to increasing safety for the current  
8 public use of the water and also the contemplated  
9 future uses of the water. And, what do I mean by  
10 that? I think in this development we should  
11 consider at every site there is an opportunity to  
12 have an open access, we should use it. If you're  
13 on the Harlem River, it's not just to get people  
14 in the water. It also helps to get people out of  
15 the water. If you haven't - - Harlem River and  
16 you get tired and you want to take a rest, the  
17 more points you have to exit the water, the safer  
18 that journey becomes. So, that's something most  
19 people do not think about. And, being the water  
20 folks that we are, we wanted to bring that to the  
21 table and want you to consider that in these  
22 developments.

23           We are recommending that there be  
24 no exceptions. Considering all these factors,  
25 that we are recommending that there be no

1  
2 exceptions to the Special Harlem Riverfront  
3 Resolutions that it's already limited. And, any  
4 alteration to that takes away from these  
5 principles. And, I know that there is a proposal  
6 for an exception to that rule. We are against  
7 that proposal. We don't think that is necessary.  
8 And, what it does, in a very limited scope, it  
9 takes away a great potential access. And, if you  
10 notice, the point where the request is made to not  
11 put it part of the zoning, offers an inlet, which,  
12 again, provides great opportunities for groups  
13 like ours to do the kind of programming that we  
14 do.

15 And, I guess some of the postcards  
16 I handed out gives you a little bit of vision of  
17 how we see our children living in the City. And,  
18 we hope that you guys will champion that as well.  
19 So, we are recommending that the Council remains  
20 diligent--

21 CHAIRPERSON AVELLA: [Interposing]  
22 If you can sum up, please.

23 LUTGER BALLEEN: Okay. I'd like to  
24 say that our constituents, especially in the  
25 Bronx, very densely populated peninsula, makes up

1  
2 90% of New York City's workforces. We believe  
3 that our working poor and hard laboring immigrants  
4 also need a fine place to dip the - - too. We are  
5 requesting that the 40-foot setback is increased  
6 to a larger footprint. This is 40 feet, folks.  
7 So, if you're talking about a waterfront where you  
8 want public access, that 40-foot setback has to be  
9 increased considering the scope of the building  
10 proposed. It would allow for more of an enjoyment  
11 site, more open space and safety, as well.

12                   Considering that there are-- okay--  
13 there are 3,100 public house--

14                   CHAIRPERSON AVELLA: [Interposing]  
15 I'm going to have to cut you off--

16                   LUTGER BALLEEN: Okay.

17                   CHAIRPERSON AVELLA: -- if you  
18 don't sum up.

19                   LUTGER BALLEEN: I'll surmise to say  
20 we want a greater footprint for the waterfront.  
21 We want greater access. And, we're also say if  
22 we're going to bring 3,100 people, or units, into  
23 an area, that's also going to affect the  
24 environmental quality of the area. You're also  
25 increasing the number of flushing of toilets that

1  
2 will occur, which mean that we'll put a burden in  
3 our sewage system as well. So, CSO mitigation is  
4 also essential in this formula. Thank you.

5 CHAIRPERSON AVELLA: Thank you.

6 MIKALIA RITZ: Good morning. My  
7 name is Mikalia Ritz. And, I am here to support  
8 the Lower Concourse rezoning proposal,  
9 particularly for waterfront access. And, I think  
10 that waterfront access would be good for many  
11 different reasons. First of all, it is beneficial  
12 to the community for both children and adults. It  
13 improves water quality. And, because we are  
14 becoming more aware of the state of our water, we  
15 can be more concerned with the dumping that goes  
16 on in our public waterways. And, you can help be  
17 environmental stewards.

18 And, children can also gain  
19 educational values from being on the water. I  
20 know, particularly, from my experience, that I've  
21 learned about water currents and PH levels and  
22 it's helped me in school. And, there's also a  
23 good chance that kids can get college credits for  
24 a crew if they choose and I know that's a very big  
25 scholarship factor in colleges.

1  
2 And, I also had fun. And, it's  
3 important for kids to have fun in the City, and  
4 also adults. And, I think that it will improve  
5 their physical wellbeing and their mental state.

6 HARRY BOBBINS: Great. Thanks a  
7 lot. And, I'm Harry Bobbins with Friends of Brook  
8 Park, based in Mott Haven, Melrose, Port Morris  
9 neighborhoods. And, thanks for Council Member  
10 Arroyo for championing these issues and for  
11 Mr. Jackson asking a good question about what is  
12 the game plan for acquiring private land in the  
13 future, which I didn't quite hear, but maybe I'll  
14 hear later.

15 So, we want to acknowledge that in  
16 the course of the public hearing process that City  
17 Planning has responded in some way to our  
18 concerns. But, instead of mapping and providing  
19 resources to a actual park, they extended the  
20 Special District zone to include the Park Avenue  
21 site. And, while that's a step in the recognition  
22 of the importance and value of that underutilized  
23 public land, we want to use this process to  
24 leverage an actual amenity for the existing  
25 community. The park land they identify, as you

1  
2 heard, will come when the zoning is built out,  
3 which is totally inappropriate, towers along the  
4 river, and also when the Major Deegan is redone.  
5 That could be decades down the line. So, the park  
6 there is not for the existing community. It's  
7 part of a gentrification plan.

8 So, we need a resource now at Park  
9 Avenue with money. We understand other zoning  
10 plans, 125<sup>th</sup> Street, for example, got resources for  
11 the local parks in the vicinity. So, we hope that  
12 we can leverage this process to achieve that.  
13 And, we're confident in your local leadership to  
14 help us do that.

15 The second troubling thing that you  
16 heard about, which I included in your packet, the  
17 last two pages, is that Consolidated Edison is  
18 asking for special privileges not to be required  
19 to provide the waterfront access. I don't know if  
20 you got the last two pages of this. But,  
21 unfortunately, the Community Board didn't have an  
22 opportunity to weigh in on that, nor did the  
23 Borough President because Con-Ed wrote a letter in  
24 April to the Chair and, unfortunately, City  
25 Planning pretty much allowed the special

1  
2 privileges and exemptions for Con-Ed along our  
3 waterfront, which would totally thwart our common  
4 goals along the river for a continuous greenway.  
5 So, as you move forward in this plan, that  
6 definitely needs to be removed.

7 So, in conclusion, Park Avenue as a  
8 park with resources and no special treatment for  
9 Consolidated Edison. Thank you very much.

10 CHAIRPERSON AVELLA: I'd like to  
11 call upon Council Member Arroyo.

12 COUNCIL MEMBER ARROYO: Thank you,  
13 Mr. Chair. And, I will be brief. I am requesting  
14 that we delay the vote on this item. There is a  
15 minor detail of public access to the waterfront  
16 that my community needs to deal with with regards  
17 to this application. It is not part of the  
18 application. But, it is absolutely a conversation  
19 that has to happen and commitments made with  
20 regards to how the access to that waterfront at  
21 the tail-end of that broken dotted line in that  
22 map, with a commitment for timeframes and a point  
23 at which the community that, Council Member  
24 Melissa Mark-Viverito and I share at that point of  
25 our districts, can leverage open public space with



1  
2 the safe amenities to launch canoes, boats or  
3 rowboats; something that if you go out there this  
4 Saturday, you'll probably see happening at this  
5 site.

6 My respect to you for your  
7 consistency and your advocacy around this issue.  
8 And, we will continue this conversation. I hope  
9 that certainly by Thursday, we will be able to  
10 have come to a place where we're confident the  
11 City's commitment will be there to turn this  
12 little place in the South Bronx into a place  
13 people from all over the City would want to come  
14 to. Thank you, Mr. Chair.

15 CHAIRPERSON AVELLA: Thank you.  
16 Thank you for your testimony. Seeing no one else  
17 signed up to speak on this item, I will close the  
18 public hearing. And, move on to one of our-- we  
19 still have two more items to go. We'll go on to  
20 the C090313ZMK, commonly referred to as the  
21 Canarsie rezoning. And, I'll call Brooklyn City  
22 Planning up to give the presentation. Application  
23 lies within Council Member Lew Fidler's district.  
24 [Pause] And, if you're here for the Landmark  
25 subcommittee hearing, it is actually going to be

2 taking place next door. [Pause]

3 WINSTON VON ENGEL: Good afternoon,  
4 Councilman Avella, Chair Avella, Councilman Fidler  
5 and other Council Members. I should just add also  
6 that the Canarsie rezoning is also partly  
7 represented by Councilman Barron, who was briefed  
8 on this proposal. My name is Winston Von Engel  
9 [phonetic]. I'm the Deputy Director of the  
10 Department of City Planning's Brooklyn Office.  
11 I'm here speaking on behalf of - - Kapur  
12 [phonetic], the Director of the Office, as well as  
13 Amanda Burden, Chair of the City Planning  
14 Commission.

15 And, we are very proud, very happy  
16 to present to you the Canarsie rezoning, a  
17 contextual down-zoning of 300 blocks, the largest  
18 such down-zoning and rezoning in Brooklyn. I  
19 apologize. Is that better? Okay.

20 MALE VOICE: Somebody else [off  
21 mic]

22 WINSTON VON ENGEL: Okay. All  
23 right. This rezoning is the result of a  
24 longstanding request by numerous civic  
25 associations in Canarsie, strongly supported by

1  
2 Community Board 18 and championed by Council  
3 Member Fidler. It received unanimous approval,  
4 recommendation for approval, from Community Board  
5 18 during the ULURP process, from Borough  
6 President Marty Markowitz, as well as from the  
7 City Planning Commission.

8 It addresses zoning that has been  
9 in place, unchanged, since 1961. And, that zoning  
10 that has resulted in out-of-character and out-of-  
11 context development. This rezoning is the product  
12 of many, many public community meetings, often  
13 organized by Council Member Fidler, that were all  
14 inclusive, where the number of civic associations  
15 active in Canarsie, as well as the public, were  
16 able to participate.

17 We presented our study area. We  
18 listened to the community. We made adjustments.  
19 We presented our recommendations and listened to  
20 the community, again, and made changes based on  
21 their recommendations and comments. We came up  
22 with a proposal that was unanimously endorsed by  
23 the civic associations, many of the civic  
24 associations and the Community Board.

25 The proposal maps lower density

1  
2 contextual low density zoning districts throughout  
3 Canarsie. It was carefully crafted to account for  
4 all predominant building types in the area. It is  
5 the reason why the Community Board voted  
6 unanimously to recommend approval. The Borough  
7 President voted to recommend. And, the City  
8 Planning Commission voted to recommend. We have  
9 letters of support from numerous civic  
10 associations in support of this rezoning.

11 I'm joined here, and I apologize  
12 for not introducing him sooner, by Richard Jacobs,  
13 the Senior Planner in our office, who worked on  
14 this rezoning for the past two and a half years.  
15 And, he's going to very briefly walk you through  
16 the rezoning. Thank you.

17 RICHARD JACOBS: Thank you very  
18 much. Good afternoon. My name is Richard Jacobs.  
19 I represent the Department of City Planning as  
20 Project Manager for the Canarsie rezoning. First,  
21 thank you, Chairman Avella and members of the  
22 Zoning & Franchises Committee for this opportunity  
23 to present my testimony.

24 The Department of City Planning is  
25 proposing lower density and contextual zoning map

1  
2 changes for 250 blocks in the Brooklyn  
3 neighborhood of Canarsie, Community District 18.  
4 The rezoning area is generally bounded by Foster  
5 Avenue to the north, East 108<sup>th</sup> Street to the east,  
6 the Belt Parkway and Seaview Avenue to the south  
7 and Paerdegat Avenue North to the west. The  
8 result of a larger 300-block study, the rezoning  
9 would protect existing uses, building types and  
10 neighborhood context, while allowing limited  
11 opportunities for mixed use development on  
12 existing commercial and transit corridors.

13 Canarsie, a predominantly low rise  
14 and low density residential neighborhood, has an  
15 existing mix of housing types, with some blocks  
16 defined by one and two-family detached and semi-  
17 detached homes and others by attached row houses.  
18 However, the existing R4 and R5 residential  
19 zoning, while low density, currently permits all  
20 housing types. Often new development has been  
21 inconsistent with prevailing scale, density and  
22 built character. Specifically, the community's  
23 concerned with one and two-family homes being torn  
24 down and replaced with multi-family developments  
25 eroding the character of certain blocks.

2 We've worked, again, very closely  
3 with Council Member Fidler and his working group  
4 of various stakeholders to build a consensus for  
5 the proposal. The proposed zoning districts  
6 include detached districts, R3X and R4A; the semi-  
7 detached districts, R3-1 and R4-1; the attached  
8 row house districts, R4, R5, R5B and R5D. We've  
9 modified commercial overlays to C2, C1-3 and C2-3.  
10 And, we've mapped new C2-3 overlays where there's  
11 an existing retail presence.

12 These fine-grain zoning changes,  
13 together with the mapping and maintaining of  
14 existing R4 and R5 districts, where appropriate,  
15 would protect the neighborhood character of  
16 Canarsie. And, again, just to reiterate,  
17 Community Board 18 vote unanimously in favor of  
18 the application. Again, the Borough President  
19 recommended approval without any modifications.  
20 And, the City Planning Commission voted  
21 unanimously in favor.

22 I'll be happy to answer any  
23 questions.

24 CHAIRPERSON AVELLA: First, I'd  
25 like to call on Council Member Lew Fidler, whose

1 district most of this application lies in.

2  
3 COUNCIL MEMBER FIDLER: Yes. I  
4 will be very, very brief. I know that we have a  
5 number of people here who've been waiting to  
6 testify on this for quite a while. And, but, I  
7 would be absolutely remiss, Mr. Chairman, if I  
8 didn't begin by thanking Winston and Richard and  
9 the entire Brooklyn City Planning office. This  
10 has been, in fact, a painstaking process. They  
11 looked at every single block in Canarsie, one by  
12 one, to make sure that the zoning was as  
13 restrictive as existing uses permitted. So, I  
14 want to thank them. And, some of the other folks  
15 that are going to come up here, I will address  
16 later.

17 But, I also just want to-- I had to  
18 take this moment to thank the Committee because in  
19 seven and a half years, this is the first Zoning  
20 Committee meeting that I have had to attend. And,  
21 I would rather have a root canal without  
22 anesthetic to come back to another one.

23 I do want to, Mr. Chairman, just  
24 submit for the record packages of letters, if the  
25 Sergeant at Arms could distribute that to my

2 colleagues, from most of the civic organizations  
3 and civic leaders in Canarsie, many of whom could  
4 not be here today, who wanted to register their  
5 support and be part of the record in support of  
6 this process. Thank you.

7 [Pause]

8 CHAIRPERSON AVELLA: Any questions  
9 from my colleagues before we proceed to the public  
10 testimony? Council Member Sears.

11 COUNCIL MEMBER SEARS: This is  
12 probably the largest I think that I have sat  
13 through. And, you are to be commended for that.  
14 I don't think--

15 MALE VOICE: [Off mic]

16 COUNCIL MEMBER SEARS: Yeah. Oh,  
17 here we go. I haven't missed one meeting. And, I  
18 know the effort that is put in to doing this.  
19 And, I think City Planning is to be really  
20 complimented for this effort. We've gone through  
21 Fordham. We've gone through Harlem. We've gone  
22 through Jamaica, which was one of the largest.  
23 But, by all means, you surpassed that. And, I  
24 want to compliment my colleague, Lew Fidler,  
25 because input into something as large as this and



2 to reach the conclusion where everybody is on  
3 board, I think is pretty astounding. So, you all  
4 to be congratulated.

5 CHAIRPERSON AVELLA: If you can  
6 hang around, of course, I'm sure you will. First,  
7 I'd like to call on-- what? You're shaking your  
8 head.

9 COUNCIL MEMBER FELDER: [Off mic]

10 CHAIRPERSON AVELLA: Simcha, we're  
11 trying to move this ahead.

12 COUNCIL MEMBER FELDER: [Off mic]

13 CHAIRPERSON AVELLA: I understand  
14 we have a representative from Senator Karl  
15 Krueger. I'd like to call him up first.

16 [Pause]

17 MALE VOICE: I will speak slowly,  
18 Councilman Felder. Good morning. Senator  
19 Krueger's in Albany and sends his regrets that he  
20 cannot be here in person today. But, he feels  
21 strongly about the plan to rezone Canarsie and is  
22 submitting the following testimony, which I will  
23 read now.

24 "I applaud the rezoning of Canarsie  
25 and believe that implementing this plan is not

1  
2 only the best way, but the only way to save the  
3 neighborhood from out-of-scale, unscrupulous  
4 development.

5 For the last 30 years, I have seen  
6 this issue process from a slow simmer to a full-  
7 blown boil. I was deeply involved as the plan  
8 began to germinate and gain steam, first as a  
9 civic activist in Canarsie and then, as Chair of  
10 Community Board 18 for ten years. For the last 15  
11 years, I have served as Senator of the community  
12 that sits directly adjacent to Canarsie.

13 The problem began when many one and  
14 two-family homes in Canarsie gradually became  
15 three-family homes to accommodate all of the new  
16 residents who moved into the neighborhood. Then,  
17 many of the old farmhouses started to go and  
18 replaced by multi-family condominiums, an ugly  
19 sight on streets accustomed to low rise  
20 architecture. The farmhouses that fell victim to  
21 the wrecking ball were part of Canarsie's charm  
22 and an integral part of its history, as well. The  
23 history of Canarsie dates way back to the time of  
24 the Canarsie Indians and Dutch settlers and the  
25 farmhouses existed when the neighborhood

1  
2 represented the Hinterlands of the City of  
3 Brooklyn.

4                   Now, unfortunately, time is  
5 marching on in Canarsie, but most definitely not  
6 in a way that was beneficial for the community.  
7 So, our response was to fight back against this  
8 out-of-scale development; me, Canarsie's elected  
9 officials, including Councilman Lew Fidler, the  
10 other activists, Community Board 18, everybody  
11 with a stake in Canarsie's past, present and  
12 future. Together we achieved a number of  
13 successes.

14                   There was one project on East 92<sup>nd</sup>  
15 Street, near Farragut Road that was battled. It  
16 ended with the developer having to pour cement  
17 into the basement to decommission illegal  
18 apartments. We were also successful in preventing  
19 the development of an old Indian cemetery next  
20 Grace Church.

21                   Our goal all along for Canarsie was  
22 to make the important distinction between good  
23 development and bad development. Good development  
24 requires planning and forethought and occurs as a  
25 natural course of community growth. That is not

1  
2 what was happening in Canarsie. We were seeing  
3 the sort of development that destroyed more than  
4 it built. It may have added housing units, but it  
5 did so at the expense of Canarsie's people,  
6 Canarsie's rich history and Canarsie's unique  
7 character.

8 I welcome the zoning proposal,  
9 which should provide a layer of insulation to  
10 protect Canarsie from an epidemic of the type of  
11 terrible construction that has already left its  
12 mark on our streets. We all hope it will put a  
13 cap on this unbridled desecration of our  
14 community."

15 CHAIRPERSON AVELLA: Thank you. We  
16 have one panel in favor and one panel in  
17 opposition. I'll call the panel in favor up  
18 first. Dorothy Turano from Community Board 18,  
19 Debbie Tamafolk [phonetic], Wanda Ihrig, and Gardy  
20 Brazela. [Pause] Are we missing somebody?  
21 Somebody had to leave? Oh, okay. Whoever wants  
22 to go first.

23 DOROTHY TURANO: Good afternoon,  
24 Chairperson Avella, our distinguished Council  
25 Member Lewis Fidler, and Honorable members of the

1 Council of the City of New York Land Use  
2 Committee. My name is Dorothy Turano. I'm the  
3 District Manager of Community Board 18.  
4

5 I want to reiterate, at the outset,  
6 that Community Board 18 did, in fact, vote  
7 unanimously to support this ULURP application for  
8 lower density and contextual zoning map changes  
9 for the Canarsie neighborhood. We commend the  
10 City Planning Commission and the Department of  
11 City Planning for their thoroughness and speed.  
12 It's a job well done. It's a finally crafted  
13 neighborhood preservation plan. I'm here today to  
14 ask for your support in approving this plan. We  
15 anxiously await its implementation.

16 The scope of this proposal was an  
17 enormous undertaking. The planning process is a  
18 difficult and daunting task. Planning cannot be  
19 done in a vacuum. It cannot be whimsical or  
20 succumb to the financial goals of developers. It  
21 must be done in the context of an overall plan  
22 with a vision and a direction for future  
23 development with an end in sight to out-of-scale  
24 development. This plan meets that criteria.

25 Would we have wanted to be more

1  
2 creative with each block? Absolutely. Would we  
3 have wanted to see more regionalized approach  
4 toward our infrastructure, be it shopping,  
5 schools, religious institutions or transportation?  
6 Without a doubt. However, we have what we have; a  
7 lengthy, in-depth and well-thought through plan to  
8 rezone this community consistent with its existing  
9 character. This plan observes and protects our  
10 community's rich heritage which dates back, as  
11 Senator Krueger stated, to the Canarsie Indians  
12 and is home to the historic Canarsie Cemetery and  
13 prominent Canarsie Pier, which is part of Gateway  
14 National Park. It embraces our neighborhood and  
15 connects our homes to the community.

16 Before I close, there are people I  
17 want to acknowledge and thank for their  
18 commitment, expertise, guidance, overwhelming  
19 support, cooperation, patience and, above all,  
20 teamwork. This was a project with teamwork. Will  
21 we ever forget the phone calls, the lengthy  
22 studies, the countless meetings, the ceaseless  
23 debates and the unrelenting letters? I don't  
24 think so. Thanks to all the Canarsie stakeholders  
25 for bringing together this diverse community and

1  
2 for recognizing its historic and geographical  
3 boundaries while, at the same time, developing a  
4 theory for a long term redevelopment of  
5 residential maintenance and commercial  
6 competitiveness.

7 I really wish that there were a  
8 better word than thanks to express our sincere  
9 appreciation to Councilman Lewis Fidler, who  
10 fostered and closely monitored its advancement.  
11 And, he worked in cooperation with Council Member  
12 Barron. Thanks to the City Planning Commission  
13 and Department of City Planning, our Borough  
14 President, Marty Markowitz, Community Board  
15 members and community leaders, in particular Mary  
16 Anne Sallustro, President of the South Canarsie  
17 Civic Association.

18 Thanks to all of you here today and  
19 to all the members of the City Council for your  
20 continued support and commitment. Continue to use  
21 your authority and expertise to examine, and  
22 revise when necessary, current zoning laws for the  
23 protection of generations to come. We must  
24 continue to fight to maintain and preserve our  
25 natural resources and the unique character of the

2 diverse neighborhoods of our City. Let's keep New  
3 York a place to live in and not to be from. Thank  
4 you all very much and enjoy the rest of the day.

5 GARDY BRAZELA: Good afternoon,  
6 ladies and gentlemen, Mr. Chairman. Thank you for  
7 allowing me to speak on behalf of Canarsie  
8 rezoning. My name is Gardy Brazela. I'm the  
9 President of Friends United Block Association,  
10 which is a larger civic organization in Canarsie.  
11 I'm here to testify in favor of Canarsie zoning.

12 First, I would like to thank my  
13 Councilman, Lew Fidler, and the City Planning for  
14 a job well done. That's all I have to say.

15 FEMALE VOICE: That's enough.

16 CHAIRPERSON AVELLA: That's the  
17 best statement of the day.

18 FEMALE VOICE: Should have given -

19 -

20 CHAIRPERSON AVELLA: Yeah, right.  
21 I always say the politician who speaks the least  
22 gets the most applause. So, you actually, you  
23 know, you actually did it.

24 WANDA IHRIG: Thank you also for  
25 allowing me to speak. My name is Wanda Ihrig. I



1  
2 have been a long time resident of Canarsie, 49  
3 plus years. And, I am the President of Informed  
4 Voices Civic Association. We also have an  
5 extensive membership in Canarsie, as well as  
6 members from all areas of Canarsie. So, it's not  
7 geographic to just one segment.

8 I don't know how I can follow up  
9 these two very eloquent speakers without boring  
10 you to death. So, let me first say I totally  
11 agree with everything both the Planning Commission  
12 and they have said so far. I just want to stress  
13 that this has been a totally transparent, totally  
14 inclusive process with countless hours, both of  
15 discussion, sometimes lively discussion, as well  
16 as collaboration. This down-zoning was a block by  
17 block effort. The only objections could perhaps  
18 be a structure by a structure, which you know you  
19 can't do in a down-zoning.

20 This was something that was a labor  
21 of love for all of Canarsie. Our organization  
22 totally agrees with it and hopes that you will  
23 consider it. Since the mind cannot endure more  
24 than the seat can endure, I think we are going to  
25 end there. Thank you very much.

2 [Pause]

3 DEBBIE TAMAFOLK: I don't know how  
4 I'm going to follow the predecessors. My name is  
5 Debbie Tamafolk. And, I am a resident of Canarsie  
6 for almost 35 years and Board member of Friends  
7 United Block Association.

8 I'd like to say thank you, thank  
9 you, thank you to our Councilman, Lew Fidler, and  
10 for pushing this forward and community  
11 stakeholders and everyone involved in the process.  
12 And, oftentimes, it was like a root canal without  
13 Novocain. But, we got through it. There was a  
14 lot of teamwork. There was lively discussion,  
15 constantly. Lots of thanks go to Mary Anne  
16 Sallustro and members here and many of them who  
17 are not here, who were present at the meetings.  
18 It was complete transparency and an opportunity  
19 for all members of the community to voice an  
20 opinion, sometimes ad nauseam, but we're managed  
21 to get through it.

22 And, I'm asking the Chairman, this  
23 Committee, to move forward on the Canarsie down-  
24 zoning plan. Oftentimes, these plans are not done  
25 with the amount of care that was done here.

1  
2 Segregation and, you know, poor development  
3 follows. This is not the case with this plan.  
4 And, I urge you to move forward. Thank you.

5 CHAIRPERSON AVELLA: Thank you.  
6 Council Member Fidler has a comment.

7 COUNCIL MEMBER FIDLER: Yeah. I  
8 just want to thank this panel and even, in fact, I  
9 want to thank the members of the next panel, as  
10 well, who served on the task force and went to the  
11 countless meetings that we had. You know, just so  
12 my colleagues know what we did was we had  
13 representatives of every civic association and  
14 every elected official in Canarsie in a room,  
15 decided on what our goals were first, and then,  
16 asked City Planning to implement it. And, they  
17 patiently came back and back and back and back as  
18 we really went block by block to make sure that  
19 these goals were met.

20 I do want to mention, because he's  
21 not here, that Councilman Barron, who represents  
22 about a third of Canarsie, also fully supports  
23 this project in one of those great moments when  
24 Charles Barron and I are absolutely of the same  
25 mind. So, I just wanted to say thank you for all

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the work that you put in.

CHAIRPERSON AVELLA: Thank you.

Next panel is a panel in opposition, Daniel McCullough [phonetic], from the Four Borough Neighborhood Alliance, Mary Ann Sallustro, Elias Weir [phonetic] and Leo, is it, C-U-R-I-E-R, or C-U-K-I-E-R, from Bayview Housing. Leo. [Pause] And, this is the last panel on this item. After they are finished, I do not see anybody else signed up to speak, after they are finished, I will close the public hearing on this item. And then, we will go to the last item on the agenda. [Pause] to go first. Go ahead. No? Let's somebody go. Mary Anne, press the button and speak into the microphone.

MARY ANN SALLUSTRO: I'm so nervous. Okay. I'm sorry. All right. We're very, very thankful, we're very thankful-- I'm sorry. Did we press it? I'm Mary Anne Sallustro, President, the South Canarsie Civic. And, we incorporated from Avenue D to the Canarsie shoreline, East 108<sup>th</sup> Street to - - Avenue. So, we do all of the blocks in Canarsie. We love all of Canarsie. I'm a lifelong Canarsian.

2 And, we appreciate everything that  
3 was done. But, we find some flaws in the zoning.  
4 We're very frightened about the R5D. We're very  
5 frightened about it being given in literature from  
6 our elected official that that kind of housing  
7 will never happen again. And, I have some  
8 pictures if I can get up and show you some photos.  
9 I'll talk first. But, the R5D is not compatible  
10 with the Canarsie zoning. And, in the R5 and the  
11 R4 that we have now, that's were all the infill  
12 has occurred and all of the outer developments. I  
13 would rather show you a map that I made.

14 CHAIRPERSON AVELLA: Mary Anne, you  
15 have to speak into the microphone. What you could  
16 do is have somebody else point to the map while  
17 you speak.

18 MARY ANNE SALLUSTRO: We're going  
19 to see the first one is--

20 CHAIRPERSON AVELLA: Mary Anne,  
21 you've got to speak--

22 MARY ANNE SALLUSTRO: Okay. I'm  
23 sorry.

24 CHAIRPERSON AVELLA: -- into the  
25 microphone.

2 MARY ANN SALLUSTRO: The first one  
3 has to deal with the area where United Canarsie  
4 South Civic would like to add a room, which is  
5 wonderful. But, it still has the R5 zoning  
6 district. And, we went block by block and we  
7 found all one-family detached and all one-family  
8 semi-detached predominantly. So, if you want to  
9 protect and preserve, you can do it very easily  
10 with an R4.

11 And, the next one is--

12 CHAIRPERSON AVELLA: [Interposing]  
13 I'm not clear as to what area you're talking  
14 about. What section are you speak-- Mary Anne,  
15 you've got to talk into--

16 MARY ANN SALLUSTRO: We're speaking  
17 about--

18 CHAIRPERSON AVELLA: -- the mic.

19 MARY ANN SALLUSTRO: -- Seaview, I  
20 know you only have three minutes, Seaview Avenue  
21 to Skidmore Avenue, that's behind Canarsie Beach  
22 Park to Skank [phonetic] Street, which is like the  
23 Belk Parkway. And, you have Skank Street on the  
24 left and then, you have East 91, East 92 and East  
25 93. Those are predominantly one and two-family

1  
2 homes, detached, semi-detached. On Canarsie Road,  
3 on the west side of the block, those are two-  
4 family and one-family detached, semi-detached  
5 homes. Across the street, they're connected or  
6 they're also detached.

7 And, it qualifies as an R4-1. It  
8 allows people to do an expansion, an addition  
9 because with the R5, they could tear down these  
10 houses. Some of them are older bungalows. And,  
11 that's it. Now, we have other maps. I'm leaving  
12 them for you. Yeah. [Pause] All right.

13 This is Flatlands Avenue. This is  
14 where I grew up. Flatlands Avenue between East 88  
15 and Avenue J. It happens to be-- we thank Dorothy  
16 Turano. At one time, she preserved our block,  
17 East 88 Street on the east side.

18 CHAIRPERSON AVELLA: If I can  
19 interrupt because it's very confusing for anybody  
20 on the Committee to understand what you're  
21 referring to.

22 MARY ANN SALLUSTRO: [Interposing]  
23 These houses--

24 CHAIRPERSON AVELLA: What--

25 MARY ANN SALLUSTRO: -- on East--

2 CHAIRPERSON AVELLA: Mary Anne--

3 MARY ANN SALLUSTRO: --88.

4 CHAIRPERSON AVELLA: Mary Anne,  
5 listen to what I'm saying.

6 MARY ANN SALLUSTRO: Okay.

7 CHAIRPERSON AVELLA: The previous  
8 map you had up had referred to the R5 section.

9 MARY ANN SALLUSTRO: Yes.

10 CHAIRPERSON AVELLA: What section  
11 are you referring to now?

12 MARY ANN SALLUSTRO: We're  
13 referring to Avenue J, where they did it R5B. You  
14 see Avenue J to Church Lane, they made that R5B.  
15 Do you see, there is one, two houses and then, the  
16 condos and on next block you have one house on the  
17 corner of East 88 Street. You have one-family  
18 house. Then, you have another one. That's on the  
19 whole block. So, we want you to take the  
20 bungalows, which are on East 88 to J, Flatlands to  
21 J, and 89 to J and 87, and take it all the way  
22 down and make it R4-1. Why did you make it R5B,  
23 when it's on a lane where the Canarsie Cemetery's  
24 for sale, where the water table? So, we don't  
25 think R5B is appropriate. We have an architect



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that, when Danny speaks, he'll talk about it.

Then, we have another one.

CHAIRPERSON AVELLA: Mary Anne,  
you've gone over your three minutes. Can we have  
somebody else--

MARY ANN SALLUSTRO: Okay.

CHAIRPERSON AVELLA: -- talk about  
these issues significantly?

MARY ANN SALLUSTRO: Okay. That's  
basically it. We're afraid--

CHAIRPERSON AVELLA: Okay.

MARY ANN SALLUSTRO: -- of that--  
the 40 feet limit, the bonus, 'cause on Avenue K,  
8413 Avenue K, we have an overbuilding. And, they  
can still do that in Canarsie, the overbuilding,  
out of character with the bonus height. Forty  
feet is inappropriate. We are one and two-story  
predominantly. That's it. We're afraid of it.  
We're afraid of the R5s. And, our architect here  
has a map. Thank you very much.

ELIAS WEIR: Yes, thank you for  
giving me the opportunity to speak. My name is  
Elias J. Weir. I'm also with South Canarsie Civic  
Association and a resident of Canarsie.

1  
2 One of the things that I'd like to  
3 speak about, basically, is the fact that they did  
4 say down-zoning. One of the things that is  
5 notices that the commercial strip oppose to saying  
6 that is being capped on the norm. It has been up-  
7 zone. That's one of our concerns.

8 And, as Mary Anne is pointing out,  
9 we are concerned with the R5B. And, that is the  
10 area of Avenue J and East 85<sup>th</sup> Street, as well as  
11 Farragut and East 82<sup>nd</sup> Street. Not only that, the  
12 point of fact is that we have the waterfront  
13 section, where we notice that there is no actual  
14 labeling as a C3. And, the careful part that we  
15 want to make sure that it is labeled C3 oppose to  
16 in a area of R5.

17 We know very well that the rezoning  
18 was a very time-consuming factor. And, we're very  
19 thankful about it. These are just a few things  
20 that we basically want to see corrected. It's not  
21 to say that the whole matter has to be corrected.  
22 It's a time-consuming matter, as stated. We're  
23 very thankful. And, no one is actually pointing  
24 fingers that there's something wrong. Just basic  
25 fact. Here we have a minor issue. Can we correct

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it?

And, basically there are other things I'd like to speak to, speak about, but, I suppose they're being laid out in that letter in documentation from Mary Anne. So, I'm not going to take much of the Committee's time. I thank you for having me. And, I'm going to turn over the mic. [Pause]

LEO CUKIER: Chairman, thank you very much for letting me speak, Committee members. My name is Leo Cukier. I'm President of one of the congregation in Canarsie. I'm also a member of the Bayview Housing Association in Canarsie. And, since I don't drive, I've actually been walking through the whole of Canarsie, you know, all the years I've been there, which is over 35, 40 years.

I'd just like to say that, you know, I want to thank everybody that has worked very hard, as we know, from the meetings that we've had. They've been very turbulent and sometimes, almost in a violent state because people are concerned with what's going on in Canarsie. Canarsie's a very beautiful place,

1  
2 which over 200 years the Canarsie Indians started  
3 over there. And, we have neighborhoods that  
4 basically is a place that anyone that can come,  
5 can enjoy.

6 Houses, brick homes that, you know,  
7 you can't get anywhere else, you know. You can  
8 pay a million dollars, \$2 million for some of  
9 these homes elsewhere. But, here in Canarsie,  
10 which is a very basic mix-- it's a mixed  
11 neighborhood. We have people from the Caribbean.  
12 We have, you know, from Haiti, from Jamaica and  
13 from Trinidad. And, we have Oriental, you know,  
14 people from China. They come and it's basically a  
15 community that's together. In other words, it's  
16 not one that we're at each other's back. Okay.  
17 It's a beautiful and we just want to keep it that  
18 way.

19 All the work that was done, as I  
20 said, it's been years and years and has not been  
21 easy, you know. I thank, you know, Lew Fidler for  
22 being in this process. It has not been easy to  
23 get our Committee members to join us in on what  
24 was going on. And, I want to thank everybody,  
25 Mary Luann, of course, and everybody that's been

1  
2 involved with this.

3 I just want the reason that I'd  
4 like them to, you know, since it has been taking  
5 many, many years and, you know, and trying not to  
6 lose our neighborhoods, I want them to think of  
7 what Mary Anne and others have said as to what our  
8 concerns are. And, please make note. I mean, if  
9 you're going to finalize something, let's finalize  
10 it so that we don't leave anything that we're  
11 going to have to keep fighting over and over  
12 again, the same battles.

13 So, again, I'd like you to review  
14 everything. And, you know, and, get the feedback  
15 from the community and from the people that, you  
16 know, live there and basically, we all live there.  
17 And, we'd like you to please not to rush into  
18 something and not leave anything out that could be  
19 basically changed for the better. So, as we know,  
20 developers have a way of going around and using  
21 all kinds of ways of trying to get around  
22 regulations.

23 And, you know, so, as someone  
24 mentioned, you know, what's important is the  
25 privacy, air and, you know, and light. That's

1  
2 very important to the Committee so that, you know,  
3 I've seen, you know, where homes basically, there  
4 is no light. So, I thank you again. And, thank  
5 you very much, Committee members and Chairman.

6 DANIEL McCULLOUGH: Good morning.  
7 My name is Daniel McCullough. I'm here to request  
8 a few amendments to the zoning proposal.

9 Basically, we're requesting most of the R5B  
10 sections be, if possible, changed to the R4.  
11 We're looking to expand the R4s, which City  
12 Planning proposes. We find there's very similar  
13 floor area ratio per lot that's allowable for  
14 development. R4 just gives you a little more  
15 flexibility as far as building extensions.

16 We're also requesting that the  
17 proposed R5D remain the commercial districts,  
18 especially on the Rockaway Parkway area because  
19 it's already built, I mean, as far as traffic is  
20 concerned. The train line is already overflowing  
21 during rush hour. And, plus, we're looking to  
22 have the use groups that are commercial districts  
23 restricted from use groups one through four. If  
24 you get to use groups five through nine, that's  
25 just-- it's a little too many. It just makes

2 traffic almost impossible.

3 We're also requesting to expand  
4 City Planning's R3-1s because these are little  
5 more in character of the neighborhood.

6 Our main request is if the  
7 Committee could ask the Brooklyn Borough office to  
8 look at the area of Seaview, Skidmore over there  
9 if it's possible to attach it to another zoning  
10 proposal in Brooklyn, something like Coney Island  
11 or maybe even, what do you call it, Sunset Park.  
12 We're hoping that the district could be R4-1.  
13 There's still a lot of houses left unprotected on  
14 those blocks.

15 And, we hope to keep the area of  
16 Paerdegat C3, item 17 says it's proposed R5. I  
17 thought there needed to be legislation if that's  
18 park land.

19 So, basically our most important  
20 request is if the Brooklyn Borough office can take  
21 a look at the Seaview area that's outside of the  
22 zoning proposal district, you know, just to get  
23 the R4-1 in if it's possible for the Committee to  
24 attach it to another zoning district. But, we  
25 would prefer to have the R4-1s extended more.

1  
2 There's only just a yard and 35 feet on the front  
3 wall, you know. It's R5B is a five front-- five-  
4 foot front yard. R4-1 is four, I think maximum  
5 ten yard, I mean, ten feet. So, that's in  
6 conclusion. That's the quickest things we needed.

7 CHAIRPERSON AVELLA: Any questions?  
8 Oh, Council Member Helen Sears. And then, I'd  
9 like to call City Planning back to comment on the  
10 testimony.

11 COUNCIL MEMBER SEARS: Thank you,  
12 Mr. Chair. You really spent considerable time on  
13 doing this. So, I'm not confused. But, I just  
14 really have a question because in spending the  
15 time and expressing and defining the areas that  
16 you really choose to have these changes, this  
17 process has been a very lengthy one. And, I know  
18 the process, the Committee goes through this and  
19 we've done extensively in every part of the City.  
20 So, what I don't understand is you must have  
21 expressed this to the Community Board. You must  
22 have expressed when there have been public  
23 hearings. City Planning had to hear your  
24 comments. So, what was the objection to your  
25 proposals? That's what I would like to know.



2 ELIAS WEIR: I will answer that. I  
3 will answer that.

4 COUNCIL MEMBER SEARS: No, anyone  
5 can. I mean, I'm just raising--

6 ELIAS WEIR: That's quite okay.

7 COUNCIL MEMBER SEARS: -- the  
8 issue.

9 ELIAS WEIR: One of the things I  
10 failed to mention as I was speaking, 'cause I  
11 wanted to keep it at a limited time and I didn't  
12 want-- basically, I understand that the Community  
13 Board stated that everyone voted in favor.

14 COUNCIL MEMBER SEARS: Well, it  
15 indicates that.

16 ELIAS WEIR: It indicates that.  
17 But, one of the things that, 'cause I was there.  
18 No careful consideration was given as far as  
19 studying the actual map as to what was going on.  
20 Now, as it stated, the points that are being  
21 brought about is the fact that we don't want  
22 Canarsie to be overcrowded. We know that  
23 developers are just waiting to sink their teeth to  
24 destroy the community. Now, I don't understand  
25 what does it take for the mind to look at an area

1  
2 and say it's a tree-line block and so forth.

3           If it feels that it's an incumbent  
4 part where you feel that we're troubling you, no  
5 it's not. Canarsians are concerned. I know  
6 you've heard documentation that many individual  
7 are for it. Well, I'm sorry to say we're playing  
8 the bad guys. We know very well that some things  
9 do not fit within the medium of our community.  
10 And, that's why we're addressing them. If careful  
11 consideration and careful thought was given in  
12 reviewing the map, we will probably not having  
13 this discussion. And, that's it.

14           COUNCIL MEMBER SEARS: I'm not  
15 going to speak for City Planning and then, I'll  
16 just end my comment. But, that I know that City  
17 Planning Citywide extends very, very extensive  
18 thought process, the professional process and the  
19 very clinical process. And, in my experience with  
20 City Planning Citywide, is that a lot goes into--  
21 this is the most extensive that I've sat through.  
22 Three hundred blocks is extensive. There's no  
23 frivolity or thoughtlessness in 300 blocks.

24           Now, there seems to be a difference  
25 of opinion. But, the fact is the process for

1 rezoning is a very lengthy one. There's a public  
2 hearing with the Borough President. There's a  
3 public hearing with the Community Boards. The  
4 community groups meet, as has been explained,  
5 everyone has come together. And, for you to come  
6 today with this is a little confusing to me  
7 because you've had every opportunity to express  
8 this. And, as an architect, certainly that  
9 professionalism needed to be expressed with City  
10 Planning as they review this entire process. This  
11 isn't something that happened overnight. And,  
12 when it comes to us, it has gone through an  
13 extensive screening.

14  
15 So, I was just wondering what were  
16 the objections to your proposals when you were  
17 present in the process? I'm assuming you  
18 testified at public hearings.

19 ELIAS WEIR: We have. We did on  
20 numerous occasion, we did. And, I cannot say why  
21 certain things are falling on deaf ears. I  
22 understand your point. But, hear ours.

23 COUNCIL MEMBER SEARS: I have.

24 ELIAS WEIR: We've testified on all  
25 occasions. And, mostly, at the Community Board

18, because I know the process starts there first. So, whether or not Community Board 18 was not considerate, I cannot answer for them. The fact remains that we know very well that there are certain problems here. You can't be blind such as the C3 part. It says R5. If you look at it carefully, it says R5. Those dots denote that that particular area is open for development.

COUNCIL MEMBER SEARS: The Chair has asked for City Planning to come back to the table. And, I think--

ELIAS WEIR: [Interposing] We don't want to delay the process. We don't want to delay the process. All we want is for this Council Chamber here to look at the issues and the arguments that we're having and so fit that the changes be met. Not to say that the entire blocks be redrawn. No, that's not what we're saying. We only want a little bit mindfulness--

MARY ANN SALLUSTRO: [Interposing]  
Could I talk?

ELIAS WEIR: -- and careful consideration.

COUNCIL MEMBER SEARS: No, I'm not

1  
2 a planner. And, I'll end here. But, the fact is,  
3 you don't change on block and ignore another. It  
4 is a very complicated process. So, what you are  
5 asking for, sir, is that we delay the voting, go  
6 back to the drawing board--

7 MARY ANN SALLUSTRO: [Interposing]

8 Let me ask her. Let me answer her.

9 COUNCIL MEMBER SEARS: -- and not  
10 take a very simple selected process.

11 MARY ANN SALLUSTRO: [Interposing]

12 Let me speak to her.

13 COUNCIL MEMBER SEARS: You don't do  
14 that. Rezoning isn't done where we take one block  
15 and ignore everything else that was done. So,  
16 that's why I'm wondering, and my question was--

17 MARY ANN SALLUSTRO: [Interposing]

18 I have to answer her.

19 COUNCIL MEMBER SEARS: -- why did  
20 it reach this point when an extensive process took  
21 place--

22 CHAIRPERSON AVELLA: [Interposing]

23 Can I sort of--

24 COUNCIL MEMBER SEARS: -- for a 300  
25 block--

2 CHAIRPERSON AVELLA: -- frame an  
3 argument here?

4 COUNCIL MEMBER SEARS: -- rezoning.

5 MARY ANN SALLUSTRO: Can I--

6 COUNCIL MEMBER SEARS: And, I--  
7 okay, 'cause I made the point.

8 MARY ANN SALLUSTRO: [crosstalk]

9 COUNCIL MEMBER SEARS: All right.

10 MARY ANN SALLUSTRO: Could I  
11 please, as the President--

12 CHAIRPERSON AVELLA: Can I sort of  
13 frame the argument here because I hear what  
14 everybody's saying. But, I think we're getting  
15 just a little bit off the topic.

16 COUNCIL MEMBER SEARS: Well, I  
17 raised the--

18 CHAIRPERSON AVELLA: I think your  
19 question--

20 COUNCIL MEMBER SEARS: -- question.

21 CHAIRPERSON AVELLA: I think your  
22 question is, and I don't think they answered it.

23 COUNCIL MEMBER SEARS: No, they  
24 didn't.

25 CHAIRPERSON AVELLA: But, I think

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your question is--

COUNCIL MEMBER SEARS:

[Interposing] They didn't.

CHAIRPERSON AVELLA: -- and if I

hear what you're saying is you're trying to fine  
tune the application. Her question to you was the  
fine tuning that you're suggesting, was it  
submitted previously to the Community Board or  
City Planning prior to today?

COUNCIL MEMBER SEARS: Yes.

CHAIRPERSON AVELLA: And then, her  
question was what was the answer.

MARY ANN SALLUSTRO: Yes. Every

week, every month, we wrote to Commissioner  
Burden. We CC'd it to Markowitz. We gave  
everything to Chairman Avella. And, we never got  
a response. In other words we wanted originally  
to rezone Canarsie because we were R4 and R5.  
Four Borough, he's from Four Borough. He's not an  
architect. Our architect, she came onboard now  
recently. She's a Canarsian and she did this last  
night at our meeting. We had a meet the  
candidates meeting.

CHAIRPERSON AVELLA: Mary Anne--

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MARY ANN SALLUSTRO: We had--

CHAIRPERSON AVELLA: -- we know  
that. We're trying to get--

MARY ANN SALLUSTRO: -- March--

CHAIRPERSON AVELLA: Mary Anne,  
we're trying to get to--

MARY ANN SALLUSTRO: Okay.

CHAIRPERSON AVELLA: -- the basis--

MARY ANN SALLUSTRO: [Interposing]  
The bottom line is--

CHAIRPERSON AVELLA: -- of the  
issue here.

MARY ANN SALLUSTRO: -- we--

CHAIRPERSON AVELLA: I'm going to  
cut you off, Mary Anne.

MARY ANN SALLUSTRO: Yes.

CHAIRPERSON AVELLA: We're trying  
to get to the bottom of your fine tuning  
suggestions. That's the basis of your testimony.

MARY ANN SALLUSTRO: [crosstalk]

CHAIRPERSON AVELLA: That's the  
basis of the questions. What I would like to do,  
at this point, unless there's any other questions  
is call--



2 COUNCIL MEMBER SEARS: Call up City  
3 Planning.

4 CHAIRPERSON AVELLA: -- City  
5 Planning back and let them comment on the  
6 suggestions that you've made.

7 MARY ANN SALLUSTRO: We have  
8 addresses that we went door, Steven and I, my Vice  
9 President, we went on all these blocks. Now, I  
10 don't know you had to make ten copies for all of  
11 you. And, I had to-- this map was drawn last  
12 night. I have photographs. I gave everything at  
13 the City Planning when it was with Miss Burden at  
14 that college. We have all the streets on Avenue  
15 L, which is R5D. We have all of them. They're  
16 one and two-stories. They're all residential  
17 houses. We have all the addresses.

18 CHAIRPERSON AVELLA: Okay. Mary  
19 Anne--

20 MARY ANN SALLUSTRO: So, I want to  
21 submit this--

22 CHAIRPERSON AVELLA: Mary Anne, I'm  
23 cutting you off--

24 MARY ANN SALLUSTRO: -- [crosstalk]  
25 testimony--

2 CHAIRPERSON AVELLA: -- because  
3 let's get City Planning back--

4 MARY ANN SALLUSTRO: [Interposing]  
5 I have photos--

6 CHAIRPERSON AVELLA: -- to go over  
7 it.

8 MARY ANN SALLUSTRO: -- I  
9 submitted. I have so many photos.

10 CHAIRPERSON AVELLA: Okay. Mary  
11 Anne--

12 MARY ANN SALLUSTRO: Yes, thank  
13 you.

14 CHAIRPERSON AVELLA: -- what we  
15 need to do is now hear from City Planning. So,  
16 I'm dismissing this panel.

17 MARY ANN SALLUSTRO: Thank you.

18 CHAIRPERSON AVELLA: And, I'd like  
19 City Planning to come back and comment. And, my  
20 first question to City Planning would be have you  
21 been aware of the fine tuning suggestions that  
22 they have made? And, what's your comments?

23 WINSTON VON ENGEL: Let me say that  
24 yes, we have been aware of the testimony, in  
25 general, of the South Canarsie Civic Association

1  
2 that you heard today. And, I just want to mirror  
3 what Council Member Sears has said that all of  
4 these issues were discussed numerous times at the  
5 meetings that Councilman Fidler has referred, the  
6 Chair of the Community Board and the other  
7 representatives of the Civic Associations has  
8 referred to. We discussed those issues in great  
9 detail. We made adjustments based upon those  
10 comments and those questions to us.

11 I have Richard Jacobs here. He  
12 can, if you would like, if you have specific  
13 questions, respond to specific, you know,  
14 questions about this. But, all of these issues  
15 were discussed. All of them were thoroughly gone  
16 over. Richard has gone over these numerous times.  
17 It is really, as you pointed out, block by block,  
18 block by block, very careful. And, we check with  
19 each civic. And, I'll just give one example. The  
20 Seaview Avenue area, we checked specifically with  
21 the Civic Association that represents that area.  
22 And, they said leave the zoning as is. This is  
23 our area. Leave it as it is. We said fine. And,  
24 we left it as is. It's as it is right now in the  
25 proposal.

2 So, if you'd like, if you have  
3 specific questions, we can certainly go through  
4 those.

5 COUNCIL MEMBER FIDLER: Just on  
6 that--

7 CHAIRPERSON AVELLA: Council Member  
8 Fidler.

9 COUNCIL MEMBER FIDLER: Yeah, just  
10 on that point, Mr. Chairman, in the packet that I  
11 gave you, you have letters from Neil Duncan  
12 [phonetic] and Lenny Fogel [phonetic], who, I know  
13 this is confusing, they are the President and Vice  
14 President of United Canarsie South Civic  
15 Association, which is the Civic Association that  
16 specifically covers the Canarsie Beach Park,  
17 Seaview area of Canarsie. I believe in the first  
18 proposal, there was a different zoning for that  
19 area. And, Mr. Duncan, who had expressed for his  
20 civic, at the very first planning meeting, that he  
21 wanted the growing families in that community to  
22 be able to add a room to their home if they could  
23 that the zoning accommodate that. And, I know  
24 that Mr. Jacobs went back, looked at it, pointed  
25 out that the FAR, the current FARs, exceed R4-1 in

2 that area and R5 would have been appropriate  
3 anyway. And so, the task force voted to support  
4 an R5 in that area because that's what the local  
5 residents want.

6 CHAIRPERSON AVELLA: I would just  
7 add in terms of your question, the specifics, I  
8 mean, that's what I was trying to get out of the  
9 panel. And, I think I'm more confused than ever.  
10 Unfortunately, without the lack of a very specific  
11 recommendation, I know it's very hard for you to  
12 even comment. The only thing I know you would do  
13 is if somebody even, at this point, if somebody  
14 submitted a recommendation to you, you would take  
15 a look at it, correct?

16 WINSTON VON ENGEL: Absolutely, of  
17 course. And, we have during this two and a half-  
18 year process read through very carefully every,  
19 each one of the recommendations that were  
20 received, and suggestions, especially by the South  
21 Canarsie Civic Association.

22 CHAIRPERSON AVELLA: Thank you.  
23 Any other questions from anybody? Thank you.  
24 [Off mic] the public hearing on this matter is  
25 closed. We will move on to the last item, [pause]

2 which is N090306ZRM, Battery Park City Site Three,  
3 an application for the Battery Park City Authority  
4 for an amendment of the Zoning Resolution. And, I  
5 know you've been waiting around a long morning to  
6 do this.

7 DANIEL BALDWIN: Thank you.

8 Chairman Avella and members of the Committee, my  
9 name is Daniel Baldwin. I'm the Senior  
10 Development Counsel of Battery Park City  
11 Authority. And, we are proposing an amendment to  
12 the Zoning Resolution for our Special District to  
13 permit an increase from 40 to 50 feet in the  
14 permitted aggregate length of curb cuts for Site  
15 Three, which is the zoning lot east of Battery  
16 Place between Second Place and Third Place. And,  
17 all of these cuts will be on Second Place, which  
18 is on the south side of the Visionaire.

19 The Visionaire is a newly  
20 constructed LEED platinum certified residential  
21 building. In four floors within the base of the  
22 building will be the new headquarters and facility  
23 for the Battery Park City Parks Conservancy, which  
24 manages all of the parks and park programming  
25 Battery Park City. It's consolidating all of

1  
2 their operations, which formerly had been spread  
3 in different locations throughout Battery Park  
4 City, in one place. Because now that Battery Park  
5 City is basically fully built out, there is no  
6 vacant lots that they can use for storage and  
7 other things.

8 So, this is actually a very  
9 ingeniously constructed-- it's a vertical storage,  
10 maintenance and office facility, 43,000 square  
11 feet. So, the existing zoning permits 40 feet of  
12 curb cuts. We're asking for 50 feet of curb cuts.  
13 Here's how it lays out. The Visionaire, the  
14 residential portion of the building, has a 20-foot  
15 curb cut for the garage, for the residential  
16 garage. Then, we have a compactor room, which is  
17 part of our ongoing pilot program in Battery Park  
18 City to try to get to minimize on-street storage  
19 of garbage, which attracts rats, other things like  
20 that. So, this is part of that initiative. That  
21 has a ten-foot curb cut.

22 The Conservancy has, if you just  
23 kept it down to the 40 feet, they would have one  
24 ten-foot curb cut. They need two, because now  
25 they're having all of their operations in this one

1 facility. It's a 24-hour a day operation. I  
2 mean, I'm sorry, 18 out of 24 hours. They have a  
3 constant inflow and outflow of their personnel,  
4 maintenance vehicles, deliveries. So, if there  
5 were only to have one curb cut, that would  
6 basically mean that any time that there was  
7 deliveries going on, they'd have to shut down the  
8 rest of their operations.

9  
10 So, this proposal is simply in the  
11 interest of enabling this new facility, which is  
12 also going to be a LEED certified facility, to  
13 function efficiently in their mission of  
14 preserving and maintaining the Battery Park City  
15 Parks.

16 CHAIRPERSON AVELLA: Thank you. I  
17 have a statement. This lies within Council Member  
18 Alan Gerson's district. And, he has apparently a  
19 cold, like I do. So, he has submitted testimony.  
20 And, I'll just quickly read it into the record.

21 "I am writing in support for Land  
22 Use Number 1114, Battery Park City Site Three, an  
23 application submitted by the Battery Park City  
24 Authority, pursuant to Section 201 of the New York  
25 City Charter for an amendment of Section 84144(e)



of the Zoning Resolution.

The amendment will increase the permitted aggregate length of curb cuts for Site Three from 40 to 50 feet. Site Three is the zoning lot east of Battery Place between Second Place and Third Place. The extra curb cut is necessary to accommodate all of the Battery Park City Parks Conservancy's administrative, maintenance and storage operations at its new facilities, located at the Visionaire, a newly constructed LEED platinum certified residential building.

In addition, the Authority conducted an environmental study and found no adverse impacts of the additional curb cut. The amendment was unanimously approved by the City Planning Commission in May. Community Board 1 also supports the amendment. I ask the Land Use Committee to approve the amendment."

Any questions from my colleagues?  
Seeing none, thank you.

DANIEL BALDWIN: Thank you.

CHAIRPERSON AVELLA: I see no one signed up to speak on the item. And, this was

1  
2 probably the simplest one of the day. It's  
3 unfortunate we had to wait for the end. I  
4 apologize. I will close the public hearing on  
5 this item.

6 And, we will call counsel on the  
7 vote. And, let me just refresh everybody's  
8 memory. We will be voting on the Cord Myer Forest  
9 Hills rezoning, on the Special Long Island City  
10 District text amendment, on the Battery Park City  
11 Site Three amendment and on the Canarsie rezoning.  
12 Chair recommends approval of all those items.  
13 And, we will be laying over the Lower Concourse  
14 rezoning 'til 9:45 before the ten o'clock Land Use  
15 meeting on Thursday.

16 CAROL SHINE: Carol Shine, counsel  
17 to the Subcommittee. Chair Avella.

18 CHAIRPERSON AVELLA: Aye.

19 CAROL SHINE: Council Member Gioia.

20 COUNCIL MEMBER GIOIA: Thank you.

21 I don't know if I have a point of information or a  
22 question. I vote yes on all before us. But, I do  
23 want to note, for the record, that on the item  
24 we're laying over, I was concerned about the  
25 testimony on Con-Edison. I believe they've not

1 testified publicly as to the use they want for  
2 that waterfront. And, it seems to me they have  
3 lost their ability to get the benefit of the  
4 doubt. And, I'd ask that in the area, in the time  
5 between this hearing and the vote, that Con-Edison  
6 make more clear their use of that waterfront.

7 Thank you.

8  
9 CAROL SHINE: Council Member Katz.

10 COUNCIL MEMBER KATZ: I vote aye on  
11 all. And, I want to thank, once again, the Land  
12 Use staff and folks from my community and also,  
13 especially, City Planning for all the work that  
14 they did on the Cord Myer. And, of course, for  
15 the support of my colleagues, I thank you as well  
16 on a project that truly has taken a lot of time  
17 and effort and compromise over the last few years.  
18 I vote aye on all.

19 CAROL SHINE: Council Member Sears.

20 COUNCIL MEMBER SEARS: Aye on all.

21 CAROL SHINE: Council Member Vann.

22 COUNCIL MEMBER VANN: Aye.

23 CAROL SHINE: Council Member  
24 Felder.

25 COUNCIL MEMBER FELDER: May I be

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excused to make a comment?

CHAIRPERSON AVELLA: Sure, why not.

COUNCIL MEMBER FELDER: Thank you.

I vote yes on all the items. I did want to thank Council Member Jackson for raising the issue of some of the comments that were made by some of those that testified.

I think with regard to the rezoning in Queens, the Cord Myer Forest Hills rezoning, I think that we have to continuously focus on the law, on the merit and the substance of what the rezoning is all about. One witness mentioned that he moved there and lived with his family with three bedrooms and one and a half baths and that was enough for him, which is fine. If he was happy there, that's fine. That's doesn't mean that that's what somebody else wants. And, somebody else did mentioned about being an American-born, I don't know whatever it was. I thought he was going to go into song and dance about being born in America.

But, the point that he raised, I think was necessary. And, I think that the issue at the end is whether the rezoning, for the most

1  
2 part, as Chair Katz said, that 98% I think you  
3 used that ratio, 90 and whatever else, most of the  
4 people, you know, it affects in a proper way. I'm  
5 not going to say in a favorable way. And, with  
6 having said that, that's what we should focus on,  
7 not on the other stuff. And, with that, as I  
8 said, I vote yes on all.

9 CAROL SHINE: Vote stands at six in  
10 the affirmative, none in the negative and no  
11 abstentions.

12 CHAIRPERSON AVELLA: Thank you,  
13 everyone. This closes this meeting of the  
14 Subcommittee on Zoning and Franchises. Oh. No,  
15 no, no, we are recessing. Right. Let me  
16 recorrect that. We are recessing the meeting 'til  
17 Thursday morning at 9:45.

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C E R T I F I C A T E

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

Signature DeeDee E. Tataseo

Date August 6, 2009