

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
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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 2nd
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 66th Avenue, Grand
11 Central Parkway, 72nd Road and 108th 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

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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

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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

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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 70th 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

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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?

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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

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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 112th to 108th Street
5 and along 68th Road, 68th Drive, 60th Avenue, Jewel
6 Avenue and 70th 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

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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

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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.

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2 COUNCIL MEMBER JACKSON: Okay.

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

10 COUNCIL MEMBER JACKSON: Okay.

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

13 COUNCIL MEMBER JACKSON: Right.

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

25 JAMES WALSH: That's a good point.

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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

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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

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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

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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.

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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.

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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-
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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.

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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--

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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

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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.

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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

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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

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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.

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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.

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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

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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,

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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

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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 11th, '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 11th,
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

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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

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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

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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

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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
21 the past.

22
23 Personally, I live in Forest Hills
24 for 15 years. And, I have a lot of clients and
25 compatriots in that area, as I said earlier. None
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,

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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

1 context with the rest of the community.

2
3 The other thing that my colleagues
4 should know is that with this rezoning, it is
5 still 98% in conformity, 98% in conformity. And,
6 the large buildings that were put up, only 10% of
7 those will actually be out of conformity for the
8 new zoning. So, it definitely gives a lot of
9 leeway to everyone and anyone who may want to
10 build a larger home.

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

21 The other issue I guess, I don't
22 know the last speaker spoke about a building that
23 went up that was 220 feet. I don't know which
24 building that is. The last building we had was a
25 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

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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 23rd Street and 45th 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

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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 23rd Street Courthouse Square Station.
18 It would be located at 23rd Street and 44th 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

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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 45th 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

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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

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

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

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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?

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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 149th Street to the north, 135th 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 18th 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.

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

PAUL PHILLIPS: Yeah.

COUNCIL MEMBER JACKSON: -- finger again.

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

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

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

COUNCIL MEMBER JACKSON: -- black dot.

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

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

COUNCIL MEMBER JACKSON: That green spot?

CAROL SAMEL: Yes.

PAUL PHILLIPS: Yes, right [off mic]

CAROL SAMEL: That's 2.2-acre park.

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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 144th Street. 144th
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 exceptions to the Special Harlem Riverfront
2 Resolutions that it's already limited. And, any
3 alteration to that takes away from these
4 principles. And, I know that there is a proposal
5 for an exception to that rule. We are against
6 that proposal. We don't think that is necessary.
7 And, what it does, in a very limited scope, it
8 takes away a great potential access. And, if you
9 notice, the point where the request is made to not
10 put it part of the zoning, offers an inlet, which,
11 again, provides great opportunities for groups
12 like ours to do the kind of programming that we
13 do.

14
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, 125th 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 108th 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.

1
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 92nd
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
2 Council of the City of New York Land Use
3 Committee. My name is Dorothy Turano. I'm the
4 District Manager of Community Board 18.

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.

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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 108th 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

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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--

CHAIRPERSON AVELLA: Mary Anne--

MARY ANN SALLUSTRO: --88.

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

MARY ANN SALLUSTRO: Okay.

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

MARY ANN SALLUSTRO: Yes.

CHAIRPERSON AVELLA: What section
are you referring to now?

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

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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 85th Street, as well as
11 Farragut and East 82nd 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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2 it?

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

10 LEO CUKIER: Chairman, thank you
11 very much for letting me speak, Committee members.
12 My name is Leo Cukier. I'm President of one of
13 the congregation in Canarsie. I'm also a member
14 of the Bayview Housing Association in Canarsie.
15 And, since I don't drive, I've actually been
16 walking through the whole of Canarsie, you know,
17 all the years I've been there, which is over 35,
18 40 years.

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

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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

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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

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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.

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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.

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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

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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

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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--

CHAIRPERSON AVELLA: -- frame an argument here?

COUNCIL MEMBER SEARS: -- rezoning.

MARY ANN SALLUSTRO: Can I--

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

MARY ANN SALLUSTRO: [crosstalk]

COUNCIL MEMBER SEARS: All right.

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

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

COUNCIL MEMBER SEARS: Well, I raised the--

CHAIRPERSON AVELLA: I think your question--

COUNCIL MEMBER SEARS: -- question.

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

COUNCIL MEMBER SEARS: No, they didn't.

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--

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

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

CHAIRPERSON AVELLA: -- to go over
it.

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

CHAIRPERSON AVELLA: Okay. Mary
Anne--

MARY ANN SALLUSTRO: Yes, thank
you.

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

MARY ANN SALLUSTRO: Thank you.

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

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

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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

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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

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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

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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