

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ZONING AND FRANCHISES

----- X

July 16, 2019
Start: 10:25 a.m.
Recess: 10:49 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: Francis P. Moya
Chairperson

COUNCIL MEMBERS: Stephen T. Levin
Mark Treyger
Carlina Rivera
Donovan J. Richards

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

Giuseppe Ciaramitaro

Walter Maffei

1
2 STEVEN SUDOWSKI: This is a test, this is
3 a test. Today's date is July 16, 2019, on Zoning and
4 Franchises, recorded by Steven Sudowski. [pause]

5 CHAIRPERSON MOYA: Good morning and
6 welcome to the meeting of the Subcommittee on Zoning
7 and Franchises. I'm Council Member Francisco Moya,
8 the chairperson of the subcommittee, and today we
9 have been joined by Council Member Levin, and we also
10 have Council Member Treyger here. If you are ready
11 to testify, please fill out a speaker slip with the
12 Sergeant at Arms, indicating your full name and
13 application name or LU number. We will begin this
14 meeting with our vote today. Oh, sorry. Correction,
15 our hearing today will begin with Preconsidered LUs
16 for the 273 Avenue U rezoning in Council Member
17 Treyger's district in Brooklyn. The applicant seeks
18 approval for a zoning map amendment and related
19 zoning text amendment to rezone the project area from
20 an R5B to an R6A district and establish a mandatory
21 inclusionary area housing area utilizing MIH option 1
22 and option 2. As proposed, these actions would
23 facilitate the development of a new four-story mixed
24 use building with ground floor residential use and
25 approximately nine dwelling units. I now open the

1
2 public hearing on this application and I want to turn
3 it over to Council Member Treyger for some remarks.

4 COUNCIL MEMBER TREYGER: I thank the
5 Chair for his leadership and for his patience and the
6 time this morning, and I thank the committee. This
7 is a rezoning application that has a lot of meaning
8 to my district, particularly in the Gravesend
9 community. This is a zoning application that centers
10 around an iconic neighborhood establishment, "Joe's",
11 in our southern Brooklyn community. I would argue
12 some of the best rice bowls in New York City, Mr.
13 Chairman. So if you're ever around Gravesend,
14 southern Brooklyn, come on down, and so I'm very
15 interested in hearing more about the application, its
16 impact on the restaurants and the surrounding lots as
17 well, and I thank Joe's and their team for being here
18 today to answer our committee's questions. I look
19 forward to this hearing. Thank you again, Mr. Chair.

20 CHAIRPERSON MOYA: Thank you. Do we have
21 the slips? No? [pause] Yeah, OK. Giuseppe
22 Ciaramitaro, Walter Matthew, right? Maffei, sorry.
23 What? Yep. So I'm just going to ask the counsel to
24 swear you in. Thank you.

1
2 COUNSEL: Do you swear or affirm that the
3 testimony you are about to give will be the truth,
4 the whole truth, and nothing but the truth, and that
5 you will answer all questions truthfully?

6 CHAIRPERSON MOYA: Just make sure that
7 you press the...

8 WALTER MATTHEW: I do.

9 CHAIRPERSON MOYA: You may begin.

10 WALTER MATTHEW: The application that we
11 filed for rezoning was to hop the street, so to
12 speak. There currently is an existing R6 C2-3 zone
13 which is on the east side of McDonald Avenue and this
14 application was put in to allow us to extend the R6
15 zone across the street, across McDonald Avenue in
16 order to allow Mr. Ciaramitaro and others to advance
17 the ability to build something a little bit more
18 appropriate for the neighborhood. Currently, if you
19 look at what we have on the screen, that's the site.
20 We have a one-story commercial building which is
21 fronting Avenue U and it extends about 100 feet
22 towards Lake Street. The area itself is
23 underdeveloped. There is a four-story building which
24 is directly adjacent to our site. If you look at the
25 outlined red portion, that is our site, which is

1
2 essentially a taxpayer. This is the location.
3 You'll notice that along the area you have the R6A,
4 which is right across the street from McDonald
5 Avenue. And it's very close to the Ocean Parkway
6 Special District. So, again, this is our site.
7 We're basically directly adjacent to the F line along
8 McDonald Avenue, which is the elevated train. And
9 this is a picture of the façade and of the diverse
10 occupancies that are currently occupying the
11 building. This is a proposed elevation. You'll
12 notice that it's only a four-story building. We
13 propose to keep the commercial occupancy on the first
14 floor with a separate residential entrance along Lake
15 Street. It's in keeping with the height of the
16 adjacent building and is not going to impede or
17 denigrate the contextual feel of the area. So our
18 presentation is to allow us to change the R6A and to
19 extend that directly across McDonald Avenue along the
20 commercial corridor of Avenue U. We did have approval
21 through the City Planning Commission, the borough
22 president. At this point we're just requesting that
23 you do the same. We appreciate your help and effort.

24 CHAIRPERSON MOYA: Thank you.
25

1
2 GIUSEPPE CIARAMITARO: If I could make a
3 statement?

4 CHAIRPERSON MOYA: Yep, of course.

5 GIUSEPPE CIARAMITARO: So, good morning.
6 My name is Giuseppe Ciaramitaro. My grandfather and
7 namesake, Giuseppe Ciaramitaro, brought his family to
8 the United States in the 1950s, in search of a better
9 life, and first opened Joe's of Avenue U in 1956.
10 Over the years the restaurant has been passed through
11 multiple members of my family, including my Uncle
12 Vincent, my father Paul, my aunts, Francesca and
13 Nina. And it is currently being operated by our
14 cousin, Leonardo. The restaurant has dedicated
15 itself to serving an honest meal at an honest price
16 and we hope to continue to serve the community for
17 many, many years to come. Today we come before you
18 with a proposal that will invigorate the retail
19 property we have while providing some much-needed
20 residential units to Gravesend. Over the years our
21 property has housed many community businesses, from
22 the famous Joe's of Avenue U to businesses across
23 spectrum, ranging from barbershops and nail salons to
24 learning centers and martial arts schools to cobblers
25 and kitchen installers. We've enjoyed working with a

1
2 wide variety of mom and pop shops and are happy to
3 have local businesses remain our tenants for many
4 years to come. That said, however, the retail spaces
5 that we have are in need of a refresh to help provide
6 a visually appealing boost to the community and we'd
7 like to take this opportunity to further develop our
8 land by adding residential space. We are not a large
9 real estate conglomerate. The property is owned by
10 one immigrant family that was fortunate enough to
11 prosper in this great city and buy the land on which
12 its business stood. Ciarafour Realty was comprised
13 of four brothers and sisters. We recently lost my
14 Uncle Vincent [speaks in Italian], and so now we are
15 three, and this is Ciarafour's only investment
16 property. As such, we are looking to construct,
17 within our modest means, a building that maintains
18 the context of the neighborhood, rising no larger
19 than four floors. We also intend to build using as
20 much of the local work force as possible, making our
21 investment one that can benefit not only ourselves
22 but other Brooklyn businesses as well. Thank you for
23 your time and consideration, and we would appreciate
24 your support in helping us realize our vision.

1
2 CHAIRPERSON MOYA: Thank you. I just
3 want to acknowledge that we've also been joined by
4 Council Member Rivera. Just a couple of questions
5 before I turn it over to Councilman, just quickly on
6 what you were talking about local hires. Can you
7 describe your plans to ensure M/WBE and local-based
8 contractors and subcontractors participate in this
9 development project?

10 GIUSEPPE CIARAMITARO: So we would
11 certainly allow any, anyone to bid on this project.
12 We wouldn't restrict, we wouldn't restrict it to a
13 certain set of businesses or anything, I mean. We
14 would be more than happy to receive resources from
15 you allowing to publish bids. I mean, I don't know
16 how this process works, but I certainly...

17 WALTER MATTHEW: It basically will be an
18 open bid and primarily it would be geared towards,
19 um, contractors or providers who are locally sourced.

20 CHAIRPERSON MOYA: Do you have a plan for
21 how you would go about reaching out to local
22 contractors and developers in the area?

23 WALTER MATTHEW: Well, typically, what we
24 do is we would have to file with the Department of
25 Buildings. It's funny, because we're normally

1 contacted by contractors immediately upon filing.

2 So, um, but also we have a database of people within
3 the area that we're familiar with. After all, we're
4 both Brooklyn born and we're both from Brooklyn, and
5 given the fact that my office is locally based, um, I
6 kind of know who's good and who's not good. So
7 there's always ability to find out local contractors
8 who would fit the bill as far as getting this
9 building up.

10
11 CHAIRPERSON MOYA: Great.

12 WALTER MAFFEI: We're looking, we're
13 looking to try and be as sensitive to the community
14 as possible. After all, we've been there for over 60
15 years and by we I mean I've been an architecture in
16 New York for over 40 years. So it is a long-standing
17 situation where we're extremely sensitive to the
18 locals and we want to make sure that this building
19 represents a legacy of the founders of that
20 restaurant in this area.

21 GIUSEPPE CIARAMITARO: And Walter is not
22 only my cousin on my mother's side, but he also
23 worked in the restaurant when he was young.

24 WALTER MAFFEI: Yeah, I worked in the
25 kitchen. I was the slave. [laughs]

1
2 CHAIRPERSON MOYA: So thank you for that.
3 I'm going to turn it over Council Member Treyger for
4 questions.

5 COUNCIL MEMBER TREYGER: Thank you, Chair
6 Moya. So the application, this application maps MIH
7 option 2, but the development does not meet the
8 threshold to require affordability through MIH. Can
9 you confirm the total amount of the zoning square
10 feet in the proposed developments?

11 WALTER MAFFEI: I believe it was about
12 14,000 square feet.

13 COUNCIL MEMBER TREYGER: 14,000 square
14 feet. The application proposes a vertical
15 enlargement on top of the existing single-story
16 commercial building. Will Joe's of Avenue U remain
17 open during construction or close and relocate into
18 the new ground floor space or elsewhere?

19 WALTER MAFFEI: Well, currently the plans
20 call for it to remain. We basically will have to
21 adjudicate to what extent we would have to
22 structurally support the above, but there are options
23 that allow us to maintain existing ongoing services
24 within the building while this is being built above.

1

2

COUNCIL MEMBER TREYGER: OK, and I think, you know, we spoke about this earlier but for the record are there any plans that you're aware of to, you know, relocate or close Joe's should this application proceed?

7

WALTER MAFFEI: No.

8

COUNCIL MEMBER TREYGER: So Joe's of Avenue U...

10

WALTER MAFFEI: But I shouldn't be answering that, he should.

12

UNIDENTIFIED: Yes.

13

GIUSEPPE CIARAMITARO: We have no such plans. I mean, we want Joe's to remain a part of the community for a very long time, you know, at the same location. I mean, a lot of my heart and, you know, emotion is in, is in this business so it's something that we want to remain a part of Brooklyn.

19

WALTER MAFFEI: Yes, and Councilman, you said it yourself. This is a landmark.

21

COUNCIL MEMBER TREYGER: Yeah.

22

WALTER MAFFEI: I mean, people travel from far and wide to come to, for the pulpo salad [laughs].

25

1
2 COUNCIL MEMBER TREYGER: Let me back up,
3 and that's why, you know, you understand my initial,
4 ah, my antennas went up when I heard about this
5 because we want Joe's of Avenue U to remain in
6 Gravesend for many, many, many years to come.

7 WALTER MAFFEI: Absolutely. I can only
8 say that if this application goes through it would
9 provide a boost to the community, which apparently is
10 kind of run down. It's something that would
11 reinvigorate, as Giuseppe said, the area and it would
12 bring in a little bit of new life, which I think it
13 needs. It's something that you could feel when
14 you're out there. You just want something that gives
15 it a twist. And it's high time for something along
16 that line.

17 COUNCIL MEMBER TREYGER: All right, I
18 mean, I would just respectfully push back that it's
19 not run down, it's just that we in the City of New
20 York are going through a tough time with regards to
21 mom and pop shops and small businesses. So I would
22 never want to be a part of something that would
23 actually hurt the neighborhood in terms of small
24 businesses. We want to attract small businesses...

25 WALTER MAFFEI: Absolutely.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

COUNCIL MEMBER TREYGER: ... and retain mom and pop shops. I told Giuseppe that I want Joe's of Avenue U to remain forever. I don't want a Papa John's here. I don't want a Domino's here. I want a Joe's of Avenue U here with your amazing rice bowls and other great Italian dishes, and so that's my, that's where my concern is coming from. Um, tell me about the other commercial tenants and how this application impacts them.

GIUSEPPE CIARAMITARO: So we currently have a barbershop, a nail salon, a Kumon learning center, and, well, we had up until yesterday a martial arts school who unfortunately had to terminate their lease. They were unable to keep their business going. But we would, I mean, in terms of, you're speaking with respect to keeping the businesses after the construction.

COUNCIL MEMBER TREYGER: Like what happens to them during construction and the plan after construction?

GIUSEPPE CIARAMITARO: Right, so, you know, we don't, ah, I mean, I don't have a firm construction plan in place, right? We have this proposed building and that's what we thinking. I

1
2 mean, we have not worked on sorting out all these
3 details because we didn't know if we would get the
4 application approved. But we would certainly welcome
5 them all to return once the construction was done. I
6 mean, we don't want to, you know, we would keep
7 multiple units. We wouldn't just make one large, we
8 wouldn't make one unit for Joe's and then one unit
9 for some other large, like we don't want a large
10 tenant to come in.

11 WALTER MAFFEI: If I may, Councilman,
12 there will have to be modifications made to the Lake
13 Street side, the commercial entities that are along
14 the Lake Street side, only for the purpose of
15 reconfiguring the entrance for the proposed
16 residential units above. In other words, there has
17 to be a lobby space. And that, of course, will cut
18 into a portion of one of the tenancies. So it's
19 going to be a fluid situation. Of course we're going
20 to try to keep whoever we can keep, but you have to
21 be aware that, um, in order to make an omelette
22 you're going to have to break some eggs, and in this
23 case we're going to have break some eggs with regards
24 to the relocation of the corner tenant in order to
25

1
2 accommodate the entrance lobby for the upper
3 residential units.

4 COUNCIL MEMBER TREYGER: I have two
5 follow-up questions from that. Are the folks aware
6 of that, and number two, does Joe's have plans,
7 Avenue U, have plans of expanding the restaurant foot
8 print?

9 GIUSEPPE CIARAMITARO: So we would
10 certainly decide on the spaces, the size of the
11 restaurant. I mean, we could make it larger,
12 especially because now the martial arts school has
13 left and they were a fairly large space. So, you
14 know, it would be possible to reconfigure these
15 spaces so that there's a larger footprint for Joe's.
16 But...

17 COUNCIL MEMBER TREYGER: Um, OK, a couple
18 last questions. Can you just repeat again the height
19 of this planned development?

20 WALTER MAFFEI: It's a four-story
21 development, so typically it's 40 feet. Um, it will,
22 it would be in character with the adjacent building
23 which currently exists on the site.

24 COUNCIL MEMBER TREYGER: Right. I'm just
25 noting from the feedback from the community board and

1
2 borough president that the zoning application, the
3 zoning that's being requested allows to build higher
4 than four feet, but you're saying this is going to
5 be, sorry, four stories, a four-story development, is
6 that correct?

7 WALTER MAFFEI: Yes. Under typical R6A
8 you're allowed to go up six stories as an initial
9 height. We don't feel that that's necessary here.
10 What we're looking to do is to maintain this as a
11 contextual development, which would be, as I stated
12 previously in my comments, we don't want to, ah, to
13 impose something on the neighborhood that really
14 doesn't fit. We would much rather stay contextual
15 within the area and thereby easing the building in
16 place. In other words, it won't be a dramatic shift
17 to the neighborhood.

18 COUNCIL MEMBER TREYGER: And final
19 question I have on the local hiring piece, in
20 addition to local contractors there is a City Work
21 Force One Center that we helped establish in Coney
22 Island, not too far away, where a lot of local
23 residents in southern Brooklyn who are working to
24 build up their skills and qualifications to be a part
25 of such a job site, I would appreciate that there's a

1
2 partnership that's established with the local Work
3 Force One center to have this pipeline of local
4 residents who have the skills and qualifications and
5 credentials to be a part of neighborhood improvements
6 in their own backyard.

7 WALTER MAFFEI: Well, that would be
8 ideal.

9 COUNCIL MEMBER TREYGER: Right.

10 WALTER MAFFEI: And I'm sure that if we
11 settle on a general contractor it would behoove us to
12 have him work that into his agreement.

13 COUNCIL MEMBER TREYGER: Him or her. But
14 yes, right, correct, right?

15 WALTER MAFFEI: So that way at least
16 we'll have some control of the situation, but beyond
17 that typically the general contractor would have to
18 be responsible for the hiring of people who are
19 qualified to do this kind of work.

20 COUNCIL MEMBER TREYGER: OK. Ah, I will
21 continue to follow up and I thank the chair for his
22 time this morning.

23 CHAIRPERSON MOYA: Thank you. Thank you
24 very much for your testimony today. I want to
25

1
2 acknowledge that we've been joined by Council Member
3 Richards, but thank you very much.

4 WALTER MAFFEI: Thank you very much.
5 Have a great day.

6 CHAIRPERSON MOYA: Are there any other
7 members of the public who wish to testify? Seeing
8 none, I now close the public hearing on this
9 application and it will be laid over. We are now
10 going to go to our votes. Today we will vote to
11 approve LU 469 for the 38-01 23rd Avenue rezoning in
12 Queens. The property would establish within an
13 existing R5B district a C2-3 commercial overlay
14 district to allow the applicant to seek a special
15 permit for a physical culture establishment use from
16 the Board of Standards and Appeals for the purpose of
17 legalizing an existing gym and yoga studio, as well
18 as to allow future use consistent with proposed C2
19 district regulations. I note the original property
20 was modified by the City Planning Commission to
21 remove from the rezoning area the portion of the
22 proposed C2-3 overlay beyond 100 feet north of 23rd
23 Avenue and within 75 feet of Steinway Street.

24 Council Member Constantinides is in support of this
25 application. We will also vote to approve LU 470 for

1
2 the 76th Drive and Austin Street rezoning in Queens.
3 The property would rezone the existing R2 zone
4 district in the neighborhood of Forest Hills as an
5 R3-2 district and would facilitate the legalization
6 and expansion of Use Group 4 medical offices within
7 existing buildings in the rezoning area. Council
8 Member Koslowitz is in support of this application.
9 I now call for a vote to approve LUs 469 and 470.
10 Counsel, please call the roll.

11 COUNSEL: Chair Moya.

12 CHAIRPERSON MOYA: Aye.

13 COUNSEL: Council Member Levin.

14 COUNCIL MEMBER LEVIN: Aye.

15 COUNSEL: Council Member Richards.

16 COUNCIL MEMBER RICHARDS: Aye.

17 COUNSEL: Council Member Rivera.

18 COUNCIL MEMBER RIVERA: Aye.

19 COUNSEL: I have a vote of 4 in the
20 affirmative, zero in the negative, and no
21 abstentions. The items are approved and referred to
22 the full Land Use Committee.

23 CHAIRPERSON MOYA: Please note that we
24 will be laying over LU 466 and this concludes today's
25 meeting. I would like to thank the members of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

public, my colleagues, counsel, and land use staff
for attending. This meeting is hereby adjourned.
[gavel]

C E R T I F I C A T E

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



Date July 21, 2019