

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

LAND USE SUBCOMMITTEE ON PLANNING, DISPOSITIONS &  
CONCESSIONS

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October 27, 2009  
Start: 9:56 am  
Recess: 10:25 am

HELD AT: Council Chambers  
City Hall

B E F O R E: DANIEL R. GARODNICK  
Chairperson

COUNCIL MEMBERS:  
Sara M. Gonzalez  
Inez E. Dickens  
Simcha Felder  
Charles Barron  
Vincent Ignizio

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

Carol Clark  
Assistant Commissioner  
Housing Preservation and Development

Sedell Nepper  
Principal  
Riverway Apartments, LLC

Donald Notice  
Executive Director  
West Harlem Group Assistance

Sal D'Avola  
Executive Director  
Restored Homes

Don Capoccia  
Principal  
BFC Partners

Juan Barahona  
BFC Partners

2 CHAIRPERSON GARODNICK: Good

3 morning, everybody and welcome to the Subcommittee  
4 on Planning, Dispositions and Concessions, it's  
5 the Subcommittee of Land Use, the New York City  
6 Council. My name is Dan Garodnick, I have the  
7 privilege of chairing this Subcommittee. I'm  
8 joined today by committee members Sara Gonzalez of  
9 Brooklyn, Inez Dickens of Manhattan.

10 We have a relatively short agenda  
11 and we're going to get right to it. We are going  
12 to start the day off by opening the hearing on  
13 Land Use number 1225, the Riverway Apartments,  
14 Brooklyn Community Board 16, C090447HAK and this  
15 is an application by the City's Department of  
16 Housing Preservation and Development. And it is  
17 for the development of some residential units,  
18 commercial, and community space and we have HPD  
19 here, they are going to introduce the item. So  
20 we're going to welcome them and ask them to do  
21 that now.

22 CAROL CLARK: Thank you, Mr.

23 Chairman and members of the Committee. I'm Carol  
24 Clark, Assistant Commissioner HPD, it's a  
25 privilege to be here today. I'm joined by Sedell

2 Nepper [phonetic] of Riverway Apartments, LLC, and  
3 we have illustrations of the projects on the  
4 boards here, the architect Jim Torgenson is also  
5 with us.

6 LU 1225, known as Riverway  
7 Apartments, consists of the proposed disposition  
8 of one vacant city-owned lot located at 228  
9 Riverdale Avenue in Brooklyn for the development  
10 under HPD's Supportive Housing Loan Program. The  
11 sponsor, Riverway Apartments, LLC, will construct  
12 a seven-story building. When completed, the  
13 project will provide 114 residential units for  
14 formerly homeless and low income elderly  
15 occupants, plus one superintendent's unit. The  
16 project will also provide approximately 7,000  
17 square feet of community facility space, 2,100  
18 square feet of ground floor retail space, 1,800  
19 square feet of a garden, and 1,400 square feet of  
20 a rooftop garden.

21 Council Member Barron has been  
22 briefed on the project and indicated his strong  
23 support.

24 CHAIRPERSON GARODNICK: Thank you  
25 very much. So you noted that it's for formerly

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homeless individuals, is that correct?

CAROL CLARK: That is correct.

CHAIRPERSON GARODNICK: And it's  
part of the Supportive Housing Loan Program?

CAROL CLARK: That's correct.

CHAIRPERSON GARODNICK: And what  
sort of support will be available in this  
property?

SEDELL NEPPER: We're expecting  
that--

CHAIRPERSON GARODNICK:  
[Interposing] Please introduce yourself.

SEDELL NEPPER: I'm Sedell Nepper,  
principal--

CHAIRPERSON GARODNICK: Welcome.

SEDELL NEPPER: --from Riverway  
Apartments, LLC. We are expecting to rent the  
community facility space to a senior center and  
the senior center will provide two meals,  
recreation, counseling, probably some kind of  
referrals for access to benefits, typically what a  
senior center does.

We have secured a loan grant from  
the Dormitory Authority for to create this senior

2 center, which will be state-of-the-art and the  
3 concept is for the elderly to be able to live in a  
4 supportive environment and age in place, and it'll  
5 be open to people who are both independent or a  
6 little frailer. And with the project-based  
7 Section 8 through the New York City Housing  
8 Authority, we expect that people, as they age and  
9 have less income, will be able to stay and live  
10 quite nicely and age there.

11 CHAIRPERSON GARODNICK: Thank you.  
12 And, Ms. Clark, please share with us any public  
13 process or competitive process that involved with  
14 the selection of this developer.

15 CAROL CLARK: Sure, Mr. Chairman,  
16 there was an RFP that was involved in selecting  
17 this developer and that's the way Riverway  
18 Apartments, LLC, was selected.

19 CHAIRPERSON GARODNICK: Great.  
20 Council Member Dickens.

21 COUNCIL MEMBER DICKENS: Thank you,  
22 Mr. Chair. You are the developers? I'm sorry, I  
23 wasn't--

24 [Crosstalk]

25 SEDELL NEPPER: I'm the developer

1 and part owner, the 50% of the project is owned--  
2 the other 50% by Calvary Church of God, community  
3 sponsor and will be the owner and probably play  
4 some role in providing additional supportive  
5 services to the project--intergenerational  
6 programs and programs on weekends for children, as  
7 well as families.  
8

9 COUNCIL MEMBER DICKENS: And this  
10 is 100% for seniors, is that--

11 SEDELL NEPPER: One hundred percent  
12 for seniors.

13 COUNCIL MEMBER DICKENS: So it's  
14 totally affordable.

15 SEDELL NEPPER: Totally affordable.

16 COUNCIL MEMBER DICKENS: Is there  
17 any other commercial space other than the  
18 community space that you will be--

19 [Crosstalk]

20 SEDELL NEPPER: [Interposing] Yes,  
21 there is some commercial space in the project. It  
22 would be for local neighborhood stores, the  
23 commercial area really ends at that street and  
24 this would help to expand it, that's city  
25 planning's goal. However, we can, if the senior

2 center decides to take more space, we only need to  
3 have about 300 to 600 square feet of commercial  
4 space to meet zoning.

5 COUNCIL MEMBER DICKENS: You have  
6 300 to 600 square feet when--

7 [Crosstalk]

8 SEDELL NEPPER: [Interposing]  
9 Required to meet zoning.

10 COUNCIL MEMBER DICKENS: Per square  
11 footage cost that you're estimating?

12 SEDELL NEPPER: To rent at?

13 COUNCIL MEMBER DICKENS: That  
14 you're going to rent it for, that you're going to  
15 rent it for.

16 SEDELL NEPPER: I don't think we're  
17 going to get more in this neighborhood of  
18 somewhere between 10 and \$13 a foot. The  
19 commercial space on Rockaway ends a block earlier,  
20 so this is expanding an area that really does not  
21 have much in community commercial space.

22 COUNCIL MEMBER DICKENS: And what  
23 are your subs, who are your subs? Are they going  
24 to be MWBES?

25 SEDELL NEPPER: Yes, we are a WBE,



2 I am proud to say that on our last project, Crown  
3 Heights Apartments, we have reached about 60% MWBE  
4 locally-based community employment and this is a  
5 Davis Bacon, Section 3 project, so we're hoping to  
6 do as well here.

7 COUNCIL MEMBER DICKENS: Okay. All  
8 right. Thank you.

9 CHAIRPERSON GARODNICK: Thank you,  
10 Council Member Dickens.

11 I'm pleased to say we've been  
12 joined by Council Member Simcha Felder of Brooklyn  
13 and, right on time, Council Member Charles Barron  
14 who wishes to speak on this project, which, of  
15 course, is in his district.

16 COUNCIL MEMBER BARRON: Yes, I've  
17 got a couple meetings. Were you being questioned  
18 by Council Member Dickens?

19 SEDELL NEPPER: Absolutely.

20 COUNCIL MEMBER DICKENS: They  
21 certainly were.

22 COUNCIL MEMBER BARRON: Well I just  
23 want to let you know that she used to be the  
24 leading Council Member in affordable housing and  
25 she's been--

1 LAND USE SUBCOMMITTEE ON PLANNING, 10  
DISPOSITIONS & CONCESSIONS

2 MALE VOICE: Still is.

3 COUNCIL MEMBER BARRON: No she  
4 isn't, she's been dethroned by me, that's why the  
5 line of questioning.

6 COUNCIL MEMBER DICKENS: Is that  
7 the only statement that you have to make?

8 COUNCIL MEMBER BARRON: No.

9 COUNCIL MEMBER DICKENS: I guess  
10 that's--

11 [Crosstalk]

12 COUNCIL MEMBER BARRON: No, we have  
13 a great project coming in our district. It's  
14 about a 100% affordable, it's project-based  
15 Section 8, which means only 30% of a person's  
16 income would be the rent. And it's a beautiful  
17 project, you know you could see it for yourself,  
18 but the care that they took in this project is  
19 unique, tremendous, the community supports it,  
20 it's going to be a real plus for our neighborhood.  
21 And I'm out of breath, because I'm running back  
22 and forth. So I just ask my Committee members to  
23 support this project.

24 [Off mic]

25 CHAIRPERSON GARODNICK: Thank you,

1 LAND USE SUBCOMMITTEE ON PLANNING, 11  
DISPOSITIONS & CONCESSIONS

2 Council Member Barron. Go ahead.

3 COUNCIL MEMBER FELDER: Why are you  
4 so jealous about Inez?

5 COUNCIL MEMBER BARRON: No, it's  
6 not jealousy, Simcha, it's just statement of  
7 facts, it's not even bragging, it's just facts.

8 COUNCIL MEMBER FELDER: It's not  
9 bragging?

10 COUNCIL MEMBER BARRON: I'm number  
11 one. No, I'm number--no brags, just facts, I'm  
12 number one.

13 CHAIRPERSON GARODNICK: Thank you.

14 COUNCIL MEMBER DICKENS: He's been  
15 working very hard in trying--

16 CHAIRPERSON GARODNICK: Thank you  
17 very much.

18 COUNCIL MEMBER DICKENS: --to  
19 dethrone me, but he can't succeed.

20 CHAIRPERSON GARODNICK: Thank you  
21 very much. And Council Member Gonzalez.

22 COUNCIL MEMBER BARRON: Uh-oh.

23 COUNCIL MEMBER GONZALEZ: Good  
24 morning. Now since this is your project-

25 [Crosstalk]

1 LAND USE SUBCOMMITTEE ON PLANNING, 12  
DISPOSITIONS & CONCESSIONS

2 COUNCIL MEMBER GONZALEZ: --Council  
3 Member Barron, I'd like to know what exactly, and  
4 maybe you're not able to explain that today, but  
5 the selection process as to how folks are going to  
6 be selected for this particular--

7 [Off mic]

8 SEDELL NEPPER: ...to you, 50% of  
9 the people in the community board will be given  
10 preference, and both the community--those given  
11 preference in the community board as well as the  
12 remaining 50% will be through HDC, HPD, and NYCHA  
13 process. So there'll be a lottery, there'll be a  
14 list established, people will be interviewed off  
15 that list--there'll be two lists established, one  
16 for the community and one for people who are not  
17 in the community board, who don't reside there.  
18 And then those people who pass through the initial  
19 intake, their applications will be sent to NYCHA,  
20 NYCHA does an additional review for project-based  
21 Section 8; once they're approved by NYCHA, they  
22 will be offered a voucher project-based.

23 COUNCIL MEMBER GONZALEZ: And maybe  
24 I missed it, in case I missed it, priority to  
25 community people?

1 LAND USE SUBCOMMITTEE ON PLANNING, 13  
DISPOSITIONS & CONCESSIONS

2 SEDELL NEPPER: Yes, community  
3 board.

4 COUNCIL MEMBER GONZALEZ: Community  
5 board. Numbers again?

6 SEDELL NEPPER: Fifty percent.

7 COUNCIL MEMBER GONZALEZ: Fifty  
8 percent. And is that something that Council  
9 Member Barron is comfortable with, huh?

10 COUNCIL MEMBER BARRON: What's  
11 that?

12 COUNCIL MEMBER GONZALEZ: Fifty  
13 percent for the community?

14 MALE VOICE: For the whole  
15 Community Board.

16 COUNCIL MEMBER BARRON: Yes,  
17 that's--

18 [Crosstalk]

19 COUNCIL MEMBER GONZALEZ:  
20 Excellent.

21 COUNCIL MEMBER BARRON: That's  
22 across the board.

23 COUNCIL MEMBER GONZALEZ: Okay,  
24 thank you.

25 SEDELL NEPPER: You're welcome.

1 LAND USE SUBCOMMITTEE ON PLANNING, 14  
DISPOSITIONS & CONCESSIONS

2 CHAIRPERSON GARODNICK: Thank you  
3 very much.

4 And, with that, we will close the  
5 hearing on Land Use 1225, the Riverway Apartments--  
6 -oh, I'm sorry, Council Member Barron.

7 COUNCIL MEMBER BARRON: Yeah, it's  
8 50%, that's across the board across the city,  
9 that's the rule for everybody. But also in that  
10 other 50% you can still get people from your  
11 community, so it could be very well 80-90% coming  
12 from the community, but the main thing is that  
13 it's 100% affordable, that's the main thing. Not  
14 80/20, 60/40, 70/30, but 100%.

15 CHAIRPERSON GARODNICK: Council  
16 Member Barron, I think we catch your point, thank  
17 you.

18 COUNCIL MEMBER DICKENS: And  
19 congratulations, you finally have been able--

20 CHAIRPERSON GARODNICK:  
21 Congratulations to you.

22 COUNCIL MEMBER DICKENS: --to  
23 accomplish that.

24 CHAIRPERSON GARODNICK: We will now  
25 close the hearing on Land Use 1225, Riverway

2 Apartments, C090447HAK.

3 We will open the hearing on Land  
4 Use 1226, The Dempsey in Manhattan Community Board  
5 10, C090374HAM, it's another HPD application and  
6 it is in the district of our very own Council  
7 Member Inez Dickens. I will ask HPD to go ahead  
8 and introduce this item.

9 CAROL CLARK: Good morning again,  
10 Carol Clark, I'm joined now by the Executive  
11 Director of the West Harlem Group Assistance  
12 organization, Donald Notice, thank you for being  
13 here.

14 LU 1226 consists of the proposed  
15 disposition of one vacant city-owned lot located  
16 at 138-150 West 128th Street for development under  
17 HPD's Low Income Rental Program. The sponsor,  
18 West Harlem Group Assistance and Phipps Houses,  
19 will construct one six-story building known as The  
20 Dempsey, which will provide 79 low income rental  
21 units and one superintendent's unit. The project  
22 also provides approximately 5,700 square feet of  
23 open space.

24 Council Member Dickens has been  
25 briefed and indicated her support of this project.

1 LAND USE SUBCOMMITTEE ON PLANNING, 16  
DISPOSITIONS & CONCESSIONS

2 CHAIRPERSON GARODNICK: Thank you.  
3 You said this is a vacant lot today?

4 CAROL CLARK: That's correct.

5 CHAIRPERSON GARODNICK: And the  
6 development will result in 79 low income units and  
7 a super's unit, is that right?

8 CAROL CLARK: That's right.

9 CHAIRPERSON GARODNICK: And the low  
10 income is defined how in this context?

11 CAROL CLARK: Sixteen of the units  
12 are at up to 40% of AMI and 63 of them are at up  
13 to 60% of AMI.

14 CHAIRPERSON GARODNICK: Okay.  
15 Thank you. And there is a considerable open space  
16 component to this, you said.

17 CAROL CLARK: That's right, 5,700  
18 square feet of open space.

19 CHAIRPERSON GARODNICK: Is that  
20 available to the residents of the building and the  
21 neighborhood or just the residents of the  
22 building?

23 CAROL CLARK: I'll defer to Mr.  
24 Notice to answer that question.

25 DONALD NOTICE: Hi, my name is



2 Donald Notice, the Executive Director of West  
3 Harlem Group Assistance, and the open space is for  
4 the project, for the building. The Oberia Dempsey  
5 is a multi-service center and there is open space  
6 within the multi-service center itself that will  
7 be available for the community at-large.

8 CHAIRPERSON GARODNICK: Thank you.

9 And, Ms. Clark, the competitive nature of the  
10 selection here?

11 CAROL CLARK: West Harlem Group  
12 Assistance is a long time Harlem social service  
13 and development organization, they were designated  
14 to develop The Dempsey residential site. They  
15 also successfully manage a city-owned HRA-operated  
16 Oberia Dempsey multi-service center located in a  
17 former school that adjoins the development site  
18 directly to the south.

19 CHAIRPERSON GARODNICK: All right,  
20 say that last portion one more time? Make sure I  
21 understand it.

22 CAROL CLARK: The vacant city-owned  
23 lot--

24 CHAIRPERSON GARODNICK: Yep.

25 CAROL CLARK: --adjoins a former

2 public school site, the school was known as Oberia  
3 Dempsey when it was a school. Some years ago it  
4 became a social service, multi-service center,  
5 which is operated by the West Harlem Group  
6 Assistance organization.

7 CHAIRPERSON GARODNICK: Okay, thank  
8 you. Council Member Dickens.

9 COUNCIL MEMBER DICKENS: Thank you,  
10 Chair Garodnick, for this opportunity, and I thank  
11 West Harlem Group Assistance and Phipps for being  
12 down here and Deputy Commissioner Carol Clark.  
13 Thank you so much.

14 They've already given you a  
15 description of the development which is totally  
16 affordable between 40 and 60%, but in addition,  
17 West Harlem Group Assistance and Phipps have  
18 agreed to use a union contractor paying a living  
19 wage, as well as to use locally owned and operated  
20 MWBE subcontractors, a list of which I will help  
21 them to compile.

22 West Harlem and Phipps are also  
23 planning on drawing from labor trained locally  
24 through the apprenticeship program that's operated  
25 at HCCI, Harlem Congregations for Community

2 Improvement, of which the Council funds. This was  
3 one of the critical factors for me because of the  
4 area and the fact that we do not have employment,  
5 it's so high in our community.

6 There has been some concern  
7 generated by local residents about the playground  
8 space, some of which will be used for the  
9 development of the new housing. West Harlem and  
10 Phipps have addressed this concern through  
11 numerous meetings with the local residents and  
12 Community Board 10, which has approved it. Due to  
13 their intense community-based development model,  
14 West Harlem heard the concerns of the community  
15 and has agreed to replace the lost play space with  
16 an upgraded play space and a half-court basketball  
17 space, which requires an easement from HRA. These  
18 spaces will continue to be available to area  
19 groups upon request, and to get the insurance and  
20 approval through Oberia Dempsey because they own  
21 that already.

22 For all these reasons, in addition  
23 to the utmost confidence that I have in West  
24 Harlem Group Assistance, I urge my colleagues to  
25 vote in the affirmative on this very important

2 affordable project in my community.

3 Thank you, Chair.

4 CHAIRPERSON GARODNICK: Thank you,  
5 Council Member Dickens. Do you have anything to  
6 add?

7 CAROL CLARK: I just wanted to note  
8 that the illustration of the proposed project, the  
9 architects for which are Dattner Associates, is up  
10 on the easel here.

11 CHAIRPERSON GARODNICK: Thank you.  
12 And seeing no members of the public wishing to  
13 testify on this item, we will close the hearing on  
14 Land Use 1226, The Dempsey, C090374HAM. And open  
15 the hearing on Land Use number 1231, the Coretta  
16 Scott King Apartments in the district of Council  
17 Member Barron, C090467HAK, in Brooklyn Community  
18 Board number 5. Ms. Clark, go right ahead.

19 CAROL CLARK: LU 1231 consists of  
20 the proposed disposition of two city-owned lots  
21 located at 660 Jerome Street and 741 Barbey Street  
22 for development under HUD's Section 202,  
23 Supportive Housing for the Elderly Program. Under  
24 this program, the not-for-profit sponsor East New  
25 York Council for the Aging was selected to develop

2 the one new four-story building which will be  
3 known as the Coretta Scott King Apartments. When  
4 completed, the project will provide 51 rental  
5 units for elderly persons of low income, plus one  
6 superintendent's unit, and approximately 10,000  
7 square feet of outdoor recreational space.

8 Council Member Barron has reviewed  
9 the project and indicated his support.

10 CHAIRPERSON GARODNICK: Thank you.  
11 And in connection with the Section 202 program  
12 there is, of course, a competitive process.

13 CAROL CLARK: Yes, sir, that's  
14 correct.

15 CHAIRPERSON GARODNICK: And the  
16 units are rental and accessible or affordable to  
17 what category?

18 CAROL CLARK: The estimated income  
19 targets for individuals are up to \$26,900 per  
20 year, and for a two-person household it's up to  
21 \$30,700 per year.

22 CHAIRPERSON GARODNICK: Thank you.  
23 And what percentage does that come out to of Area  
24 Median Income?

25 CAROL CLARK: You got me on that--

2 [Crosstalk]

3 CHAIRPERSON GARODNICK: --the  
4 percentages.

5 CAROL CLARK: It's low, but I  
6 didn't bring my chart.

7 CHAIRPERSON GARODNICK: Okay.  
8 That's fine, we have that--

9 CAROL CLARK: I was out sick  
10 yesterday and I--

11 CHAIRPERSON GARODNICK: --we have  
12 the dollar amounts, that's really the important  
13 part.

14 CAROL CLARK: Thank you.

15 CHAIRPERSON GARODNICK: Okay.  
16 Thank you. Seeing [pause] public wishing to  
17 testify on Land Use 1231, the Coretta Scott King  
18 Apartments, C090467HAK, we'll close the hearing on  
19 that item.

20 And we're going to now open the  
21 hearing on non-ULURP number 20105079 HAK, Land Use  
22 number 1241, which is, I'll let you describe it,  
23 part of the Asset Control Area, number of  
24 properties in Brooklyn in the district of Council  
25 Member Eric Martin Dilan.

2 CAROL CLARK: Yes, thank you, and  
3 I'm joined for this one by Sal D'Avola, the  
4 Executive Director of Restored Homes.

5 LU 1241 consists of the proposed  
6 rehabilitation of five two-family and one one-  
7 family homes located at 177 Hull Street, 1185  
8 Jefferson Avenue, 190 Cornelia Street, 126  
9 Ridgewood Avenue, 2485 Pitkin Ave, and 282 Eldert  
10 Lane under the Asset Control Area program. HUD,  
11 HPD, and the non-profit Restored Homes HDFC, which  
12 Mr. D'Avola heads, entered into an agreement in  
13 which HUD is selling FHA foreclosed vacant, one-to  
14 four-family homes in its inventory to Restored  
15 Homes HDFC. In collaboration with HPD, Restored  
16 Homes will oversee the rehabilitation of these  
17 houses and the marketing process established to  
18 identify income eligible purchasers.

19 HPD requests the Council's approval  
20 of a UDAAP tax exemption for the eligible  
21 purchasers to enhance the affordability of the  
22 project.

23 Council Member Dilan has been  
24 briefed and has indicated his support.

25 CHAIRPERSON GARODNICK: Thank you

2 very much. And the selection of Restored Homes by  
3 HUD was based in some sort of a public or  
4 competitive process?

5 SAL D'AVOLA: Sal D'Avola,  
6 Executive Director of Restored Homes. Back in  
7 2005, the City of New York approached Neighborhood  
8 Restore, which is an affiliate organization that  
9 works closely with the City on tax foreclosed  
10 properties, and it was through that affiliation  
11 that HPD and HUD approached Neighborhood Restore  
12 to create this separate 501(c)3 organization,  
13 Restored Homes, to oversee this program.

14 We work very closely with the non-  
15 profit and for-profit community-based  
16 organizations who work with us in these  
17 communities to put together scopes of work,  
18 identify properties, and, most importantly, do the  
19 outreach and qualifying of future homebuyers.

20 CHAIRPERSON GARODNICK: So it's for  
21 the ultimate rehabilitation of these six  
22 buildings, is that correct?

23 SAL D'AVOLA: Correct.

24 CAROL CLARK: Yes.

25 CHAIRPERSON GARODNICK: And the



2 current residents of those buildings, what will  
3 happen with them?

4 SAL D'AVOLA: The buildings are  
5 vacant when they're sold to us.

6 CHAIRPERSON GARODNICK: They're all  
7 vacant.

8 SAL D'AVOLA: They're all vacant  
9 properties.

10 CHAIRPERSON GARODNICK: Okay.  
11 Thank you. Seeing no members of the public  
12 wishing to testify on this item and no questions,  
13 we will close the hearing on Land Use 1241, non-  
14 ULURP 20105079 HAK in the district of Council  
15 Member Dilan.

16 Open the hearing on 1242, non-ULURP  
17 lurk number 20105080, these are three properties  
18 in Brooklyn, part of the same program in the  
19 district of Council Member Vann, and I see Mr.  
20 D'Avola is still with you, so I have some  
21 suspicion this will be a similar sort of an  
22 application. Go ahead, Ms. Clark.

23 CAROL CLARK: It's actually an  
24 identical application and all the testimony we  
25 just gave in the previous item of 1241 and how the

2 program operates is relevant to this LU 1242.

3 It consists of the proposed rehab  
4 of two two-family vacant and one three-family  
5 vacant homes located at 279 Clifton Place, 469  
6 Monroe Street, and 412 Gates Avenue under the  
7 Asset Area Control program.

8 HPD is requesting the Council's  
9 approval of a UDAAP tax exemption for the eligible  
10 purchasers to enhance the affordability of the  
11 project.

12 Council Member Vann has been  
13 briefed and has indicated his support.

14 CHAIRPERSON GARODNICK: Thank you.  
15 And for the purposes of the sales of these units,  
16 is there any difference between Land Use 1241 and  
17 1242 as to who will be able to purchase, or at  
18 what level they will be able to purchase these  
19 apartments?

20 SAL D'AVOLA: No, there's no  
21 distinction between the two applications.

22 CHAIRPERSON GARODNICK: And what is  
23 the affordability component here for both of them?

24 SAL D'AVOLA: Maximum of 115% of  
25 AMI is the programmatic maximum for affordability,

2 however, depending on the neighborhoods where the  
3 homes are, the affordability can be lower.

4 CHAIRPERSON GARODNICK: Is that  
5 percentage set by HUD, is it set by HPD?

6 SAL D'AVOLA: The percentage was  
7 set by HUD.

8 CHAIRPERSON GARODNICK: Okay, thank  
9 you. Seeing no members of the public wishing to  
10 testify on Land Use 1242, 20105080 HAK, we will  
11 close the hearing on that item.

12 And open the hearing on our last  
13 item of the day, Land Use Preconsidered non-ULURP  
14 without a number, two properties in the district  
15 of Council Member Mitchell. This is an amendment  
16 to an earlier application.

17 Ms. Clark, if you could go ahead  
18 and introduce this item.

19 CAROL CLARK: Surely, Mr. Chairman.  
20 I'm joined Don Capoccia, the principal of BFC  
21 Partners, and Juan Barahona to my right, also of  
22 BFC, which is the sponsor for this proposed  
23 project.

24 It does consist of the proposed  
25 amendment of a project that was previously

2 approved by the Council. You may recall back in  
3 March of 2008, it was Resolution number 1332 on  
4 March 26, 2008, and the project was known as  
5 Stapleton Court. It's located at 551 and 571 Bay  
6 Street in Staten Island.

7 Under the proposed amendment, the  
8 sponsor BFC Partners will construct two buildings  
9 containing a total of 160 rental units. One  
10 building will provide 91 units and 15,800 square  
11 feet of commercial space. The other building will  
12 provide approximately 69 residential units and  
13 6,700 square feet of commercial space.

14 Council Member Mitchell has been  
15 briefed and is in support of the project.

16 CHAIRPERSON GARODNICK: Thank you.  
17 Which part of this is an amendment?

18 CAROL CLARK: The basic amendment  
19 is a UDAAP because the project is going from  
20 having a component which is home ownership to  
21 being a rental project, that is why the HPD is  
22 back before you today.

23 CHAIRPERSON GARODNICK: So help us  
24 understand then so we can get to the where it was  
25 and what it's going to, the ownership model that

2 had initially been proposed was to sell these  
3 units to whom and at what level of affordability?

4 JUAN BARAHONA: My name is Juan  
5 Barahona with BFC. Yes, the initial proposal was  
6 the HDC's Affordable Cooperative program, which  
7 would have sold the apartments, actually between  
8 80% of median all the way up to 175% of median,  
9 and I don't think I need to describe how that's  
10 not possible today, so we've shifted to a rental.

11 CHAIRPERSON GARODNICK: Okay. And  
12 will there be any difference in the level of  
13 affordability either between the buildings or  
14 between this and what you were initially planning?

15 JUAN BARAHONA: The proposal is now  
16 to do it as the HDC New HOP, the Middle-Income  
17 Rental Program for the Outer Boroughs they call  
18 it, and we're going to be doing 25% of the  
19 apartments below 60% of median and then the  
20 balance at 100% of median income.

21 CHAIRPERSON GARODNICK: Okay, so  
22 the 160 rental units, a quarter of them will be  
23 below 60% of AMI, three-quarters of them will be  
24 up to 100% of AMI, correct? And that's part of  
25 New HOP.

2 JUAN BARAHONA: Yes.

3 CHAIRPERSON GARODNICK: Okay.

4 Okay, terrific. Well thank you for your  
5 testimony, and Council Member Mitchell has reached  
6 out to express his support of this amendment  
7 directly. And so I just wanted to note that on  
8 the record.

9 We will close the hearing on this  
10 unnumbered Preconsidered, formerly 1332 Stapleton  
11 Court, which is an amendment as proposed by HPD,  
12 and we will close the hearing on that final item  
13 of the day, and thank you.

14 And we will couple together all the  
15 items that we heard today for the purposes of  
16 voting. We're laying over everything else on the  
17 calendar that we did not hear at the request of  
18 individual Council Members in whose districts  
19 these properties sit. And the Chair recommends an  
20 aye vote on all of the coupled items that we have  
21 heard today, and I will ask the Counsel to call  
22 the roll.

23 CAROL SHINE: Carol Shine, Counsel  
24 to the Subcommittee. Chair Garodnick.

25 CHAIRPERSON GARODNICK: I vote aye.

2 CAROL SHINE: Council Member  
3 Gonzalez.

4 COUNCIL MEMBER GONZALEZ: Aye.

5 CAROL SHINE: Council Member  
6 Dickens.

7 COUNCIL MEMBER DICKENS: Aye.

8 CAROL SHINE: By a vote of three in  
9 the affirmative, none in the negative, and no  
10 abstentions, the aforementioned items are approved  
11 and referred to the full Committee.

12 CHAIRPERSON GARODNICK: Thank you  
13 very much everybody and we are going to leave the  
14 roll open until the full Land Use Committee  
15 commences, and I thank my colleagues for their  
16 presence today and [pause] Land Use comes next.

17 FEMALE VOICE: No.

18 [Pause]

19 CHAIRPERSON GARODNICK: Oh I'm  
20 sorry, Landmarks comes next, so we're going to  
21 keep this open until Landmarks starts, and then  
22 we're going to be adjourned. Thank you.

23 CAROL SHINE: Council Member  
24 Ignizio.

25 COUNCIL MEMBER IGNIZIO: Yes, I

2 vote aye on all.

3 CAROL SHINE: The vote stands at  
4 four in the affirmative, none in the negative, and  
5 no abstentions.



C E R T I F I C A T E

I, Tammy Wittman, 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 Tammy Wittman

Date November 2, 2009