

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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April 7, 2010  
Start: 9:30am  
Recess: 3:25pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
MARK S. WEPRIN  
Chairperson

COUNCIL MEMBERS:  
Larry B. Seabrook  
Dianna Reyna  
Daniel R. Garodnick  
James Vacca  
Leroy G. Comrie, Jr.  
Albert Vann  
Robert Jackson  
Joel Rivera  
Vincent M. Ignizio  
Jessica S. Lappin

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

## COUNCIL MEMBERS:

Steve Levin

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

Michael Kelly  
Le Basket, Inc.

Adam Rothkrug  
Representative  
Skanska USA Civil Northeast

Marianne McGowan  
Clove Lake Civic Association

Eric Kober  
Director of Housing  
Department of City Planning

David Karnovsky  
General Counsel  
Department of City Planning

Christine Berthet  
Co-founder  
Hell's Kitchen Neighborhood Association

Tom Wargo  
Director of Zoning  
Department of City Planning

Parul Agarwala  
Planner - Zoning Division  
Department of City Planning

Joanne Seminara  
Chairperson  
Community Board 10

Sarah Watson  
Policy Analyst  
Citizens' Housing and Planning Council

Seema Agnani  
Executive Director  
Chhaya Community Development Corporation

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

Elena Conte  
Public Policy Organizer  
Pratt Center for Community Development

Howard Weiss  
Counsel  
Davidoff, Malito, & Hutcher, LLP

Arthur Goldstein  
Counsel  
Davidoff, Malito, & Hutcher, LLP

Susan Wright  
Architect  
Grues & Sampson

Robert Pauls  
Principal  
Robert B. Pauls, LLC

Chris Kaller  
AKRF

Richard Bearak  
Director of Land Use  
Brooklyn Borough President's Office

Rabbi David Nederman

Jerry Esposito  
District Manager  
Community Board 1

Eric Redeski  
Staff Member  
Assemblyman Joseph Lentol's Office

Rabbi Glanz

Stuart Pertz  
Planner/Architect  
Formerly with the City Planning Commission

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

Esteban Duran  
Member  
Community Board 1  
Green Point/Williamsburg Advisory Board

Moisha Indig

Adam Perlmutter  
Resident of  
Green Point

Simon Weiser  
Member  
Community Board 1  
ULIP Committee

Guy Lesser  
Resident  
Williamsburg

Ryan Kuonen  
Tenant Organizer  
Neighbors Allied for Good Growth

Dale Teague  
Member  
ULIP Committee/Community Board 1

Emily Gallagher  
Co-Chair  
Neighbors Allied for Good Growth

Ralph Borshlan  
Resident  
Williamsburg

1  
2 CHAIRPERSON WEPRIN: Everyone,  
3 welcome to City Hall. Enjoy it because in a  
4 couple months, we'll be leaving City Hall, and so  
5 hopefully you'll enjoy your stay here. We have a  
6 busy agenda today, so we're going to try to move  
7 as quickly as possible. My name is Mark Weprin.  
8 I am Chair of the Zoning and Franchises Committee.  
9 I'm from Queens County, and I am joined today by  
10 members of the subcommittee. On my far left,  
11 Larry Seabrook; next to him, the lovely Diana  
12 Reyna; on my far right, Jimmy Vacca; Council  
13 Member Al Vann; Dan Garodnick, I know is here; the  
14 Chair of the Land Use Committee, Leroy Comrie, is  
15 also here. Did I miss anyone? I don't know. And  
16 I think that's it for now, and for the record,  
17 I'll make sure I mention them if they come up  
18 later. All right, we're going to open. Our very  
19 first item is actually a café. The first number  
20 is Land Use number 50, Le Basket, in Council  
21 Member Chin's district in Community Board 2.

22 MICHAEL KELLY: Good morning,  
23 Chairman Weprin--

24 CHAIRPERSON WEPRIN: [Interposing]  
25 Good morning.

1  
2                   MICHAEL KELLY: --and members of  
3 the Council. My name is Michael Kelly. I'm  
4 representing Le Basket, Inc. We've come to an  
5 agreement with Council Member Chin's office. I'd  
6 like to read it into the record. This letter  
7 should serve as our agreement with your District  
8 office and Community Board 2 that we will commit  
9 to the following. We agree to maintain the  
10 sidewalk café and keep it clean; an employee will  
11 check the area every half hour and keep it clean  
12 accordingly. We agree to not have no more than 10  
13 tables and 31 seats. That's it.

14                   CHAIRPERSON WEPRIN: You're so good  
15 at this. You jumped up. Does any of the members  
16 of the Committee have any questions on this item?

17                   [Pause]

18                   CHAIRPERSON WEPRIN: And this item,  
19 which I mentioned is in Council Member Chin's  
20 District is supported by the Council Member. With  
21 no other questions, we appreciate you coming down,  
22 and thank you very much.

23                   MICHAEL KELLY: Thank you. Have a  
24 good day.

25                   [Pause]

1  
2 CHAIRPERSON WEPRIN: We're going  
3 to--I know a lot of people are here for the Rose  
4 Plaza issue. We're actually going to move that to  
5 the back of the agenda, just because the smaller  
6 items we can take care of and get people out of  
7 their way so they'll be more elbow room for  
8 everybody, okay? So, we're going to skip over to  
9 Land Use number 54, which is the Special College  
10 Point District, in Councilmember Halloran's  
11 district. It's number N 100124 ZRQ, and Adam  
12 Rothkrug is here, right on time, to describe this  
13 project.

14 ADAM ROTHKRUG: Yes, good morning,  
15 Chairman Weprin, members of the Council. My name  
16 is Adam Rothkrug; I'm here on behalf of Skanska  
17 USA Civil Northeast, a subsidiary of Skanska  
18 Corporation. We filed this application to correct  
19 a drafting error that was made with the  
20 institution of the College Point Special District,  
21 which went into effect in July 2009. The special  
22 district replaced the urban renewal plan which was  
23 in effect for about 40 years, and the provision in  
24 question deals with required buffer areas. The  
25 prior urban renewal plan had 60-foot buffer areas

1  
2 intended to separate the manufacturing district  
3 from the adjacent residential districts. In  
4 drafting the text, the EDC and City Planning  
5 Commission incorporated an error that, as applied  
6 to Skanska's property and one other property  
7 within the special district, would require a 90-  
8 foot buffer area. We confirmed with City Planning  
9 and with EDC that that was not the intent, and it  
10 only happened because of two unique property  
11 conditions within the special district. So, we  
12 are proposing to amend the text. The text was  
13 reviewed by the City Planning Commission so that  
14 we will be required to continue the 60-foot buffer  
15 areas that were again part of the urban renewal  
16 plan for the last 40 years and intended to be the  
17 buffer area for the new special district.

18 CHAIRPERSON WEPRIN: Any questions  
19 from members of the Committee? Okay, hearing  
20 none. Thank you very much.

21 ADAM ROTHKRUG: Thank you very  
22 much.

23 [Pause]

24 CHAIRPERSON WEPRIN: Okay, now  
25 we're going to move on to Land Use number 55,

2 which is the Grymes Hill/Sunnyside Rezoning, C  
3 100120 ZMR. Like to call on Marianne McGowan, who  
4 is here from the Clove Lake Civic Association, and  
5 in the meantime, we've been joined by Council  
6 Member Robert Jackson in front of me, and I  
7 thought I saw Council Member Steve Levin, who is  
8 also here from Brooklyn, who is not on the  
9 Committee, but is visiting us here today.

10 [Pause]

11 CHAIRPERSON WEPRIN: Whenever  
12 you're ready, Ms. McGowan. If you'd use the  
13 microphone because we need to hear you on the  
14 record. We don't want to block your face though.  
15 There you go. Okay, go right in between those two  
16 signs. It'll frame you perfectly.

17 MARIANNE MCGOWAN: That was my  
18 plan.

19 [Pause]

20 MARIANNE MCGOWAN: Good morning.  
21 My name is Marianne McGowan. I represent Clove  
22 Lake Civic Association, and we have an application  
23 before you this morning, and I would like to just  
24 do a brief overview, and then if you have any  
25 questions, I would gladly address them. This

1 application affects approximately 440 blocks in  
2 the Grymes Hill/Sunnyside area, most of them  
3 located on a very steep slope coming down from the  
4 Grymes Hill Serpentine Ridge, which Wagner College  
5 and St. Johns University sit upon. I have a  
6 number of maps here.  
7

8 [Pause]

9 MARIANNE MCGOWAN: I'm going to ask  
10 Gene [phonetic] or Bill to come up so they can  
11 point as I speak. We're doing the zoning first.  
12 Presently, the zoning for the area is R3X, and we  
13 are requesting that it be changed from an R3X,  
14 mainly to an R2. Over 80 percent of the area is  
15 single-family detached houses that have been built  
16 over the course of hundreds of years. This area  
17 was originally developed back in the late 1600's  
18 as farm land, and through the past two centuries,  
19 colonial houses, Georgian-type houses, ranch  
20 houses, etcetera, have been built. And as I said,  
21 over 80 percent of them are single-family detached  
22 on the correct sized lots. There is one area that  
23 we are asking be changed to an R3-2. This is a  
24 building of attached homes directly across from  
25 Clove Lake Park, and that is the zoning that meets

1  
2 them. They do not meet the criteria for R3X or  
3 R3-1, but they do meet the criteria for R3-2. So  
4 that they are properly designated as a zoning  
5 district, it would go to an R3-2. The other area  
6 of our application deals with the extension of the  
7 special Hillside district, which I believe it's  
8 this map over here, Bill. The special Hillside  
9 Preservation District was put into effect a number  
10 of years ago, and as Bill can show you, it  
11 completely surrounds this particular area that we  
12 are rezoning. We believe it was left out--City  
13 Planning thinks it was left out because it is a  
14 fully-developed area. Approximately 98 percent of  
15 the land is already built on. The intention of  
16 Special Hillside was to preserve that steep,  
17 steep slope. I handed Peter some pictures earlier  
18 to show you, you can be on the back porch of one  
19 house, looking down, and you're looking down at  
20 the top of a basketball court on the house  
21 directly below you on the next street. That is  
22 how steep this slope is. So, we are looking to  
23 include it so that if someone does come into the  
24 area and wishes to rebuild, that they will protect  
25 that steep slope area to make sure that the other

1  
2 homes that are already in existence are not  
3 inundated with storm waters or with erosion,  
4 etcetera, in the area. That's about it, unless  
5 you have any questions?

6 [Off mic]

7 MARIANNE MCGOWAN: Yes, we do. We  
8 have full support of all three city council  
9 members from Staten Island. At the Community  
10 Board, we had a unanimous vote, with one  
11 abstention, and that abstention is the co-  
12 applicant, Gene Hogan, on the application. So,  
13 our Community Board, the Borough President, and  
14 the residents of the area are in full support of  
15 this. Our Civic Association, in order to make  
16 sure everybody knows what is going on, we send out  
17 a monthly newsletter before our meetings, and 17  
18 times over the last four years, the rezoning and  
19 the extension of the Special Hillside Preservation  
20 Area has been mentioned in the newsletter. We  
21 have yet to hear from one individual who lives in  
22 the area, who does not want this rezoning to go  
23 into effect. So, thank you very much, and if you  
24 have any questions, I'd be glad to--

25 CHAIRPERSON WEPRIN: [Interposing]

1  
2 Thank you. We're joined by Council Member Joel  
3 Rivera, and I believe Council Member Garodnick has  
4 a question.

5 MARIANNE MCGOWAN: Okay.

6 COUNCIL MEMBER GARODNICK: Thank  
7 you very much, Mr. Chairman. Just a very quick  
8 one. If you could just go back to the portion of  
9 your testimony where you described that one site,  
10 which is sitting by itself essentially as an R3-2,  
11 and the rationale for essentially separating that  
12 off from the broader R2 zone. If you could just  
13 go back to that for a moment?

14 MARIANNE MCGOWAN: Our intentions  
15 within this whole area are to make sure that the  
16 zoning reflects the historic development of the  
17 area. This particular section was built probably  
18 about 15 or 20 years ago, as attached housing. It  
19 consists of I believe three or four buildings  
20 where you have five or six attached townhouses,  
21 and it just does not fit into the R2; it does not  
22 fit into the R3X; it didn't fit into the R3-1.  
23 So, rather than have those people mis-districted,  
24 zoned, we felt it should be cut out. There's 18  
25 homes in there that are attached, but we felt they

1  
2 should be properly designated in the right zoning  
3 district. And that's--

4 COUNCIL MEMBER GARODNICK:

5 [Interposing] I understand. So, if you had  
6 changed them to R2, then they would be out of  
7 compliance--

8 MARIANNE MCGOWAN: [Interposing]

9 Absolutely.

10 COUNCIL MEMBER GARODNICK: --with

11 the zones.

12 MARIANNE MCGOWAN: Totally.

13 COUNCIL MEMBER GARODNICK: So, as

14 it is, you essentially connected them to the  
15 appropriate zone, and I do see that you had an R3-  
16 2 existing somewhere, squeezed in right there next  
17 to the park on the left-hand--

18 MARIANNE MCGOWAN: [Interposing]

19 Yes, on the other side of the street, yes. The  
20 Fountains, if you know the area at all, the  
21 Fountains Apartments are over there, and there are  
22 a number of--there's a small condo in there on the  
23 other side on the R3-2. So, this just connects  
24 them into that particular flow.

25 COUNCIL MEMBER GARODNICK: I got

1  
2 it. Thank you very much.

3 MARIANNE MCGOWAN: Thank you very  
4 much.

5 CHAIRPERSON WEPRIN: Council Member  
6 Comrie.

7 COUNCIL MEMBER COMRIE: Thank you,  
8 Mr. Chair. I just wanted to compliment you on all  
9 of your work that you did to put this together,  
10 and wanted to just ask a question on--is this your  
11 first time doing this, or you said this was over a  
12 17-month period, or how long a period?

13 MARIANNE MCGOWAN: Actually, it's  
14 the second time we're doing this. We did a  
15 rezoning back in 2005, and that was the Castleton  
16 Corners/Royal Oak, and parts of Sunnyside, which  
17 went from R3-1, R3X, into an R3, into an R2, and  
18 one section of that, again, where we had a number  
19 of duplex houses and semis built, they went into  
20 the correct zoning of an R3-1.

21 COUNCIL MEMBER COMRIE: Okay, and  
22 so you've done this with the support of City  
23 Planning, or you just went in and learned all of  
24 the jargon and the--

25 MARIANNE MCGOWAN: [Interposing] We

2 were very fortunate to have James Ravia [phonetic]  
3 and Lynn Garcia-Duran at City Planning on Staten  
4 Island, who have assisted us in both of these  
5 rezoning.

6 COUNCIL MEMBER COMRIE: Are there  
7 any available lots in the area? Are there any  
8 available lots within the attachment area that  
9 you're rezoning now? Any vacant lots?

10 MARIANNE MCGOWAN: There are a few  
11 vacant lots that are three feet wide, some of them  
12 six feet wide, that happen to fall in between the  
13 houses. Evidently, many, many years ago, there  
14 would have been stairs or an egress or an access  
15 thing between these older houses, and there may be  
16 at this point in time, maybe a few lots, but no  
17 more than five or six at the maximum in the whole  
18 entire rezoning.

19 COUNCIL MEMBER COMRIE: But they're  
20 all irregular lots. What's the average lot size  
21 there?

22 MARIANNE MCGOWAN: The lot sizes  
23 range from 30 by about 180 to lot sizes of 80 by  
24 100. And as you say, there are many irregular  
25 ones. There are triangles, rhombuses; it's

1  
2 amazing.

3 COUNCIL MEMBER COMRIE: Are you  
4 working with the City Park's Department to maybe  
5 get them as through spaces or keep them from being  
6 developed by having the homeowners acquire them in  
7 some action?

8 MARIANNE MCGOWAN: The small  
9 pieces?

10 COUNCIL MEMBER COMRIE: Right.  
11 Especially the ones you say should have been  
12 stairways or right-of-ways, that type of thing.

13 MARIANNE MCGOWAN: I have not  
14 addressed it. I will have to look into it. I do  
15 not think the properties are owned by the parks.  
16 They are probably privately-owned, but they're  
17 certainly not buildable.

18 COUNCIL MEMBER COMRIE: Okay.  
19 Well, again, I just want to congratulate you on  
20 your foresight and your aggressiveness to, you  
21 know, make sure that your community is kept in a  
22 way that most of the homeowners want to see it,  
23 and making sure that there's not overdevelopment.  
24 So, congratulations.

25 MARIANNE MCGOWAN: Well, thank you

1  
2 very much. And one of the primary reasons for  
3 this is the affordable housing that doesn't exist  
4 throughout much of the City because many of these  
5 are older homes that need a little bit of  
6 renovation in some cases. They are far more  
7 affordable, and to have someone go in and knock  
8 them down and then rebuild would make them  
9 unaffordable. So, we're hoping to do both things  
10 while preserving the character of the  
11 neighborhood.

12 COUNCIL MEMBER COMRIE: Thank you.  
13 Thank you, Mr. Chair.

14 MARIANNE MCGOWAN: Thank you.

15 CHAIRPERSON WEPRIN: Thank you. We  
16 are joined by a member of the Staten Island  
17 Delegation, who is sitting behind me, Council  
18 Member Vinny M. Ignizio, who also wanted to make a  
19 statement on this project.

20 COUNCIL MEMBER IGNIZIO: Yes, thank  
21 you very much, Mr. Chairman. I just wanted to  
22 speak on behalf of the delegation, Council Member  
23 Debra Rose, Council Member Jimmy Oddo, and myself,  
24 about our support for this application. This  
25 represents approximately I think it's the 13th

1 rezoning of a Staten Island community, which  
2 basically comprises the entire island, outside of  
3 the manufacturing districts on the west shore.  
4 The reason why we embarked upon this major  
5 rezoning of the entire borough was to bring the  
6 zoning in compliance to what was already there in  
7 the housing stock. We are not rezoning or zoning  
8 towards a certain goal. We are rezoning and  
9 zoning towards what is currently there in the  
10 community. What we've seen very often in the last  
11 several years which began the overdevelopment  
12 battle was that one house would come down and you  
13 would put seven in its place, impacting schools,  
14 impacting roads, and the down-zoning, although a  
15 better term would be proper zoning movement began,  
16 and this is just one in the course of them, and  
17 there's a--the entire borough will be dealt with  
18 by the time we're done. So, I want to commend you  
19 and allow this Committee to recognize that the  
20 entire Staten Island delegation, along with the  
21 borough president, has been not only supportive,  
22 but a part and parcel of this project. Thank you.

24 CHAIRPERSON WEPRIN: Thank you.

25 Any other members of the subcommittee have a

1  
2 question or comment? I see none. We're going to  
3 move on. We have another person to testify in  
4 favor, but thank you very much, Marianne.

5 MARIANNE MCGOWAN: Thank you.

6 CHAIRPERSON WEPRIN: We're going to  
7 try to limit the speakers after the presentations  
8 to two minutes or so, if we can. So, I'm going to  
9 call on Bill Hogan is the only one left to testify  
10 on this matter, on this application. Bill Hogan,  
11 he's a homeowner in the area, you're going to  
12 speak as well. And if you could just keep it--but  
13 on the microphone, please.

14 BILL HOGAN: I'll waive, I'll waive  
15 testimony if I could just have it entered into the  
16 record that--

17 CHAIRPERSON WEPRIN: [Interposing]  
18 I think we'll get unanimous consent from everybody  
19 if I might ask. Okay. Thank you very much. And  
20 we will enter that into the record. Thank you.

21 [Pause]

22 CHAIRPERSON WEPRIN: Okay, we're  
23 going to move on now to Land Use number 56, Hudson  
24 Yards Parking. That's in District 3, Speaker  
25 Quinn, and Community Boards 4 and 5. We have two

1  
2 representatives from the Department of City  
3 Planning, David Karnovsky and Eric Kober who are  
4 going to present this application.

5 [Pause]

6 ERIC KOBER: We have a handout  
7 that's just being handed out. Okay? Thank you,  
8 Council Member. My name's Eric Kober from the  
9 Department of City Planning. I'm joined by my  
10 colleague, David Karnovsky, general counsel, who's  
11 going to speak briefly about the litigation that  
12 sort of prompted this proposed text amendment, and  
13 then I'll describe it briefly to the Committee.

14 DAVID KARNOVSKY: Thank you. This  
15 is a proposed text amendment to the parking  
16 regulations in the Hudson Yards Special District.  
17 The Hudson Yards area is located in Manhattan,  
18 Community Boards Districts 4 and 5, generally  
19 bounded by 43rd Street, West 43rd Street to the  
20 North, 8th Avenue to the East, West 30th Street to  
21 the South, and 11th Avenue to the West. I'm going  
22 to give a little bit of the legal background to  
23 this amendment, and Eric's going to describe its  
24 contents in more detail. Prior to 2005 when the  
25 Hudson Yards text was adopted, off-street parking

1  
2 in this area was governed by regulations in  
3 Article 1, Chapter 3 of the Zoning Resolution,  
4 which generally speaking, do not require accessory  
5 off-street parking, but instead provide for  
6 permitted parking, up to certain maximums. And  
7 public parking and additional accessory parking  
8 are only allowed by special permit under those  
9 regulations. In 2005, the Hudson Yards text  
10 amendment was adopted, and it included special  
11 parking regulations for the area, having as their  
12 goal, ensuring that the parking capacity, to  
13 ensure that the parking capacity that would be  
14 displaced through the redevelopment of the area  
15 would be replaced insofar as possible, as well as  
16 ensuring that parking demand generated by the new  
17 development in the area would be met. And a  
18 principle feature of those regulations was a  
19 system of required parking as opposed to permitted  
20 parking. Subsequent to the enactment of the text  
21 amendment in 2005, litigation was brought by the  
22 Hell's Kitchen Neighborhood Association against  
23 the City, arguing that those amendments violated  
24 commitments that the City had made in connection  
25 with the State implementation plan under the Clean

1  
2 Air Act in 1982 with regard to air quality and  
3 principally carbon monoxide. Thereafter, the City  
4 and the plaintiffs in that litigation entered into  
5 settlement discussions, and the text amendment  
6 before you today is the product of those  
7 discussions. In May of 2009, a stipulation was  
8 entered into with the plaintiffs by which the  
9 Department of City Planning committed to forward  
10 into the review process a zoning text amendment  
11 that conformed to certain provisions in the  
12 stipulation and by that stipulation, the parties  
13 agreed that if the amendment were adopted, the  
14 litigation would be discontinued. Under the  
15 stipulation, the commission was required to  
16 consider it within a certain period of time, and  
17 if the City Council does not adopt it within a  
18 certain period of time, the plaintiffs have the  
19 right to re-commence the litigation. Having said  
20 that, I want to be clear that the stipulation is  
21 absolutely crystal clear on the point that this  
22 zoning text amendment is fully subject to council  
23 review and jurisdiction and capable of being  
24 amended by the City Council. There's nothing in  
25 the stipulation which limits the Council's power

1  
2 and authority. And that is essentially the legal  
3 background. That's partly why we're here today.  
4 Eric will describe other reasons, and I'll let him  
5 describe the amendment at this point.

6 ERIC KOBER: Thank you. While the  
7 Hudson Yards Parking text amendment does grow out  
8 of litigation, it also reflects changes in  
9 conditions in the Hudson Yards area that, even in  
10 the absence of the litigation, probably would have  
11 resulted in a similar amendment being proposed.  
12 To describe those changes, the development plan  
13 that was originally proposed in the early part of  
14 the last decade, has changed substantially since.  
15 The Javed [phonetic] Center, which was supposed to  
16 be approximately doubled in size is now only  
17 proposed for a small expansion, greatly reducing  
18 its generated parking demand. The Sports and  
19 Convention Center that was originally proposed on  
20 the Western Rail Yards won't be built and in lieu  
21 of that, the City Council last year approved a  
22 development plan which is a mixed-use residential  
23 and commercial plan, which also includes accessory  
24 parking related to that development. In addition,  
25 at the same time, the share of commuters into

1  
2 Midtown Manhattan has declined as a consequence  
3 from improvements to transit and changes in  
4 driving habits among commuters. And all these  
5 factors in combination greatly diminished the need  
6 for off-street parking in the Hudson Yards area.  
7 Developers of different properties have also  
8 approached Department of City Planning and asked  
9 for the ability to provide less parking. They  
10 didn't think they needed it. This was reflected  
11 in an amendment the Council also approved last  
12 year for the Eastern rail yards of Hudson Yards in  
13 which the required parking was eliminated and the  
14 permitted parking was limited to a thousand  
15 spaces. So, this amendment does reflect the sort  
16 of outcome of the planning process in addition to  
17 the settlement of litigation. So, in sum,  
18 referring to the handout that we provided to the  
19 council members, looking at page 2, in sum, what  
20 does this amendment do? In comparison with the  
21 previous regulations which David described which  
22 achieved a target for parking in the area by  
23 requiring parking for new development, certain  
24 kinds of new development, this amendment  
25 establishes a target for the future parking - - in

1  
2 the Hudson Yards area, which would be met by  
3 permitting developers to provide parking rather  
4 than requiring them, results in a much smaller  
5 number of parking spaces than anticipated in 2005.  
6 The amount of parking is then capped at that  
7 target so that, unlike the current situation, it's  
8 not possible any longer to provide additional off-  
9 street parking through a special permit process.  
10 And in doing so, it seeks a balance between the  
11 amount of parking needed to support new  
12 development in the Hudson Yards area and the modal  
13 shift that we are experiencing now in which more  
14 people are using transit to get to Midtown during  
15 the business day, and fewer people are driving.

16 [Pause]

17 ERIC KOBER: On Page 3 of the  
18 handout, you can see the areas as David described  
19 it. It's an area that generally runs from about  
20 30th Street to 43rd Street, encompasses most of  
21 the Special Hudson Yards District, the exception  
22 being the Western Rail Yard, subject to the  
23 special permit that permits accessory parking that  
24 I described earlier. An area of the Special  
25 Garment Center District, which is known as area P2

1  
2 in that district, and an area of the Special  
3 Clinton District, known as the 42nd Street  
4 perimeter area.

5 [Pause]

6 ERIC KOBER: The current rules, as  
7 David mentioned, do require parking for new  
8 residential and commercial and community facility  
9 developments. Moving to the proposed regulations,  
10 there would be, as described on Page 5 of the  
11 handout, there would be no required off-street  
12 parking; there would reduced ratios for permitted  
13 parking; and the regulations define two parking  
14 supplies. One is a parking supply called the  
15 Hudson Yards development parking supply, and I'll  
16 describe the components of that in a minute. But  
17 that relates to what's been developed in the area  
18 since the Hudson Yard Zoning was enacted in 2005.  
19 And as outcome of the negotiations that led to the  
20 settlement of the litigation, that supply is  
21 defined as containing exactly 6,084 spaces. And  
22 then there was another parking supply called the  
23 Reservoir, and the Reservoir serves all the people  
24 who used Hudson Yards, or parked in Hudson Yards  
25 prior to 2005, and again as an outgrowth of the

1 litigation, this is defined as being 821 spaces.  
2  
3 And so, the total supply is the sum of those two  
4 amounts, which is 6,905, and that would be the  
5 future parking supply of the Hudson Yards area.  
6 So, the next slide, Slide 6, describes the reduced  
7 ratios for - - parking, which would be for  
8 residences, 30 percent of market rate use is 8  
9 percent of units, qualifying as under the  
10 inclusionary housing provisions. These are for  
11 the use of occupants in these residential  
12 buildings. For office space, it's .16 parking  
13 spaces per 1,000. That means a million square  
14 foot office building, which could be developed in  
15 Hudson Yards would be permitted to have 160  
16 spaces, and that could be used by the public,  
17 reflecting the nature of office development.  
18 Hotels again, would be limited to 50 percent of  
19 rooms, up to 150 spaces, and public use again  
20 would be allowed for parking providing in hotels,  
21 again reflecting the way in which hotel parking  
22 gets used. So--

23 CHAIRPERSON WEPRIN: [Interposing]

24 If you can do it as fast as you can, it's all  
25 right - - .

2 ERIC KOBER: --okay. So, I'll just  
3 skip to the administration of this, and we'll take  
4 any questions. The administration of this is by  
5 certification of the City Planning Chair. City  
6 Planning Chair will make sure that these various  
7 numbers are met, and that no more parking is  
8 provided than is permitted. And the information  
9 would be posted regularly on the Department of  
10 City Planning's website so the public would be  
11 aware of where we are in terms of these very  
12 elaborate parking calculations. And I'll leave it  
13 at that, and take any questions from the  
14 Committee.

15 CHAIRPERSON WEPRIN: Thank you, Mr.  
16 Kober. Any questions from the panel? Mr.  
17 Garodnick.

18 COUNCIL MEMBER GARODNICK: Thank  
19 you very much. Let me just understand. We don't  
20 see a lot of applications like this where City  
21 Planning or other agencies are coming to the  
22 Council, asking for approval that was contemplated  
23 by a settlement in a lawsuit. So, let me just  
24 understand the change, first of all, is I guess  
25 the substantive question first, which is,

1  
2 initially, these were required spaces, and now  
3 essentially they are capped spaces as I understand  
4 it. Is that correct?

5 DAVID KARNOVSKY: There are a  
6 number of features, but now they are permitted,  
7 not required, and there is also a cap.

8 COUNCIL MEMBER GARODNICK: Okay, so  
9 when you guys say in Page 4 of your presentation  
10 required parking applies to zoning lots greater  
11 than 15,000 square feet, what do you mean by  
12 required parking?

13 ERIC KOBER: Well that's--the  
14 current regulation says that any zoning lot  
15 greater than 15,000 square feet has to provide, as  
16 you can see in the next - - to at least 33 percent  
17 of market rate units and 25 percent of subsidized  
18 units, and may provide up to 40 percent. So,  
19 there's a range that a residential building would  
20 be allowed to provide, and there are similar  
21 ranges for commercial and community facility  
22 buildings.

23 COUNCIL MEMBER GARODNICK: So  
24 there's a floor that is required and a ceiling  
25 that is optional under the existing framework.

2 ERIC KOBER: Correct, correct,  
3 correct.

4 COUNCIL MEMBER GARODNICK: And what  
5 you are doing is you are proposing to change that  
6 to eliminate the floors.

7 ERIC KOBER: Yeah, the floor would  
8 be none--

9 COUNCIL MEMBER GARODNICK:  
10 [Interposing] And you are setting a hard cap of  
11 6,084--

12 ERIC KOBER: --and, right. And in  
13 addition, caps on each individual development,  
14 which are lower than the current caps.

15 COUNCIL MEMBER GARODNICK: Now the  
16 initial plan for requirement of a certain number  
17 of spaces at the base, where does that come--did  
18 that come from a negotiation between the  
19 applicants at the time, I guess that was city  
20 planning, and the Council, or is that just the  
21 standard rules under the zoning text?

22 ERIC KOBER: It was embodied in the  
23 proposed application that was approved first by  
24 the City Planning Commission and then by the  
25 council, so it was--the commission in its report,

1  
2 and this goes back to Fall of 2004, expressed the  
3 concern that the need that had been evaluated in  
4 the EIS for parking in the Hudson Yards area be  
5 met. And the Commission determined that the  
6 system that was then enacted, which we had this  
7 floor at a cap, was the optimal way of ensure that  
8 that need would be met. And the Council  
9 ultimately adopted that system.

10 COUNCIL MEMBER GARODNICK: So, in  
11 an ordinary zoning, rezoning scenario, if there  
12 were residential or commercial development,  
13 hotels, etcetera, the framework that would be--I  
14 guess we have complete flexibility on this, I  
15 guess, is really what I'm asking as a legal  
16 matter. The Council, City Planning Commission, to  
17 set the number of spaces for developments of this  
18 type, we could say in a rezoning in this area,  
19 we're going to have zero spaces for parking, or in  
20 this area, we're going to have one unit per  
21 residence. Do we have complete authority in our  
22 jurisdiction to do that?

23 DAVID KARNOVSKY: Well, we believe  
24 we have wide authority. Obviously, that authority  
25 has to be exercised reasonably and subject to

1  
2 environmental concerns. Going back to the lawsuit  
3 for a minute, the plaintiffs, of course, have a  
4 somewhat different view about the scope of the  
5 City's authority, or they did when they filed the  
6 lawsuit in relationship to Clean Air Act  
7 obligations, but that issue is hopefully going to  
8 be resolved through the adoption of the text.

9 COUNCIL MEMBER GARODNICK: I see.  
10 So, the constraints that we could view as a  
11 Council would be one, the limits of environmental  
12 review, and two, of course any additional issues  
13 involving Clean Air Act or other Federal  
14 Environmental standards, which could impact all of  
15 this.

16 DAVID KARNOVSKY: Yes, that's a  
17 fair statement.

18 COUNCIL MEMBER GARODNICK: Okay,  
19 thank you very much.

20 CHAIRPERSON WEPRIN: Thank you.  
21 Any other questions from the panel? I just want  
22 to acknowledge the Community Board voted is it 33-  
23 0, right, was it? What was the Community Board  
24 vote? It was a shut-out I thought?

25 ERIC COBER: I'm not sure exactly

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what the vote was.

CHAIRPERSON WEPRIN: Okay.

ERIC KOBER: But they did vote in favor.

CHAIRPERSON WEPRIN: Okay. Okay, well thank you very much. We appreciate it, and we do have one person to testify in favor of the project next. Again, we'd like to limit the people after the presenters to two minutes, if possible. I believe the name is Christine Berthet. I apologize if I didn't read that correct, who is here in favor of this project. In the meantime, I also want to mention there is a modification that the Council has put in, that the Department of City Planning shall make available in a form easily accessed by the public, regularly updated calculations of the current Hudson Yards Development parking supply, Reservoir parking supply, space described in Sections 98-821, small E to I and 2-I and Reservoir surplus or surplus deficit, as applicable. Sounds like the end of a car commercial, doesn't it? Thank you. Ms. Berthet.

[Pause]

CHRISTINE BERTHET: Now? Perfect.

My name is Christine Berthet, and I represent Hell's Kitchen Neighborhood Association, one of the plaintiffs, and we want to say that we support and we are very pleased to support the settlement and the zoning as amended, with the modification that you presented. We are pleased that the administration is now in line with our concerns of environmental concerns, that the sustainability and the health of our City implies a reduction in traffic and congestion. And therefore, in certain areas, limiting the availability of parking is the way to achieve that or to ensure that, and the use of the cap is in order, is very important in order to limit the special permits in those areas because the special permits are the place where really the administration can really change what the base zoning is by granting special permits anywhere they want. But, complying between the special permits and making the connection with the need and the supply and the total supply in a given area is very important because before the zoning, our neighborhood was really the parking lot for the central business district, and you

1 cannot have really a lot of residents and a  
2 parking, a general parking lot in the same place.  
3 So, I think it's very important. We are pleased  
4 with that. We just want to have a word of caution  
5 that the numbers, the ratios which have been  
6 derived in this lawsuit and in this settlement are  
7 derived by very complicated calculation, building  
8 by building for this area. In this area, this is  
9 a lot of building, which will not be able to have  
10 underground parking lot because they are cut for  
11 rail yards. And therefore, there is a lot of  
12 building which will have zero parking. Therefore,  
13 the ratios which have been derived for the other  
14 buildings are probably higher than the general  
15 zoning in the central business district, and  
16 should not be conceived as a new standard for the  
17 rest of the Central Business District. But,  
18 overall, we just want to support this amendment  
19 and thank the City Planning staff for working with  
20 us in the settlement in a very productive way.  
21 Thank you so much.

22  
23 CHAIRPERSON WEPRIN: Thank you, Ms.  
24 Berthet. I'm sorry, any questions for this--no?  
25 Thank you very much. Okay, we're now going to

1  
2 move on to our next item.

3 [Pause]

4 CHAIRPERSON WEPRIN: All right,  
5 we're closing the hearing on that item, and moving  
6 on to Land Use number 57, Residential Streetscapes  
7 Preservation, N 100139 ZRY. We have for the  
8 Department of City Planning, Tom Wargo and Parul  
9 Agarwala. Thank you.

10 [Pause]

11 CHAIRPERSON WEPRIN: Good morning.

12 TOM WARGO: Good morning, council  
13 members. My name is Tom Wargo; I'm the director  
14 of the zoning division at Department of City  
15 Planning. I'm joined with Parul Agarwala, who's a  
16 planner in the zoning division, and we're here to  
17 present to you the Residential Streetscape  
18 Preservation Text Amendment. I'll do a brief  
19 intro, and Parul will walk you through the details  
20 of the proposal. There are six main goals of this  
21 proposal. The first is to eliminate loopholes in  
22 front yard planting requirements that were enacted  
23 in the Spring of 2008, which applied to new  
24 residences in R1 through R5 districts. The second  
25 is to address issues related to inappropriate curb

1  
2 cuts and front yard parking pads in low density  
3 contextual districts that detract from the quality  
4 of attractive streetscape in these neighborhoods,  
5 and eliminate valuable curbside parking spaces  
6 that are available to everyone in the  
7 neighborhood. Some of these issues are brought to  
8 our attention by Community Boards and elected  
9 officials. The third goal is to restore a  
10 prohibition on curb cuts in certain row house  
11 districts that has been jeopardized by a court  
12 decision that applies to prohibition only to new  
13 residences and not to existing residences, which  
14 is contrary to the intent of the prohibition. The  
15 fourth is to establish new curb cut regulation in  
16 many medium and high density areas of the city  
17 that currently have no curb cut regulations  
18 whatsoever and have led to developments with  
19 continuous curb cuts that eliminate planted  
20 setback areas, contribute to vehicular and  
21 pedestrian conflicts, and deprive the public of  
22 on-street parking spaces. The fifth is to refine  
23 certain findings for authorizations granted by the  
24 City Planning Commission for enclosed parking and  
25 curb cuts on wide streets in Manhattan, Community

Boards 1 through 8, and portions of Queens Boards 1 and 2. And the last is to clarify that a parking space is required for new dwelling units added to existing homes in R3 and R4 districts, which are very auto-dependent areas of the city. Parul will now walk you through the details of each of these goals.

PARUL AGARWALA: Good morning. So, I'll go over the slides, starting from Page number 3, and we'll look at what the rules are for the current existing regulations and what the proposed changes are. So, on Slide 3, in the Spring of 2008, zoning regulations were adopted that required a minimum percentage of the front yards to be planted in R1 and R5 low density districts. These ones are applicable to new residences, and any existing building that had planted front yards cannot remove their planting to add more pavement if it would result in less than required planting requirement. So, in this proposed text amendment, we are not changing any rules for these percentage of front yard planting, but what we are doing is applying new design standards. So, if you look at the drawing on Page 3, on the left, currently the

1 zoning regulations allow very narrow planting  
2 strips, and also planted areas where the driveways  
3 to count towards meeting these minimum planting  
4 requirements. Both these situations or conditions  
5 are non-conducive to the long-term maintenance of  
6 planting materials, and therefore, in these new  
7 proposed rules, we are requiring that any planting  
8 strip should be at least one foot in width, and  
9 also planting areas within the driveways would be  
10 allowed, but they cannot be counted towards  
11 meeting the minimum front yard planting  
12 requirements. Moving on to Page number 4, the  
13 second modification to the front yard planting  
14 also applies to R1 through R5 districts, and the  
15 rule is as shown in the illustration on the top  
16 left corner. Currently, rules of zoning allow  
17 multiple dwelling, multiple buildings on the same  
18 zoning lot to aggregate all their planting on just  
19 one corner, which sometimes leave buildings with  
20 paving in front. So, the change, the proposed  
21 change is that on zoning lots that have multiple  
22 buildings, the required front yard planting should  
23 be distributed proportionally in front of each  
24 building. So, this would maintain a  
25

landscape/streetscape in front of each building.

[Pause]

PARUL AGARWALA: Moving on to goal number 2 on Page 5. The second goal of this text amendment is to - - cut rules and parking and single and dual-family contextual districts, which are R3A, R3X, R3-1, R4A, R4-1, R5A districts. As shown in these examples on Page 5, from different boroughs, these districts are characterized by narrow lots which are generally less than 35 feet wide, and parking is usually provided in the side yard driveways. However, as drawings show on Page 6 show, sometimes there are existing buildings that do not have an 8-foot wide side yard, and therefore, the parking is added in front of the residences. So, this results in reducing the landscaping in the front yards and also it eliminates an on-street public parking space. In addition, this is also contrary to the intent of the these lower density contextual district zoning regulations which anticipated that any parking would be provided in the side yard driveways and not in the front yards. The rule is as the drawings on Page 7 show that in these R3, R4, and

1  
2 R5 lower density contextual districts, on zoning  
3 lots less than 35 feet wide, parking would be  
4 prohibited in front of the residence and curbside  
5 parking would be allowed only if there is a side  
6 yard that's at least eight feet wide.

7 [Pause]

8 PARUL AGARWALA: Some more changes  
9 for lower density contextual districts on Page  
10 number 8. The proposed rules for R3-1 and R4-1  
11 districts that allow semi-detached buildings,  
12 curbs would be permitted on narrow lots, but only  
13 if they access a side yard that's at least eight  
14 feet wide, or if there is a garage inside the  
15 buildings.

16 [Pause]

17 PARUL AGARWALA: Those were the  
18 rules for the lower density districts. Now,  
19 moving on to the parking and curb cut rules for  
20 medium and high-density districts. On Page 9, as  
21 illustrated in these drawings, in these  
22 photographs, the B districts are mapped in many  
23 neighborhoods of the City, such as Middle Village  
24 in Queens, Bedford Park in Bronx, Park - - in  
25 Brooklyn and Upper Eastside in Manhattan. These

2 districts are characterized by row house on narrow  
3 lots that have planted front yards and no parking.  
4 However, the goal here of this resolution, of this  
5 amendment is to clarify and reinforce existing  
6 curb cut rules, which have been jeopardized by a  
7 Court decision. The existing prohibition on curb  
8 cuts in these districts applies to any development  
9 on zoning lots less than 40 feet wide, but because  
10 of the Court ruling that now the word development  
11 applies to only new buildings and not to an  
12 existing building. Therefore, in these existing  
13 row houses, they can add a curb cut on zoning lots  
14 less than 40 feet wide, which is contrary to the  
15 intent of the zoning laws.

16 [Pause]

17 PARUL AGARWALA: On Page 10, this  
18 proposed text amendment would prohibit curb cuts  
19 for buildings that are less than 40 feet wide,  
20 instead of developments on zoning lots less than  
21 40 feet wide and does restore the intent of the  
22 zoning laws.

23 [Pause]

24 PARUL AGARWALA: On Page 11, the  
25 current zoning regulations do not have any rules

1  
2 for curb cuts in R6A, 7A, 7X, 8A and 8X districts,  
3 and also for option and quality housing buildings,  
4 and R6, 7, and 8 contextual, non-contextual  
5 district and buildings with four or more dwelling  
6 units. This can result in too many curb cuts, as  
7 shown in this example on Page 11, which eliminates  
8 planted front yards, creates unsafe - - conflicts,  
9 loss of on-street parking, and reduce space in  
10 commercial and mixed-use districts. So, the rule  
11 is as shown in the drawing on Page 12, this text  
12 amendment will introduce new curb cuts in these  
13 districts where none exist today, and these rules  
14 will be applicable, would allow curb cuts on all  
15 zoning lots that were existing at the time of this  
16 amendment. The number and size of the curb cuts  
17 would depend on the number of parking spaces on  
18 the zoning lot. For example, if a building has a  
19 garage that has less than 50 spaces, only one per  
20 cut will be allowed, with the maximum width of 12  
21 feet. And as shown on the illustration on Page  
22 13, for buildings that have larger parking lots of  
23 more than 50 or more car spaces, they have two  
24 options. They can have either one curb cut of  
25 maximum 22 feet inward, or they can have two curb

cuts of maximum width of 12 feet if they are spaced 60 feet in between.

[Pause]

PARUL AGARWALA: Moving on to Page number 14, in commercial and mixed-use districts for corner lots that have - - narrow street and a wide street, curb cuts would be prohibited on the wide street frontage, and this rule is proposed to maintain - - continuity along the wide street and minimize pedestrian and vehicular conflicts.

[Pause]

PARUL AGARWALA: On Page 15, the fifth goal applies to Manhattan Community Boards 1 through 8 and portions of Queens Community Boards 1 and 2. The current regulations in sections 13-551 and 13-5F3 of the zoning resolution require a City Planning Commission's authorization to add new parking spaces and curb cuts. The current findings only consider traffic and vehicular movement. This text amendment will add new findings to consider streetscape character of the block.

[Pause]

PARUL AGARWALA: This new text

1  
2 amendment will add new findings to consider the  
3 streetscape character, and its effect on the  
4 pedestrian movement. This text will also better  
5 define what constitutes the need for adding the  
6 parking spaces.

7 [Pause]

8 PARUL AGARWALA: On Page 16, the  
9 last goal of this proposed text amendment is to  
10 insure that adequate parking is maintained in R3  
11 and R4 districts. As - - mention, these R3 and R4  
12 districts are highly - - and generally mapped in  
13 areas that are not easily accessible by public  
14 transit. Therefore, the proposal is to require  
15 off-street parking spaces when new dwelling units  
16 are added to an existing building. So, for  
17 example, when a single-family dwelling unit  
18 building is turned into a two-family unit, then it  
19 should provide an extra space for that new unit.  
20 So, those are the main goals and the changes of  
21 this text amendment. And we have received letters  
22 from 21 community boards, all in favor. And also  
23 from the Brooklyn Board of Residents and Board of  
24 - - have provided a letter in support of this  
25 application.

2 CHAIRPERSON WEPRIN: Thank you. I  
3 know a number of my colleagues have questions.  
4 Can we just go right into them now? Mr. Vacca  
5 first, I'm sorry. It's Council Member Vacca.

6 COUNCIL MEMBER VACCA: Thank you,  
7 Mr. Chair. How does this affect community  
8 facilities in R districts?

9 TOM WARGO: The text amendment is  
10 not related at all to community facilities. It  
11 only affects residential parking spaces.

12 COUNCIL MEMBER VACCA: Okay. How  
13 does this affect existing construction, existing  
14 homes, besides the R3/R4 districts where one  
15 family homes are converted to two? How does this  
16 affect an existing house? I know you refer to a  
17 Court decision that defines development as a new  
18 building, not an existing building, so I wanted a  
19 clarification on that.

20 TOM WARGO: Okay, that Court  
21 decision was related to curb cut prohibitions in  
22 the B districts, the districts with a B suffix.  
23 So, that, as part of this amendment, we are  
24 removing the word development in the prohibition  
25 and applying the rule to buildings that are less

1  
2 than 40 feet in width to restore the original  
3 intent of the Planning Commission and the City  
4 Council when it adopted that prohibition back in  
5 1989.

6 COUNCIL MEMBER VACCA: Okay. So,  
7 therefore, new construction is affected? I mean,  
8 therefore, existing construction would be  
9 impacted?

10 TOM WARGO: In the B districts,  
11 yes, yes.

12 COUNCIL MEMBER VACCA: So, you mean  
13 R4B?

14 TOM WARGO: Yes.

15 COUNCIL MEMBER VACCA: That it  
16 would be--how about if a house went from a one-  
17 family to a two-family in an R4A, an existing  
18 home?

19 TOM WARGO: It would be affected  
20 by--it would have to add a parking space for the  
21 new unit.

22 COUNCIL MEMBER VACCA: It would be  
23 affected.

24 TOM WARGO: Yes.

25 COUNCIL MEMBER VACCA: Okay. If

1  
2 you are in an R5 district and you want to convert  
3 your home from two to three family, are you  
4 affected?

5 TOM WARGO: No.

6 COUNCIL MEMBER VACCA: No.

7 TOM WARGO: No.

8 COUNCIL MEMBER VACCA: So only  
9 affected are the ones to two's in the R3's and the  
10 R4's?

11 TOM WARGO: Yes, yes, yes.

12 COUNCIL MEMBER VACCA: Why didn't  
13 you do the conversion from two to three family in  
14 the R5? Let's take the R5 or the R4. The  
15 conversion from two to three.

16 TOM WARGO: The R5's were left out  
17 because the R5's tend to be better located nearer  
18 to mass transit than the R3's and R4's and we were  
19 concerned about striking the right balance between  
20 allowing additional units in existing homes and  
21 the need to meet the parking demands of  
22 neighborhoods. The original proposal actually  
23 included R5, but we heard a lot of concerns about  
24 how the text amendment might affect the ability to  
25 add dwelling units that are much needed in the

1  
2 City, and we were concerned about striking the  
3 right balance between providing those, the ability  
4 to have new dwelling units, but also to have  
5 appropriate parking spaces. So, the R5's were  
6 carved out during the process, so you can convert  
7 a two to a three in an R5 and not have to add an  
8 additional parking space. But the R3's and the  
9 R4's, which tend to be further away from mass  
10 transit, they will have to add an additional  
11 parking space, if they create a new dwelling unit.

12 COUNCIL MEMBER VACCA: The R4's,  
13 you can have a three-family house in an R4. You  
14 can go from a two to a three.

15 TOM WARGO: Yes, in some R4  
16 districts, you can.

17 COUNCIL MEMBER VACCA: Is that  
18 affected by this rule?

19 TOM WARGO: There are some R4  
20 districts that qualify for what we call in-fill  
21 development, and those are blocks that are  
22 predominantly three-family or attached. Those  
23 will not be affected by the amendment. If you  
24 qualify for in-fill, you will still be able to add  
25 a new unit without having to provide the parking.

1  
2 But, if you are an R4A, for example, which is  
3 limited to one or two families, or an R4-1, you  
4 will have to provide the additional parking.

5 COUNCIL MEMBER VACCA: What do  
6 people do when they find out that these rules are  
7 not being adhered to? I state that because I have  
8 a history in my neighborhood of people calling 311  
9 and really, I'm concerned about the enforcement  
10 mechanism. How do we enforce this? Are we  
11 counting on people to call 311 and if we do count  
12 on that happening, are we telling the City of New  
13 York that this new text change is based on  
14 citizens issuing complaints, rather than any type  
15 of meaningful enforcement. And then even if  
16 citizens issue complaints, we're kind of in an  
17 area where it's kind of gray. I mean, a buildings  
18 department inspector will still have to go to the  
19 site and see a car parked where it should not be  
20 parked? These are issues that are now prevalent  
21 throughout the city.

22 TOM WARGO: Yes, I mean  
23 unfortunately yes. Zoning is--well, zoning  
24 complaints are what usually triggers an  
25 inspection, and the complaints are usually by

1  
2 neighbors or Community Boards. Some Community  
3 Boards are very, very savvy about these  
4 regulations and will have eyes and ears on the  
5 street, and be more vigilant about enforcement  
6 than others. But you're right. It depends first  
7 of all on a knowledge of what the zoning  
8 regulations are and then the ability to alert the  
9 Department of Buildings, which is the enforcer of  
10 the zoning regulations, and then they will come  
11 send an inspector to a site who will have to see  
12 something, a curb cut that is maybe, is not  
13 supposed to be there, or to check to see if there  
14 is a valid permit for that curb cut. But, you're  
15 absolutely correct that it is mostly a complaint-  
16 driven system.

17 COUNCIL MEMBER VACCA: I'll end my  
18 questions. You know, I just feel we have a  
19 disconnect here between policy that the City of  
20 New York establishes through zoning text  
21 amendments and through changes in legislation, and  
22 then the enforcement that is often lacking. We  
23 have concrete pads sitting in people's front lawns  
24 that was once grass and people parking cars there,  
25 and we are powerless, the City is powerless from

1  
2 an enforcement perspective. I mean, we have  
3 buildings sitting in the City of New York with no  
4 certificate of occupancy, and they sit there for  
5 years. So, you know, I'm concerned about  
6 enforcement, and I hope that we can work with the  
7 Buildings Department and with your agency because,  
8 in principle, I very much support this to preserve  
9 the greenery and the open space and other aspects.  
10 But, I think that when it comes to enforcement,  
11 I'm concerned that we're going to have the  
12 capacity in our City to make this a reality.  
13 Thank you, Mr. Chair.

14 CHAIRPERSON WEPRIN: Thank you.

15 Mr. Garodnick.

16 COUNCIL MEMBER GARODNICK: Thank  
17 you, Mr. Chairman. One question only on the  
18 subject of the additional findings for curb cut  
19 authorizations as applicable in Manhattan 1  
20 through 8 and Queens 1 and 2. I understand that  
21 today, there need to be additional findings for  
22 vehicular movement and traffic congestion, and  
23 that your proposal is to put a little more meat on  
24 the bones as to what that means, if I understand  
25 it correctly. Is that right?

2 TOM WARGO: Yes.

3 COUNCIL MEMBER GARODNICK: Okay.

4 And then, I just wanted to go back a few pages  
5 earlier in your presentation, which says that curb  
6 cuts would be permitted for all zoning lots  
7 existing on the date of the amendment. So, what  
8 applies, going forward, if we are to approve this?  
9 Does the existing, bare-bones description apply  
10 for existing zoning lots, or does the new fleshed-  
11 out proposal apply to those areas?

12 TOM WARGO: Well, the new proposal  
13 would apply to all existing zoning lots going  
14 forward. So, for instance, well the B districts  
15 where parking is prohibited for buildings less  
16 than 40 feet wide, that's the one category of  
17 neighborhoods where a brownstone that exists  
18 today, for instance, would not be able to have a  
19 curb cut in the future, in the B districts. But,  
20 that particular slide that you were looking at  
21 that talks about all zoning - - going forward  
22 would be allowed at least one curb cut, that  
23 applies in the R6A's and 7A's and 7X's, the 8A's,  
24 8X districts, and they would all be allowed at  
25 least either one curb cut for a parking facility

1  
2 less than 50 spaces, or two, if it had a parking  
3 facility greater than 50 cars.

4 COUNCIL MEMBER GARODNICK: Okay, so  
5 if I understand you correctly, the rules going  
6 forward will apply in the B districts with the  
7 additional requirement. Actually for all of them--

8 TOM WARGO: [Interposing] For all  
9 of them, yes.

10 COUNCIL MEMBER GARODNICK: --but  
11 for the B districts, they're not allowed?

12 TOM WARGO: Correct. Correct.

13 COUNCIL MEMBER GARODNICK: And  
14 that's a new--

15 TOM WARGO: [Interposing] Well,  
16 it's a new proposal, but it was what was always  
17 intended when it was first passed in 1989.

18 COUNCIL MEMBER GARODNICK: Got it.

19 TOM WARGO: Yes.

20 COUNCIL MEMBER GARODNICK: I think  
21 it's a good change, and by the way, I wanted to  
22 recognize that you all did a lot of work in going  
23 around the City to present this to all the  
24 Community Boards. I saw you probably two or three  
25 community boards myself, so I wanted to thank you

1  
2 for the outreach on that. It was very useful.

3 TOM WARGO: Thank you.

4 CHAIRPERSON WEPRIN: Thank you.

5 Mr. Comrie.

6 COUNCIL MEMBER COMRIE: Thank you,  
7 Mr. Chair. I just want to also congratulate City  
8 Planning for putting all these rules together.

9 Councilman Vacca asked my question about  
10 grandfathering, would this apply to existing  
11 properties and the status of existing properties  
12 now, but would there be an opportunity to do some  
13 outreach to existing properties that are in  
14 violation of this, to let them know to correct it  
15 once a sale was made, or would that be in  
16 perpetuity that they could still be utilizing a  
17 old process?

18 TOM WARGO: I'm not sure I  
19 understand your question, Council Member.

20 COUNCIL MEMBER COMRIE: If a  
21 property is sold that is existing now that parks  
22 cars on the sidewalk, I mean in front of their  
23 home which they should not, will there be an  
24 opportunity to inform the new owner of the new  
25 regulations once this is passed?

1  
2 TOM WARGO: Well usually, when a  
3 property is--when title is transferred, there has  
4 to be a review of that property for any  
5 violations, any zoning violations and that should  
6 show up during the review before the transfer of  
7 title. So, the existing homeowner, as well as the  
8 perspective buyer would be put on notice that  
9 there is a violation that needs to be cured.

10 COUNCIL MEMBER COMRIE: But if  
11 there's no violation because it's grandfather, how  
12 would a violation be established?

13 TOM WARGO: If no violation was  
14 ever issued--

15 COUNCIL MEMBER COMRIE:  
16 [Interposing] Right. That's the problem. So, I  
17 would--maybe that's something we look at as an  
18 amendment down the line to include so that we can  
19 bring properties under compliance to the new  
20 rules. But, I think that, you know, again, this  
21 is a great opportunity. I know you put a lot of  
22 time and effort. I know you went to a lot of  
23 Community Boards behind this. Did you have any  
24 negative feedback from any Queens Community Boards  
25 regarding this?

1  
2 TOM WARGO: No. We had Board--was  
3 it two? Board two had some concerns about some of  
4 the proposals being too restrictive, but they did  
5 not--they voiced some concerns about, for instance  
6 in having--for the prohibition of curb cuts in the  
7 B districts. But, we believe very strongly that  
8 those prohibitions are necessary and that they  
9 were widely supported in the rest of the City, and  
10 we did not want to change those.

11 COUNCIL MEMBER COMRIE: Right.  
12 Well, again, congratulations. I appreciate you  
13 meeting with me and going over it with me in  
14 detail. But, I think that this is a great  
15 opportunity to clean up a lot of unsightly parking  
16 that's happening within property lines now. And I  
17 know that many parts of my district will be  
18 grateful that these corrections will be made, and  
19 many parts of the City will be as well. I just  
20 hope that we can go back and look at how to clean  
21 up properties that are out of compliance,  
22 especially once they change hands. Thank you.

23 TOM WARGO: Okay, thank you.

24 COUNCIL MEMBER COMRIE: Thank you,  
25 Mr. Chair.

CHAIRPERSON WEPRIN: Thank you.

Council Member Reyna.

COUNCIL MEMBER REYNA: Thank you, Mr. Chair. I just wanted to comment and echo Council Member Vacca's point as far as enforcement is concerned because currently, I know along Bushwick Avenue, we have beautiful brownstones that have what I believe are illegal parking spaces that no one is really complaining about, but it does disturb the flow of pedestrian traffic as well as vehicular traffic. And I don't know, moving forward, how will that particular stretch of the avenue, considering its zoning, be affected. And at the moment, I can't say, I can't remember what the zoning is in that particular area, but we, in Bushwick, have not gone through a contextual zoning. It's not necessary. Perhaps in the near future, there may be a need for it. But, I need to stress the issue of what Council Member Leroy Comrie had mentioned. You know, if no violations have been issued because everything is complaint-driven, then how are we going to grandfather and enforce something that really hasn't been documented?

2 TOM WARGO: Yes, that's a real  
3 issue. We do work very closely with the  
4 Department of Buildings these days. We have a  
5 very good relationship. We have training sessions  
6 for their plan examiners and so they are very much  
7 aware of what the new regulations are, and I don't  
8 want to speak for the Department of Buildings, but  
9 I think it's often a matter of resources and how  
10 they prioritize their inspection staff. But we  
11 definitely have a good working relationship with  
12 the Department of Buildings, and we do a lot of  
13 training with the plan examiners to make them  
14 aware of what the rules are.

15 COUNCIL MEMBER REYNA: And if you  
16 can just indulge this Committee to respond to the  
17 question of how moving forward are you going to,  
18 in conjunction with the Department of Buildings,  
19 address the grandfathering of properties that do  
20 not have violations, but are perhaps violating a  
21 code, the zoning text?

22 TOM WARGO: Well, technically,  
23 they're never grandfathered. If something is done  
24 illegally, it's always illegal, and it's always  
25 subject to a violation. It's not like you can do

1  
2 something and then after a certain period of time,  
3 you're home free. You're always in violation,  
4 you're always subject to a violation, and you're  
5 always subject to having to restore the condition  
6 to what it should be. And again, it's a matter of  
7 having an inspector actually go to a site and to  
8 issue a violation.

9 COUNCIL MEMBER REYNA: As far as,  
10 you know, the streetscape attempt here to--because  
11 there's two aspects of this. You know, obviously,  
12 there's a parking issue, a curb cut issue along  
13 with the parking, and you know, the beautifying of  
14 what once was, you know, a more landscaped city.  
15 And you have properties that are not--that are  
16 providing, you know, concrete front yard esthetics  
17 street views. How is this going to assist us in  
18 not condoning that type of behavior?

19 TOM WARGO: Okay, well the planting  
20 aspect of the proposal, the part of the proposal  
21 that deals with front yard planting, that only  
22 applies in the low density districts, R1 through  
23 R5. It does not apply R6 and above. But, we're  
24 strengthening the planting requirement for the low  
25 density districts by eliminating a couple of loop

1  
2 holes that are being currently used to sort of  
3 evade the intent of the planting requirements.  
4 And I need to stress that the planting  
5 requirements only apply to new construction and  
6 they apply to existing buildings, only to the  
7 extent that if an existing building has a planted  
8 front yard, that planting cannot be removed if  
9 it's going to result in a non-compliance with the  
10 percentage of the front yard that's supposed to be  
11 planted. So, in other words, if you have a  
12 concrete front yard now in one of these low  
13 density districts, and you did it legally, this--  
14 the rule does not require you to dig up your  
15 concrete and plant. It's not retroactive. Zoning  
16 is never retroactive. It only affects buildings  
17 going forward. And so if there are blocks that  
18 have no planting whatsoever, and if the front  
19 setback areas were legally concreted,  
20 unfortunately, there's really nothing that we can  
21 do to make them plant.

22 COUNCIL MEMBER REYNA: Right. And  
23 the issue is perpetuated because once it's  
24 concrete frontage, eventually, it becomes a  
25 parking space, and that's where we see the issue

growing, as opposed to halting.

TOM WARGO: Yes, yeah.

COUNCIL MEMBER REYNA: And so I would be interested in understanding how you're going to be working with Department of Buildings to deal with the enforcement aspect of the streetscape project.

TOM WARGO: Okay.

COUNCIL MEMBER REYNA: Thank you.

TOM WARGO: You're welcome.

CHAIRPERSON WEPRIN: Thank you.

Council Member Vacca has a follow-up, a brief follow-up.

COUNCIL MEMBER VACCA: Very briefly. Why were the community facilities not included in let's say the R4 or the R3's? Why were the community facilities not included? We often have community facilities in those districts going up that are seven, eight, 9,000 square feet. Why were they not included in these regulations?

TOM WARGO: Because that would have required an awful lot of study that we didn't have the time to incorporate into this text amendment. Community Facilities are an extremely important

1  
2 segment of the City's economy, and if we're going  
3 to be imposing certain requirements on them, we  
4 want to fully understand how those requirements  
5 would affect their functioning. And we really  
6 didn't have time as part of this text amendment to  
7 address the community facility concerns.

8 COUNCIL MEMBER VACCA: I understand  
9 your statement, but I have to say that I think we  
10 have to get to the issue of how community  
11 facilities are going to be established in context  
12 with surrounding communities. And I'd like City  
13 Planning to get to that. I know you're busy, and  
14 this study took a lot of time and effort, and it's  
15 very well done. But, whenever I bring up  
16 community facilities, it's on the back burner.  
17 Yet, in communities throughout the city, it's on  
18 the front burner. They often are out of context  
19 with surrounding communities, and we had over 67  
20 to 70 contextual zoning studies done in this city,  
21 and after all those studies have been done, we  
22 have yet to address community facilities. And I  
23 would like us to get to this. Is there a plan to  
24 get to this? Is there an intention to get to this  
25 any time soon?

2 TOM WARGO: There is a--we are  
3 looking at the issue on Staten Island at the  
4 moment, and it is--I think that we will have  
5 learned many things from the work that we've been  
6 doing on Staten Island. So, I think that in the  
7 future, maybe, you will be seeing some.

8 COUNCIL MEMBER VACCA: I hope it's  
9 the immediate future, and I'd like to urge City  
10 Planning to get going on this. It's a concern in  
11 my district and it's a concern throughout the  
12 City, and I think the longer we delay, the longer  
13 they'll be issues in local neighborhoods. Thank  
14 you.

15 TOM WARGO: You're welcome.

16 CHAIRPERSON WEPRIN: Thank you.  
17 Does anyone else on the panel have some questions,  
18 comments? No. Thank you very much. We do have  
19 two panels coming up. One, who's just an  
20 individual who's going to testify in favor, and  
21 then one panel of three people in opposition, and  
22 that'll be it. I want to remind the people who we  
23 call up that we're going to try to limit you to  
24 two minutes. We're going to put you on the clock.  
25 So, if you can try to look at your testimony and

1  
2 make it into two minutes, that would be very  
3 helpful. Our first person in favor is Joanne  
4 Seminara from Community Board 10.

5 [Pause]

6 JOANNE SEMINARA: Thank you, Chair  
7 Weprin, members of the City Council. I am the  
8 chairperson of Community Board 10, which comprises  
9 the areas of Bayridge, Dyker Heights, and Fort  
10 Hamilton in Brooklyn, and I appreciate the  
11 opportunity to be here today. I want to say that  
12 we really appreciate the time and effort taken by  
13 the Department of City Planning, both to reach out  
14 to us and to work with us on the text of this  
15 proposed statute change. We are a low density  
16 district, and so we acutely feel the need to  
17 prohibit parking in the front yards of our  
18 beautiful row homes, some of which are non-  
19 contextual in the districts in which they're fully  
20 built. And if you look at Page 10, I believe, of  
21 your photos there, you'll see Dyker Heights and  
22 the--yeah, it's Page 10 of the existing parking  
23 location rules. You'll see exactly what we faced  
24 in a case that we appealed last year where a  
25 family was allowed to create a parking pad in the

1 front yard and we went to bat on that and said we-  
2 -side yard, the existing statute said you could  
3 park in the side yard, even in a fully attached  
4 row house district. And of course, that was  
5 allowed to go through. So, we feel that we were  
6 heard by the formulation of this change in now  
7 what we see is a prohibition of front yard  
8 parking, and the prohibition of curb cuts in those  
9 contextual districts which our community is really  
10 full of. We did want to make a further suggestion  
11 though, because we feel that, in fact, the statute  
12 doesn't go far enough. It limits front yard  
13 parking in lots that are less than 35 feet wide,  
14 and we would actually like to see a complete  
15 prohibition against front yard parking. We  
16 understand there can be parking of course in the  
17 side yard, and when there's a garage, that the car  
18 fronts into. But we would like to see a  
19 prohibition to keep that streetscape in better  
20 stead. And to some extent, the enhanced planting  
21 requirements address that. But, in some cases we  
22 believe they do not.

24 CHAIRPERSON WEPRIN: Thank you very  
25 much.

2 JOANNE SEMINARA: So again, we're  
3 in full support and we thank the Council as well  
4 as City Planning for this important change.

5 CHAIRPERSON WEPRIN: Thank you, Ms.  
6 Seminara. Anyone here have a question? No, they  
7 don't. Thank you very much.

8 JOANNE SEMINARA: Thank you.

9 CHAIRPERSON WEPRIN: We are now  
10 going to call up three people in opposition as one  
11 panel, and they'll each get two minutes to speak.  
12 Sarah Watson, Seema Agnani, and Elena Conti.

13 [Pause]

14 CHAIRPERSON WEPRIN: Welcome,  
15 ladies. We need one more chair, perfect. And  
16 please introduce yourself when you start to speak.

17 [Pause]

18 SARAH WATSON: Good morning. My  
19 name's Sarah Watson. I'm a policy analyst at  
20 Citizen's Housing and Planning Council. I'm  
21 testifying on behalf of CHPC Zoning Committee.  
22 CHPC previously submitted comments to the City  
23 Planning Commission, and we're grateful that CPC  
24 responded by exempting 90 properties from the  
25 additional prohibition on removing parking spaces

1 that would exceed the current zoning restrictions.  
2 It would have further restricted - - in-fill  
3 development strategy to build mixed-income housing  
4 on its unused open space. CHPC reviewed the text  
5 amendment in the context of a delicate balance of  
6 four competing needs: aesthetics, housing  
7 production, environmental sustainability, and the  
8 provision of adequate parking. First, while these  
9 amendments have been described as streetscape  
10 preservation, in fact, aspects have little to do  
11 with the issue. Because this scope extends beyond  
12 aesthetics, we recommend the City Council postpone  
13 this and other rezonings that significantly impact  
14 parking until City Planning city-wide parking  
15 demand analysis is complete. Second, this  
16 rezoning will have an adverse impact on housing  
17 production in low density areas and discourage  
18 environmentally sustainable construction  
19 techniques. With a restriction to place parking  
20 on side lot ribbons, rather than permit rear yard  
21 or front yard parking, energy efficient buildings  
22 with shared party walls will be discouraged, and  
23 many sites will lose critical units in an effort  
24 to comply, and also CHPC is especially concerned  
25

1  
2 about the further restriction on legalizing  
3 additional dwelling units within a small home in  
4 R3 and R4. The proposed rezoning will discourage  
5 and ultimately prevent legal conversions of  
6 additional dwelling units for most small homes.  
7 It'll be too difficult to locate an additional  
8 parking spot on the zoning lot, or it will be too  
9 costly. New York City should be addressing its  
10 illegally occupied dwelling units and encouraging  
11 a path to legalization for certain types of units,  
12 to ensure safe legal housing that can be  
13 regulated. It's important to remember converting  
14 existing homes to permit additional units is a  
15 crucial method to create affordable housing, and  
16 ensure that these undocumented units have a chance  
17 to meet fire and building safety. This should be  
18 paramount. While we support the stated goal, we  
19 believe that this amendment goes beyond the main  
20 objective and will adversely affect housing  
21 production, legal conversion of units, and parking  
22 in a number of ways.

23 CHAIRPERSON WEPRIN: Great, thank  
24 you.

25 SARAH WATSON: Thank you.

1  
2 SEEMA AGNANI: Thank you. Good  
3 morning. Good morning, Chair Weprin and members  
4 of the Committee. I won't repeat a lot of has  
5 already been said.

6 CHAIRPERSON WEPRIN: Just state  
7 your name also.

8 SEEMA AGNANI: My name is Seema  
9 Agnani. I'm the Executive Director of Chhaya  
10 Community Development Corporation. We're based in  
11 Queens, and work primarily in Jackson Heights,  
12 Jamaica, Briarwood neighborhoods. We're here to  
13 urge the Committee to particularly we're opposed  
14 to goal number six, which would, we feel,  
15 discourage the legal conversion of housing. We  
16 know that a lot of these homes have accessory  
17 units that should be legalized and planned for,  
18 and we believe that these requirements will  
19 prevent that. You know, the country is moving  
20 towards more green approaches to developing  
21 affordable housing, and we feel that we should be  
22 encouraging owners to go through the legal process  
23 in assisting them. My organization does  
24 foreclosure prevention work and we found that--  
25 we're finding that many of the owners in these

1  
2 communities are needing to supplement their income  
3 and renting to boarders and whatnot. So, right  
4 now is not a good time to add additional burdens  
5 to these owners who really need to find ways to  
6 maintain their homes and ultimately stabilize  
7 these neighborhoods. So, thank you for this  
8 opportunity.

9 [Pause]

10 CHAIRPERSON WEPRIN: Thank you.  
11 You made it under the clock too. Next?

12 ELENA CONTE: I'm taking her 20  
13 seconds. Hi, good morning. I'm Elena Conte from  
14 the Pratt Center for Community Development. Thank  
15 you for the opportunity to testify. With full  
16 acknowledgement of the work of DCP, the City  
17 Council, and the attempt to balance the multiple  
18 interest here, we respectfully, but strongly urge  
19 that the amendment not advance. Despite the  
20 effort and many of the worthy goals that it  
21 attempts to address, the proposed change fails to  
22 strike the proper balance and ultimately would  
23 both one, create barriers to the creation of  
24 affordable housing in multiple ways, and two,  
25 prematurely enact a significant parking policy

1  
2 change in advance of the comprehensive analysis  
3 that's currently underway. By requiring a new  
4 parking space for the dwelling unit in the R3 and  
5 R4 districts, this is again, the 6th goal, the  
6 proposed amendment erects a barrier to the  
7 creation of new units in these zones. It's in the  
8 City's interest that unnecessary barriers to  
9 formalizing these units be removed so that their  
10 safety can be ensured, the population can be more  
11 accurately counted, and services better provided  
12 for, whether they be sanitation, schools,  
13 emergency services, etcetera. Instead of reducing  
14 these barriers, the proposal would create a new  
15 one, effectively increasing the pressure that  
16 creates the informal and unregulated housing that  
17 harms tenants, owners, and communities alike.  
18 From a broader perspective, it's unclear why these  
19 substantial changes to parking ratios are being  
20 pursued while the city-wide parking demand  
21 analysis by Planning is currently underway. Since  
22 that effort is intended to provide that  
23 comprehensive view to inform local policies, it  
24 seems premature to enact this or other changes  
25 that would impact policy in a major way before

1  
2 that study is finished and digested. So, in light  
3 of these consideration, as well as the fact that  
4 virtually none of the stakeholders that would be  
5 impacted by the adverse housing and transportation  
6 consequences of this amendment, have had the  
7 meaningful opportunity to full evaluate and weigh  
8 in. And I just want to clarify. I do want to  
9 appreciate the outreach that was done to Community  
10 Boards throughout the City, and that's  
11 extraordinarily notable and very labor-intensive.  
12 But, Community Boards are not the full community,  
13 and so there are stakeholders in the larger  
14 community that we're speaking of. So, we urge the  
15 Council to oppose the zone text resolution at this  
16 time, await and review the results of the  
17 comprehensive parking study, work with the  
18 Department of City Planning and a broader set of  
19 constituents, including the community-based  
20 organizations that are working on affordable  
21 housing and transportation and land uses to craft  
22 a proposal that does, indeed, address the  
23 aesthetic environmental considerations that the  
24 proposed text is attempting to treat, but that  
25 does so in a way that is in sync with

1  
2 comprehensive City parking policies and without  
3 creating these barriers to increasing the City's  
4 affordable housing stock. So, again, we applaud  
5 everyone's intentions on this. We think that  
6 ultimately, it's very serious and dangerous at  
7 this time. I urge you to oppose and look forward  
8 to working with you on something that gets it a  
9 little bit closer.

10 CHAIRPERSON WEPRIN: Thank you. We  
11 gave you her 20 seconds. That was what it was.  
12 Councilman Lander wanted us to give you a hard  
13 time, but we told him we won't do that. Anyone  
14 have any questions here? No. Ladies, thank you  
15 very much.

16 FEMALE VOICE: Thank you.

17 CHAIRPERSON WEPRIN: Thank you.

18 [Pause]

19 CHAIRPERSON WEPRIN: Thank you.  
20 All right, we're going to close the hearing on  
21 this item. And we are now going to actually move  
22 to voting on all the items we've heard so far, and  
23 then we'll go into Rose Plaza after that. I want  
24 to start out by saying two items on the café  
25 agenda were laid over. That's land use number 64,

1  
2 Sombrero Café, and 65, El Greco Café were both  
3 laid over for a future meeting. And we are now  
4 going to move--I know a couple of the following  
5 items on this agenda, land use 50, Le Basket; land  
6 use 54, the Special College Point District; land  
7 use 55, Grymes Hill/Sunnyside Rezoning.

8 [Off mic]

9 CHAIRPERSON WEPRIN: Land use 56,  
10 Hudson Yards Parking, with the modification I read  
11 earlier; and lastly, land use 57, the residential  
12 streetscape preservation, which we just heard.  
13 The Chair will recommend an aye vote on all of  
14 these items. I ask the Council to please read the  
15 roll. Thank you.

16 [Pause]

17 CHRISTIAN HILTON: Christian  
18 Hilton, Counsel to the Committee. Chair Weprin?

19 CHAIRPERSON WEPRIN: Aye on all.

20 CHRISTIAN HILTON: Council Member  
21 Rivera?

22 COUNCIL MEMBER RIVERA: I vote aye  
23 on all.

24 CHRISTIAN HILTON: Council Member  
25 Reyna?

2 COUNCIL MEMBER REYNA: I vote aye.

3 CHRISTIAN HILTON: Council Member  
4 Comrie.

5 COUNCIL MEMBER COMRIE: Aye on all.

6 CHRISTIAN HILTON: Council Member  
7 Jackson?

8 COUNCIL MEMBER JACKSON: Aye on  
9 all.

10 CHRISTIAN HILTON: Council Member  
11 Seabrook.

12 COUNCIL MEMBER SEABROOK: Aye on  
13 all.

14 CHRISTIAN HILTON: Council Member  
15 Vann.

16 COUNCIL MEMBER VANN: Aye.

17 CHRISTIAN HILTON: Council Member  
18 Garodnick.

19 COUNCIL MEMBER GARODNICK: Aye.

20 CHRISTIAN HILTON: Council Member  
21 Vacca.

22 COUNCIL MEMBER VACCA: Aye.

23 CHRISTIAN HILTON: Council Member  
24 Ignizio?

25 COUNCIL MEMBER IGNIZIO: Yes.

2 CHRISTIAN HILTON: By a vote of 10  
3 in the affirmative, none in the negative, and no  
4 abstentions, LU 50, 54, 55, and 57 are approved  
5 and referred to the full land use committee. LU  
6 56, is approved with modification, referred to the  
7 Land Use Committee.

8 [Pause]

9 CHAIRPERSON WEPRIN: Okay, we're  
10 now going to move on to Land Use 51, 52, and 53,  
11 which is Rose Plaza on the River, in Councilman  
12 Levin's district. We're going to start off--  
13 where's the, on behalf of the project, Mr. Howard  
14 Weiss.

15 [Pause]

16 CHAIRPERSON WEPRIN: Okay, Ms.  
17 Susan Wright, and Mr. Arthur Goldstein,  
18 representing the application for zoning.

19 [Pause]

20 CHAIRPERSON WEPRIN: You may start  
21 when you're ready.

22 HOWARD WEISS: Good morning, Mr.  
23 Chair, council members, Howard Weiss, Davidoff,  
24 Molito, and Hatcher. We're land use counsel for  
25 the project. With me, is my colleague, Arthur

1  
2 Goldstein, who also shares the role of land use  
3 counsel, and to my left is Susan Wright, from the  
4 architectural firm of Grues [phonetic] and  
5 Sampson, the project architects. It's indeed a  
6 pleasure to be here this morning. This project,  
7 as many of you know, has been six years in the  
8 making, even for a - - project, that's a long  
9 period, but we're going to explain it's been a  
10 very exciting journey that we've been on to get us  
11 to this point and to present Rose Plaza to you  
12 today. We're going to start by having Susan walk  
13 you through the project briefly, and when she's  
14 concluded, I'm going to make some brief remarks  
15 about various aspects of the project. So, with  
16 your permission, I'm going to turn this over to  
17 Susan Wright now.

18 SUSAN WRIGHT: Hi, good morning.  
19 You have a packet in front of you which has pages  
20 numbered, and those numbers also appear here on  
21 the board. So, if you have a question about what  
22 page you should be referring to, it's referenced  
23 on the boards and on the book. My name is Susan  
24 Wright, and I'm a partner with the architectural  
25 firm of Grues and Sampson. Our firm has been in

1  
2 business in the New York City area since 1937.  
3 We're recognized leaders in the New York City  
4 residential housing market, as well as for our  
5 waterfront design work. Our firm was retained to  
6 bring a fresh design approach to this project, and  
7 during 2007 and 8, we worked very strategically  
8 with Brooklyn and Manhattan offices of City  
9 Planning to shape a site plan that we felt would  
10 be the best design for the neighborhood. The  
11 internationally-recognized architectural firm,  
12 landscape architectural firm of Thomas Balze  
13 [phonetic] Associates, is also part of the core  
14 team, along with engineering firms of AKRF and  
15 Halcrow [phonetic].

16 Our client operates a lumber yard,  
17 the certified lumber yard, which you can see in  
18 the aerial photos over here, this is the  
19 waterfront edge along the Hudson, I'm sorry, along  
20 the East River. You can see in this aerial photo  
21 where the extension of South 11th Street forms a  
22 visual corridor bisecting our site. I think that  
23 what's important to see in the aerial photos is  
24 that the current use is manufacturing, and more  
25 importantly that the entire water front is blocked

1  
2 off from public use. The façade of the warehouse  
3 and the employee parking are up against the  
4 bulkhead. The site is 3.7 acres, and the  
5 perimeter is bordered by the East River, by Kent  
6 Avenue on the East side, by Shaffer Landing  
7 property immediately to our North, and to the  
8 South of us, a cross division is the power plant  
9 that was recently demolished. So, as I said, the  
10 sites located immediately south of Shaffer Landing  
11 and Kettam [phonetic] Winery sites which were  
12 previously rezoned as R7-3, with a C2-4 overlay.  
13 The yet undeveloped Donzi [phonetic] site is just  
14 to our East, which you can also see in the aerial  
15 photo. We have over 500 feet of waterfront  
16 bulkhead, which runs along the East River, from  
17 the Shaffer site at the north to Division Avenue  
18 at the south. Along Kent Avenue, our site is over  
19 550 feet, and there's another 200 feet along  
20 Division Avenue. So we have a lot of frontage.  
21 Under this ULIP application, we are seeking zoning  
22 map amendments, as well as special permit  
23 modifications. The site is currently zoned M3-1,  
24 and we are seeking to extend the existing  
25 residential zoning of Kettam and Shaffer, south to

1  
2 our site. The requested R7-3 zoning, with a 100  
3 foot C2-4 overlay along Kent and Division, is  
4 identical to that of Shaffer and Kettam. We are  
5 also seeking to include the development site among  
6 the inclusionary housing designated areas, which  
7 allows for an FAR 5 and includes the requirement  
8 for a minimum of 20 percent affordability.

9           The special permit modifications  
10 relate to bulkhead setback requirements and have  
11 facilitated the open site plan design. When we  
12 first began our design process, our initial  
13 massing diagram, our approach was shown here in  
14 blue, and this is unfortunately not in your  
15 packet. So, you need to look up at the boards to  
16 see what I'm talking about. Our initial design  
17 included an as-of-right concept which had four  
18 towers that would be 18 stories high, one, two,  
19 three, four, and six-story high low-rise buildings  
20 along Kent and on the interior of the site. This  
21 plan would have provided the minimum required open  
22 space, but we felt strongly, as did our colleagues  
23 at City Planning that eliminating the fourth tower  
24 created a gracious site plan with ample open  
25 space, and a much improved waterfront experience

1  
2 for both the neighborhood and the building  
3 residence. We revised the site plan to the  
4 current one to eliminate one of the 18-story  
5 towers, open up space in the center of the site.  
6 That meant we shifted the bulk of that tower to  
7 Towers A and C. It allowed us to increase the  
8 quantity, the open space of the site from 52  
9 percent, 52 up to 65 percent. That can be seen  
10 here. This, you know, the open space of the site  
11 compared to where there would have been a tower.  
12 Now, of course, that bulk is in Building A on the  
13 south and Building C on the north. A secondary  
14 design decision that we made was to eliminate  
15 intermediate setbacks on the towers themselves to  
16 try to create a more sleek design. You can see  
17 that here in the rendering. In the final pages of  
18 your packet, there are detailed illustrative  
19 diagrams about the bulk and setback modifications.  
20 I'd like to walk you through the site plan, which,  
21 I guess unfortunately, I'm sitting in front of.  
22 So, I'll stand up.

23 [Pause]

24 SUSAN WRIGHT: Hello. Okay, so  
25 here's the site plan, and what's important to note

1  
2 is that there's a slope of approximately 10 feet  
3 between Kent Avenue and the waterfront edge. So,  
4 along Kent Avenue, the elevation is 18 feet above  
5 sea level. When we get down to the waterfront,  
6 we're at eight feet. So, this is a 10-foot slope  
7 between the entry to the site and the facades  
8 here, and down at the waterfront edge. We've got  
9 three buildings on the site, which I described as  
10 Towers A, B, and C. So, this is Tower A, this is  
11 Tower B, this is Tower C. Each of these buildings  
12 has a low rise six and seven-story portion, so  
13 there's a six-story portion here, again here on  
14 Kent, and then here, facing the water. The low-  
15 rise portions of Buildings A and B are setback an  
16 additional five feet from the Kent Avenue property  
17 line so that we could increase the sidewalk  
18 dimension to 17 feet, to compare that with what  
19 happens at the Shaffer Landing site where a 14-  
20 story tower is immediately adjacent to the  
21 property line. Both buildings A and B have  
22 lobbies that face Kent Avenue, as well as the  
23 interior of the site, the plaza side. So,  
24 Buildings A and B have lobby's facing Kent Avenue;  
25 Building C, since it's set back from Kent Avenue

1  
2 approximately 130 feet, it actually entered from  
3 the Plaza. So that's--Building C is entered back  
4 here. Buildings A and B is also, also shown here  
5 with little red arrows, and that's site plan 17 in  
6 your packet. So, a street-level lobby here, here,  
7 and then from inside the site, drop-off points  
8 here, here, and here.

9           The coloring on the landscape plan  
10 illustrates the paved versus landscaped portions  
11 of the Plaza. So, that's what you can see here.  
12 We have driveways coming in and drop-offs, and  
13 then we have planted areas, landscaped areas as  
14 well as along the walkway here. There's an upland  
15 connection immediately adjacent to our site on the  
16 Shaffer Landing property, which is here. I  
17 mentioned that the visual corridor by - - on axis  
18 with South 11th, so that is here. Our client has  
19 agreed to provide dawn to dusk access to the  
20 public to - - corridor, which is the same hours as  
21 the waterfront park. The building heights are 25  
22 stories for Building A; 18 stories for Building B;  
23 and 29 stories for Building C. The top few floors  
24 of each tower are set back; that was at City  
25 Planning's request as a design element, so you can

1  
2 see that there. The Towers are designed in the  
3 mix of brick and glass; however, the facades of  
4 the low-rise buildings vary. Along Kent Avenue,  
5 the facades are mostly brick and we've articulated  
6 them to break down to read as a series of smaller  
7 buildings, and that can be seen here in the  
8 rendering. Whereas on the portions of the low-  
9 rise buildings which face the water, they're much  
10 more glass and lighter in design, so you can see  
11 that. At an FAR of 5.0, the total zoning floor of  
12 the site is 816,065 square feet. Our ULIP  
13 application calls for 801 residential units, with  
14 a percentage breakdown of five percent studios,  
15 five percent three-bedrooms, 45 percent one-  
16 bedrooms, and 45 percent two-bedrooms. In  
17 response to community concerns, we have actually  
18 modified the mix to create a percentage of three  
19 bedrooms that's eight percent of the total. We've  
20 reduced the quantity of studios to four percent,  
21 and the ones and twos are each 44 percent. Making  
22 that change in the unit meant we had to reduce our  
23 overall quantity of units to 776 to make the large  
24 units. The application calls for 29,000 square  
25 feet of retail space, which we have also reduced,

1  
2 as the developer has agreed to provide a 5,000  
3 square foot community facility for use of the  
4 community. So, the remaining 24,000 square feet  
5 of commercial space is all located on the first  
6 floor in buildings A and B. The majority of it is  
7 in the 400 linear feet of retail space along Kent.  
8 There's an additional 80 linear feet of retail on  
9 Division. We envision a 7,000 square foot  
10 restaurant space as part of that to be located on  
11 Division, just where the waterfront park starts,  
12 although it could be marketed as something other  
13 than that in retail. The remaining 17,000 square  
14 feet of retail is located on the street level,  
15 mostly along Kent, and these retail parcels could  
16 be as large as 8,000 square feet, or smaller.  
17 Because of the slope of the site, and the decision  
18 to create an open plaza at the Kent Avenue  
19 elevation of 18, we were able to locate the  
20 resident parking completely below grade and  
21 completely out of site. There are entry and exits  
22 along Division, onto Division, and also at the  
23 northern end of the site onto Kent. Cars will  
24 also enter and exit the plaza opposite South 11th  
25 because we have a circular drive there with drop-

1  
2 offs to the three building lobbies.

3           Now, the - - of the project is the  
4 open space, and Thomas Balzi's office, most of us  
5 are familiar with their work, they've had a huge  
6 impact on the waterfront parks of our City,  
7 introducing innovative park designs, such as  
8 Gantry Plaza State Park to the north of us, and  
9 Riverside Park South on Hudson River. The  
10 required waterfront public access for this site  
11 totals 32,543 square feet. I think again this is  
12 the best place to show you that. So that 32,000  
13 plus square feet is located completely along the  
14 waterfront here. It starts out at a 40-foot  
15 width. It widens to 120 feet, and then it  
16 continues at 53 feet so that it's aligned with the  
17 Shaffer Landing setback just north of us. There  
18 are three distinct zones along this 500 plus  
19 linear feet of park. You can see them in the  
20 renderings over here. When you enter the site  
21 from Division Avenue, you enter into a grove of  
22 birch trees. Towards the middle of the site is a  
23 lawn, a great lawn, a promenade, and then towards  
24 the northern end of the site is a grass garden.  
25 Of course, all these areas have both hardscape and

1  
2 landscape elements that are all handicap  
3 accessible, of course.

4           The second landscaped element of  
5 the project is the work that's done at the Plaza  
6 level, in the visual corridor and in the open  
7 space areas of the buildings. The visual corridor  
8 is a 60-foot wide zone, which continues on South  
9 11th Street as an axis. At the end of the visual  
10 corridor is a handicap ramp which will allow  
11 access from the Plaza, down onto the waterfront  
12 park. So, that occurs here. So, you'll be able  
13 to come into the site to this point where you're  
14 at a higher elevation, 18, come down the ramp onto  
15 the waterfront promenade. There's also a wide,  
16 deep stair that's similar in concept to the  
17 Spanish steps in Rome that we think will certainly  
18 be a favorite place to watch the sunset over  
19 Manhattan. Now, the visual corridor is located  
20 over the private space of the garage below, so  
21 about half of it will be planted, and half of it  
22 will be intended to be walked on, and half of it  
23 will be sort of natural open spaces with tall  
24 grasses and - - . Overall, the team is very proud  
25 of the quality of this development and the amount

1  
2 of public waterfront access and amenities that it  
3 will provide. We thank you for the opportunity to  
4 speak to you today, and the full design team's  
5 here, if you have any questions.

6 [Pause]

7 CHAIRPERSON WEPRIN: Mr. Weiss?

8 HOWARD WEISS: Thank you, Susan.

9 I'm just going to take a few minutes, with your  
10 permission, to address what I think are the  
11 overarching land use policy issues that drive the  
12 proposed development that you see here today. And  
13 that of course is a result of what's evolved over  
14 what I had referred to earlier is an inordinately  
15 long, but I think a very successful pre-  
16 certification process with City Planning that's  
17 been now as we reach you today, almost six years.  
18 And the reason why we were engaged for that long  
19 period of time is that at the time that we first  
20 came to City Planning in the Brooklyn Borough  
21 Office, to talk about the redevelopment of this  
22 site, the City Planning Commission and then the  
23 council was going through a review and  
24 deliberation on the comprehensive rezoning, the  
25 Green Point/Williamsburg rezoning to the north.

1  
2 And I think rightfully so, City Planning took the  
3 position that whatever would happen to the south  
4 with respect to individual waterfront sites really  
5 would need to be guided by the principles that  
6 would be developed and accepted with respect to  
7 waterfront development to the north. So, we  
8 patiently and slowly worked with them, and waited  
9 for the approval in 2005 of the comprehensive  
10 rezoning, and then began to work and evolve what  
11 we thought was an appropriate plan.

12 At that point, the application for  
13 the Kettam Winery site, just to the north of  
14 Shaffer Landing, that Susan had pointed out, was  
15 under review, and City Planning said to us that's  
16 going to be the first private application to the  
17 south, outside the comprehensive rezoning area.  
18 You need to really move with some more deliberate  
19 measure as we work through that and we decide what  
20 we think is going to be appropriate for individual  
21 parcels to the south. They have already acted on  
22 Shaffer Landing and then there was Kettam, and  
23 then our project. And that's what brings us here  
24 today.

25 There are three actions before you,

1  
2 and I think it's very important that I take a  
3 couple of minutes to address them incrementally  
4 because it's almost like a building block, and we  
5 start out with the zoning map amendment  
6 application that would rezone this M31 site to R7-  
7 3, with a C2-4 overlay. And as Susan pointed out,  
8 that is the zoning that the City Planning  
9 Commission and this council approved for Shaffer  
10 just to our north, and then immediately to the  
11 north of Shaffer for the Kettam Winery site about  
12 four years ago. There's a text amendment that  
13 would apply the inclusionary housing program to  
14 this site, and then finally, there's a special  
15 permit application that gives us the height and  
16 setback waiver that allows us to provide the  
17 extent of public and private open space that we do  
18 on this site, which is 65 percent. There's only  
19 35 percent coverage, and it allows us to really  
20 open up the site for public access and to really  
21 create an urban park at the waterfront.

22 With respect to the zoning map  
23 amendment, I will say that although Community  
24 Board 1 voted disapproval, if you look at the  
25 narrative portion of their recommendation, the

1  
2 Community Board said that they support the R7-3  
3 rezoning. The Borough President actually has  
4 recommended approval of the R7-3 rezoning. So,  
5 there doesn't seem to be any dispute, and based  
6 upon the prior actions of this Council, in terms  
7 of what's appropriate for this portion of the  
8 waterfront, there doesn't seem to be any issue  
9 that the future of this site is appropriate R7-3  
10 and the mixed use development with a C2-4 overlay.

11 [Pause]

12 HOWARD WEISS: The special permit  
13 that's before you, that builds upon the as-of-  
14 right zoning, takes what we agreed with City  
15 Planning would be in an inappropriate development  
16 this site with four squat buildings that would  
17 have occupied too much of potential open space,  
18 four buildings that were deprived visually the  
19 waterfront experience, and the special permits  
20 enable us to do the three towers that then opens  
21 up almost 100,000 square feet on this 3.7 acre  
22 site for public and private open space. And we do  
23 more than that. As Susan pointed out, there is a  
24 required 60-foot wide visual corridor that runs  
25 through the center of our site, that's the

1 elongation of South 11th Street. That visual  
2 corridor is required by the zoning resolution.  
3 But we said to enhance the community's waterfront  
4 experience, we would provide physical access over  
5 the visual corridor. That remains private  
6 property, but we've given the City Planning  
7 Commission the restrictive declaration that's been  
8 executed that guarantees that for all times that  
9 the waterfront esplanade is open to the public,  
10 this corridor will be open for public access, up  
11 through the center of the site. And when we speak  
12 about the waterfront esplanade, which was 33,000  
13 square feet, we also have to say that although not  
14 required by the waterfront zoning text that's  
15 applicable to this site, before the recent  
16 amendments, we voluntarily agreed to cede  
17 ownership of that 33,000 square feet to the City  
18 of New York, under the control of the Parks  
19 Department. There's a restrictive declaration  
20 that secures that agreement, and we will be  
21 funding in perpetuity, the operation and the  
22 maintenance of that public esplanade.

24 [Pause]

25 HOWARD WEISS: With respect to the

1  
2 special permit and the heights of these buildings,  
3 at 18, 25, 29 stories, I tell you, as a land use  
4 professional who's been doing this in and out of  
5 government for the last 33 years, that that is  
6 absolutely contextual for this site and for this  
7 area of South Williamsburg. Shaffer Landing to  
8 the north, its tallest tower is 25 stories.

9 Kettam was approved by the City Planning  
10 Commission and this Council only four years ago at  
11 24 stories. Roberto Clementi Plaza, across Kent  
12 Avenue, is 24 stories. So, this is absolutely  
13 contextual; this absolutely works. And the trade  
14 off for that special permit is to be able to  
15 provide this community with what I think everyone  
16 agrees is an important amenity, which is opening  
17 up more open space in a community that in fact has  
18 a deficit of open space. And we think that  
19 therefore, in terms of the height that's derived  
20 from the special permit, it's totally appropriate.

21 Let me get now to what I think is  
22 really the crux of the issue, at least in terms of  
23 the Community Board's resolution, in terms of the  
24 Borough President's recommendation, and in terms  
25 of issues that have been raised by others in the

community, which is the level of affordability.

And I say that's the issue because if you look at the Community Board's recommendation, the

Community Board says the committee was pleased to hear that access to the private open space within

the visual corridor would be guaranteed, and in

general, the zoning proposed is in keeping with

that of Shaffer Landing and Kettam Winery to the

north, and is generally lower in height and

density than the waterfront - - that were approved

in the 2005 Williamsburg, Green Point/Williamsburg

rezoning. The committee supports the proposed R7-

3 zoning designation, and notes that is in keeping

with the height levels supported by the Board in

the 2005 rezoning, although somewhat larger than

the density levels supported by the Board at that

time. So, I think we really have to put aside

issues about bulk and density because in terms of

what the zoning resolution provides, in terms of

what we've heard from the Community Board, in

terms of what we heard from the Borough President

who echoed the Community Board's position, that's

not the issue. The issue, ladies and gentlemen,

is affordability.

1  
2 We started off, when this  
3 application was certified on November 2nd, 2009,  
4 with 20 percent affordable housing. 20 percent of  
5 the units affordable. We did that based upon what  
6 was the model. We did that based upon what is  
7 provided in the comprehensive Williamsburg/Green  
8 Point rezoning to the north. We did that based  
9 upon what the City Planning Commission and this  
10 Council approved more recently for the Kettam  
11 Winery site to the south. We thought we were  
12 moving along, conforming to what was the City's  
13 land use policy and the rules of the game. And in  
14 fact, when we were before the City Planning  
15 Commission, Chairperson Burton was adamant that  
16 that is the City policy, 20 percent. Now, Shaffer  
17 Landing to our north is 40 percent. Shaffer  
18 Landing to our north was city-owned property.  
19 Shaffer Landing to our north, involved an infusion  
20 of 60 million dollars of city dollars for the  
21 infrastructure for that site. Although the  
22 approval of the Williamsburg/Green Point rezoning  
23 to the north talked about overall 33 percent, as  
24 the goal for affordable housing, when you look at  
25 the City Planning documents and when you look at

1  
2 what's really been built, none of the privately-  
3 held sites that have been developed with private  
4 capital, have involved more than 20 percent  
5 affordable housing. So, once again, as I moved  
6 forward with this application over the last six  
7 years, I understood that I was following what was  
8 the City Policy for affordable housing for the  
9 Williamsburg Waterfront.

10 [Pause]

11 HOWARD WEISS: Here we are today  
12 though, and we're at a difficult crossroad because  
13 it's very clear to us, based upon the Community  
14 Board's position, based upon the Borough  
15 President's position, based upon Council Member  
16 Levin's position, that that 20 percent is not  
17 going to fly. We had Robert Pauls, an economist  
18 and a real estate professional, take a look at  
19 this for us, and asked him if there was room,  
20 understanding that it would be a less profitable  
21 project, but as long as it could be a viable  
22 project, as between losing this project and our  
23 client facing somewhat less profitability, it's no  
24 question, this project has to move forward. It  
25 has to move forward because this project not only

1  
2 will provide the affordable housing, 800  
3 construction jobs, 160--

4 CHAIRPERSON WEPRIN: [Interposing]  
5 Can we--excuse me. We're going to have to--thank  
6 you. We can't have the outburst, but we  
7 appreciate the sentiment, but we can't have that  
8 because we'll be having it the rest of the  
9 afternoon. So, if you could just try to be quiet,  
10 thanks.

11 HOWARD WEISS: 160 permanent jobs  
12 at this site. I'm a realist though, and having  
13 done this for the last 34 years, in and out of  
14 government, and knowing that I need to get to  
15 where we need to get, we've put forth an  
16 alternative proposal. Susan explained that one of  
17 the other issues that we had was the number of  
18 apartments with more bedrooms. The Community  
19 Board and the Borough President had said that they  
20 wanted to see more than the 40. We believe that  
21 in terms of the absorption rate in this community,  
22 and we believe that in terms of the need of the  
23 entire community, and this project was designed  
24 with the entire community in mind, the breakout of  
25 40 units of three-bedroom apartments, 40 units of

1 studios, and then a split between the one and twos  
2 was appropriate. We particularly believe that's  
3 the case because in this community, at Roberto  
4 Clementi Plaza, there's a waiting list of 800  
5 applications for one and two bedroom apartment  
6 that need exist in this community. At Bedford  
7 Gardens, I understand there was a waiting list of  
8 about 300 applicants seeking two-bedroom  
9 apartments. There's that need in this community.  
10 However, in deference to what we heard was a  
11 desire for more three bedrooms, we have increased  
12 the number of three bedrooms to 60. That's a 50  
13 percent increase. In doing that, that caused an  
14 overall decrease in the number of total units from  
15 801 to 776. We've proposed, and I believe the  
16 subcommittee is aware and certainly the land use  
17 committee is aware and Councilman Levin is aware  
18 that we've proposed 25 percent affordable housing.  
19 What that would mean is 194 units. We think  
20 that's significant. Robert Pauls has advised us  
21 that would work. We've heard, however, in recent  
22 days that even that's not going to do it. That's  
23 difficult for us. It's difficult for Isaac  
24 Rosenberg, who's lived with this for the last six  
25

1  
2 years, and who has a vision for this site, who  
3 will, by the way, be moving certified lumber to  
4 another site in Brooklyn and retaining those jobs  
5 in the borough while he improves this site and  
6 improves the waterfront and creates a true public  
7 benefit. We're not going to lose this project  
8 over a few percentage points of affordable housing  
9 and some more units. Isaac Rosenberg is not going  
10 to let that happen. That would be sinful after  
11 the six years of effort.

12 So, what I'm here to tell you today  
13 is that, notwithstanding the proposal that you all  
14 saw, we're willing to increase the level of  
15 affordability to 28 percent. That's very  
16 substantial. That moves a long way towards the  
17 Community Board called for. That moves a long way  
18 towards what the Borough President has called for.  
19 And it certainly is unprecedented in anything this  
20 city has required for any privately-owned  
21 waterfront site in Williamsburg, being developed  
22 with private capital. That's a tremendous,  
23 unprecedented offer. But we do it willingly--I  
24 can't say gladly, but the alternative of losing  
25 this project is not worth it to us, and I would

1  
2 hope that this subcommittee and the council would  
3 recognize the tragedy in losing this development  
4 for the community with 28 percent of affordable  
5 housing, which would mean that now we're up to 217  
6 units of affordable housing. And let me just say,  
7 the other thing that we did that you're aware of,  
8 we originally proposed the level of affordability  
9 at 60 percent of AMI, which is what's required by  
10 421A. The zoning only requires 80 percent, but we  
11 propose it at 60 percent. When we put forth our  
12 proposal to increase the affordability to 25  
13 percent, we also let you know that we're going to  
14 actually take 10 percent of the affordable units  
15 and put it out at 40 percent of AMI to make it  
16 more affordable to lower income families, and the  
17 five percent that we put out, and now the eight  
18 percent will be at 130 percent of AMI, which makes  
19 it affordable to middle income families who have  
20 no opportunity if the affordable units are at 60  
21 percent, to take advantage of affordability. And  
22 in that way, we're doing what we know the Borough  
23 President was looking for and others to make some  
24 of these affordable units available to the City's  
25 firefighters, sanitation workers, police officers,

1  
2 and others who are in that strata of our society.  
3 So, there's a broader scale of affordability now  
4 in that project, in the project.

5 So, with all of this, I can only  
6 implore you to please take a look. Deliberate  
7 very carefully, and at the end of the day, I  
8 really hope that at 28 percent, you see the  
9 tremendous public benefit of this project with  
10 everything else that we've presented. And I thank  
11 you.

12 CHAIRPERSON WEPRIN: Thank you, Mr.  
13 Weiss. I know there are a lot of questions, so  
14 we'll get into that. You'll have a chance to  
15 expound on it afterwards. Mr. Goldstein, that's  
16 okay?

17 ARTHUR GOLDSTEIN: Yeah.

18 CHAIRPERSON WEPRIN: Before we get  
19 on to the questions though, Council Member Lappin  
20 came, and we want to just get her votes on the  
21 items that we already voted on. So, I'll ask the  
22 clerk to call the Council Member's name.

23 CHRISTIAN HILTON: Council Member  
24 Lappin.

25 COUNCIL MEMBER LAPPIN: Thank you,

1  
2 Mr. Chair. I vote aye.

3 CHRISTIAN HILTON: Vote now stands  
4 at 11 in the affirmative, none in the negative, no  
5 abstentions.

6 CHAIRPERSON WEPRIN: That's great.  
7 Thank you very much. All right, I'm going to  
8 start out with a few questions. Thank you very  
9 much for the presentation. Ms. Wright, you talked  
10 about the changes you made to the site,  
11 eliminating the fourth tower. At any point, did  
12 you consider lesser residential zoning than the  
13 R7?

14 SUSAN WRIGHT: No, I mean we were  
15 following the zoning of the site to our north as a  
16 precedent.

17 CHAIRPERSON WEPRIN: So, you used  
18 Shaffer Landing as the guide?

19 SUSAN WRIGHT: Yeah. Shaffer  
20 Landing and Kettam R7-3 seemed to be the  
21 direction.

22 CHAIRPERSON WEPRIN: Mr. Weiss, did  
23 you want to add to that?

24 HOWARD WEISS: No, we followed what  
25 was the established land use policy, laid out by

1  
2 City Planning and the Council for this portion of  
3 the Williamsburg waterfront, in concert with  
4 working with the Brooklyn Borough Office of City  
5 Planning.

6 CHAIRPERSON WEPRIN: Jumping  
7 around, the lumber yard, you mentioned a lumber  
8 yard, they had a new site. Is that site already  
9 picked out and purchased?

10 HOWARD WEISS: Yes, I'm being told  
11 that there is actually a site that's available  
12 that's been secured.

13 CHAIRPERSON WEPRIN: All right.  
14 How many people work in the lumber yard? Any  
15 idea? This is like who wants to be a millionaire.  
16 You get to ask the audience.

17 HOWARD WEISS: There are  
18 approximately 80 employees.

19 CHAIRPERSON WEPRIN: 80 employees,  
20 great. Thank you. The retail, Ms. Wright, you  
21 discussed the retail, do we have agreements  
22 already reached with any particular retailers?

23 HOWARD WEISS: No, no, I can answer  
24 that. No, we don't. No, we don't.

25 CHAIRPERSON WEPRIN: None at all.

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And you mentioned about a supermarket?

HOWARD WEISS: That's right. The Borough President indicated that he felt that what was needed and appropriate for this site was a supermarket, and we agreed to use our best efforts to market it to a supermarket, and we committed that in writing, and that we would do it at what would be market rents for a supermarket use. Not necessarily a retail use on Kent Avenue, which could perhaps command in the years to come a higher rent than the market rent for a supermarket. We also, in deference to the Borough President's request, agreed to encourage the supermarket that would be located there to adhere to the fresh food standards, the recent zoning text that would allocate a particular percentage of the floor area to fresh foods, notwithstanding the fact that that text does not apply to this site.

CHAIRPERSON WEPRIN: Right. At this point in time, you don't have a particular market in mind--

HOWARD WEISS: [Interposing] No.

CHAIRPERSON WEPRIN: --or anything

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like that.

HOWARD WEISS: No, no.

CHAIRPERSON WEPRIN: You're just saying in regards to it, the site goes forward that you will try to make an agreement with the supermarket?

HOWARD WEISS: That's right.

SUSAN WRIGHT: And there, if I can say, there are three location where up to 7,000, 8,000 square foot parcel of retail exists. So, you'd have decent storefront for that use.

CHAIRPERSON WEPRIN: Okay. The traffic issue, I mean with all this development going on, I'm just curious. What were the traffic impacts when you went through it, like what do you see the traffic impacts of the project being?

HOWARD WEISS: We don't see any impacts. There was a conditional negative declaration issued by City Planning based upon traffic studies done by AKRF that in fact were done and then revised because our work spanned a number of years. What did arise just prior to certification last summer, the Department of Transportation elected to alter Kent Avenue,

1  
2 change the traffic flow, establish bicycle lanes  
3 and that was very close to when City Planning and  
4 technical review was getting ready to move us into  
5 certification. So, what we agreed to do was post  
6 approval, if this should be approved, to conduct a  
7 further traffic study, and we basically wrote a  
8 blank check because we committed to provide  
9 whatever further mitigation the traffic study  
10 might indicate would be required as a result of  
11 the changes in traffic flow on Kent Avenue.

12 That's committed in a restrictive declaration  
13 that's already been filed against the property.

14 CHAIRPERSON WEPRIN: All right, so  
15 you do admit that there will be some traffic  
16 change at all?

17 HOWARD WEISS: No, no, no. We  
18 don't believe there's going to be any appreciable  
19 impact as it relates to this project. But, what  
20 we agreed to do is to study it and not to ask  
21 anyone to move forward in the blind so that if  
22 there were some modifications that would be  
23 necessary, that could be done.

24 CHAIRPERSON WEPRIN: And it's 800  
25 units. How many people do you think 800 units

works out to be about? Rough estimate.

HOWARD WEISS: About 2,400.

CHAIRPERSON WEPRIN: 2,400 people.

And where's--is there a subway nearby?

HOWARD WEISS: There are subways.

CHAIRPERSON WEPRIN: How far--

what's the closest subway to the site?

HOWARD WEISS: About eight blocks.

CHAIRPERSON WEPRIN: Eight blocks,  
is that right?

[Off mic]

CHAIRPERSON WEPRIN: Can you  
estimate in miles or mileage how much that'll--  
because they're not your typical block.

HOWARD WEISS: Does someone have a  
calculator? About three quarters of a mile. I  
must tell you, Mr. Chairman, I, during my early  
years, lived on the upper east side of Manhattan,  
and I had a healthy walk to 86th Street or 79th  
Street--

CHAIRPERSON WEPRIN: [Interposing]  
Uphill in the snow, right?

HOWARD WEISS: --in the snow, rain,  
wind, sleet, that didn't stop this warrior. So,

1  
2 you know, like the mailman. So, you know, that's  
3 part of life in an urban area. But there is  
4 transportation, and I think what the key here is  
5 the fact that there was an exhaustive  
6 environmental review done, and there were no  
7 appreciable impacts that were identified relating  
8 to traffic as a result of the development of this  
9 site with what's proposed.

10 [Off mic]

11 CHAIRPERSON WEPRIN: Okay, we're  
12 going to--I want to talk about the affordable  
13 housing units in the project. I know there've  
14 been some changes, and you're talking about upping  
15 the number. I'm just curious whether all of the  
16 proposed affordable housing that you're talking  
17 about, including the increased number would be  
18 permanently affordable, both the inclusionary  
19 housing and the additional housing the developer  
20 is now offering--

21 HOWARD WEISS: [Interposing]

22 Permanently affordable.

23 CHAIRPERSON WEPRIN: All of them?

24 HOWARD WEISS: Yes.

25 CHAIRPERSON WEPRIN: Okay, thank

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you on that.

HOWARD WEISS: And, Mr. Chair, if I could add with respect to that. And they will be dispersed throughout all three buildings, and throughout virtually all floors in the building. There's not going to be any of this affordable housing that's off-site and they're not going to be concentrated in the base of the building. The affordable units are being treated with equity and equality with respect to the market units throughout this development.

CHAIRPERSON WEPRIN: One of the concerns, you know, we always have with projects is, you know, are you committed to this design proposal as it's presented, and what ties you to this design proposal on this development program as we move forward?

HOWARD WEISS: The City Planning Commission approvals binds us to the bulk of the project. In terms of the architectural expression, the minutia of detail, this is something that we're presently committed to. Could some of it change? Yes. But, basically, the buildings that you see, in terms of the

1  
2 height, the density, the footprint, all of those  
3 things that count in terms of how a site is  
4 impacted, those don't change. Those are written  
5 in stone under the City Planning Commission's  
6 approvals, and ultimately hopefully your approval.

7 CHAIRPERSON WEPRIN: I see, okay.

8 And the--you talked about restrictive declarations  
9 and to open the waterfront to the public, there  
10 are other restrictive declarations too on the site  
11 as well, right?

12 HOWARD WEISS: There's a  
13 restrictive declaration regarding environmental  
14 remediation that require--this is, as many people  
15 know, formerly, back in the day, as many  
16 waterfront sites in Williamsburg, a manufactured  
17 cold gasification plant. And it's anticipated  
18 that there's environmental issues as a result of  
19 that, and also the history of manufacturing and  
20 industrial use at the site. There's a restrictive  
21 declaration that's already been filed against this  
22 property that requires this site to be remediated  
23 to residential standards before construction can  
24 proceed, and that would be under the supervision  
25 of the Department of Environmental Protection.

1  
2 The Community Board, I might point out, was  
3 concerned that they would be able to participate  
4 in monitoring the remediation as it goes along on  
5 something that was expressed by the Borough  
6 President as well, and what we have assured,  
7 although we can't guarantee what the municipal  
8 agencies will do, we have guaranteed that we will  
9 urge the agencies to include the Community Board,  
10 and we certainly as developer will provide the  
11 Community Board with notification as things go  
12 along so the community will understand what's  
13 proceeding.

14 There is a restrictive declaration  
15 as I mentioned with respect to future traffic  
16 assessment related solely to this change on Kent  
17 Avenue and the creation of the bicycle lane and  
18 the shift to one-way traffic. That's been filed.  
19 There was a concern that, given the site, there  
20 may be historical artifacts buried, and so we've  
21 filed another restrictive declaration that  
22 guarantees that as this site is excavating, the  
23 necessary precautions will be taken so that any  
24 artifacts that may be buried on this site will be  
25 removed and preserved. And then there's the

1  
2 special permit restrictive declaration that  
3 guarantees everything I've said about the  
4 waterfront. The design, this design is written in  
5 stone. If this project were to--well, grass and  
6 stone.

7 CHAIRPERSON WEPRIN: Do you have  
8 the stone with you?

9 HOWARD WEISS: No, we don't have  
10 any stone. But, what you see in terms of the  
11 waterfront, there's no flexibility there. Every  
12 blade of grass, every shrub, every tree, every  
13 bench, every railing, what you see in the plans is  
14 precisely what has to be developed. The  
15 restrictive declaration guarantees that, and the  
16 Parks Department has the right, and not only the  
17 right, but we have the obligation as construction  
18 drawings are being prepared for the waterfront  
19 esplanade, the Parks Department oversees the  
20 development of those drawings. The restrictive  
21 declaration also guarantees the public that we  
22 will be transferring the public esplanade to the  
23 Parks Department. It also guarantees that the  
24 public will have full access over the visual  
25 corridor for all hours that we have said that the

1  
2 public esplanade will be operated by the Parks  
3 Department. That's been executed.

4 CHAIRPERSON WEPRIN: Could you  
5 explain to me how you would modify the restrictive  
6 declarations specifically? How would you do that  
7 if you--not you, but if someone chose to,  
8 necessarily?

9 HOWARD WEISS: They would have to--  
10 I've actually had to deal with this on a project  
11 in Queens. They would have to go back to City  
12 Planning and make an application for a minor  
13 modification, if, in fact, it doesn't change the  
14 scope of the project. If you're going to change  
15 anything that relates to the scope of the project,  
16 for example, the zoning envelope, you would then  
17 have to file for a major modification and start  
18 the ULIP process all over again. But, if it's  
19 minor adjustments to the restrictive declaration,  
20 there would have to be a minor modification  
21 application that gets referred by the City  
22 Planning Commission to the Community Board, for  
23 Community Board review and recommendation, and  
24 then it returns to the City Planning Commission  
25 for public action.

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2                   CHAIRPERSON WEPRIN: Let me ask, if  
3 by some chance the applicant was unable to fulfill  
4 their financial obligations for whatever reason,  
5 in the future, would that stone written document  
6 restrictive covenant carry on to any successors on  
7 the property?

8                   HOWARD WEISS: It runs with the  
9 land in perpetuity. Whoever--the owner of this  
10 site, when it comes to land use, and this is true  
11 throughout the City, is an irrelevancy. And in  
12 fact, zoning doesn't look at ownership in New York  
13 City, New York state and throughout the country  
14 for very good reason because everything arises  
15 from your zoning coordinates and arises from the  
16 land. And ownership is totally irrelevant.

17                   CHAIRPERSON WEPRIN: So, these  
18 restrictive covenants would have to travel with  
19 whoever the owner of the property was.

20                   HOWARD WEISS: Absolutely. Okay,  
21 and as far as the restrictive covenants, or the  
22 restrictive declarations go, who's the mortgagor  
23 on this job? Do we know yet, have that already?

24                   HOWARD WEISS: Well, you mean the  
25 construction loan? That's--

2 CHAIRPERSON WEPRIN: [Interposing]

3 Yes.

4 HOWARD WEISS: --we're nowhere near  
5 there yet.

6 CHAIRPERSON WEPRIN: Right. Okay.  
7 Just one question on the--we're going to go--I'm  
8 going to finish up, and then I know other people  
9 have questions. You talked about--actually, you  
10 know what. If you didn't use inclusionary housing  
11 at all, what would the FAR be if you or a  
12 successor was to do - - ?

13 HOWARD WEISS: If we didn't have  
14 the benefit of the inclusionary housing program,  
15 this site really couldn't be developed  
16 residentially, unless the municipalities stepped  
17 in and the City would want to fund the development  
18 of the site. A private developer couldn't do it,  
19 and there's several reasons why, and a lot of it  
20 relates to the extraordinary infrastructure costs  
21 on this site. The bulkhead at this site is in  
22 tremendous disrepair. It has to be completely  
23 replaced. There has to be remediation. Now,  
24 National Grid may be responsible for a portion and  
25 maybe even a good portion of that. That's yet to

1  
2 be determined once they come into the site and  
3 they do what they're supposed to do under a  
4 present - - order that makes National Grid  
5 responsible for a number of sites along the  
6 Williamsburg waterfront, and in fact upland sites  
7 that were used for storage back in the day, in  
8 relation to the manufactured cold gasification  
9 plans. This entire site has to be platformed to  
10 be able to provide the sub-surface parking. The  
11 esplanade that's required by the waterfront zoning  
12 text independent of the inclusionary housing  
13 bonus, and the fact that we're at 5.0 FAR, but  
14 even at 3.75 FAR, that's a tremendous cost. And  
15 you wouldn't be able to really support that with  
16 we believe the 3.75 FAR, which is why the  
17 applicant has come in with this application and  
18 with the proposed text amendment to apply the  
19 inclusionary housing text to this site.

20 CHAIRPERSON WEPRIN: All right,  
21 thanks. Sorry, did someone have a question over  
22 here? Did someone mention they had a question on  
23 this side? No? Well, Councilman Levin, who  
24 represents the site as you know, who's not on the  
25 subcommittee, but we let them ask questions as

1 well, he has a number of questions for you.

2 Council Member Levin.

3 HOWARD WEISS: Good morning,  
4 council member.

5 COUNCIL MEMBER LEVIN: Good  
6 morning, Mr. Weiss. Good morning, Ms. Wright.

7 SUSAN WRIGHT: Good morning.

8 COUNCIL MEMBER LEVIN: Thank you,  
9 Mr. Chairman. I would like to start, if I may.  
10 You mentioned the waterfront esplanade, the visual  
11 corridor. You're referring to them as amenities  
12 provided to the community, is that right? I mean,  
13 these are--you're describing them as if they are  
14 elective or that you have elected to take these  
15 on. Is that right?

16 HOWARD WEISS: No. I suggested  
17 that the waterfront esplanade is absolutely a  
18 public amenity, but it's required by the  
19 waterfront zoning text. What we've provided is in  
20 excess of what the text requires, and I think that  
21 by far, this is probably the most spectacular  
22 waterfront esplanade in conjunction with an  
23 adjacent mixed-use development that the City has  
24 seen, bar none. But, you're absolutely right.  
25

1  
2 The--providing the esplanade itself is required by  
3 the waterfront zoning text because this is a  
4 waterfront block.

5 COUNCIL MEMBER LEVIN: Right. So  
6 that's a requirement; it's not something elected.  
7 It's not something that's been taken on? It's not  
8 an undue hardship. This is something that's  
9 required by the City Planning Commission.

10 HOWARD WEISS: The esplanade is  
11 required. What you see is not required. What you  
12 see is the result of a collaboration between the  
13 design professionals and City Planning to provide  
14 more than what is required to make this as  
15 spectacular as possible. But, you're absolutely  
16 right. Providing a waterfront esplanade is  
17 required by the text.

18 COUNCIL MEMBER LEVIN: The adjacent  
19 development sites that you've mentioned include  
20 Shaffer Landing. They include Kent Village across  
21 the street. They include Kettam Winery; they  
22 include - - . Of those site, Kettam and Donzi  
23 have yet to have been built. Kent Village is a -  
24 - rental property that is about 95 percent  
25 affordable, and Shaffer is about 40 percent - -

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correct?

HOWARD WEISS: Yes.

COUNCIL MEMBER LEVIN: Those provide a public benefit that is above what you are proposing. The other sites have yet to be built. So, from the community's perspective, the precedent of development in the area that's been built is at the very least 40 percent affordable.

HOWARD WEISS: I'm not sure what the question is.

COUNCIL MEMBER LEVIN: Well, do you agree that that is, in fact, the case?

HOWARD WEISS: No. I agree it's the case for a site that's city-owned. I agree that's the case for a site that has infusions of public money. I agree that's the case for sites that are not entirely privately-owned and being developed with private capital. What I think is the case along the Williamsburg waterfront is that there's been no site developed that privately owned with private capital, that's provided more than 20 percent.

COUNCIL MEMBER LEVIN: Okay, I'm going to move on to environmental issues. You've

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2 entered into restrictive declaration, which  
3 legally binds the property owner, Mr. Rosenberg,  
4 to remediate all existing contamination before  
5 obtaining the building permit. How long do you  
6 expect this remediation to take?

7           HOWARD WEISS: Well, the  
8 remediation should be with the application process  
9 to DEC, and what we have to do with DEP. It would  
10 take about a year.

11           COUNCIL MEMBER LEVIN: Okay. It is  
12 my understanding the National Grid is under a  
13 consent order with the state DEC in regards to the  
14 manufacturing gas site that was once on the site.  
15 Has National Grid completed a site  
16 characterization?

17           HOWARD WEISS: No. I--we've met  
18 with National Grid. I've walked the site with  
19 representatives of National Grid. We've been  
20 discussing with them an access agreement so they  
21 could come on the site and do that investigation.  
22 James Paraconni [phonetic], who's an environmental  
23 attorney is representing Certified with respect to  
24 that. And we're going through that process, and  
25 we will at one point have to have them on the site

1  
2 for them to do their investigation. And if they  
3 determine that there are subsurface conditions  
4 that stem from their obligations under the DEC  
5 order, then they're going to have to remediate.  
6 If not, then it'll all be on the owner's dime.

7 COUNCIL MEMBER LEVIN: When was the  
8 first meeting that you had with National Grid  
9 regarding this issue?

10 HOWARD WEISS: It was about--I  
11 think it was about November of last year.

12 COUNCIL MEMBER LEVIN: I have an  
13 email from National Grid that says it was December  
14 1st, 2008. That would've been about a year prior  
15 to that.

16 HOWARD WEISS: Is it that long ago?  
17 It may be. But, James Paraconni has been in  
18 constant communication with them and in dealing  
19 with them, we have not come to an agreement yet on  
20 the access agreement. There are some issues.

21 COUNCIL MEMBER LEVIN: They've--in  
22 the same email, they've said that since then, they  
23 have not been granted access to do a site  
24 characterization. What I want to know is what is,  
25 what is holding up this process?

2 HOWARD WEISS: An access agreement?

3 COUNCIL MEMBER LEVIN: What are the  
4 issues? You mentioned several issues. What are  
5 those issues?

6 HOWARD WEISS: One is the terms of  
7 the costs and who's going to bear the costs. And  
8 the cost of reviewing what they do and there are  
9 also terms--at the time--

10 COUNCIL MEMBER LEVIN:

11 [Interposing] This is for the site  
12 characterization; this isn't for the remediation.  
13 This is just a site characterization.

14 HOWARD WEISS: I understand, to do  
15 the subsurface investigation, to take borings. Up  
16 until recently, the warehouse portion of the site  
17 that was tentative was occupied by going  
18 businesses, and we couldn't come to a full  
19 understanding with them as to what they would do  
20 that would not disrupt those businesses. Things  
21 have come since and now the warehouse is vacant,  
22 which will make that portion of our negotiations  
23 with them a lot easier. But, at the end of the  
24 day, it's absolutely in fact to our benefit to  
25 have them on the site. To have them do the

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2 investigation because hopefully, that will result  
3 in their obligation to pay for at least part of  
4 the remediation because otherwise, under our  
5 agreements with the City and pursuant to the  
6 conditional negative declaration, it will all then  
7 be the owner's obligation because before the site  
8 is developed, it will have to be remediated.

9 COUNCIL MEMBER LEVIN: What  
10 concerns me is the process--this is a somewhat  
11 lengthy process. To do a site characterization,  
12 how long do you think that that--how long does  
13 that take?

14 HOWARD WEISS: How long does what  
15 take?

16 COUNCIL MEMBER LEVIN: A site  
17 characterization.

18 HOWARD WEISS: I don't know. How  
19 long do you think it would be?

20 [Pause]

21 HOWARD WEISS: Including DEC review  
22 of their findings, three to six months, I'm told  
23 by AKRF, who's our consultant on this.

24 COUNCIL MEMBER LEVIN: Then  
25 National Grid would then have to do, develop a

1  
2 plan for remediation. Is that correct?

3 HOWARD WEISS: That's correct.

4 COUNCIL MEMBER LEVIN: How long  
5 might that take?

6 HOWARD WEISS: Developing the plan  
7 and getting the site characterization through DEC  
8 is three to six months.

9 COUNCIL MEMBER LEVIN: And then the  
10 actual remediation process--this is quite  
11 divergent from what I've heard from other experts,  
12 so that's why--

13 HOWARD WEISS: [Interposing] Well,  
14 you know I think the reputation of AKRF and their  
15 involvement in environmental matters in this city  
16 precedes all of us. And I'm being advised that  
17 that's the timeframe. So, I'm not sure, Mr.  
18 Council Member, where you've gotten information.  
19 We certainly would be delighted to sit with you  
20 and go over those details and reconcile the  
21 information you've gotten with what we know from  
22 AKRF, and make sure that you have the information  
23 that you're entitled to have.

24 COUNCIL MEMBER LEVIN: Now would  
25 you then--so, would you beginning construction of

1  
2 the bulkhead or repair the bulkhead in  
3 construction of the waterfront esplanade  
4 concurrent with that, or would that be something  
5 that would have to start after all remediation is  
6 complete?

7           HOWARD WEISS: The remediation  
8 would have to be complete before we would start  
9 any actual construction work on the site,  
10 including the bulkhead and the platform.

11           COUNCIL MEMBER LEVIN: So, that  
12 could be some time? I mean, the reason I ask Mr.  
13 Weiss, is that the information I've gotten is that  
14 could be up to five plus years, not the lower  
15 estimate that you're giving me.

16           HOWARD WEISS: No, that--and again,  
17 I would love the opportunity for us to sit with  
18 you and go over that information and to understand  
19 what you've been told because that's not what  
20 we've been advised, and that's not what I know to  
21 be the case. Overall, the development of this  
22 site, including remediation, from the time we  
23 start until we finish construction of the last  
24 building, we expect to be a period of three to  
25 five years, with an additional year for marketing.

1  
2 So, you're looking at a total development process,  
3 including remediation and marketing of the units  
4 to three to six years.

5 COUNCIL MEMBER LEVIN: But, you  
6 have not gotten, or Mr. Rosenberg hasn't gotten a  
7 loan yet to do that, right?

8 HOWARD WEISS: No. That's  
9 premature. We certainly we could--

10 COUNCIL MEMBER LEVIN:  
11 [Interposing] Or has investigated or looked at it.

12 HOWARD WEISS: No. I can assure  
13 that upon, God-willing, approval, we'll be out  
14 there in the marketplace, seeing how we can  
15 proceed and how quickly.

16 COUNCIL MEMBER LEVIN: You'd  
17 mentioned jobs, a certain number of permanent  
18 jobs, a certain number of construction jobs.

19 HOWARD WEISS: Yes.

20 COUNCIL MEMBER LEVIN: How many  
21 construction jobs?

22 HOWARD WEISS: 833, approximately,  
23 which would involve a construction payroll of  
24 \$217,500,000.

25 COUNCIL MEMBER LEVIN: Are those

2 prevailing wage construction jobs? Are those--  
3 have you been in discussions with any Labor Union-  
4 -

5 HOWARD WEISS: [Interposing]  
6 Unions? No, not as yet. That's, from our  
7 perspective, premature as well.

8 COUNCIL MEMBER LEVIN: Do you  
9 expect to? Are you reaching out to them? Have  
10 you had any discussion whatsoever?

11 HOWARD WEISS: We--as I just said,  
12 no, we haven't. Not as yet.

13 COUNCIL MEMBER LEVIN: And you  
14 believe that's it's premature to have--but you've  
15 determined cost, right? So, that means that that  
16 would be the cost of non-union labor?

17 HOWARD WEISS: That's right. And  
18 so in fact, it would be to our--in terms of trying  
19 to demonstrate the economic impact of this  
20 project, certainly if they were union jobs, I'm  
21 being conservative, and I gave you a conservative  
22 number. But, if this becomes a union job, then in  
23 fact, the payroll is going to increase  
24 substantially. But, conservatively at a minimum,  
25 we're talking in excess of \$200,000,000 in

1  
2 construction job payroll.

3 COUNCIL MEMBER LEVIN: You expect  
4 them to be union jobs, or do you expect them not  
5 to be?

6 HOWARD WEISS: I have no present  
7 expectation. That's something that our client  
8 will have to work through moving forward with the  
9 project.

10 COUNCIL MEMBER LEVIN: And you  
11 mentioned permanent jobs as well.

12 HOWARD WEISS: That's right.

13 COUNCIL MEMBER LEVIN: What types  
14 of permanent jobs are we talking about?

15 HOWARD WEISS: Building employees,  
16 maintenance, administrative employees in  
17 connection with the retail, with the operation of  
18 the parking.

19 COUNCIL MEMBER LEVIN: So, I'm  
20 assuming that you've been in contact with building  
21 service worker unions, 32BJ, for example.

22 HOWARD WEISS: No. We will be when  
23 the project's moving forward. There would be no  
24 reason to be in contact with the unions that  
25 employ those various laborers at this point in

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time.

COUNCIL MEMBER LEVIN: Is that not often done with developments that there's a discussion at least, or an opening word of some kind. A hello, a how are you, this is what we're doing. Is that not normal? Does that not happen normally?

HOWARD WEISS: Normal? I wouldn't say normal. Does it happen? Yes.

COUNCIL MEMBER LEVIN: On a project of this size, on a project of 800 or so--

HOWARD WEISS: [Interposing] No, I wouldn't--my daughter, who's a psychology major and a graduate student in psychology, always cautions me about using the term normal because it's all so relative. I will say--

COUNCIL MEMBER LEVIN: [Interposing] We're not talking about people, Mr. Weiss. We're talking about what is a, your--

[Off mic]

COUNCIL MEMBER LEVIN: --the industry standard. Thank you, Mr. Chairman.

HOWARD WEISS: No, it's not an industry standard. Does it happen?

2 COUNCIL MEMBER LEVIN: For an 800  
3 unit development. We're not talking about a small  
4 development.

5 HOWARD WEISS: Does it happen?  
6 Absolutely, Mr. Council Member. It absolutely  
7 does happen.

8 COUNCIL MEMBER LEVIN: The  
9 Community Board and the Borough President, and I  
10 in my testimony to City Planning, all specifically  
11 asked that you look to address the need for four-  
12 bedroom units in addition to studios, ones, and  
13 twos. The Borough President asked for that,  
14 correct?

15 HOWARD WEISS: Three and four  
16 bedrooms.

17 COUNCIL MEMBER LEVIN: And the  
18 Community Board asked for that.

19 HOWARD WEISS: Three and four  
20 bedrooms, yes.

21 COUNCIL MEMBER LEVIN: Have you, in  
22 fact, looked for those?

23 HOWARD WEISS: We've looked at it,  
24 and as I mentioned before, that we've increased  
25 the number of three bedroom apartments by 50

1  
2 percent to 60, which we think is appropriate. We  
3 don't--we didn't think that in terms of what we  
4 expect the anticipated absorption for this project  
5 that four bedrooms was something of necessity. I  
6 know we were asked to look into it and consider  
7 it, but it's not something that we were prepared  
8 to move ahead with. We did think the request for  
9 more three bedrooms was an appropriate request,  
10 and we've responded to that.

11 COUNCIL MEMBER LEVIN: I have a--  
12 you guys forwarded me a letter yesterday, dated  
13 April 6th from Robert Pauls.

14 HOWARD WEISS: Yes.

15 COUNCIL MEMBER LEVIN: I don't  
16 believe anywhere in this letter does it mention--  
17 it does talk about your request for review--does  
18 it mention that you had ever inquired about the  
19 need for four bedrooms.

20 HOWARD WEISS: We considered, in  
21 evaluating the increase in three bedrooms whether  
22 we would also provide four bedrooms, and we made  
23 the determination that we would increase the three  
24 bedrooms, but that we didn't, in terms of what we  
25 think is appropriate for this development, we

1  
2 didn't include four bedrooms. So, I guess--

3 COUNCIL MEMBER LEVIN:

4 [Interposing] So, you didn't ask for them. You  
5 didn't ask for the study to include that?

6 HOWARD WEISS: No, because the four  
7 bedroom issue wasn't a matter of the study. It's  
8 just a matter of what we think is appropriate  
9 marketing an absorption for this project. What we  
10 did ask him to look at, because we thought--

11 COUNCIL MEMBER LEVIN:

12 [Interposing] But, Mr. Weiss, sorry to interrupt.  
13 Both the Community Board and the Borough President  
14 had specifically asked for that. And it was not  
15 even--and in turn, you told everybody, including  
16 myself for quite some time, that there was an  
17 affordability study happening, right?

18 HOWARD WEISS: And that was done.

19 COUNCIL MEMBER LEVIN: That it was  
20 in the process, and that was a specific request of  
21 the Community Board and of the Borough President.  
22 And that was not followed-up as part of you--you  
23 determined prior to asking for the affordability  
24 study or asking specific questions on the  
25 affordability study that that was not something

1  
2 that was even going to be explored. Is that  
3 correct?

4 HOWARD WEISS: That's correct.

5 COUNCIL MEMBER LEVIN: Now, going  
6 to that same letter, but I would like to actually  
7 get your take now, because the numbers are in  
8 motion here. Affordability at 28 percent,  
9 correct? What--can you give me a breakdown of  
10 both, of AMI there, please?

11 HOWARD WEISS: Yeah, it's the same  
12 breakdown that I set forth before at 25 percent,  
13 that 10 percent of the affordable units will be at  
14 40 percent AMI; 10 percent at six percent AMI, 60  
15 percent AMI; and the balance now eight percent at  
16 130 percent AMI.

17 COUNCIL MEMBER LEVIN: Now, you  
18 have faith in your consultant, correct?

19 HOWARD WEISS: Yes.

20 COUNCIL MEMBER LEVIN: You've  
21 determined this through the advice of your  
22 consultant, Mr. Pauls?

23 HOWARD WEISS: Yes.

24 COUNCIL MEMBER LEVIN: In this  
25 letter, it says that given the risk associated

1  
2 with real estate development at 25 percent, these  
3 are below acceptable returns. Following  
4 paragraph, based on our thorough economic analysis  
5 of the project, we believe that if more than 25  
6 percent of the development's apartments were to be  
7 dedicated to affordable housing, then the  
8 project's viability is in doubt.

9 HOWARD WEISS: Yes.

10 COUNCIL MEMBER LEVIN: Now, I  
11 understand that your working to increase the level  
12 of affordability to meet the requests of both the  
13 Community Board, the Borough President, the  
14 council, my own concerns. Do you believe that  
15 going above 25 percent, the viability of the  
16 project is - - ?

17 HOWARD WEISS: I think you need to  
18 understand what that means. If you look at that  
19 paragraph, what Mr. Pauls was talking about is  
20 what a prudent real estate investor would do based  
21 upon the return on investment at 25 percent. You  
22 then have to look at the dynamics and specifics of  
23 this project because the developer here is not  
24 simply a real estate investor who's determining  
25 where to put his money as a real estate

1  
2 investment. He's someone who owns this property,  
3 who is committed to redeveloping this property  
4 with his stake in this community. And so he is  
5 willing to see less profit. Now, he owns the  
6 property and he's owned it for 20 years. So, he's  
7 not someone coming from the outside as a prudent  
8 real estate investor and saying well, what are my  
9 alternate forms of investment and where can I  
10 achieve the best return? What he's determined--  
11 and the reason why we were able to put out 20  
12 percent is because for him, it's viable because  
13 he's willing to take less of a profit.

14 COUNCIL MEMBER LEVIN: Mr. Weiss,  
15 Mr. Rosenberg is not, would not be the only  
16 investor in this project, right? He would need  
17 prudent investors to meet the cost of  
18 construction, the cost of marketing.

19 HOWARD WEISS: He'd need a bank.

20 COUNCIL MEMBER LEVIN: It said that  
21 this is a \$400,000,000 project.

22 HOWARD WEISS: 410, yes.

23 COUNCIL MEMBER LEVIN: So, he would  
24 indeed need prudent investors, right?

25 HOWARD WEISS: He would need a bank

1  
2 that would be willing to stand behind him. But,  
3 he's--

4 COUNCIL MEMBER LEVIN:

5 [Interposing] The bank is a prudent investor.

6 HOWARD WEISS: --he is the engine  
7 that's driving the train.

8 COUNCIL MEMBER LEVIN: But they  
9 would--they have--any investor would be, would  
10 have to look at this. If your consultant is  
11 saying that a prudent investor would not do this  
12 above 25 percent, would that bank not be an  
13 investor?

14 HOWARD WEISS: No, because the bank  
15 is someone who's secured. They're not  
16 speculating, and in fact, their loan is secured by  
17 both the property, as hopefully rezoned, with a  
18 special permit approvals, and in addition, it's a  
19 question of what the market is going to look like.  
20 And now one of the things that I think is  
21 important to take note of with respect to this  
22 project is right now, and for the last couple of  
23 years, we've all faced an extremely depressed real  
24 estate market. One of the things I love about  
25 land use practice in the City is that New York is

1  
2 a living and breathing city, and I think we all  
3 have a lot of confidence that things are going to  
4 rebound. It could take another year; it could  
5 take another two years; it could take another  
6 three years. But one thing we do know that in  
7 terms of this asset, this waterfront site, there's  
8 not much left. And so this site will be  
9 developed, it will have to be developed, and in  
10 fact, what we're proposing is what makes sense.  
11 What we're willing to do, because we think it's  
12 important that this happen after six years of  
13 working through this project, is in fact to take  
14 less of a profit, for the developer to take less  
15 of a profit to make this happen.

16 COUNCIL MEMBER LEVIN: Mr. Weiss,  
17 with all due respect, and I'm going to reference a  
18 proposal that's currently in ULAR, but just as a  
19 basic comparison, that the Domino Sugar Refinery,  
20 which is a few blocks to the north, is in the  
21 process of ULAR. They had significantly greater  
22 acquisition costs; they have preservation costs.  
23 And they are at this stage to the Community Board,  
24 they proposed 30 percent affordability. So,  
25 nothing happens in a vacuum. There's a context

1 here. I think you mentioned before that he was,  
2 you know, when he was willing to come in at 20  
3 percent, that was--did I hear you correctly, you  
4 said he was willing to come in at 20 percent, and  
5 that was because he was willing to take less of a  
6 profit, is that correct? Did I hear you  
7 correctly, or can you - - that?

9 HOWARD WEISS: At 20? No, I said  
10 at 25 and now 28.

11 COUNCIL MEMBER LEVIN: Okay. I  
12 think maybe I misheard you.

13 HOWARD WEISS: You did.

14 COUNCIL MEMBER LEVIN: Well--

15 HOWARD WEISS: [Interposing] Let me  
16 respond to your question or point about Domino.  
17 I'm actually glad you brought that up because, you  
18 know, I--we've obviously taken close note of  
19 what's happening with Domino. Of course we know  
20 that Domino is 2,200 units of housing, and nearly  
21 1,600 units of market rate housing. We also know  
22 that Domino is 226,000 square feet of office and  
23 retail space, and 147,000 square feet of rentable  
24 community facility space. So, the economics of  
25 Domino and the economics of Rose Plaza on the

1  
2 River are like apples and oranges. And in fact,  
3 if you look at what we're offering now at 28  
4 percent, given the fact that Rose Plaza has 24,000  
5 square feet of local retail, which is one-tenth of  
6 Domino, given the comparison of the economics, in  
7 fact, proportionally, I think we're doing as good  
8 or better--

9 COUNCIL MEMBER LEVIN:

10 [Interposing] But percentage, Mr. Weiss,  
11 percentage is proportion. I mean, percentage is  
12 not a set number. I'm not asking that--nobody's  
13 asking that you provide 660 units of affordable  
14 housing. It's a question of proportion of the  
15 units.

16 HOWARD WEISS: Which is driven by  
17 the economics of the projects, and I respect your  
18 point about Domino.

19 COUNCIL MEMBER LEVIN: One other  
20 point I would like to make now. What's proposed  
21 at 28 percent is that five percent of the units in  
22 total would be at 130 percent of AMI. Did you  
23 consult anyone in the community as to whether what  
24 the community deems as appropriate affordability  
25 in that area? I mean, how did you arrive at 130

1  
2 percent? Where was that coming from?

3           HOWARD WEISS: That came from what  
4 we saw as--when we read, for example, the Borough  
5 President's recommendation, and we understood even  
6 from the Community Board as to what was being  
7 sought, it was made very clear to us that although  
8 we needed to provide 60 percent of AMI with  
9 respect to the 20 percent of affordability, that  
10 to provide a higher level of affordability would  
11 be appropriate, and we--and then, you know, with  
12 the Borough President talking about the strata of  
13 families that he was looking towards for  
14 affordability, including as I said before, if you  
15 will, policemen and firefighters and sanitation  
16 workers, 130 percent we deemed to be an  
17 appropriate number, which then Robert Pauls looked  
18 at it and told us would work with the mix of the  
19 20 percent that we were providing, which as I said  
20 we now split between 60 percent AMI and 40 percent  
21 AMI to take in a larger strata of the community.

22           COUNCIL MEMBER LEVIN: I'm sorry,  
23 can you just clarify. He did, in fact, question  
24 the viability--unless I'm misreading this, it says  
25 based on our thorough economic analysis of the

1  
2 project, we believe that if more than 25 percent  
3 of the development's apartments were dedicated to  
4 affordable housing, the projects viability is in  
5 doubt. I'm wondering if you--I'm sorry. I'm not  
6 quite if you answered my question before.

7           HOWARD WEISS: I thought I did,  
8 which is that that analysis was based upon what a  
9 real estate investor, as an objective analysis,  
10 taking a step back away from the site, would be  
11 willing to invest in terms of what's a reasonable  
12 return on investment. But, quite frequently, and  
13 I do a lot of zoning variance work at the - - and  
14 Appeals, and the issue of a return on investment  
15 and what's reasonable is the key. And sometimes,  
16 a developer and an owner is willing to proceed on  
17 something that's less reasonable so the project  
18 can happen. And what we have is Mr. Pauls'  
19 guidance. But, what I'm suggesting is that the  
20 owner and the developer has determined he's  
21 willing to take a greater hit in terms of his  
22 return on investment to be able to make this  
23 project happen.

24           COUNCIL MEMBER LEVIN: Mr. Weiss,  
25 with all due respect, and I'll close here, it does

1  
2 not say that Mr. Rosenberg's profit margin is in  
3 doubt. It is the project's viability. This  
4 seems--maybe we understand the word viability  
5 differently. Viability means whether or not it  
6 can happen, according to me. A path forward.

7           HOWARD WEISS: But, what we're  
8 omitting is the paragraph before the paragraph  
9 you're reading that talks about return on  
10 investment, which is the key. And you can't look  
11 at the last paragraph in a vacuum; you have to  
12 look at it at the totality of his analysis, which  
13 says the two issues, which is affordability and  
14 the larger bedroom apartments, create a project  
15 that is thinner in profit than most. The project  
16 with 25 percent affordable low income housing  
17 produces a return on cost of only 14 percent.  
18 Given the risk associated with real estate  
19 development, these are below acceptable returns.  
20 For example, a recent survey of 365 developers,  
21 investors, produced by realty rates, an industry  
22 data provider reveals that the average current  
23 return is in excess of 19.5 percent. But, once  
24 again, what I'm saying to you and what I'm saying  
25 to this Council is that this developer,

1  
2 notwithstanding that, is willing to ensure that  
3 this project moves forward to take less of a  
4 return to make this project happen. And I guess  
5 what I'm struggling with, council member is the  
6 notion on the one hand we're being asked for more  
7 affordable housing, and on the other hand, if  
8 we're willing to give up profitability to make  
9 that happen, that's being questioned. And unless  
10 we're willing to let this site remain fallow,  
11 something's got to give, and I've got a client  
12 who's said my profit is going to give.

13 COUNCIL MEMBER LEVIN: Mr. Weiss,  
14 the land is not fallow right now. The land is  
15 being utilized, correct?

16 HOWARD WEISS: It's an under-  
17 utilization of this land, and I think it's fallow.

18 COUNCIL MEMBER LEVIN: And there's  
19 one other question that I had, and then I will--  
20 there's a lot of people that are waiting to speak.  
21 You mentioned that a site has been determined or a  
22 site has been found?

23 HOWARD WEISS: It's been purchased.

24 COUNCIL MEMBER LEVIN: It's been  
25 purchased.

2 HOWARD WEISS: Yes.

3 COUNCIL MEMBER LEVIN: Where is  
4 that site?

5 HOWARD WEISS: On Classen Avenue.

6 COUNCIL MEMBER LEVIN: Classen and  
7 what?

8 [Pause]

9 [Off mic]

10 HOWARD WEISS: It's in the  
11 Community Board 3 area.

12 COUNCIL MEMBER LEVIN: Okay. Okay,  
13 thank you very much, Mr. Weiss.

14 HOWARD WEISS: Thank you, council  
15 member.

16 CHAIRPERSON WEPRIN: Thank you, Mr.  
17 Levin. Now, Council Member Reyna has questions.

18 [Pause]

19 COUNCIL MEMBER REYNA: Good  
20 afternoon, Mr. Weiss. I just wanted to understand  
21 the last comment as far as the Certified Lumber  
22 site moving into to Community Board 3, was there  
23 any chance that a site in the industrial park has  
24 been determined?

25 [Pause]

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[Off mic]

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COUNCIL MEMBER REYNA: To stay

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within the boundaries of Community Board 1.

4

[Off mic]

5

[Pause]

6

[Off mic]

7

HOWARD WEISS: I'm advised that

8

there were no available sites in the Brooklyn Navy

9

Yard, and this is the site that they found that

10

was available and my client's commitment was to

11

retain these jobs in Brooklyn, of course to stay

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as close to where he is, because he - -

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identification as to which site, and this is the

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best they were able to do in terms of locating a

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site in proximity.

16

COUNCIL MEMBER REYNA: Okay. I

17

just wanted to get a greater understanding

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because, you know, as exciting as the percentages

19

continuing to go up, you know, as far as an

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affordable housing commitment, which is great on

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everyone's part, since the 2005 rezoning, only the

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private developers from that rezoning have come

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through with fruition of the units promised, as

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opposed to the City, who has not developed on any

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1  
2 of the public-owned sites which were 12 identified  
3 on a points of agreement from 2005. I'd like to--  
4 so, I believe that if you're claiming 28 percent  
5 is what the developer is willing to commit to, I'd  
6 like to understand further the breakdown as you  
7 have mentioned it. And you said there would be an  
8 eight percent three bedroom, no four bedroom, two  
9 bedrooms would be 44 percent, one bedroom would be  
10 44 percent, and studios would be four percent.

11 HOWARD WEISS: I can actually give  
12 you the numbers, council member, if you'd like  
13 that.

14 COUNCIL MEMBER REYNA: Okay.

15 HOWARD WEISS: We've reduced the  
16 studios to 32 in number. There would be 342 one-  
17 bedrooms; 342 two-bedrooms; and the three bedrooms  
18 are increased to 60. And overall, that's then a  
19 total of 776 units.

20 COUNCIL MEMBER REYNA: And this is  
21 reflective of the recent number that you had  
22 mentioned, 28 percent?

23 HOWARD WEISS: Yes, yes.

24 COUNCIL MEMBER REYNA: Because this  
25 is equaling out to 25 percent. I apologize. This

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isn't your document.

HOWARD WEISS: Right, right.

COUNCIL MEMBER REYNA: And the number of units that are affordable in comparison to market rate, what is remaining market rate?

SUSAN WRIGHT: 776 minus 217.

HOWARD WEISS: 559, council member, would be market rate.

COUNCIL MEMBER REYNA: Thank you.

And so the portion as far as the affordable units are concerned, the percentage of AMI that you had referenced, to go up to 40 percent, which breaks up the range, so you're going to qualify, let's say a senior on a fixed income, and a family on public assistance could qualify. But, would that be applicable throughout the unit dispersements, or is this just applicable to one particular category of unit household of bedrooms?

HOWARD WEISS: In terms of the distribution? No, it--

COUNCIL MEMBER REYNA:

[Interposing] Gentlemen, could you--Council Member Jackson, Council Member Rivera, I'm sorry. Did you understand my question?

1  
2                   HOWARD WEISS:  You're asking about  
3 the distribution, whether--

4                   COUNCIL MEMBER REYNA:

5 [Interposing] In reference to the AMI--

6                   HOWARD WEISS:  --the dispersal.

7                   COUNCIL MEMBER REYNA:  --correct.

8 Is it going to be applicable throughout the number  
9 of units.

10                  HOWARD WEISS:  Yes.

11                  COUNCIL MEMBER REYNA:  And so it's  
12 not just applicable to the studio.

13                  HOWARD WEISS:  That's correct.

14 That's correct.

15                  COUNCIL MEMBER REYNA:  Up to 40  
16 percent.  Studios will qualify for 40 percent?

17                  HOWARD WEISS:  In other words, in  
18 each category--

19                  COUNCIL MEMBER REYNA:

20 [Interposing] Correct.

21                  HOWARD WEISS:  --those percentages  
22 will be reflected.

23                  COUNCIL MEMBER REYNA:  Correct.

24 And the issue as far as transportation is  
25 concerned, there was a ferry that was applied to

1  
2 Shaffer Landing, and my experience, I represent  
3 Community Board 1 as well in Williamsburg, and my  
4 experience with Shaffer Landing was the notion  
5 that this ferry existed, but no one knew that it  
6 was functioning. And I don't know if the ferry  
7 still exists. Is it operable?

8 HOWARD WEISS: Is it working now?

9 COUNCIL MEMBER REYNA: The ferry  
10 runs. You've been on it, excellent.

11 [Off mic]

12 COUNCIL MEMBER REYNA: And, you  
13 know, when I take a show of hands in my community,  
14 no one know that it exists, and I've had  
15 conversations with the Department of  
16 Transportation concerning this area. So, I find  
17 it very interesting that we want another  
18 transportation study, given that we've been asking  
19 for it since 2005 rezoning, and the applications  
20 of what Department of Transportation does is not  
21 what the community then, in reality, can absorb,  
22 given the bicycling issue, given the ferry landing  
23 issue at Shaffer. So, I'm not too sure what you  
24 supporting a transportation study is going to do  
25 to advance what is already a very complicated

issue.

HOWARD WEISS: No, it's not-- perhaps I didn't describe it accurately, council member. I apologize. It's not a transportation study. There was a concern that when DOT changed the, altered Kent Avenue to make it a one-way street, and introduced bicycle lanes, issues may have been created regarding traffic flow, issues that no one could understand.

COUNCIL MEMBER REYNA: That was the proposal to amend the original--

HOWARD WEISS: [Interposing] Right.

COUNCIL MEMBER REYNA: -- application.

HOWARD WEISS: And no one, at the time that we were coming to certification understood fully what that impact could be.

COUNCIL MEMBER REYNA: Right.

HOWARD WEISS: So, what we agreed to do would be to--when it was fully, as it's fully been implemented, and all of the impacts could be settled in, at a point in time the DOT tells us is appropriate, we've agreed to have AKRF do a further study to see in relation to Rose

1  
2 Plaza whether in that area there may be other  
3 things that need to be done by way of mitigation  
4 because of what DOT has changed to, has done to  
5 change Kent Avenue.

6 COUNCIL MEMBER REYNA: I see.

7 HOWARD WEISS: It's really not  
8 something that's being engendered by our project.  
9 You know, with any--with - - it's a snapshot. You  
10 take a picture of what the impacts will be at a  
11 particular point in time. We got caught in a  
12 dilemma because there was something DOT was  
13 implementing at, but we weren't certified yet.

14 COUNCIL MEMBER REYNA: Right.

15 HOWARD WEISS: So, we then said  
16 look, we'll agree to do a further study--

17 COUNCIL MEMBER REYNA:

18 [Interposing] Right.

19 HOWARD WEISS: --and we'll write a  
20 blank check. We'll agree to do whatever  
21 mitigation the study says needs to be done, if  
22 there are any impacts. No one's anticipating that  
23 Rose Plaza, in relation to the Kent Avenue changes  
24 will have any impacts. But, if there are, we've  
25 already agreed to do what's necessary to mitigate.

2 COUNCIL MEMBER REYNA: I see. And  
3 as far as the--and I just want to make note of the  
4 fact that if Rose Plaza isn't aware, I'm sure you  
5 are, there's a greenway that's supposed to  
6 connect, you know, from South Brooklyn all around  
7 the waterfront, and so that is yet to be  
8 implemented, so that DOT has, you know, be  
9 vigilant as far as what they're expecting out of  
10 each develop or each site, asking for another  
11 transportation study, or to participate in an  
12 additional transportation study, considering this  
13 greenway that will be in effect. So, I want to  
14 make note of that.

15 HOWARD WEISS: I appreciate that.  
16 One of the hallmarks of what we've done over the  
17 last six years, everything that's been asked of us  
18 by City Planning and the regulatory agencies,  
19 we've agreed to do without hesitation. And so  
20 when DOT and City Planning asked us to do the  
21 study, we agree. And that's been the history  
22 here.

23 [Pause]

24 COUNCIL MEMBER REYNA: Okay. And,  
25 I'm sorry, Mr. Weiss, I just wanted to ask you, as

1  
2 far as MWBE participation in the development of  
3 this project, is there any MWBE participation  
4 goals that you will be meeting?

5 HOWARD WEISS: There's nothing  
6 that's been established yet, but we recognize  
7 that--

8 COUNCIL MEMBER REYNA:  
9 [Interposing] The Community Board did not ask of  
10 that.

11 HOWARD WEISS: Right. But, we  
12 actually are very cognizant of that, and, you  
13 know, as we move forward, there will be goals that  
14 will be established.

15 COUNCIL MEMBER REYNA: And the--I'm  
16 sure you're aware of the need for one and two-  
17 bedrooms that were already expressed as you had  
18 referenced Bedford Gardens - - Independence,  
19 Taylor White were not mentioned, but they're a  
20 part of this surrounding area. And in the public  
21 housing development especially, there's a demand  
22 of thousands of people that want two and three-  
23 bedrooms in those developments. And I don't know  
24 what marketing approach you will be putting into  
25 effect in working in tandem with local housing

1  
2 groups. But can you just tell me whether or not  
3 that is in effect?

4 HOWARD WEISS: We will engage a  
5 local sponsor under, of course, the supervision,  
6 you know, of HPD, to market the affordable units.  
7 We will, independently, be aggressively marketing  
8 the market rate units. And we will be looking to  
9 the surrounding community, of course, as well as  
10 elsewhere for our market to be able to populate  
11 the buildings. So, we will exhaust all available  
12 resources to market this project. But, certainly  
13 in terms of the affordable housing, that die is  
14 already cast for us, and we will engage a local  
15 community-based sponsor to work with--which will  
16 have to be approved by HPD, to work with HPD and  
17 work with us to market the affordable units.

18 COUNCIL MEMBER REYNA: And the--I  
19 want to remind, you know, as part of this  
20 discussion, Shaffer Landing, at one point had 50  
21 percent of its affordable housing dedicated to  
22 four and five-bedrooms. And Community Board 1  
23 fought hard to reduce that percentage and increase  
24 the two and three-bedroom. And I hope that the  
25 two and three-bedroom will be respected as part of

1  
2 this discussion, but that we do not try to skew  
3 bedrooms to benefit one particular population that  
4 is part of what we are dealing with in Community  
5 Board 1, despite what recommendations I'm reading  
6 from Community Board 1. There is a great need  
7 that has been established for the two and three  
8 bedrooms, lesser to a degree of less than 1.01  
9 percent of four bedrooms in Community Board 1.  
10 Did I make myself clear?

11 HOWARD WEISS: You've made yourself  
12 abundantly clear, and it's consistent with what I  
13 think I said before, council member, and I thank  
14 you, which is that when we conceived this project,  
15 particularly in terms of the unit distribution and  
16 even in terms of the affordability, our objective  
17 was to make this a project that addressed the  
18 needs of an entire community, and the diversity in  
19 this community. And we've tried to do that.  
20 We've taken to heart some of the critique in terms  
21 of wanting to up the numbers in certain respects.  
22 We respect that. We see some of the validity to  
23 that. We've responded to that, but at the end of  
24 the day, I take great pride in what's before this  
25 body because I do believe that Rose Plaza on the

1  
2 River, in all respects, does address the diversity  
3 of South Williamsburg.

4 COUNCIL MEMBER REYNA: And just my  
5 last point, as far as income average for Community  
6 Board one, are you aware of the income average?

7 HOWARD WEISS: No, but my  
8 consultants here are. And I mean that came into  
9 play as we looked at the numbers.

10 COUNCIL MEMBER REYNA: It's  
11 \$34,000. And so 130 percent to cater to a certain  
12 income bracket would far exceed the average. So,  
13 I just hope that that is being considered and the  
14 waterfront didn't go above 120 percent, so I don't  
15 understand why we're going up to 130.

16 HOWARD WEISS: Council member, when  
17 we're done here this afternoon, we're going to go  
18 back and look at that, and we'll see what  
19 corrective measures--

20 COUNCIL MEMBER REYNA:  
21 [Interposing] I appreciate that.

22 HOWARD WEISS: Absolutely.

23 COUNCIL MEMBER REYNA: And Council  
24 Member Levin, remarkable job getting 28 percent  
25 affordable housing commitment from the developer.

Thank you.

CHAIRPERSON WEPRIN: Thank you.

And now, I think the last question is Council Member Comrie.

COUNCIL MEMBER COMRIE: I'd like to defer my questions until we go across so that we can transition, if that's possible, Mr. Chair?

CHAIRPERSON WEPRIN: All right, well here's the story. Don't blame me, the messenger here, but we have another committee meeting coming into this room at 1 o'clock, and so we're being moved across the street to 250 Broadway, and we're going to adjourn until 1:45, recess, clear, big distinction there. We're just recessing until 1:45, and that will be at 250 Broadway on the 16th floor. I apologize. This was not our plan. It just went a little longer than we anticipated. We really wanted to hear everything about this presentation. So, we're going to adjourn, I mean recess, she keeps like almost killing me when I say that. Recess until 1:45, at which point Council Member Comrie will ask his questions of this panel, and then we are going to alternate on panels, limited to two

1  
2 minutes each, so this gives everyone time to limit  
3 it to two minutes, if they want to testify. If by  
4 some chance you can't stick around, if you can let  
5 someone know, they'll take you off the list. You  
6 can leave testimony or anything like that. I do  
7 apologize greatly. I know you all have been very  
8 patient sitting through this whole day. So, 1:45  
9 on the 16th floor of 250 Broadway. We are now  
10 recessed until 1:45.

11 [Pause]

12 CHAIRPERSON WEPRIN: Get started.

13 MALE VOICE: Quiet, please.

14 CHAIRPERSON WEPRIN: Ladies and  
15 gentlemen, I want to apologize again for the  
16 inconvenience. As you may know, there's a lot of  
17 work being done at City Hall, and the normal  
18 hearing room that we have as a backup over there  
19 is no longer in use. So, we only have that and  
20 this over here in this building, and there was a  
21 meeting scheduled over at City Hall, and a meeting  
22 here in this same room when we adjourned. So, I  
23 apologize again for any inconvenience. I know  
24 some people had to leave. We did receive  
25 testimony from some of them already. But if you

1  
2 do want to--if you can't stick around or your  
3 couldn't stick around and you know someone who is  
4 here, you can leave testimony, which will be  
5 entered in the record and will be looked at by the  
6 whole committee again. And when we left off,  
7 Councilman Comrie is here, good. Councilman  
8 Comrie is going to continue with his questioning,  
9 and then we'll move to panels in favor and in  
10 opposition to the zoning. Mr. Comrie.

11 COUNCIL MEMBER COMRIE: I'll be  
12 brief, Mr. Chair, because we've gone overtime, and  
13 I have people waiting. Mr. Weiss, you said that  
14 you increased the--well, I guess I should ask this  
15 question. Have there been any changes in your  
16 presentation that you want to make to us since  
17 this morning?

18 HOWARD WEISS: Yes, Mr. Councilman.  
19 We've considered the comments by Council Member  
20 Reyna regarding the level of affordability on the  
21 additional eight percent of affordable housing,  
22 and we are going to modify that eight percent so  
23 that it'll be affordable to 120 percent of AMI and  
24 not 130 percent of AMI.

25 COUNCIL MEMBER COMRIE: So, that'll

1  
2 give you a bottom of what, income levels of around  
3 \$34,000 or less? I'm never good with a  
4 percentage. I'm more like--I like to know the  
5 dollar amount.

6 HOWARD WEISS: It's less, less.

7 [Off mic]

8 HOWARD WEISS: We'll get the exact  
9 number for you.

10 COUNCIL MEMBER COMRIE: So, in  
11 other words, you're trying to match the income  
12 level that she stated earlier, which--

13 HOWARD WEISS: [Interposing] Yes.

14 COUNCIL MEMBER COMRIE: --was about  
15 26, I think, or 24,000?

16 HOWARD WEISS: It was 34 at the--

17 COUNCIL MEMBER COMRIE:

18 [Interposing] I did hear 34 - - .

19 HOWARD WEISS: --at middle income,  
20 at 120 percent of AMI.

21 COUNCIL MEMBER COMRIE: And so  
22 you're going to look to try to match the 34,000 at  
23 120 percent of AMI? Okay. You talked about you  
24 increased the amount of affordable units to 217  
25 units.

2 HOWARD WEISS: Yes, sir.

3 COUNCIL MEMBER COMRIE: Did you--  
4 what is that breakdown per studios, one bedrooms,  
5 two and three bedrooms, please?

6 HOWARD WEISS: It will be nine--in  
7 the affordable category, it would be nine studios,  
8 96 one-bedrooms, 96 two-bedrooms, and 17 three-  
9 bedrooms.

10 COUNCIL MEMBER COMRIE: Okay.

11 HOWARD WEISS: Which is actually a  
12 total of 218 apartments in total.

13 COUNCIL MEMBER COMRIE: Okay. And  
14 there was some question regarding MWBE and also  
15 union, and whether or not you had factored that  
16 into the budget that you presented, which you said  
17 was--I forget what the amount was for your overall  
18 budget. Had you worked on a prevailing wage as  
19 your bottom line for working on that job since you  
20 don't have a union agreement or a labor agreement  
21 yet with either of the labor coalitions?

22 HOWARD WEISS: Not as yet. We have  
23 not factored that in as yet, but we will address  
24 that as we move forward.

25 COUNCIL MEMBER COMRIE: Did you

1  
2 factor in prevailing wage as a template for  
3 construction, since that is an issue in this City?

4 HOWARD WEISS: Yes.

5 [Off mic]

6 HOWARD WEISS: Yes.

7 COUNCIL MEMBER COMRIE: I think we  
8 need him on the mic if he's going to talk. Unless  
9 you're going to say exactly what he said, we would  
10 need that person to identify himself with a  
11 microphone.

12 ROBERT PAULS: Robert Pauls,  
13 principal of Robert B. Pauls, LLC. The way that  
14 the amount of construction jobs is calculated is  
15 based on the Federal government RIMS analysis, and  
16 they use each year the average wage of a  
17 construction worker. It is probably, and I'm only  
18 guessing at this point because I don't--I'm not  
19 part of the Labor Department, that it is a blend  
20 of both prevailing wage and union wage, and all  
21 wages paid to construction workers within the  
22 City, metropolitan area because it is done for a  
23 region. It's on a regional basis.

24 COUNCIL MEMBER COMRIE: Okay. But,  
25 you--and just to restate for the record, you have

1  
2 not reached out to Central Labor Council or the  
3 Construction and Trades Council or 32BJ or the  
4 hotel workers about any agreements on this  
5 project.

6 HOWARD WEISS: Not as yet.

7 COUNCIL MEMBER COMRIE: And you  
8 haven't developed an MWBE for the project as of  
9 yet either?

10 HOWARD WEISS: No.

11 COUNCIL MEMBER COMRIE: Okay. All  
12 right. But yet, you're believing that you're  
13 being able to achieve 28 percent affordability at  
14 the site. Now, there were some questions that you  
15 had with Council Member Levin going back and forth  
16 about the letter that you wrote earlier. You want  
17 to make any clarifications to that?

18 HOWARD WEISS: No.

19 COUNCIL MEMBER COMRIE: Okay. All  
20 right. I think those were my basic questions and  
21 concerns. I see there's one additional question  
22 that was given to me about the amount of  
23 contamination and type of contamination. Has that  
24 been answered as to the types of contamination  
25 that are in the property now and the methodology

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to clean it up?

CHRIS KALLER: Good afternoon, Chris Kaller from AKRF. As part of the environmental review - - Phase 1 environmental site assessment, which identified areas of concern. And then we did a Phase 2 assessment, which included borings. So, there's a profile of the contaminants. Generally, they're typical of urban fill, with the exception of the issue of the cold gasification plant.

COUNCIL MEMBER COMRIE: Of the excuse me?

CHRIS KALLER: Of the former MGD plant that was just out to the project site.

COUNCIL MEMBER COMRIE: You want to say what MGD is for the record, for those of us who are not letter friendly?

CHRIS KALLER: Manufactured Cold Gas Distribution, I believe is the--

COUNCIL MEMBER COMRIE:  
[Interposing] Okay, and there was a cold gas distribution site there?

CHRIS KALLER: It was to the south of us, and the issue is that it contaminated

1  
2 through soil underground.

3 COUNCIL MEMBER COMRIE: But, as far  
4 as you know, there's no extraordinary means needed  
5 for contamination clean up at that site?

6 CHRIS KALLER: Other than the  
7 coordination we'll be doing with National Grid.

8 HOWARD WEISS: In other words, Mr.  
9 Council Member, AKRF undertook with the borings  
10 that were taken for the Phase 2, a typical  
11 environmental analysis. Beyond that though, there  
12 are concerns because of the history of the use of  
13 the site as a cold gasification plant. And that  
14 is a further study, and there are additional  
15 borings and testing that needs to be done, that  
16 has to be done by National Grid. So, we do know,  
17 beyond the issue of what National Grid has to do,  
18 we know what has to be taken care of. Whatever  
19 further needs to be done is going to be disclosed  
20 by the work that they do, and there's an  
21 outstanding New York State DEC order that requires  
22 them to remediate. So, what we come back to is  
23 the restrictive declaration that we filed that  
24 before a building is built on this site, there  
25 will be total and complete remediation of any

subsurface contamination.

COUNCIL MEMBER COMRIE: Okay. So, your issues that Council Member Levin were talking about with Brooklyn Union Gas, or I'm sorry, National Grid now, that has to be worked out because you signed a declaration that whatever happens, it has to be done according to the stipulations of the declaration that says you have to have complete remediation of the site, correct?

HOWARD WEISS: That's correct. And well we did verify--we first met with them in the latter part of 2008, but we walked the site with them in April of 2009, and then since then, James Perricone, of the environmental counsel, has been in discussions with them regarding the access agreement. And we will come to a resolve because certainly, we're going to want National Grid to take the responsibility for remediating what it's supposed to remediate, under the DEC order.

COUNCIL MEMBER COMRIE: Okay. All right. Sorry. Those are all my basic questions that I wanted to ask.

HOWARD WEISS: Thank you.

COUNCIL MEMBER COMRIE: And I want

1  
2 to thank you for staying. Thank you. Thank you,  
3 Mr. Chair.

4 CHAIRPERSON WEPRIN: Thank you. I  
5 think we're going to move on. Thank you very  
6 much. Sorry for the delay, and we will move on to  
7 our panels.

8 [Pause]

9 CHAIRPERSON WEPRIN: The way we're  
10 going to work it is we're going to do panels of  
11 approximately four people, and we're going to  
12 alternate those who are in opposition first and  
13 then in favor, and go back and forth. Nick, we're  
14 going to do two minutes, and just for our first  
15 panelist, this is my own priority here, we're  
16 going to give them three minutes because--well,  
17 let me call the panel up first. First, Richard  
18 Bearak from the Brooklyn Borough President's  
19 Office, Rabbi David Nederman, Chris, the Chair of  
20 the Community Board.

21 [Off mic]

22 CHAIRPERSON WEPRIN: I don't know  
23 whether it's my eyes or your handwriting, but  
24 Olechowski?

25 CHRIS OLEHOWSKI: Olehowski.

CHAIRPERSON WEPRIN: Olehowski, okay. It's a little bit of both. And from Assembly Member Joe Lentol, the most popular Assemblyman in the entire state of New York, by the way, Eric Redesky. And the reason I say that about--the first testimony, Mr. Bearak, we're going to give him three minutes just because if Marty was here, we would give him no time at all, well all the time he wants, and if he leaves out one - - he could lose his job and I don't want to do that to him. He's got a three minute testimony, and we're going to give him three minutes.

RICHARD BEARAK: Throw in a couple of forget about its, and--

CHAIRPERSON WEPRIN: [Interposing] That's it. We're not going to give you a mic though. That's the key.

RICHARD BEARAK: My name is Richard Bearak. I am Marty's Director for Land Use, and I'll be reading his remarks. I want to thank the City Council Subcommittee for Zoning and Franchises and Council Member Mark Weprin, and of course our Brooklyn Council Member Steve Levin for

1  
2 allowing me to testify today on the subject of  
3 Rose Plaza on the River, and these remarks are  
4 being read first person for Marty, please. From  
5 my earliest days in politics, affordable housing  
6 has been my passion, and as Borough President, one  
7 of my most pressing concerns is making sure that  
8 Brooklyn is proud home to everyone, regardless of  
9 income level. While I, of course, applaud private  
10 developers for taking an interest in our borough,  
11 I absolutely believe they are entrusted with an  
12 important responsibility, and development projects  
13 must be desirable, not only for the developers and  
14 the families they attract, but also for the entire  
15 community that surrounds the development.

16 Developers aren't building housing in a vacuum.  
17 They are adding to established communities,  
18 neighborhoods with their own unique histories,  
19 their own distinctive architecture, their own  
20 special requirements and needs. It is the duty of  
21 all developers to do everything they can to be  
22 good neighbors.

23 I had high hopes that Rose Plaza on  
24 the River could satisfy that criteria. North  
25 Brooklyn is one of the hottest destinations in all

1  
2 of New York City, and the Williamsburg/Green Point  
3 waterfront, with its convenient location and  
4 stunning views of the outer borough of Manhattan  
5 skyline, should be the perfect location for  
6 development projects that serve all residents of  
7 North Brooklyn. Sadly, that is not the case with  
8 the project as it now stands. Although the  
9 developer is finally getting serious about pursuing  
10 his written commitment to me to investigate, this  
11 is still a project that to my mind primarily  
12 benefits upper income tenants at the expense of  
13 community at large. It is not what the community  
14 needs right now in its current configuration.

15 In my land use recommendation, I  
16 asked for a few changes to the developer's plans  
17 that I think are very reasonable, and I wouldn't  
18 be here today if the developer of Rose Plaza had  
19 demonstrated some ongoing interest in considering  
20 these changes. I have always been proud of my  
21 ability to work with developers to create projects  
22 that are beneficial to Brooklyn's neighborhoods,  
23 and with today's report in the Daily News, I  
24 remain hopeful that the developer of Rose Plaza  
25 will see the light and fully agree to my

1  
2 recommendations in time for the City Council's  
3 final decision. Hopefully, the City Council will  
4 be able to persuade them that these  
5 recommendations are in the best interest of the  
6 community. Specifically, I asked for the project  
7 to include more affordable units for larger  
8 families. If you walk down Bedford Avenue, you  
9 might get an idea that Williamsburg is exclusively  
10 the home of 20-something singles. But, that does  
11 not reflect the diversity of the neighborhood.  
12 The amount of affordable housing included in Rose  
13 Plaza, which by current plan, comprises now about  
14 a quarter of the total floor area, a little bit  
15 more in terms of unit count, should be expanded to  
16 about one-third of the floor area. Further, since  
17 families in the neighborhood tend to be larger  
18 than average, roughly two-thirds of the low and  
19 moderate income housing should be three and four-  
20 bedrooms. While the developer is now offering a  
21 substantial increase in the number of three  
22 bedroom units, most of these are market rate,  
23 while primarily, the need is for low to moderate  
24 income housing.

25 Finally, it should go without

1  
2 saying that all affordable housing should be  
3 affordable forever. I ask that the public  
4 waterfront esplanade be expanded. Why should  
5 access to the beautiful waterfront be limited to  
6 those who live in Rose Plaza, and I ask the  
7 developers make a concerted effort to attract a  
8 fresh supermarket to their retail space on Kent,  
9 and work in consultation with CB1 to address a  
10 broad range of issues. As far as I can tell, none  
11 of these recommendations have been adopted, and  
12 for that reason, I urge the Subcommittee on Zoning  
13 and Franchises to vote no on the special permit  
14 for Rose Plaza, unless these concerns are  
15 resolved, and hopefully they can be. Thank you.

16 CHAIRPERSON WEPRIN: Thank you, Mr.  
17 Bearak. Rabbi Nederman.

18 RABBI NEDERMAN: Good afternoon.  
19 Thank you very much for giving us the opportunity  
20 to express why we oppose the new project. And  
21 when I say we, I'm talking overwhelmingly all of  
22 CB1 opposes this project. It's 31 to 8, who asked  
23 as an extension, I ask this distinguished  
24 committee also to vote no on this project.  
25 Talking about the new Daily News, let's go to the

1  
2 New York Times today. What do we see? It's  
3 devastating. Nicha [phonetic] is going to revoke  
4 Section 8 vouchers for families who already  
5 utilize them and are in homes. What is going to  
6 happen to them? They are going to be basically  
7 evicted. Where are they going to go? And when  
8 somebody talks about we took a survey of the area,  
9 we believe that this represents what the area, the  
10 market that the area needs. Somebody did not do  
11 their homework, and I commend the Borough  
12 President for taking this up, and the Board,  
13 saying we need three and four bedrooms. The last  
14 census showed that there is a deficit of two and a  
15 half thousand, in 2000, two and a half thousand  
16 large units. By now, when we know what has already  
17 been built over there in CB1, we know that the  
18 deficit is even worse. So, when we do not have  
19 large units and that large means also four  
20 bedroom, and four bedroom goes across the board.  
21 Look at census information. Who utilizes how many  
22 African American and Latino families need large  
23 units? It's an insult to say that we are  
24 excluding the four bedroom apartments. I  
25 therefore ask you, on behalf of the greater

community which we are part, ask you to vote no on this proposal. Thank you.

CHAIRPERSON WEPRIN: Thank you.

Next speaker.

JERRY ESPOSITO: I'm Jerry Esposito. I'm the district manager for Community Board number 1. Chairman Olehofski had to leave.

[Off mic]

JERRY ESPOSITO: Okay, well Esposito's much easier. On December 1st of '09, Community Board number 1 adopted the recommendation calling for the disapproval of this project, with modifications. The vote was 31 in favor, 8 against, 0 abstention. The report has been previously provided to the council. The Chairman has asked for me to specifically emphasize the degree, the percentage of affordability and that being that, while 33 percent is not 40, 20 percent is certainly not 33, and while 28 percent is an uppace from the 20, it's still not acceptable, and that we really dig our heels in with 33 percent, and that if this was approved at 28, how will that detract from future projects, and how will we deal with future

1  
2 developers that come to the Board and then say  
3 well, we're asking for 20 percent because it's not  
4 much from 28 percent. So, we're asking that you  
5 vote no on this project. Thank you.

6 CHAIRPERSON WEPRIN: Thank you.

7 ERIC REDESKI: Hello, my name is  
8 Eric Redeski. I am a staff member for Assemblyman  
9 Joseph Lentol, who represents this part of  
10 Williamsburg, and I'm here to read a letter that  
11 he wrote to City Council Speaker Christine Quinn  
12 on this issue, dated March 24th of this year. And  
13 it reads, dear Speaker Quinn, I write to express  
14 my support for Community Board 1's opposition to  
15 the Rose Plaza development project planned for my  
16 Brooklyn Assembly District. The Community Board,  
17 ULIP committee voted against the project 9 to 1,  
18 and the full Community Board issued a vote of 31  
19 to 8 against the project. This project follows  
20 other recent ones that I have joined the Community  
21 Board in opposing due to its height, density, and  
22 the strain it will put on our local  
23 infrastructure. Transportation, in terms of cars,  
24 subways, buses, pedestrians, and bikes, schools,  
25 police, fire, and especially open space. Also,

1  
2 the current design scheme does not address the  
3 housing needs of the North Brooklyn community, and  
4 may have the effect of driving out even more  
5 families due to the continued pressures of  
6 gentrification. I believe my community has  
7 expressed clearly that they do not want multiple  
8 projects of high towers and dense apartments. I  
9 join that position. Sincerely, Joseph R. Lentol,  
10 Assemblyman, 50th District.

11 [Pause]

12 CHAIRPERSON WEPRIN: I can allow it  
13 for Joe Lentol, but not for the statement. It's  
14 just us over here, Steve. I'm sorry. You want to  
15 ask a question?

16 COUNCIL MEMBER LEVIN: No, I want  
17 to thank everybody for coming out. I think it  
18 shows that the people in the organizations that  
19 represent North Brooklyn, and I share that feeling  
20 and that sentiment, no longer think, not that they  
21 ever did, that what we need in our neighborhood is  
22 predominantly luxury high-rise development. I  
23 think that together, and I think what this  
24 demonstrates is that there's a community  
25 opposition that collectively, we are saying that

1  
2 we've had enough and all you have to do is go take  
3 around the Southside and the Northside to show  
4 that there's a glut of luxury condominiums that  
5 are just sitting there vacant, and it's not in the  
6 best interest of our community, North Brooklyn, to  
7 have more of it, with the bare minimum of  
8 amenities and affordable housing. So, I think  
9 that just the fact that we have the first panel in  
10 opposition includes the Assembly Member that  
11 represents the area, the Community District that  
12 represents the area, the Borough President, and a  
13 prominent community leader speaks that. So, thank  
14 you all very much for doing this.

15 CHAIRPERSON WEPRIN: Yes, I don't  
16 have any questions, but I want to thank this panel  
17 for participating and please send my regards to  
18 Senator Lentol in particular. Thanks.

19 [Pause]

20 CHAIRPERSON WEPRIN: Okay, we're  
21 now going to move to a panel in favor, four  
22 people, right? Okay. Rabbi Glanz [phonetic],  
23 Stuart Pertz, is it? Okay, Isaac Abraham left and  
24 then left his testimony, so he won't be here. And  
25 Esteban Doran for Community Board 1, and then

1  
2 we're going to add Moisha Indig [phonetic]. Did I  
3 get that right? And we're going to try to do two  
4 minutes is what we had said. Rabbi, I guess you  
5 can start.

6 RABBI GLANZ: Good afternoon.

7 First, I want to thank Chairman and Council panel  
8 for giving us the opportunity to testify today on  
9 this project. Of course, I'm here--it's only two  
10 minutes, so I have to try put in whatever I can in  
11 the two minutes. First of all, I want to let you  
12 know that I'm here in favor of the project, Rose  
13 Plaza, in case if I don't have time to lib it in.  
14 The second item, I just want to tell you why I  
15 believe it should be. And I think, you know, I'm  
16 only--I was born in Williamsburg, raised in  
17 Williamsburg. I lived there all my life, and I'm  
18 a community leader for more than 33 years in  
19 Williamsburg, and I want to tell you I don't  
20 think--and I'm not a professional in this field,  
21 but I haven't seen a single project that should go  
22 through so much scrutiny for a developer, private  
23 developer. I'm not talking about one that has to  
24 do with public land or anything. And as a matter  
25 of fact, the project, which is close by and was

1 sponsored by an organization of Williamsburg, and  
2 was city money more than \$16,000,000 tax credits  
3 and everything else, whatever you could include in  
4 the project, and at the end, it winded up that  
5 only a small portion, a building segregated from  
6 the entire project, not be able to enjoy the  
7 waterfront, was approved and gone. Here we have  
8 somebody who is offering 28 percent by now to  
9 give--and he's giving away land for the parks  
10 department. He's doing everything. This is a  
11 phenomenal project for the community. He has come  
12 forward today, as we heard, with three bedroom  
13 apartments more. We're talking about families,  
14 not those that are going to lose Section 8 because  
15 they're going to be out of an apartment  
16 completely, we're talking about--and they're going  
17 to have an apartment. They're just going be out  
18 because financially, they can't afford it. So,  
19 they're not going to be able to afford these  
20 apartments neither. And for the height, I just  
21 want to let you know, Roberto Clementi's right  
22 across. Towers are going up. If you drive down  
23 Kent Avenue, one after another, towers are going  
24 up like skyscrapers. So, I think that by having  
25

1  
2 this project just four floors more than right  
3 across the street at Roberto Clementi, I think  
4 obviously we should put all politics aside and we  
5 should really talk about the project, the  
6 viability, the amount of affordable that is being  
7 given for this project, and we should let it go.  
8 And I beg the council to, for the sake of the  
9 community, and for the experience that I have so  
10 many years about this, please let that project go.

11 CHAIRPERSON WEPRIN: Thank you,  
12 Rabbi.

13 STUART PERTZ: Thanks. My name is  
14 Stewart Pertz. I'm a planner and an architect, a  
15 former chair of the graduate urban design  
16 department at Pratt, and a former member of the  
17 City Planning Commission. I've been involved of  
18 late as a kind of advocate for urban design on a  
19 number of projects that have come before the  
20 Commission and the Council. My task, more often  
21 than not, is to advocate for the public realm to  
22 get better and more active streets, more open  
23 space, more accessibility to the open space, and  
24 to get better site planning and more reasonable  
25 response to issues of density and of sun and

1  
2 shade. Where I can, I also talk about continuity  
3 and context, continuity to development of the  
4 plans that the City has established and along the  
5 waterfront, and assuring that the context of those  
6 plans, as they relate to the surrounding community  
7 are maintained. This time, someone beat me to it.  
8 Giving the zoning established and the direction  
9 the City has maintained for the waterfront, this  
10 project works remarkably well. Unlike many  
11 projects along the Brooklyn and Queens East River  
12 waterfront, there is commercial use in an  
13 enlivened public way. My hope is that the  
14 commercial does, in fact, enliven, and the  
15 community facility provides broad community use  
16 and access, but the allocation at least is a  
17 start. There's not only more open space than most  
18 projects provide or is even required, but is  
19 available to the public as an extension of the  
20 view corridor, and provides public accessibility  
21 to the City's planned waterfront esplanade,  
22 something that has been sadly neglected by  
23 projects to the North. By linking the waterfront  
24 esplanade and providing public amenities along it,  
25 the project conforms to and enhances a commendable

1  
2 City program. To the get the open space, the  
3 architects redistributed the zoning densities so  
4 that the buildings are higher, but they're a step  
5 back from the street, and further step back as  
6 they go up. They are varied in height, and  
7 overall, it's a very nicely executed plan. I  
8 normally find myself opposing high buildings,  
9 arguing that they are out of context with the  
10 neighborhood. But, in this case, the context is  
11 the new zoning, established by the City for  
12 Williamsburg's waterfront. It is not any other  
13 context. Rose Plaza is not only in context with  
14 that zoning, but the towers are lower than most  
15 recent buildings to the north. One paragraph, and  
16 I'm finished; it's done. Also, in general, I  
17 don't like to see special permits provided without  
18 significant developer hardship. I like a level  
19 playing field, and an as of right set of rules,  
20 rules that work. But here, as of right would be  
21 far less benefit to the community, a benefit that  
22 brings me to support the project that's before you  
23 for approval.

24 CHAIRPERSON WEPRIN: Just for the  
25 record, I know it's annoying, that buzzer. But,

1  
2 if you can, when the thing comes, you can wrap up  
3 your statements. You don't have to stop  
4 immediately, but if you can wrap them up as  
5 quickly as possible, okay? Thank you.

6 ESTEBAN DURAN: Thank you, Chair  
7 Weprin and members of the Committee. My name is  
8 Esteban Duran. I'm a member of Community Board 1,  
9 and I also sit on the Green Point/Williamsburg  
10 Advisory Board, following the 2005 Waterfront  
11 Rezoning. I'm here because I want to urge the  
12 Committee to please approve this great project  
13 that's before you. I want you to approve this  
14 project because of the many benefits that it  
15 provides, many of which have been mentioned  
16 before. I want to say, on a side note, my parents  
17 live on Division Avenue, and it would be great to  
18 have, on South 11th, that visual corridor that is  
19 mentioned, and access to walk right up to the  
20 waterfront. Over the weekend, I was able to go to  
21 Kent Shaffer, which is a project right up north  
22 that was done with millions of City dollars, and  
23 their open park is provided from dawn to dusk, and  
24 that's exactly what this project is going to offer  
25 a little bit south from Kent Shaffer. So, it

1  
2 would be a great continuous esplanade if this  
3 project was built. But, besides that visual  
4 corridor and the open space, the big thing here is  
5 affordable housing, and I think that we've seen in  
6 the last few hours how flexible this developer is  
7 being in terms of providing a greater amount of  
8 affordable housing for members of the community  
9 that need it most. Affordable housing is  
10 something that is very important. I've advocated  
11 for it many ways. I would be against this project  
12 if it tried to just provide less than what was  
13 there, but this is a private developer, who is  
14 incurring many expenses, fixing up the esplanade.  
15 It's important that we approve this project. And  
16 one last note that I want to make regarding the  
17 waterfront rezoning, and what has happened is that  
18 sitting on the Community Advisory Board after the  
19 2005 rezoning, five years after that rezoning,  
20 there are only 599 waterfront units that have been  
21 built out of the promised 1,563. 599, five years  
22 later, out of a promised 1,563 have been built on  
23 the waterfront. This project is going to provide  
24 218 more affordable units on top of that 1,563,  
25 that again, we're not even 40 percent of the way

1  
2 to building them so far. So, given all of this, I  
3 think this is a great project, and I really urge  
4 the committee to vote for it. And the last point  
5 I'll make is the jobs. This is a time that we  
6 need to get people working. The construction jobs  
7 that are going to be provided would be great, so  
8 please, let's put politics aside and let's get  
9 some shovels in the dirt and build this great  
10 project.

11 MOISHA INDIG: Moisha Indig, for  
12 Williamsburg. I'm also here the same to urge the  
13 Board to approve this proposed project which has  
14 been private money, private investor, which he's a  
15 leader of our community. We have thousands of  
16 constituents in Williamsburg, and they're looking  
17 forward to have this project going. Please take  
18 all this dirty politics aside, look at the merits  
19 of the project, go in and look how many units  
20 we'll have, how many people will have their way to  
21 live, how many people will have jobs, and please -  
22 - some missing over here from the Board. Please  
23 vote all for the project, and we're looking  
24 forward to be there at the ribbon cutting. We'll  
25 have all our officials there, and hopefully it's

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going to be very soon. Thank you very much.

CHAIRPERSON WEPRIN: Thank you.

Mr. Levin, you have any questions, comments?

Okay. Well, thank you very much.

[Pause]

CHAIRPERSON WEPRIN: Okay, now

we're going to move to a panel in opposition.

Adam Perlmutter [phonetic], a local resident;

Simon Weiser [phonetic], Heather Roseland, Heather

had to leave. Accepting on behalf of Heather, no,

Ward Dennis. So, those three, and then we're

going to add out of the pile, Guy Lesser.

[Pause]

CHAIRPERSON WEPRIN: Did Ward have

to leave too? All right.

COUNCIL MEMBER LEVIN: Just for the

record, Ward Dennis is the Chair of CB1's land use

committee.

CHAIRPERSON WEPRIN: So, we can add

another person? Is that alright. Debra Masters,

she left too? Screen these through him, please?

Eliza? - - left. Simon Lee? You got to b

present to win. Had to leave? We understand.

COUNCIL MEMBER LEVIN: Just also

for the record, the last--

CHAIRPERSON WEPRIN: [Interposing]

All right, we'll just leave it. Let's do these

three--oh no, this one's good? Okay, one more.

Ryan Kuonen?

[Off mic]

CHAIRPERSON WEPRIN: Ryan, okay

good. We got a winner. No, no, I understand.

Look, can't blame people who had to leave. People

have childcare issues and other issues, and we

have dragged you hear a long time. So, please

start.

ADAM PERLMETTER: Chairman Weprin,

good afternoon, Councilman Levin. My name's Adam

Perlmutter. I am a local resident; I live in

Green Point. I'm also a lawyer. I've been very

involved over the last decade doing environmental

litigation, stopping power plants from being built

on the waterfront in Green Point/Williamsburg. A

lot of that work has involved working to enforce

the City's new waterfront revitalization plan, and

the coastal man, which is now the coastal

management plan for New York City. My problem

with this project is that it seeks to put a

1 residential property right next to the maritime  
2 industrial area of the Brooklyn Navy Yard.

3  
4 There's six significant maritime industrial areas  
5 in the City. The City, as a matter of planning  
6 policy has sought to create buffers of light  
7 industrial around those areas. That's happened up  
8 in the South Bronx; it's happened in Red Hook, in  
9 Sunset Park; it's happened in Staten Island.

10 Green Point/Williamsburg has two of the City's six  
11 significant maritime industrial areas, and we've  
12 been very careful, we were careful with 2005  
13 planning rezoning to create that type of buffer.

14 The Certified Lumber Property, it's a very unique  
15 property because it sits between what's already  
16 been rezoned for residential and the Brooklyn Navy  
17 significant maritime industrial area. It's a  
18 light industrial use, and what I think that the  
19 City Council should do, as a matter of good  
20 planning practice, is to rezone that property for  
21 light industrial use to be able to permanently put  
22 that buffer in place between the Brooklyn  
23 Residential Waterfront Development and the Navy  
24 Yard. There's been a lot of discussion today  
25 about the developer. There are a lot of concerns

1  
2 that have been raised about the developer by  
3 people in the community. This developer is  
4 currently in bankruptcy proceedings. He was  
5 involved in another bankruptcy proceeding in the  
6 1990's, and he was convicted of fraud in  
7 connection with that proceeding for lying on his  
8 bankruptcy filings in that case. He was  
9 previously indicted on racketeering conspiracy  
10 charges. He was--those charges were dismissed  
11 because the Government couldn't prove that 3  
12 million dollars he received was, in fact, stolen  
13 money. He's also been connected with money  
14 laundering through Brooklyn - - where money  
15 ultimately went to the Gambino crime family. So,  
16 while that certainly are not issues that the  
17 Council should concern themselves with, I would be  
18 remiss if I did not tell the Council that, in our  
19 community where we have had such an experience  
20 with developers that have not followed through  
21 with their promises, this developer raises serious  
22 concerns for us. And because of that, I don't  
23 think that the Council should approve this, and I  
24 ask that you reject the project.

25 SIMON WEISER: Chair and members of

1  
2 the City Council, thank you very much - - my  
3 testimony. My name is Simon Weiser. I'm a member  
4 of the Community Board 1 and a member of the ULIP  
5 committee. I bring you a message from the Board  
6 members who are eyes and ears - - the local  
7 communities their opposition to this project based  
8 on the following reasons. Two years ago, summer  
9 of '08, on a hot sticky summer day, the ULIP  
10 committee board meeting at the Community Board,  
11 this developer presented a plan before the Board.  
12 The Board was very upset at the plan and they told  
13 developer very clearly that this project won't  
14 meet the Board's approval due to lack of enough  
15 low-income housing and apartment sizes. It's  
16 insulting that they came back again with a plan  
17 with only some changes. They wasted our time.  
18 They showed lack of respect to Community Board  
19 input. They keep on saying that six years in the  
20 plans, but three years, very clearly, they were  
21 told what the needs - - . They missed two income  
22 cycles - - and no four-beds, which were also  
23 mentioned to them. They keep--it's better to  
24 point out they keep on comparing the project to  
25 other projects in the area. So, let's discuss

1  
2 individually. Shaffer's 40 percent total income  
3 and a mix of 45 percent three-bedroom, a total of  
4 63 apartments. 70 percent four-bedrooms, total of  
5 24 units, 20 percent one unit and 50 percent of  
6 two-bedrooms. Domino, the least they're offering  
7 is 30 percent of much more larger units. - -

8 Triangle was a minimum of 30 percent low income  
9 and will increase more by private owners who will  
10 take - - which they will increase to at least 40  
11 percent. Some Board members, at the full Board,  
12 vote just no, not to vote no with recommendations.

13 This is clear that this development does not  
14 represent the needs of the local communities.

15 There's only very small amount of three bedrooms  
16 and no four-bedrooms. On a personal level, I was  
17 involved in a low-income project that's just  
18 opened in Williamsburg, the Cook Street Apartments  
19 in Williamsburg. They're 20 percent three  
20 bedrooms, which total like 30 three bedrooms in a  
21 project of 150. And I have documents that of 30  
22 families who won the lottery, but were turned down  
23 because they had more than four children. As per  
24 city guidelines, it's overcrowded. Therefore, we  
25 need this project more low-income units to have at

1  
2 least 33 percent, and more three's and four  
3 bedroom units. I respectfully ask the Council  
4 Members to accept the Community Board's  
5 recommendations and to vote down this project.  
6 Thank you.

7 CHAIRPERSON WEPRIN: Thank you.

8 [Pause]

9 GUY LESSER: My name is Guy Lesser.  
10 I live directly across the street from the Rose  
11 project, and I have been there for 11 years. Let  
12 me brief and blunt. I love Williamsburg, which I  
13 regard as a heterogeneous community with a  
14 distinctive local character, physically,  
15 ethnically, and professionally. I look at the  
16 development of the waterfront over the last 10  
17 years as I've been there, and I see shells of  
18 empty high-rise luxury buildings, none occupied by  
19 commercial tenants, and the presence of another  
20 one directly across the street does not answer the  
21 large questions and the great opportunity that New  
22 York has for the first time in two generations to  
23 do something marvelous with our waterfront. I  
24 would like to roll back the clock six years and  
25 talk about putting a park on that spot, if only we

1  
2 could. In the meantime, I think the one important  
3 thing to remember is the context of the building  
4 is not the Shaffer brewery is the greatest  
5 accomplishment of the last generation to the  
6 north, or the high rise undoubtedly to occupy the  
7 site of the BMT power plant. But, a whole fabric  
8 of neighborhoods of one and two-story buildings of  
9 the most harmonious mix use I know, makes me proud  
10 to be a New Yorker, and I would like to see my  
11 little corner of it remain a place where great  
12 things happen. It's up to you. You're the last  
13 voice of reason that can look at the big questions  
14 in the long term that private self-interest never  
15 will. So, I thank you for giving us an  
16 opportunity to speak.

17 RYAN KUONEN: Hi, thanks for  
18 letting me speak. My name is Ryan Kuonen, and I'm  
19 a tenant organizer for the Williamsburg Group  
20 Neighbors Allied for Good Growth, and a resident  
21 of the Southside. As our name states, NAGG is an  
22 advocate for sustainable growth in our  
23 neighborhood. After serious consideration, we  
24 have weighed the possible benefits of this  
25 project, but have determined that they are

overshadowed by the negative impacts. We urge you to support the Community Board vote to disapprove this application, unless it meets the entire list of recommendations. Let me be clear. We're not against development. On the contrary, we crave responsible developers who want to make a real commitment to our neighborhood that is equal to their commitment to profits. Having spent the last two years in the trenches in the part of the Green Point/Williamsburg anti-displacement collaborative, I know how immense and overwhelming the need is for affordable housing in Williamsburg. Rose Plaza's dedication of 20 percent, 25 percent, 28 percent of its units to affordable housing is entirely insufficient. While it now may be above, reaching above the state's bare minimum requirement, it comes nowhere close to the 40 percent advocated for by the community. Time and time again, our community has been forced to compromise on our end so the developers can make profits on theirs. In this situation, Rose Plaza comes asking for special permits and waivers to build higher, a move that will allow them to create more luxury units with

1  
2 glorious views of the waterfront and Manhattan.  
3 These are things that will greatly enhance the  
4 revenue generated by the project. If you follow  
5 that logic, since they are asking for bonuses,  
6 then the community should receive bonuses in  
7 return. Clearly, the greatest need is for more  
8 affordable housing. If Rose Plaza wants their  
9 high towers, they must give the community at least  
10 33 percent permanently binding affordable housing  
11 units. In addition, the number of three and four-  
12 bedroom affordable units is nominal and must be  
13 increased. Families across Williamsburg are  
14 continually being displaced. We need to have  
15 projects that address this problem, not exacerbate  
16 it. At NAGG, we have serious concerns about this  
17 project regarding secondary displacement of  
18 seniors, low-income families, and unregulated  
19 tenants. The limited access to open space at  
20 night, overcrowded transportation, industrial  
21 retention, lack of high wage union construction  
22 jobs, historical preservation, and environmental  
23 remediation. The bottom line is that our  
24 community has been left reeling in the wake of the  
25 2005 rezoning and current economic recession. As

1  
2 a neighborhood that has seen great numbers of  
3 long-term residents displaced and is now littered  
4 with empty or abandoned projects in vacant lots,  
5 we can no longer approve unsustainable projects  
6 that don't meet our community's criteria for smart  
7 development. The unmitigatable issues in  
8 development cannot continue to be shifted from the  
9 developer's plate to the City, to the MTA, and  
10 ultimately to the community. NAGG seeks to  
11 support projects that benefit the community and  
12 promote a sustainable neighborhood. This plan  
13 doesn't meet that criteria, and in the best  
14 interest of the community, you need to go back to  
15 the drawing board. Sorry.

16 CHAIRPERSON WEPRIN: Thank you all  
17 very much. Question, no? Okay, thank you.

18 COUNCIL MEMBER LEVIN: Thank you  
19 very much. Thank you. Thank you all very much  
20 for waiting, as well, as long as you have.

21 [Pause]

22 CHAIRPERSON WEPRIN: Our next panel  
23 is a panel in favor, is Clement Edmonson and  
24 Sinder Schwartz. Are they still here? Going  
25 once, Mr. Edmonson or Mr. Schwartz. I think they

1 left too. Okay. What we got left?

2 [Off mic]

3 CHAIRPERSON WEPRIN: We have a--we  
4 actually--that was the panels in favor. They're  
5 not here, so we're going to go back to an  
6 opposition panel. We may even get everybody in  
7 one shot here. Ms. Dale Teague [phonetic], is she  
8 here, yes? Emily Gallagher? She is here as well.  
9 Audrey Mulinare?

10 [Off mic]

11 CHAIRPERSON WEPRIN: Okay.

12 [Off mic]

13 CHAIRPERSON WEPRIN: Oh, and Ralph?

14 [Off mic]

15 CHAIRPERSON WEPRIN: All right,  
16 Ralph. All right, Ralph, come on up. We're  
17 getting everybody. She's not here, Kathleen is  
18 not here, right? Gil - - left her testimony.  
19 What were you saying? That's it, right? Okay.  
20 Please state your name because I have no idea who  
21 ended up coming up, before you testify.

22 [Pause]

23 DALE TEAGUE: Okay. Esteemed  
24 Council Members, thank you. My name is Dale  
25

1  
2 Teague. I'm a member of the ULIP Committee of  
3 CB1; I'm also the chair of the budget committee  
4 and the chairperson of People's Firehouse. I  
5 think that much of what I thought to say has been  
6 said, but I think what I really would like to  
7 stress is that we don't need more high rise  
8 buildings. We don't need more development on the  
9 waterfront. However, if somebody wants to come  
10 and ask us for favors, ask us for waivers for  
11 rezoning for variances, and they want something  
12 for us, then it's clear that, in my mind, that we  
13 have a right and a responsibility to the community  
14 to get a quid pro quo that really makes it so that  
15 they've made us an offer we can't refuse. Now,  
16 I'm very saddened to see that some of the people  
17 who feel--some of the people feel that those of us  
18 who voted against this application were not in  
19 favor of affordable housing. And there's nothing  
20 further from the truth of that because what we  
21 said is you're not giving us enough affordable  
22 housing, and you're not giving us a configuration  
23 that actually meets the needs of the community.  
24 It was such a sad thing for me to sit at that  
25 table at the Community Board meeting, and have the

1  
2 applicants bring down people from the community,  
3 people who needed affordable housing, and then  
4 they would get up and they'd say please, we need  
5 the affordable housing, and I would sit there and  
6 think but don't you understand that neither your  
7 family, nor your neighbor's family is going to be  
8 in these units because they're not meant for  
9 families? So, I beg of you, please support our  
10 decision to demand that if they're going to get  
11 their variances, they're going to give us the 33  
12 percent that we want, and also configurations that  
13 are really going to meet the needs of this  
14 community and these families, and that are not  
15 just, you know, obviously going to be just going  
16 to outsiders who are coming in with different  
17 needs. Thank you.

18 EMILY GALLAGHER: Hello. My name  
19 is Emily Gallagher, and I am the new co-chair of  
20 Neighbors Allied for Good Growth, a volunteer  
21 economic and environmental justice group in North  
22 Brooklyn. As our name states, our organization  
23 supports considerate, responsible, and sustainable  
24 growth in North Brooklyn, and we do not feel that  
25 Rose Plaza meets our qualifications.

1  
2 Environmentally, we are concerned for the health  
3 dangers that the proposed site contains. Rose  
4 Plaza is planned on top of a former MPG, yeah,  
5 MGP, there we go, which leaves a hearty toxic  
6 legacy with many known health risk. To prepare  
7 the land safely, it would take at least five  
8 years, as Mr. Levin was speaking of earlier,  
9 between the DEC, Keyspan, and the developer, and  
10 thus far, the developer has been pretty  
11 uncooperative. The EAS claims originally that all  
12 cold tar residue was remediated when the plant on  
13 the site was decommissioned in 1895. I think that  
14 we know a bit more about environmental science  
15 today to say that that is not a true statement,  
16 and this does not bode well for the health and  
17 safety of future residents at this site. In  
18 addition to the environmental risks associated  
19 with the site, there's been very little offered in  
20 the way of public space or community space. I  
21 hear that recently, the developer was willing to  
22 bulk up the Division Street portion. We push you  
23 to really make sure that happens. The developer  
24 is asking to perform the minimum requirements of  
25 the rezoning, the equivalent of a D grade, and

1  
2 receive the honors of increased height and density  
3 to build housing on our beautiful waterfront  
4 should be a privilege that's not handled lightly.  
5 And NAGG feels that this development, thus far,  
6 has shown a true lack of concern for the impacts  
7 on future residents, as well as the community that  
8 Rose Plaza will sit within. Thank you.

9 [Pause]

10 RALPH BORSHLAN: Hi there. My name  
11 is Ralph Borshlan [phonetic]. I live across the  
12 street from the Rose Development. I have been  
13 living there for the last 12 years. Before that,  
14 I lived on the upper west side, on the upper east  
15 side, and on the lower east side, so I'm not  
16 stranger to gentrification and development, and  
17 I'm not against development, but I'm against this  
18 development, specifically, but also against all  
19 the other high-tower developments on the  
20 waterfront for three reasons. The first one is,  
21 obviously, for aesthetic reasons. It's, it  
22 doesn't make any sense from an architectural, at  
23 least not to me, or from an urban planning side,  
24 to fence in the East River with all those fence  
25 posts of those tall luxury towers. It's just an

1  
2 eye sore that will be standing there for the next  
3 100 years. And so it should be very strongly  
4 considered what you actually want to build there.  
5 I also heard from the architect that they want to  
6 build this green promenade along the East River,  
7 which would be great if it wouldn't be piecemeal  
8 and chopped up into pieces. It's not like on  
9 lower Manhattan, on the Hudson side, you know.  
10 That is a very nice promenade, but on the upper  
11 east side, it's just a piecemeal that is given to  
12 the community. The parks that are open there, are  
13 only open certain amounts of times, a very limited  
14 access. They are, at the Shaffer Landing  
15 building, they put on those huge gates now in  
16 front, 12 feet high. It looks like a prison,  
17 actually, right now. And also, for the commercial  
18 development at Shaffer Landing, that has been  
19 standing there for the last three years, the  
20 commercial space there is still empty. There's no  
21 demand and no need, and no takers to move in  
22 there. So, I didn't get to my other two points.

23 CHAIRPERSON WEPRIN: Finish up,  
24 finish up. We had enough cancellations; you can  
25 finish up.

1  
2 RALPH BORSHLAN: From a community  
3 standpoint, the infrastructure is just not there.  
4 It's overwhelmed. Walking up to the JMZ train  
5 takes about seven minutes or 10 minutes, and up to  
6 the L train takes 15 minutes, and actually, from  
7 an economic standpoint, it also doesn't make any  
8 sense because people, if they want to move in  
9 those luxury apartments and want to pay luxury  
10 market rent, they want to live close to the L  
11 train. This development is 20 blocks away from  
12 the L train. I had some friends who actually live  
13 here on Park Grove, number 15. They were  
14 considering moving to the neighborhood, but it was  
15 too far away for them to walk, and it was--there  
16 were no decent schools in the neighborhood for  
17 young families. The infrastructure is just not  
18 there. If you go to the L train now at rush hour,  
19 it's worse than New Year's Eve at Times Square.  
20 Okay, thank you very much, and I strongly want you  
21 to oppose this development.

22 CHAIRPERSON WEPRIN: Thank you.  
23 Mr. Levin, I think, has a statement or a question.

24 COUNCIL MEMBER LEVIN: It's  
25 actually a comment, but just to supplement what

1  
2 Ralph was saying. From what I've gathered, the  
3 JMZ train, the Marcy Avenue JMZ train stop is .7  
4 miles from the current Certified Lumber site. So,  
5 that's a significant distance for anybody that,  
6 you know, that is very mobile and significantly  
7 more difficult for people that have mobility  
8 issues. So, just to clarify, I mean it's, it's  
9 far away. In my estimation, that's not around the  
10 corner from the train.

11 [Pause]

12 COUNCIL MEMBER LEVIN: Thanks,  
13 guys.

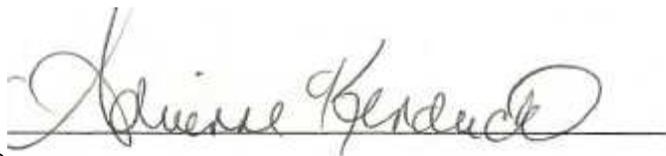
14 CHAIRPERSON WEPRIN: Okay. I want  
15 to thank this panel very much. Is there anyone  
16 that we lost in transportation across the street  
17 here, is there anyone who didn't testify who had  
18 planned to testify? I see none. We are actually  
19 going to move to recess until tomorrow morning.  
20 Give us a chance to digest what we heard today.  
21 We will have the Committee recess and come back to  
22 this very room at 9:45 tomorrow morning, and in  
23 this room, right before the Land Use Committee, so  
24 9:45 in this room. I move to close this hearing  
25 on this item, and we will recess until 9:45

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tomorrow morning, in this room. Good? Should I  
gavel? Do you care? Thank you all very much.

C E R T I F I C A T E

I, Adrienne Kendrick, 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.

A handwritten signature in cursive script, reading "Adrienne Kendrick", is written over a horizontal line.

Signature

Date April 22, 2010