

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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June 1, 2021
Start: 10:08 a.m.
Recess: 11:08 a.m.

HELD AT: Remote Hearing (Virtual Room 1)

B E F O R E: Francisco Moya
CHAIRPERSON

COUNCIL MEMBERS:
Diana Ayala
Joseph Borelli
Barry Grodenchik
Stephen Levin
Antonio Reynoso
Carlina Rivera

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

Eric, Palatnick, Land Use Counsel

DJ Banks, Applicant
Bedford Carp Construction

David Morace, Project Architects
Morace Architects

Caroline Harris, Land Use Counsel
Goldman Harris

Susan Albrecht, Director
Association of Catholic Homes New York

Rachel Simpson, Architect
MAP Architects

Father Joseph Kissane
St. Joseph's

Tim Collins, Financial Consultant
Rockaville

Herold Moss
Beacon of Hope

Shannon Graham Smith
New York Foundling

2 SERGEANT-AT-ARMS: Cloud started.

3 SERGEANT-AT-ARMS: All right. Back up is
4 rolling.

5 SERGEANT-AT-ARMS: Thank you. Okay. Good
6 morning and welcome to the New York City Council
7 remote hearing on the Subcommittee on Zoning and
8 Franchises. At this time, would all panelists please
9 turn on your videos? Thank you. To minimize
10 disruption, please place all electronic devices to
11 vibrate or silent mode. And if you wish to submit
12 testimony, you may do so at

13 landusetestimony@Council.NYC.gov. I repeat.

14 Landusetestimony@Council.NYC.gov. Chair Moya, we are
15 ready to begin.

16 CHAIRPERSON MOYA: Thank you. Thank you to
17 the sergeant-at-arms.

18 [gavel]

19 CHAIRPERSON MOYA: Good morning. I am
20 Council member Francisco Moya, Chair of the
21 Subcommittee on Zoning and Franchises and I am joined
22 remotely today by Council members Borelli, Ayala,
23 Rivera, and grid and check. Today, we will hold
24 public hearings on the St. Joseph's 1949 Bathgate
25 Avenue rezoning proposal in the Bronx and the

proposed West 16th Street special permit in Brooklyn.

But first, we will vote on the Crab Shanty and Castle

Hill items which will be heard by the subcommittee

at-- which was heard at our subcommittee back on May

19th. We will vote to approve with modifications LU

790 and 791 for the 909 Castle Hill Avenue rezoning

relating to property in Council member Ruben Diaz

Sr's district in the Bronx. The proposal seeks a

zoning map and zoning text amendment including

changing an R32 district to an R6B district with a

partial C13 overlay and the establishment of a

mandatory inclusionary housing area mapping option

one and option two to facilitate the development of a

five story mixed use building including approximately

35 dwelling units, nine of which would be permanently

affordable, as well as commercial and community

facility space. Our modification will be to strike

MIH option two while retaining option one. Council

member Diaz Senior is in support of the proposal as

modified. We will also vote to approve prey

considered LU 7974 the Crab Shanty 361 City Island

Avenue rezoning related to property in Council member

Gjonaj's district in the Bronx. The proposal to the

Crab Shanty seeks a zoning map amendment to establish

2 a C12 commercial overlay district within an existing
3 R3A district which would bring the Crab Shanty
4 restaurant and its long-standing commercial use into
5 conformance with zoning. Council member Gjonaj it is
6 in support of the proposal. Now I am going to check
7 with our counsel to see if there is any members who
8 would like to speak on those two items.

9 COMMITTEE COUNSEL: Chair, I see no
10 members with hands raised or comments.

11 CHAIRPERSON MOYA: Okay. I now call for a
12 vote to approve LU 7974 the Crab Shanty 361 City
13 Island Avenue proposal and to approve with
14 modifications I have described LU 790 and 791 for the
15 909 Castle Hill Avenue rezoning proposal. Counsel,
16 if you could please call the role.

17 COMMITTEE COUNSEL: Chair Moya?

18 CHAIRPERSON MOYA: I vote aye.

19 COMMITTEE COUNSEL: Council member
20 Grodenchik?

21 COUNCIL MEMBER GRODENCHIK: Aye.

22 COMMITTEE COUNSEL: Council member
23 Ayala?

24 COUNCIL MEMBER AYALA: Aye.

2 COMMITTEE COUNSEL: Council member
3 Rivera?

4 COUNCIL MEMBER RIVERA: Aye.

5 COMMITTEE COUNSEL: Council member
6 Borelli?

7 COUNCIL MEMBER BORELLI: Aye.

8 COMMITTEE COUNSEL: Chair, the vote on
9 land use items is currently five in the affirmative,
10 zero in the negative, and no abstentions. We will
11 keep the vote open.

12 COUNCIL MEMBER REYNOSO: Hey, Council.
13 His is Council member Antonio Reynoso available for
14 the vote.

15 COMMITTEE COUNSEL: Continuing vote on
16 the land use items. Council member Reynoso?

17 COUNCIL MEMBER REYNOSO: I vote aye on
18 all. And I apologize. I was running late. I was
19 reading this book, Revolutionary Staten Island from
20 Colonial Calamities to Reluctant Rebels, by this
21 great person called Joe Borelli. You guys should
22 look at it on Amazon.

23 CHAIRPERSON MOYA: I don't know about
24 great, Antonio. We like Joe, but let's not go crazy
25 there.

2 COMMITTEE COUNSEL: Chair, the vote is
3 currently six in the affirmative, zero in the
4 negative, and no abstentions. The vote will remain
5 open.

6 CHAIRPERSON MOYA: Okay. Great. Okay.
7 So, before we turn to our hearings, I will first
8 recognize the Subcommittee Counsel to review the
9 remote meeting procedures.

10 COMMITTEE COUNSEL: Thank you, Chair
11 Moya. I am Arthur Huh, counsel to this subcommittee.
12 Members of the public wishing to testify were asked
13 to register for today's hearings. If you wish to
14 testify and have not already registered, we ask that
15 you please do so now by visiting the New York City
16 Council website at www.Council.NYC.Gov. Members of
17 the public may also view a live stream broadcast of
18 this meeting at the Council's website. As a
19 technical note for the benefit of the viewing public,
20 if you need an accessible version of any of the
21 presentations shown today, please send an email
22 request to land use testimony@Council.NYC.gov. When
23 called to testify, individuals appearing before the
24 subcommittee will remain muted until recognized by
25 the Chair to speak. Applicant teams will be

2 recognized as a group and called first, followed by
3 members of the public. When the Chair recognizes
4 you, your microphone will be on muted. Please take a
5 moment to check your devices and confirm that your
6 mic is on before you begin to speak. Public
7 testimony will be limited to two minutes per witness.
8 If you have additional testimony you would like the
9 subcommittee to consider or if you wish to submit
10 written testimony instead of appearing before the
11 subcommittee, you may email it to land use
12 testimony@Council.NYC.gov. Please indicate the LU
13 number and or project name in the subject line of
14 your email. During the hearing, Council members with
15 questions should use the zoom raise hand function.
16 The raise hand button should appear at the bottom of
17 your participant panel or at the bottom of your
18 primary viewing window. Council members with
19 questions will be announced in order as they raise
20 their hands and Chair Moya will then recognize
21 members to speak. Witnesses are requested to remain
22 in the meeting until excused by the Chair as Council
23 members may have questions. Finally, there will be
24 pauses over the course of this meeting for various
25 technical reasons and we ask that you please be

2 patient as we work through any issues. Chair Moya
3 will now continue with today's agenda items.

4 CHAIRPERSON MOYA: Thank you, Arthur. I
5 now opened the public hearing on LU 792 for the West
6 16th Street proposal requesting a zoning special
7 permit and relating to property in Council member
8 Treyger's district in Brooklyn. I will remind the
9 viewing public for anyone wishing to testify on this
10 item, if you have not already done so, you must
11 register online in advance and you may do that now by
12 visiting the Council's website. Counsel, if you
13 kind, please call the first panel for this item.

14 COMMITTEE COUNSEL: the applicant panel
15 includes Eric Palatnick, land-use counsel for the
16 applicant, DJ Banks as the applicant, and David
17 Morace as the project architect. Panelists, if you
18 have not already done so, please accept the unmute
19 request in order to begin to speak. Panelists,
20 please raise your right hands. Do you affirm to tell
21 the truth, the whole truth, and nothing but the truth
22 in your testimony before this subcommittee and in
23 answer to all Council member questions?

24 ERIC PALATNIK: I do.

25 DJ BANKS: Yes.

2 DAVID MORACE: Yes.

3 COMMITTEE COUNSEL: Thank you.

4 CHAIRPERSON MOYA: Okay. Thank you. When
5 you are ready to have your presentation shown on
6 screen, please say so and it will be shared and
7 displayed by our staff and the slides will be
8 advanced for you when you say next. As a technical
9 note for the benefit of the viewing public, if you
10 need an accessible version of this presentation,
11 please send an email request to
12 landusetestimony@Council.NYC.gov. And now, if the
13 panelists would please restate your names,
14 organizations for the record, you may begin.

15 ERIC PALATNIK: Good morning. My name
16 is Eric Palatnik. I am an attorney representing
17 Bedford Carp which is the applicant. And DJ can
18 introduce yourself and, Raj, you can introduce
19 yourself.

20 DJ BANKS: Good morning. This is DJ
21 Banks, Bedford Carp Construction.

22 DAVID MORACE: Good morning. This is
23 David Morace. I am from Joseph Morace Architects
24 office. I am filling in for my brother, Raj Morace,
25 who is actually the lead architect on this. You just

2 had a baby two days ago, so he was unable to attend
3 today, so I am here to answer questions when I can,
4 but I think Eric will know everything.

5 ERIC PALATNIK: Thank you.

6 Congratulations to your brother and your family. If
7 you may pull up the slides, please. The slides.

8 Thank you very much for hearing us today. My name is
9 Eric Palatnik. There is some background noise if
10 somebody can mute themselves. I'm not sure if
11 anybody else can hear that, as well. I don't know if
12 you have control over that, Mr. Lassiter. But thank
13 you. That is a little better. We are here today for
14 this block of West 16th Street four 5500 square foot
15 lot which you can see there which is up against and
16 AutoZone and the site is 5500 square feet in an M12
17 zoning district in the special Coney Island mixed use
18 district. It rests within the confines of community
19 board 13 and it also falls within the district of
20 Councilman Treyger. The reason we are here to meet
21 with you today is to request your permission to build
22 a two-story warehouse type contracted establishment
23 for Bedford Carp that will be about 9000 square feet.
24 9956 square feet and it will be two stories. The
25 ask we are making it is an application pursuant to

section 102-32A of the zoning resolution. That is a quirky section of zoning that says that in the special Coney Island mixed use district, which this falls within, that you cannot have a manufacturing use or a warehouse use for the type that we're proposing here without first securing approval from the City Planning Commission through a special permit. So, just to digest that for a second, in a manufacturing district, an M12 in New York City, you cannot have a permitted use that would be allowed in most manufacturing districts without first obtaining a special permit. I think the intent many years ago was well placed. As I take you deeper through this application, you can see the result it has had on this block. But, nonetheless, we are hereunder that section and we meet the findings. And I would like to present the findings to you. That we are proposing which is an [inaudible 00:11:31] proposal, but it is use group 16 use. We could have a commercial or an M use provided that we show that we meet the performance standards in a manufacturing district, that there will not be any negative truck traffic generated. And we have a letter from a traffic consultant to support that. And that the

1 proposed use does not displace or preempt anything
2 which is essential to the functioning more growth of
3 residents and residences in the area. So, we will go
4 through this application in a minute and I will show
5 you how we meet the findings. Next slide, please.
6 This gives you a summary of what we are proposing
7 which is, as I said a moment ago, section 106 - 32A
8 which is in the top left corner to allow use group 16
9 D use. The existing conditions I outlined a moment
10 ago-- it's the 5500 square foot lot in an M12
11 district within the confines of community district 13
12 as well as Councilman Treyger's district. The
13 proposed conditions are in the top right. It's a
14 two-story proposed warehouse on what is now a vacant
15 piece of land. It will be about 10,000 square feet.
16 It will be two stories which totals the total height
17 of 45 feet and we will show you that. It is located
18 within a flood zone and it will have a loading birth.
19 I will also show you throughout the application that
20 we have made an agreement with the community board
21 and the Councilman's office, which you submitted a
22 letter in writing agreeing that DJ Banks, which is
23 the applicant, will not do any construction during
24 the summer months because it is a very important that
25

1 the traffic not be disrupted at all for the beach
2 traffic. And I will show you that as we go through
3 it. We have also made a commitment to a local hiring
4 with minority and women owned business enterprises,
5 as well as with the number of unions which we already
6 work in conjunction with as a part of many projects.
7 Next slide, please. As I am presenting to you--
8 Next slide, please. Next slide, please. This whole
9 situation is probably fairly clearly [inaudible
10 00:13:31] as to where we are. Coney Island Creek is,
11 of course, and the top right. The AutoZone I
12 mentioned is right next to office there. You can see
13 it. West 16th is a one-way road leading in a
14 southerly direction towards the ocean. The concerns
15 that were brought up at the community board where the
16 Cropsy Avenue-- and you can see Hart Place at the
17 top there. Hart Place is sometimes taken as a
18 shortcut for folks to get around Cropsy Avenue and
19 get to the beach and they will go down West 16th
20 Street. Additionally, we have been alerted to the
21 fact that you can see West 16th Street has quite a
22 character to it which is kind of a mixture of vacant
23 lots and car uses and underutilized properties and
24 older properties, but that block is one way and
25

2 trucks sometimes double park on that block. So, we
3 have been asked to do our best not to park in any
4 trucks. What we are asking you for, by the way,
5 should mention, is for DJ Banks to have their
6 infrastructure, one of their facilities located here.
7 What they do is they build out the infrastructure for
8 the city and the state under contracts, on the
9 roadways. They build to the retaining walls. They
10 build the drainage you see. They build guardrails.
11 They build roadways. So, they do that all over the
12 city of New York under contract. As a result, they
13 like to have, quote unquote, depots around the city
14 where they keep supplies. It's not necessarily
15 active 24/7. It's not active 24/7 at all. It's only
16 active 9-5 and it's active during the days that they
17 are busy. They'll take in deliveries. They control
18 the trucks that come in and they will keep the
19 supplies there and then, when people need goods or
20 materials, I should say, for the road projects
21 they're working on in this part of Brooklyn, they
22 will come to the site at a scheduled time. A pickup
23 truck or a utility truck will come or a truck that's
24 bigger, if need be, but not 18-wheelers, and they
25 will pick up what they need. And they are on the

1 phone right now. They can explain in greater detail
2 in a second. As you look through this map that I
3 put in front of you, you can see the host of uses
4 that are around us. We can see that there's vacant
5 land, there's parking, there's a lot of parking,
6 there's auto body, there's, rather, mixed use, as
7 well as some residential. The residential that is
8 there, actually, is not all active residential. Some
9 of it is dormant. Next slide, please. This gives
10 you an indication of where the property is. I will
11 take you deeper in a second. Next slide, please.
12 This shows you the tax lot at issue. It is lot 74.
13 We've already seen it. Next slide, please. Please
14 skip to slides, actually, that will take to it to
15 show everybody where-- there you go. That is
16 perfect. We are in a flood zone. We are in a flood
17 area V. You will see a door on the renderings that I
18 am going to present to you in a few moments that show
19 a door elevated to address the flood zone. That is
20 to address any potential extreme flooding that could
21 occur. There is an exit any grass door which we will
22 see which looks rather-- if you weren't aware of
23 what it is for, that is what it seeks to address.
24 Next slide, please. I will take you to the street
25

2 that we are on. The street, this is the site in the
3 top left corner that you are looking at and this is
4 why I am presenting to you today. I hope it's
5 something you will see as a significant improvement
6 to the area. Due to the location within the special
7 Coney Island mixed use district, any vacant site that
8 tries to apply for and as of right use has to go
9 through this process. We are three years into this
10 process right now culminating, hopefully soon, with
11 your support, we would hope. That could take this
12 vacant lot, which cannot be developed upon without
13 your approval, and build what we would like to build,
14 which is a two-story contractors type of
15 establishment. If you would go pan around, you can
16 see the AutoZone is a rather sharp looking building
17 to our right, but we get the backside of it and then
18 you can see the remainder, please. And to the next
19 slide, please. This is just giving you the
20 perspective of the block. Now, from taking into the
21 plans, right here we are showing what we would like
22 to build. We are requesting your permission to build
23 the building that you see. You were good right
24 there, but that's okay, too. The two-story
25 contractors establishment you see right there. Next

1 slide, please. This is the proposed bulk or massing
2 of the building. There is not much to it. It is not
3 anything I think that would win any sort of
4 architectural awards, although it will be built using
5 very nice facing materials that will mimic what you
6 see next-door with the backside of the AutoZone and
7 the height that you are seeing is also partly a
8 result, of course, of the flood zone requirements, as
9 well. Next slide, please. This is the buildings
10 statistics, but most important, the zoning
11 calculation I can show you here is that, if you look
12 at the grayed area in the middle, it is representing
13 the proposed building. You will see the second floor
14 of the rear does step back by about 20 feet. So, the
15 building will be setting lot line to lot line except
16 for the second floor rear except where there is a
17 setback of 20 feet. Next slide, please. Next slide,
18 please. This is the end table, but there is a better
19 one for you. Next slide. There you go. That is
20 much better. This was created at the request of the
21 community board. That shows you an illustrated plan
22 to show you what the building would look like faded
23 out inside. The bottom is the lower level. The top
24 is the second floor. The idea simply is, as I
25

2 suggested a moment ago that they have sites where
3 they do construction on the street systems and other
4 infrastructure. They are a union shop. They have
5 minority women participants. Not minority women
6 owned, and they are a union operated shop. I will
7 let my client speak to you in greater depth about
8 which unions they have, but there is Teamsters for
9 tracking, Teamsters for delivery, and there are the
10 engineers local 15. Going back to the side and what
11 you see here is where all of these union members will
12 be bringing trucks into the site and into the
13 building. The overhead door will be a rolldown.
14 There will be no offloading on the street. No
15 disruption to the street system. They don't take out
16 that many trucks at the same time. They control all
17 of their deliveries in and all of their deliveries
18 out. This is them distributing materials to the
19 sites. So, you see to 18 foot flatbed trucks could
20 fit inside and then they could load them up with
21 whatever items they need. In moving to the next
22 slide, I think now-- Oh. I think you are out of my
23 slides here, but this is probably as good a party as
24 any to stop and, maybe go a few more slides for word
25 and you will see a rendering and we would be happy to

2 answer any questions anybody may have if you can find
3 the rendering there. I don't know if you can find
4 it. There you go. So, that is a rendered image of
5 the building with the surfacing materials and the
6 materials [inaudible 00:20:23] designed to
7 accommodate or match the AutoZone to our right. I'd
8 be happy to address any other questions you may have
9 including our letter to the community board of our
10 commitment and our architect is here as is David, as
11 is DJ Banks, who is the proprietor of Bedford Carp.
12 Thank you for the time.

13 CHAIRPERSON MOYA: Thank you. Thank you,
14 Eric. Just a couple of questions here. One, if you
15 could just respond to the Brooklyn Borough
16 President's recommendations on limiting construction
17 to the tourist off season.

18 ERIC PALATNIK: Yes. We made a-- We
19 gave a letter, a commitment, in writing that we
20 submitted and Mr. Banks is on the phone of Bedford
21 Carp. They are a New York City based organization.
22 They understand where they are and they have
23 committed to not building during the summer season
24 which would, essentially, be from our rainy day of
25 yesterday or this past weekend through labor day and

2 then they would anticipate building during the winter
3 months. It's only about a six month build, so they
4 don't have any problem building from October through
5 April or so to be done.

6 CHAIRPERSON MOYA: Okay. Great. And when
7 it comes to local hiring, can you describe your plans
8 for local hiring instruction and how many local hires
9 would typically be involved in a project like this?

10 ERIC PALATNIK: Sure. DJ, do you want
11 to give some information--

12 DJ BANKS: Sure.

13 ERIC PALATNIK: of where you do your
14 hiring from? You can probably answer it better than
15 I can.

16 DJ BANKS: There is-- Well, as you
17 know, we are affiliated with every major--

18 ERIC PALATNIK: DJ, just introduce
19 yourself and give your title so they know who you
20 are.

21 DJ BANKS: I'm DJ Banks of Bedford Carp
22 Construction. I'm the managing partner and vice
23 president.

24 CHAIRPERSON MOYA: Thank you, DJ.

2 DJ BANKS: You're welcome. Yeah. We
3 are affiliated with every major heavy construction
4 union in the city of New York from operating
5 engineers which is local 15 and 14, Teamsters for our
6 trucking delivery, local 282, as well as various
7 labor unions, dock builders, carpenters, plumbers,
8 etc. Everything that would pertain to the heavy
9 construction industry water main construction and
10 road reconstruction as the projects begin to
11 complete.

12 CHAIRPERSON MOYA: Great. But my question
13 was also how many local hires would typically be
14 involved in a project like this?

15 DJ BANKS: Right now, we have all of our
16 crossing guards and our security is hired through a
17 minority business enterprise and then we hire from
18 different-- well, they are all union, but they are
19 community groups that work within us for laborers and
20 other skilled trades, as well. We have a certain
21 percentage that we have to meet through contract with
22 the city of New York and, obviously, we meet those
23 requirements and then some. We usually exceed it.

24 ERIC PALATNIK: And in addition, all
25 that we did speak to the Council met and agreed to

2 work with Workforce One, the Coney Island office of
3 Workforce One, which is a locally based hiring
4 initiative. So, and he does agree to do that and
5 enter into that with the Councilman.

6 CHAIRPERSON MOYA: Okay. But just, if you
7 could, at some point get back to me on how many local
8 hires typically would be involved in a project like
9 this.

10 DJ BANKS: Well, we're going to look to
11 local hiring as far as builders. We're not building
12 construction where heavy construction [inaudible
13 00:24:10] water mains, roadway construction, things
14 of that nature. So, we would be hiring a building
15 contractor to put this building up for us and, you
16 know, so we would certainly invite local or minority
17 business enterprises to give bid on this project, as
18 well.

19 CHAIRPERSON MOYA: Okay. All right. Thank
20 you. And, lastly, how can we ensure the follow up
21 and progress report on these commitments?

22 DJ BANKS: Well-- Go ahead. I'm
23 sorry.

24 ERIC PALATNIK: No. You first, David.
25 You first, DJ.

2 DJ BANKS: Well, I mean, needless to
3 say, the project is-- right now, there's another
4 contractor, not ourselves, that is working on another
5 sewer and rotary construction project on West 16th.
6 It would be next to impossible for us to start this
7 project while they are still ongoing and they are
8 also going to provide us, when their project is
9 complete, with the outlet for both the sanitary--
10 the new water main and the storm sewer, as well. So,
11 our project, our building project, will be delayed
12 until that project is complete and they provide us
13 the outlets for both our sanitary and storm.
14 Immediately preceding the final road restoration on
15 West 16th and, of course, out of the Memorial Day,
16 Labor Day embargo, we would start construction in
17 there. And prior to that, we would begin to
18 advertise for building and local help to prepare the
19 site and the building going forward.

20 ERIC PALATNIK: And we could also alert
21 the Councilman who is in place at that time, as I
22 anticipate that could occur after the next election
23 and we could also alert the community board as to
24 when we are doing that.

2 CHAIRPERSON MOYA: Okay. Great. Thank
3 you. That's it for questions for me. I also just
4 wanted to acknowledge that we have been joined by
5 Council member Treyger and Council member Feliz. So,
6 counsel, is there any of my colleagues that have any
7 questions for this panel?

8 COMMITTEE COUNSEL: Chair, I see no
9 members with questions for this panel.

10 CHAIRPERSON MOYA: Okay. There being no
11 further questions, the applicant panel is excused.

12 ERIC PALATNIK: Thank you.

13 CHAIRPERSON MOYA: Thank you. Thank you
14 all for being here. Counsel, are there any members
15 of the public who wish to testify on the West 16th
16 special permit application?

17 COMMITTEE COUNSEL: If there are any
18 members of the public who wish to testify on the West
19 16th Street special permit under LU 792, please press
20 the raise hand button now. The meeting, Chair, the
21 meeting will briefly stand at ease while we check for
22 any new only registered members of the public. Chair
23 Moya, I see no members of the public who wish to
24 testify on this item.

2 CHAIRPERSON MOYA: Okay. Thank you. There
3 being no members of the public who wish to testify on
4 LU 792 for the West 16th Street special permit, the
5 public hearing is now closed and the item is laid
6 over. I now opened the public hearing on LU 806 and
7 8074 that St. Joseph 1949 Bathgate Avenue rezoning
8 proposal which seeks a zoning map amendment and a
9 related zoning text amendment relating to property in
10 Council member Feliz's district in the Bronx. Once
11 again, if you wish to testify in this meeting, please
12 visit the Council's website now to complete the
13 online registration process or you may also submit
14 written testimony to land use
15 testimony@Council.NYC.gov. Counsel, can you please
16 call the first panel for this item?

17 COMMITTEE COUNSEL: The applicant panel
18 includes Carolyn Harris, land-use counsel for the
19 applicant, Susan Albrecht, Father Eric Cruz for the
20 applicant, and Rachel Simpson as the project
21 architect. We will also have it available for Q&A is
22 needed Father Mike Kissane, Jill Gentile, Shannon
23 Graham Smith, Herald Moss, Joseph Rosenberg, Johanna
24 Cletter, and Tim Collins. Again, the primary panel
25 will be Carrie Harris, Susan Albrecht, and Father

2 Eric Cruz, and Rachel Simpson. Panelists, if you
3 have not already done so, please accept the unmute
4 request in order to begin to speak. Now, panelists,
5 please raise your right hands, panelists. Do you
6 affirm to tell the truth, the whole truth, and
7 nothing but the truth in your testimony before this
8 subcommittee and in answer to all Council member
9 questions?

10 FATHER ERIC CRUZ: Yes.

11 CAROLINE HARRIS: I do.

12 RACHEL SIMPSON: I do.

13 COMMITTEE COUNSEL: Thank you.

14 CHAIRPERSON MOYA: Okay. Thank you. So,
15 just let me read the procedures for all of you. When
16 you are ready for your slideshow to be displayed,
17 please say so and it will be shared on screen by our
18 staff. Slides will be advanced for you when you say
19 next. As a reminder for anyone who requires an
20 accessible version of this presentation, please send
21 an email request to land use
22 testimony@Council.NYC.gov. And now, if the panelists
23 would please restate your names and organizations for
24 the record, you may begin.

2 CAROLINE HARRIS: Thank you very much,
3 Chair Moya, and to the whole committee. I am
4 Caroline Harris, partner at Goldman Harris Two. We
5 are the land-use counsel for the applicant and I am
6 accompanied by Susan Albrecht who is the director of
7 Association of What Homes New York, New York
8 Institute of Human Development. Susan, do you want
9 to waive? And Father Eric Cruz who is-- I don't
10 know his title other than father-- with Catholic
11 Homes. We have Rachel Simpson, architect from MAP
12 Architects. Rachel? Thank you. And also with us
13 are Tim Collins from [inaudible 00:31:19] Advisors
14 who is a financial consultant on this project. And
15 available for questions, as well, and part of the
16 presentation, Herald Moss, from Beacon of Hope, and
17 Shannon Graham Smith who is with New York Foundling.
18 Is Jill with us, too, today? And Jill. Great. And
19 I understand that we are also fortunate to have
20 Father Kissane here today who can address any
21 questions. But perhaps before Susan, you even
22 jumping into the presentation, if either of the
23 Fathers would like to say anything immediately, we
24 would welcome your comments.

2 SUSAN ALBRECHT: I don't see Father Cruz
3 on the line. I wasn't sure if he made it in, but I
4 do want to introduce Father Kissane as the paster of
5 the Merge Parish of St. [inaudible 00:32:12] and St.
6 Joseph's. Father, do you want to say a couple words?
7 This is to start.

8 FATHER KISSANE: Yes. Yes. We've been
9 working on this project for a while and I'm confident
10 just from knowing the neighborhood and being in the
11 neighborhood that the building is going to be a very
12 nice building and it's certainly going to be
13 something that will help the area and provide
14 residential housing for people that are needing that.
15 And that's why I know Catholic Charities supports it
16 and know why we want to build a building. We want to
17 find some good use for the property after the church
18 was taken down because of structural problems and
19 that in this we feel is the good use of the property.

20 SUSAN ALBRECHT: Thank you, Father.

21 CAROLINE HARRIS: So, Susan, why don't you
22 start off with describing Catholic Homes and mission
23 and then I'll come back to discuss the land use
24 aspects of the project?

2 SUSAN ALBRECHT: So, we want to look at
3 the PowerPoint?

4 CAROLINE HARRIS: Yes. Why don't we turn
5 on the PowerPoint. Good idea.

6 SUSAN ALBRECHT: Okay. Great. Okay. As
7 Carrie mentioned, I am Susan Albrecht with the
8 Association of New York Catholic Homes. We're the
9 housing office of Catholic Charities in the
10 archdiocese of New York. This is a cover sheet that
11 illustrates the project, St. Joseph's apartments.
12 And we will be going through their presentation today
13 on the access and the building bulk. You can go to
14 the next slide. So, our team, as Carrie mentioned,
15 is Catholic Homes is the developer. We have MAP
16 architects. Obviously, Carrie from Goldman Harris is
17 working on the land use. Rockaville Advisors is our
18 financial consultant and our social service providers
19 are the Catholic Charities community services Beacon
20 of Hope program and the New York Foundling. Next
21 slide. So, in terms of our mission, Catholic
22 Charities is committed to providing high quality,
23 safe, affordable, supportive housing for families and
24 those with special needs. As you can see here, we
25 have 13 buildings currently with over 2700 units of

1 affordable housing. This is three photographs of
2 some of the work that we have recently done. The one
3 on the left is Second Farms which was upzoned a few
4 years ago and just completed its construction and
5 it's currently being occupied. 219 units. The one
6 in the middle is St. Augustin apartments which,
7 again, was the site of a former parish. St.
8 Augustin. And on the right is a project that we are
9 hoping to break ground on in the next year on the
10 lower East Side at Clinton Broome. So next slide.
11 So, we're going to review today the rezoning
12 application to go from R6A to R7D to enable us to
13 create 287 units of low income and supportive housing
14 on the site of the former St. Joseph's church.
15 Again, as we know, 130 units will be supportive
16 housing to be managed by Beacon of Hope and New York
17 Foundling and 157 units will be for low income
18 families. Again, our objectives are to reuse the
19 church site for affordable and supportive housing,
20 develop a building adhering to environmentally
21 responsible and energy efficient design and to start
22 construction late this year, most probably early next
23 year. Carrie?

2 CAROLINE HARRIS: If you could advance the
3 slides, please. So this is an aerial view of the
4 site and the area around it. And the next slide.
5 The project site is on the block bounded by Easter
6 Tremont, Bathgate Avenue, East 178th Street, and
7 Washington Avenue. It's on the northern half of the
8 block. It's comprised currently of, as you see, four
9 different tax lots. They're all owned by the
10 developer and consolidated into one tax lot. Move
11 ahead, please. The site existing conditions is that
12 the site has already been-- the church has already
13 been demolished and that's the demolition site. Next
14 to it to the left in the bottom of the photograph is
15 the three-story parochial school built in 1901. It's
16 a former police precinct and it is on the national
17 register. And on the other side of the street is a
18 four-story office building built in 1931 and it is
19 not landmarked. The rezoning is going to cover 4
20 feet of those properties in order to have an even
21 line going across the block and a proper distance on
22 a zoning map. But those buildings are not going to
23 be affected otherwise by the rezoning. Move forward.
24 Advance the slide, please. So, here, again, you can
25 see on the zoning map on the left is the correct

1 zoning R6A highlighted in pink and we are proposing
2 to change that to R7D which you can see on the right
3 side. Move forward, please. The existing zoning in
4 the R6A district allows residential use up to 3.9 FAR
5 with AIRS, otherwise 3 FAR and it has been maximum
6 building height of 80 feet. What is being proposed
7 today would allow up to 5.6 with AIRS and mandatory
8 inclusionary housing with residential use, otherwise,
9 at 4.2. The primary reason for this rezoning is in
10 order to get the additional F a R and the building
11 height of 110 feet. There had been discussion about
12 why aren't we re-zoning it to be the same zoning as
13 on Tremont Avenue which is a C45X, or the equivalent
14 of an R7X. That zoning district provides much more
15 height than would be needed for this project because
16 the project is on to corners and is able to utilize
17 its floor area at a lower height than the C45X would
18 allow. And so we are very comfortable with the R7D
19 districts zoning and the floor area that it affords.
20 If you could move forward, please the new building,
21 which is the proposal on the right, as you can see,
22 is a much larger building that would be facilitated
23 in comparison to the existing building on the left.
24 We will be moving forward to describe the building,
25

2 but just to give you a little bit more context about
3 the site, the block itself has a very steep slope.
4 It is a 20 foot slope, so the building has been
5 designed with that in mind and has two different
6 heights which Rachel will explain more about and how
7 that is been appropriated into the design of the
8 building. And the area has transit rich buses,
9 subway stations near Metro North. There are large
10 parks nearby and, in addition, on this project site
11 on the interior of the site, there will be landscaped
12 area for use of the tenants. So, I'd like to turn
13 the presentation over to Rachel from MAP Architects.
14 Rachel Simpson.

15 RACHEL SIMPSON: Hey.

16 CAROLINE HARRIS: And if you could advance
17 the slide, please.

18 RACHEL SIMPSON: Thanks, Carrie. What
19 was previously mentioned is that this building will
20 be a mixture of family housing and supportive housing
21 administered by both the Beacon of Hope organization
22 and New York Foundling. And I have several different
23 communities that are intended to be served by this
24 building. So, we are conceiving of the building as
25 one single U-shaped building with a single entrance

1 at the ground floor and a shared lobby and amenities
2 at the ground floor, but of which the building will
3 split programmatically and functionally into two
4 separate wings. One waiting for Beacon of Help and
5 some family housing and the other waiting for New
6 York Foundling and family housing with the idea being
7 that, and a large building, 287 units is large, and
8 dividing the program up into smaller wings would
9 allow for more community. A greater sense of
10 community amongst the residents on each floor and in
11 each wing and also a little more manageable in terms
12 of building management and how the services are
13 offered in a building. So, I believe, in this corner
14 you are looking at a rendering of the building from
15 the corner of Bathgate and East 178th Street looking
16 approximately Southwest. And you see here at the
17 corner an existing or reconstructed rock wall that
18 was part of the original format of the buildings on
19 site. We are hoping to preserve additional rock and
20 granite from the original building to repurpose on
21 site in the landscaping and some site amenities like
22 this. I think we can go to the next slide now. So,
23 what we are seeing on this slide are on the left site
24 plans showing the general form of the building in the
25

1 use shape. To the north of-- Sorry. At the top of
2 the slide, we are seeing Bathgate Avenue and on the
3 left is East 178th Street. So, North is to our left
4 here and at the bottom of the slide is Washington
5 Avenue. So the central entrance is at East 178th
6 Street and that's to allow us to really tuck the
7 building into that big steep slope to minimize some
8 of the massing of the building and to take advantage,
9 really, with the extreme grade change here. The
10 image on the right is an aerial rendering from the
11 opposite corner at East 178th Street and Washington
12 Avenue showing the façade articulation in, the
13 general building Street wall at about seven to eight
14 stories, depending upon the elevation-- or, sorry.
15 The street that you are all on because of that grade
16 change. And we can go on to the next slide, as well.
17 This is showing some typical floor plans. To the
18 left is the first floor plan with a central entrance
19 and lobby shared lobby at the joined part. The short
20 leg of view which leads to a shared courtyard,
21 landscaped courtyard that is accessible by all
22 residents and inclusionary design to allow for
23 various gathering and programming aspects there. And
24 we have some slides later on to show you a little bit
25

1 more of that. At this first floor, we also have both
2 office suites for the supportive service providers
3 accessible to-- easily accessible off the lobby for
4 all residents to use. We also have some amenities at
5 the ground floor, including laundry, community rooms,
6 meeting rooms, recreation rooms, and some support to
7 support the supportive service providers. On the
8 right is a typical floor plan showing, then, but that
9 ground-floor the two wings split off of this elevator
10 lobby. Each wing has its own stair and elevator core
11 and its own, you know, support amenities, but shared
12 building services. And I believe we can go, then, to
13 the next slide. This is a ground of you rendering
14 from Washington Avenue at East 178th Street showing a
15 very transparent Street condition into the supportive
16 service offices. This is looking into the Beacon of
17 Hope office is in a very well-lit path for folks
18 walking along Washington Avenue on to East 178th
19 Street to the building entrance to make it very safe
20 and well-lit and active. We can go to the next
21 slide, also. This is a Street view from East 178th
22 Street showing the main entrance and you can see,
23 actually, the very extreme grade change here from
24 Bathgate down to Washington Avenue. To the right of
25

2 the slide, you have a breakdown of the units showing
3 studios, one bedrooms, two bedrooms, and three
4 bedrooms, makes a family housing in the supportive
5 units for a total of 287. And I believe the next
6 slide does show a little bit of the AMI which I will
7 defer to Susan to speak more briefly.

8 SUSAN ALBRECHT: Okay. Sure. So, we're
9 anticipating financing through the state HFA for tax
10 exempt bonds and tax credits and then we will also be
11 looking for supportive service funding through--
12 which is already been awarded-- through the Empire
13 State Supportive Housing Initiative, ESSHI. But this
14 is just an example of the projected rent ranges that
15 we are looking at right now for the family units.
16 Next slide.

17 RACHEL SIMPSON: And I believe the next
18 few slides are just some images of the proposed
19 landscaped courtyard. I think we can all agree after
20 the last year how important outdoor space is to well-
21 being and health and community. And so, as an
22 amenity, we would like to offer for the residents,
23 all of the residents, you know, various options for
24 small groups or larger group outdoor space. This is
25 a site plan of that courtyard and I think the next

2 slide does have a rendering of that. You can move to
3 the next slide. Correct. This is a rendering
4 looking from the open end of the shape of the
5 building back towards the shared lobby and the
6 elevator lobby is that you would see at each floor
7 which provide a lot of transparency through the
8 building into the courtyard and really lovely amenity
9 for community space for the residents.

10 CAROLINE HARRIS: So it--

11 RACHEL SIMPSON: And is this-- Oh.

12 Sorry. Go ahead, Carrie.

13 CAROLINE HARRIS: No. I was going to say
14 that we can advance to the next slide and I can't
15 pick up from here. So we are, as you know, nearing
16 the end of ULURP. We are very grateful to the get a
17 unanimous community board support from community
18 board six and support from the borough president with
19 glowing recommendations. As the land-use attorney,
20 it was pretty gratifying to see and hear the support
21 that we got from both and I wanted to acknowledge
22 Council member Oswald Feliz. We are in his district.
23 We are before you know and we are looking forward to
24 getting your support and the city Council support for

2 this really important project and are very happy to
3 answer any questions that you may have.

4 CHAIRPERSON MOYA: Okay. Thank you very
5 much. Can you discuss your plans for local hiring or
6 MWBE participation during construction and in terms
7 of jobs that would be available on site once
8 construction is complete?

9 CAROLINE HARRIS: I will let Susan answer
10 that question, but just want to point out that
11 Goldman Harris Two is a WBE.

12 SUSAN ALBRECHT: Yeah. Thanks, Carrie.
13 So, we have not engaged a general contractor as of
14 yet. We are hoping to do that fairly soon after the
15 rezoning as we get into more detailed architectural
16 drawings, but we are committed to local hiring and to
17 MWBE and, certainly, our financing will require that,
18 as well. I know on our most recent job that we had,
19 it is St. Philip [inaudible 00:48:36] brand-new
20 construction project up in Bedford Park. I believe
21 it is at least 40 percent MWBE in terms of
22 contractors. And in terms of local hiring, the way
23 that we have worked it on our other jobs like at
24 Second Farms, is that we asked the general contractor

2 to commit to using local hiring and interviewing
3 local groups and helping to provide training.

4 CHAIRPERSON MOYA: Great. Thank you. I
5 know you touched upon this a little bit in the
6 presentation, but I'm not sure. I might have missed
7 it. What kind of programs will be offered on site
8 for supportive housing residents with mental health
9 or substance abuse issues?

10 CAROLINE HARRIS: I'm going to ask Harold
11 Moss who is the director of Catholic Charities Beacon
12 of Hope to respond to that.

13 HAROLD MOSS: Good morning. So, we will
14 have 70 individuals with a history of homelessness
15 and serious mental illness. Some of those folks will
16 have histories of substance use as well as forensic
17 backgrounds and the idea there for services is to
18 provide ongoing case management services throughout
19 their stay which includes individuals and group
20 activities, on-site activities, and off-site
21 activities and to document all those services. Part
22 of our role is to ensure that those folks are
23 connected to the services that they need with
24 providers in their local community.

2 CHAIRPERSON MOYA: Thank you. And what
3 kind of programs will be offered on site for
4 residents that are aging out of foster care?

5 CAROLINE HARRIS: I'm going to ask our New
6 York Foundling. I believe either Shannon or Jill.
7 Shannon-- Oh. There you are. Shannon, you're
8 muted. I guess you have to unmute Shannon. Can you
9 do that, Andrew? Thank you. Okay. So, you are on
10 muted, but we can't hear you. Is it working? Oh.
11 There we go. Okay. Good.

12 SHANNON GRAHAM SMITH: Can you hear me
13 now?

14 CAROLINE HARRIS: Yes.

15 SHANNON GRAHAM SMITH: Okay. Great.
16 Sorry. That wasn't working. Thank you for having
17 us. So, Jill Gentile and I are working closely to
18 both share staff-- we'll have individuals with
19 developmental disabilities as well as those aging out
20 of foster care, but we are working to kind of have a
21 cohesive kind of pattern and group and programs for
22 all of our residents in the New York Foundling. But,
23 for the foster care folks specifically, we are
24 looking at sustainability as the theme. So, we want
25 to provide support, but we also want to support them

2 in thinking about the future and becoming the
3 sustainable not requiring our assistance long term.
4 So, we are proposing to, again, similar to the Beacon
5 of Hope, take a case management approach, but a very
6 focused case management approach providing a program
7 called Mobility Mentoring which helps residents
8 create individual service plans with a focus of
9 financial sustainability and also on site for anyone
10 who has any mental health needs, we, as an agency,
11 provide a lot of behavioral health, both mental
12 health on site in their apartment should they want
13 that. So, it would be community home-based for them.
14 Again, it's kind of individualized by their need, so
15 not have it is mandated, but we are going to work
16 hard to create community and attachment to our
17 programs and our directors and are people who will be
18 on site so that they can build a service plan that
19 works for them to really, again, goal is
20 sustainability for their own lives. I can drill down
21 and be more specific, if you would like, but the main
22 kind of overarching case management is mobility
23 mentoring.

24 CHAIRPERSON MOYA: That's great. Thank
25 you. Thank you. So, can we go back to slide 16--

1 or you actually don't have to go back. I'm just
2 going to ask this question. It might've been there,
3 but I've talked to Council member Feliz and I know he
4 is also very concerned about the affordable housing
5 units and the AMIs. Will the affordable households
6 with incomes that were 40 to 70 percent AMI, can you
7 provide a little bit more detail on the distribution
8 here? For example, how many units will be offered at
9 40 percent AMI level?
10

11 CAROLINE HARRIS: Yes. So, actually, have
12 to get that for you. I don't have that full
13 breakdown in terms of--

14 TIM COLLINS: I have that information.

15 CAROLINE HARRIS: Oh, you do have it, Tim?
16 Okay. Tim Collins, our financial advisor, has that.
17 Do you want to talk about it Tim?

18 TIM COLLINS: Yes. So, at the 40 percent
19 AMI level there was a plan to have three studios,
20 three one bedrooms, three two-bedrooms, and 33
21 bedroom units available and at the 50 percent level,
22 the same units break down. So, three units for
23 studios, one bedrooms, two-bedrooms, and three
24 bedrooms. So, a total of 12 units available for 40
25 percent AMI, 50 percent AMI. And then, at the 60

2 percent AMI band, there is going to be a total of 95
3 units available, 14 of those will be studios, 19 will
4 be one bedrooms, 32 two-bedrooms, and 30 three-
5 bedroom units.

6 CHAIRPERSON MOYA: Okay.

7 TIM COLLINS: And then, at the 70--

8 CHAIRPERSON MOYA: Can I get a copy that
9 breakdown?

10 TIM COLLINS: Yes. I can circulate that to
11 your group. Absolutely.

12 CHAIRPERSON MOYA: Great. Thank you so
13 much. And my last question here is what kinds of
14 security measures will be in place to ensure the
15 safety of the development residents in the community?

16 CAROLINE HARRIS: I'm going ask Harold
17 Moss to address that for Beacon of Hope.

18 HAROLD MOSS: Sure. So, in addition to
19 having security cameras in and around the entire
20 site, we will also have a front desk staff stationed
21 at the building entry 24 hours a day seven days a
22 week at most staff will be available to everyone in
23 the building. That includes the Beacon of Hope
24 residents, the New York Foundling residents, as well
25 as all of the community tenants to ensure that any

2 questions they have, any needs they have can be
3 addressed 24 hours a day. We will also have staff
4 lock the building particularly on the overnight
5 shifts just to make sure things are quiet as well as
6 view the external cameras, as well, to ensure the
7 community is safe and quiet.

8 CHAIRPERSON MOYA: Okay. Great. That's
9 all the questions that I have. I'm going to turn it
10 over to our counsel to see if we have any Council
11 members that have any questions.

12 CAROLINE HARRIS: I wanted to add one
13 other point to the security. The center entrance
14 also enables-- keeps the different populations from
15 going into each other's respective portions of the
16 building, so if you are living in the Beacon of Hope
17 site, you wouldn't have access to the New York
18 Foundling side upstairs. Although they are shared
19 areas, for example, in the garden would be shared.

20 CHAIRPERSON MOYA: Okay. Thank you. So,
21 now, I'm just going to turn it over to our counsel to
22 see if we have any Council members with questions.

23 COMMITTEE COUNSEL: Excuse me. No,
24 Chair. I see no members with questions or hands
25 raised at this time.

2 CHAIRPERSON MOYA: Okay. There being no
3 further questions, the applicant panel is excused.
4 Counsel, are there any members of the public who wish
5 to testify on the 1949 Bathgate Avenue proposal?

6 COMMITTEE COUNSEL: If there are any
7 members of the public who wish to testify on LU 806
8 and 807 for the St. Joseph's 1949 Bathgate Avenue
9 proposal, please press the raise hand button now.

10 Chair Moya, the meeting will briefly stand at ease
11 while we check for any members of the public who may
12 have registered.

13 CHAIRPERSON MOYA: Okay. Thank you.

14 COMMITTEE COUNSEL: Chair Moya, I see
15 no-- Sorry. I see no members of the public who wish
16 to testify on this item.

17 CHAIRPERSON MOYA: Okay. There being no
18 members of the public who wish to testify on LU 806
19 and 807 for the St. Joseph's 1949 Bathgate Avenue
20 proposal, the public hearing is now closed and this
21 item is laid over. At this moment, I would like to
22 take a moment to recognize Council member Levin and
23 also have our counsel to take his vote.

24 COMMITTEE COUNSEL: On a continuing
25 vote of the land use items, Council member Levin?

2 COUNCIL MEMBER LEVIN: I vote aye. Thank
3 you, Chair.

4 COMMITTEE COUNSEL: Chair, by a vote of
5 seven in the affirmative, zero in the negative, and
6 no abstentions, the items are approved and
7 recommended to the full land use committee. And the
8 vote is now closed.

9 CHAIRPERSON MOYA: Thank you. And that
10 concludes today's business. I will remind the
11 viewing public that for anyone wishing to submit
12 written testimony for items that were heard today,
13 please send it by email to land use
14 testimony@Council.NYC.gov. I would like to thank the
15 members of the public, my colleagues, the
16 subcommittee counsel, land-use and our Council staff,
17 and, of course, the sergeant-at-arms for
18 participating in today's meeting. This meeting is
19 hereby adjourned. Thank you.

20 [gavel]

21

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23

24

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C E R T I F I C A T E

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



Date _____ June 30, 2021 _____