

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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September 10, 2021
Start: 10:37 a.m.
Recess: 2:21 p.m.

HELD AT: HYBRID HEARING - Council Chambers -
City Hall

B E F O R E: Francisco Moya
CHAIRPERSON

COUNCIL MEMBERS:
Carlina Rivera
Diana Ayala
Barry Grodenchik
Stephen T. Levin
Antonio Reynoso
Joseph C. Borelli
Mark Levine

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

James Power
Kramer Levin

Mark Tress
Cedar Holdings

Nicholas Chelko, Architect
M A Architects

Richard Lobel, Counsel on behalf of applicant
Sheldon Lobel PC

Amanda Iannotti
Sheldon Lobel PC

Victor Filetti, Project Architect
T.F. Cusanelli and Filletti Architects

Dino Tomasetti, Applicant
10602 Rockaway Beach Boulevard

Judith Gallent, Counsel on behalf of
Applicant
Bryan, Cave, Leighton, Paisner

Lily Blank, Partner
307 Kent Avenue

Louis Silverman, Partner
307 Kent Avenue

Zachary Weiner, New York City Resident

Thierry Bonet, New York City Resident

Bart Noonan, New York City Resident

Eric Palatnic, Counsel on behalf of applicant
Eric Palatnic PC

Nancy Dune, Planner
VHB

Shiva Ghomi, Director of Planning and
Community Development
Aufgang Architects

State Senator Robert Jackson

John Reddick, New York City Resident

Jack Sorensen, New York City Resident

Signe Mortensen, Cochair
Land Use and Zoning Committee

Anita Chang, Member
Land Use and Zoning Committee

Barry Weinberg, Chair
Manhattan Community Board Nine

Kathleen Collins, New York City Resident

Michael Henry Adams, New York City Resident

Elizabeth Waytkus, Member
Manhattan Community Board Nine

Mariel Felix, New York City Resident

Kevin Jarvis, New York City Resident

Margaret Seeley, New York City Resident

Athena Lemakis, New York City Resident

Gabe Morales, New York City Resident

Walter Alexander, Member
Manhattan Community Board Nine

Angela Belicio
Department of City Planning

Christopher Lee
Department of City Planning

Chris Haner
DEP

Robert Paley
MTA

Munsun Park
MTA

Rachel Cohen
New York City Transit

Mike Shrinesberg, President
504 Democratic Club

Bradley Brashears, Planning Manager
Permanent Citizens Advisory Committee

José Hernandez, Advisory Coordinator
United Spinal Association

Miriam Fisher, New York City Resident

Craig Wallenstein, Disability Trainer &
New York City Resident

Felicia Park Rogers, Director of Regional
Infrastructure Projects
Tri-state Transportation Campaign

Hassan Mamun, New York City Resident

2 SERGEANT-AT-ARMS: Good morning, everyone.
3 At this time, we are ready to begin. Will all
4 sergeants please start their recordings?

5 UNIDENTIFIED: Recording in progress.

6 SERGEANT-AT-ARMS: PC recording has
7 started.

8 SERGEANT-AT-ARMS: Thank you.

9 SERGEANT-AT-ARMS: Hearing recording is
10 going. Is rolling.

11 SERGEANT-AT-ARMS: Thank you.

12 SERGEANT-AT-ARMS: The cloud is underway.

13 SERGEANT-AT-ARMS: And, Sergeant Martinez,
14 with your opening statement, please.

15 SERGEANT-AT-ARMS: Thank you. Good morning
16 and welcome to today's New York City Council hybrid
17 hearing of the Subcommittee on Zoning and Franchises.
18 At this time, word all panelists please turn on their
19 video? To minimize disruption, please sign your
20 electronic devices and if you wish to submit
21 testimony, you may do so via email at the following
22 address: landusetestimony@Council.NYC.gov. Once
23 again, that's landusetestimony@Council.NYC.gov.
24 Thank you for your cooperation. We are ready to
25 begin.

2 CHAIRPERSON MOYA: Good morning. I am
3 Council member Francisco Moya, Chair of the
4 Subcommittee on Zoning and Franchises. I am joined
5 today by Council members Grodenchik, Borelli,
6 Reynoso, Ayala, and Rivera. We are also joined by
7 Council member Levine. Today will vote on 840
8 Atlantic Avenue proposal which was heard by the
9 Subcommittee on August 3rd and we will hold public
10 hearings on the water 602 Rockaway Beach Boulevard
11 rezoning in Queens, the 307 Kent Avenue, and 2840
12 Knapp Street rezoning's in Brooklyn, the West 142nd
13 Street rezoning and the Windemere special permit in
14 Manhattan, in the proposed citywide text amendment no
15 one owns zoning for accessibility or ZFA. Before we
16 begin, I will note that, as we did in the
17 Subcommittee meeting of August 3rd, today we will be
18 accommodating public testimony via Zoom as well as
19 any members of the public who wish to testify in
20 person. If you are here with us in person and you
21 wish to testify, please fill out a speaker slip with
22 these sergeant-at-arms indicating your full name,
23 project name, or LU number and whether you are in
24 favor or against the proposal. For those who wish to
25 testify remotely, you must also sign up by

2 registering online. You may do that now by using the
3 land use division registration link available on the
4 Council's website at Council.NYC.gov/landuse.

5 Forward slash landuse. For each of the hearings held
6 today, applicant teams will be called first to
7 testify, followed by members of the public. Public
8 testimony will be limited to two minutes per witness.

9 If you have additional testimony you would like the
10 subcommittee to consider or if you have written
11 testimony you would like to submit instead of
12 appearing your before the subcommittee, you may email
13 it to landusetestimony@Council.NYC.gov. Please

14 indicate the LU number and or project name in the
15 subject line of your email. Anyone wishing to obtain
16 an accessible version of any of the presentations
17 shown today, please send me email request to

18 landusetestimony@Council.NYC.gov. Finally, please

19 note that the logistics of conducting a hybrid
20 hearing may require breaks or pauses as we coordinate
21 everyone's participation. We ask that you please be
22 patient as we work through any issues. And before we
23 returned to our hearings, we will vote to approve
24 with modifications LUs 826, 827 for the 840 Atlantic
25 Avenue rezoning proposal relating to property in

2 Majority Leader Cumbo's district in Brooklyn which
3 was heard by the Subcommittee at our August 3rd
4 meeting. The proposal seeks a zoning map amendment
5 in a related zoning text amendment to facilitate the
6 development of a new mixed-use residential
7 development with commercial and community facilities
8 space. Our modification will establish transition
9 areas down from this unique corner site. The
10 originally proposed C63X zoning district will be
11 maintained only at the corner of the two wide
12 streets, Atlantic Avenue and Vanderbilt Avenue, as
13 this site is uniquely appropriate for higher density.
14 Further used along Atlantic from this corner site,
15 the easternmost 50 feet of the rezoning area will be
16 modified to a C62A district to establish consistency
17 with the M Crown Community Plan framework developed
18 in cooperation between Community Board 8 and the
19 Department of City Planning. That framework calls
20 for higher density, specifically of the corner of
21 Vanderbilt in Atlantic Avenue which is in close
22 proximity of the high density Pacific Park
23 development to the west, along with the lower density
24 going east along the Atlantic corridor to match the
25 medium density character of Bedford Stuyvesant and

1 Crown Heights. On Vanderbilt Avenue, the southern
2 portion of the rezoning area will be modified to a
3 C63A district establish a transition to the historic
4 lower density character Pacific Street and Vanderbilt
5 Avenue to the south, also in line with the M Crown
6 Community Plan framework. In addition, to the MIH
7 text amendment will be modified to strike option II
8 and add option I and the deep affordability option.
9 Majority Leader Cumbo is in support of this proposal
10 as modified and I will read the statement on her
11 behalf.
12

13 I'm pleased to statement to support for
14 the 840 Atlantic Avenue development and encourage my
15 colleagues to support the application with
16 modifications and commitments from the applicant, 840
17 Atlantic Avenue presents a rare opportunity to secure
18 truly affordable housing in an affordable long-term
19 home for the beloved local arts organization and job
20 generating commercial space use on a site that is
21 currently home all only to a parking lot and fast
22 food restaurant. Those only modification will help
23 better align the application with the local community
24 planning goals by establishing positions away from
25 this high density intersection to the lower density

2 part of the new birth as developer has committed to
3 the following community benefits using the deep
4 affordable MIH option to provide 54 permanently
5 affordable units at 40 percent AMI for the family
6 making between 30,000 and 50,000. One second while
7 we get it back. There we go. 8000 square feet of
8 permanent, affordable space for nonprofit arts
9 organizations which will provide a long-term home for
10 the Jamaal Gaines Creative Outlet Dance Company,
11 50,000 square feet for the commercial space to
12 support local employment opportunities and a mixed
13 use walk to work neighborhood. The developer has
14 also come to an agreement with 32 BJ to provide good
15 building service jobs and will retain Team Brown
16 Consulting to develop a local hiring and sourcing
17 plan. I urge my colleagues to support this plan with
18 these modifications and benefits. I now call for a
19 vote to approve with modifications I have described
20 LU 826 and 827 for the 840 Atlantic Avenue. Council,
21 please call the role.

22 COMMITTEE COUNSEL: Chair Moya?

23 CHAIRPERSON MOYA: I vote aye.

24 COMMITTEE COUNSEL: Council member

25 Reynoso?

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2 COUNCIL MEMBER REYNOSO: I vote aye.

3 COMMITTEE COUNSEL: Council member

4 Grodenchik?

5 COUNCIL MEMBER GRODENCHIK: You called me?

6 Aye.

7 COMMITTEE COUNSEL: Council member

8 Ayala?

9 COUNCIL MEMBER AYALA: I vote aye.

10 COMMITTEE COUNSEL: Council member

11 Rivera?

12 COUNCIL MEMBER RIVERA: I vote aye.

13 COMMITTEE COUNSEL: Council member

14 Borelli?

15 COUNCIL MEMBER BORELLI: I vote aye.

16 COMMITTEE COUNSEL: Chair, the vote is

17 currently six in the affirmative, zero in the

18 negative with no abstentions. The vote will remain

19 open.

20 CHAIRPERSON MOYA: Okay. Thank you.

21 I now hope in the public hearing on LU 834 for the

22 Windemere proposal seeking a zoning special permit

23 and relieving the property in Speaker Johnson's

24 district in Manhattan. I will remind the viewing

25 public, for anyone wishing to testify remotely on

2 this item, if you have not already done so, you must
3 register online and you may do that now by visiting
4 the Council website. If you are here today in person
5 and wish to testify, please see the Sergeant-at-arms
6 to fill out a-- and submit a speaker card. The
7 first panel for this item includes James Power, land
8 use counsel for the application along with Mark Tress
9 and Nicholas Chelko for the applicant. This
10 applicant panel will be testifying remotely, so I
11 will now ask that they be unmute and, counsel, if you
12 would please administer the affirmation.

13 COMMITTEE COUNSEL: Panelists, please
14 raise your right hands and state your name for the
15 record.

16 JAMES POWER: James Power.

17 NICHOLAS CHALKO: Nicholas Chalko.

18 MARK TRESS: Mark Tress.

19 COMMITTEE COUNSEL: Thank you. Do you
20 affirm to tell the truth, the whole truth, and
21 nothing but the truth in your testimony before this
22 subcommittee and in answer to all Council member
23 questions?

24 MARK TRESS: I do.

25 UNIDENTIFIED: I do.

2 CHAIRPERSON MOYA: Thank you. We have
3 received your slideshow presentation for this
4 proposal. Uh, when you are ready to present it,
5 please say so will be displayed on the screen by our
6 staff and the slides will be advanced when you say
7 no. As a reminder for the viewing public, if you
8 need an excess of all version of this presentation,
9 please send an email request to
10 landusetestimony@Council.NYC.gov. And now, Mr.
11 Power, you and your team may begin.

12 JAMES POWER: Thank you very much. Good
13 morning. I am Jim Power from Kramer Levin. As
14 noted, I am joined by our client, Mark Tress, from
15 Cedar Holdings, and Nick Chelko from M A Architects.
16 Mark would first like to say a few words about the
17 project. Mark?

18 MARK TRESS: Hi. Good morning to you all
19 and thank you, everybody, for your precious rime.
20 It's pleasure for me to spend time with everybody and
21 to you all. Myself, my colleagues, and, I believe,
22 everybody also on this zoom webinar has been
23 anxiously anticipating this project's completion.
24 It's been nothing but an eyesore for the city and the
25 City Council, in particular. The building, although

2 it's a glorious building by nature, it's had
3 checkered history and we are very proud to be able to
4 be here today and restore the glory of the building
5 to the-- make the city proud and let the building
6 really shine and let the people of Manhattan and the
7 surrounding areas enjoy this gem which, at one point,
8 looked like a rough. But, really, it's a diamond and
9 we're proud to be here and we are happy that the city
10 Council has agreed to your application. Understand
11 the trials and tribulations that it took to get
12 here-- almost 10 long years right now. But thank
13 you all and we are looking forward to meeting you at
14 the ribbon-cutting ceremony. Thank you.

15 JAMES POWER: Thank you, Mark. So, this
16 applica-- Well, next slide, please. Can we advance
17 the slide? Yeah. The next slide after that, please.
18 Next slide after that, please. This application
19 concerns the Windemere, a landmark building at the
20 southwest corner of 57th Street and Ninth Avenue. It
21 is located in the Clinton district and partially in
22 the preservation area. The application seeks a
23 section 74 711 special permit to modify a series of
24 regulations and the conversion and enlargement of the
25 building for commercial use. Next slide, please.

2 Going back through some of the history of the
3 building, our client acquired the property in 2009.
4 It was in disrepair and there was an extensive
5 restoration program turn pursuant to series of
6 approvals by the Landmarks Commission. Next slide,
7 please. Next slide, please. There had been an
8 unfortunate history of harassment by the prior owner
9 of the building which led to a cure agreement with
10 HPD. Under that agreement, 20 affordable apartments
11 will be provided in the converted building with a
12 separate entrance on 57th Street. The units would be
13 affordable at rents not to exceed 80 percent of AMI.
14 They would be administered by the Met Council on
15 Jewish Poverty. Getting back to this application,
16 through the special permit, the building would be
17 converted for either transient hotel or office use.
18 The application proposes two alternate schemes, both
19 with ground-floor retail and restaurant use on the
20 top floor. With that, I will turn it over to Nick to
21 roof you the use and bulk waivers and restoration
22 program in more detail. Nick, are you there? Nick?
23 We can't hear you.

24 NICHOLAS CHELKO: There we go. Thank you.
25 Sorry. I was on mute. Great. So, this application

2 is 74711 which, as you may know, it's primarily to
3 restore the building. It's an individual building
4 and then, as Jim mentioned, there's use and bulk
5 waivers associated with that restoration. So, I'd
6 like to present to you some of what we've been
7 presenting, you know, to Landmarks and the local
8 community and so that you get a sense of what we are
9 doing to restore the building and then also the use
10 and bulk waivers that are proposed. This is an
11 individual landmark, built in 1880. They all those
12 known large apartment complex in Council District 3.
13 It's, really, presumed the second oldest in New York
14 City. So, as Jim mentioned, it's adaptive reuse,
15 80,000 square feet, but there's also 20 affordable
16 apartments per the cure agreement that Jim mentioned
17 and I'll show you where those are. Hotel use or
18 office use is the primary proposal for the upper
19 levels of the building. Also active ground floor use
20 and barrier free access and rooftop access for those
21 residents that Jim mentioned. Next. These are the
22 images that we had access to, really, of the early
23 years of the building and were influential in the
24 proposed design and restoration you will see their
25 influence in later slides, but on the image on the

2 left, those mainstream porticos, the word projecting
3 storefront that would corner-- most of that was
4 either completely removed throughout time or it just
5 deteriorated beyond recognition, so these images were
6 important in the reference points for us. Next.
7 This is the building Mark mentioned, you know, 10
8 years ago that this process really started. This was
9 the building at that time. Next. So, the proposed
10 restoration is quite extensive under 74711 and I will
11 just quickly list a few of those items. Internally,
12 it was important to stabilize the building. It had
13 wood floor wood joists, so that was all removed and
14 replaced with steel and concrete. So, structurally,
15 this building is now restored and ready to stand for,
16 you know, another 150 years. And there is also a lot
17 of cosmetic work. So, cleaning, repairing brick and
18 some masonry, replacing the windows to match--
19 ultimate historic specifications. The new
20 storefront, word storefront, the double portico to
21 match the one that you just saw the photo, as well as
22 repairing the existing porticos that you can see on
23 the street today and then replacing all the metal and
24 iron work cornice and all that to match historic
25 conditions. Next. A little side-by-side for the two

2 street elevations that you can see. The drawing on
3 the left is where it was in the drawing on the right
4 is the proposal. Really, you see a lot of the work
5 on the ground floor in these drawings, so you can see
6 the porticos reestablished and the storefront
7 reestablished. Next. And here on Ninth Avenue,
8 again, that storefront was completely removed
9 overtime, so reestablishing that storefront and then
10 every pointing on the brick and restoring the
11 façades. We'll show you some current images with
12 that restoration in a minute. Next. And then, the
13 other piece of this is adaptive reuse. So,
14 throughout the building, it was SRO and now will be
15 commercial for the most part. But the image on the
16 right, there's a pink outline of the 57th Street
17 façade. That's outlining where the residential
18 portion will be. There will be, you know, since the
19 building is both commercial use with its entrance on
20 Ninth Avenue and residential use, the residents will
21 have their own lobby, their own entrance, their own
22 elevator, their own stairs so that there's no
23 crossing between the two commercial and residential
24 users. So, the other big piece of this is, besides
25 the use, is to enlarge the building. It has quite a

2 high parapet, so the current eighth floor is shown in
3 green, but the proposal is to fill out that eighth
4 floor. So that's the yellow. And then, a ninth
5 floor addition is shown in orange and that's, you
6 know, to give roof access to the residents and use
7 from within for the commercial users to occupy that
8 ninth floor. It'll be a great use of space. Next.
9 Landmarks is primarily concerned with-- or was
10 concerned with the visibility of that proposed bulk.
11 You see it--

12 CHAIRPERSON MOYA: Nicholas, if you could
13 just speak a little bit closer to the microphone
14 because you--

15 NICHOLAS CHELKO: Sure.

16 CHAIRPERSON MOYA: Are fading out. Thank
17 you.

18 NICHOLAS CHELKO: Sure. Yeah. So,
19 Landmarks was primarily concerned with what you could
20 see of that new proposal above the historic cornice.
21 So we did these view studies. You see one here.
22 We're trying to minimize what you would see. Next.
23 And you see here, this is over a secondary façade, so
24 a lot line façade, but we were still sensitive to
25 what you could see for the sort of historic face of

1 the building. So, you know, the ninth floor from the
2 overview you saw, everything is set back from the
3 façade. Okay. Next. So, in this image, this shows
4 the section through the building to describe the
5 location of the commercial uses. Again, we're
6 carrying two options here. On the left, hotel, on
7 the right is office, and then, on the ninth floor
8 would be a restaurant. Next. To review the zoning
9 waivers, there's-- most of the waivers, the bulk
10 waivers, I should say, have to do with the fact that
11 its an existing building and it predates zoning. So
12 it's to make the existing building itself compliant
13 with zoning. So those waivers are in exceedance of
14 the maximum of street wall height of 85 feet and
15 encroachment on the sky exposure plane. That is
16 shown in D. It's actually shown better in the
17 section that I'll show you in a minute. But this
18 view, the plan view is good to see the courts.
19 There's small courts that are where, historically,
20 part of the building and were used for daylight. So
21 these waivers will make those courts comply with
22 zoning. Next. And here you see bubble D there.
23 That's existing height of the building, but it
24 doesn't conform with current zonings, so we need a
25

2 waiver there whereas item B really is highlighting
3 the restaurant on the ninth floor. That does comply
4 with the bulk regulations, but the use of the
5 building from the-- where you see the bubble A and
6 up is commercial use which doesn't comply with the
7 use regulations and is a requested waiver. Next.
8 And this is just another section through the building
9 to show the location of those use regulations. Next.
10 So, the current status, this is the image of the
11 building today. You can see there is still a lot of
12 work to do on the ground floor, but we have done a
13 lot of the restoration work. The structure is
14 stabilized, so everything within the building is
15 stabilized. Street façade cornice restoration is
16 complete. Multi-story scaffolding is removed. It
17 was up there for many years for repointing and
18 cleaning, but that has all been done. The portico
19 and storefront areaway restoration is in progress.
20 It's underway. And the 74711 application was
21 certified for public review April 5th. CB Four
22 approved with conditions on June 2nd of this year and
23 CBC approved with conditions on August 18th of this
24 year. So I'll turn it back over to Jim Power.

2 JAMES POWER: Yes. So, finally, just to
3 wrap up, next slide, please. We will just go through
4 the issues raised by Community Board Four. We are
5 continuing discussions with the Met Counsel about the
6 age limits on the affordable units. We will be
7 providing a 50 percent community preference for the
8 affordable units, consistent with HPD policy. We are
9 exploring options for increased ADA accessibility.
10 We will provide the requested roof barrier, triple
11 glazed windows, and address the buildings history in
12 the lobby. And, finally, is approved by CPC, there
13 would be no outdoor dining associated with the
14 restaurant. And that concludes our presentation.
15 Thank you very much.

16 CHAIRPERSON MOYA: Thank you. Just a
17 couple of questions here. The borough president
18 recommended a preference for local community members
19 and diversity of residence for the affordable units.
20 How's the applicant team been able to address that
21 request?

22 JAMES POWER: Yes. We have engaged with
23 HPD about that and we will be providing a 50 percent
24 preference for Community Board Four residents, as
25

2 well as preferences for visually in hearing-impaired
3 and civil service workers consistent with HPD policy.

4 CHAIRPERSON MOYA: And the borough
5 president also indicated a preference for the
6 commercial space to be a hotel. Has the applicant
7 decided whether the building will be used for a hotel
8 or for office space?

9 JAMES POWER: That decision is not yet been
10 made. Mark, would you like to comment on that?

11 MARK WINDEMERE: Like I said, right now,
12 the decision has not been final, but we are leaning
13 towards the hotel, but it has not been confirmed thus
14 far.

15 CHAIRPERSON MOYA: And when do you think
16 you will be coming to that decision?

17 MARK WINDEMERE: There are a number of
18 business factors that play into that role, so
19 hopefully sooner rather than later has this project
20 is antiquated itself.

21 CHAIRPERSON MOYA: Okay. Thank you.
22 That's it for me with the questions. I will now turn
23 it over to any of my colleagues who have any
24 questions for this panel. Okay. There being no
25 further questions, the applicant panel is excused.

2 JAMES POWER: Thank you.

3 CHAIRPERSON MOYA: Thank you.

4 UNIDENTIFIED: Thank you all.

5 CHAIRPERSON MOYA: Thank you. If there any
6 members of the public who wish to testify on the
7 Windemere special permit proposal, please press the
8 raise him but now or for those here in the chamber,
9 please see the sergeant-at-arms now to prepare a
10 speaker card in the meeting will briefly stand at
11 ease. There being no other members of the public who
12 wish to testify on LU 834 for the proposed Windemere
13 special permit, the public hearing on this item is
14 now closed and it is laid over. I am going to now
15 turn it over to our counsel.

16 COMMITTEE COUNSEL: Thank you, Chair.

17 On a continuing vote of the land use items, Council
18 member Levin?

19 COUNCIL MEMBER LEVIN: Aye on all.

20 COMMITTEE COUNSEL: By a vote of seven
21 in the affirmative, zero in the negative, and no
22 abstention, the items are adopted and referred to the
23 fall Land Use Committee.

24 CHAIRPERSON MOYA: Thank you. Now, I open
25 the public hearing on LU number 8394 for the 10602

2 Rockaway Beach Boulevard rezoning proposal seeking a
3 zoning map amendment and relating to property in
4 Council member Ulrich's district in Queens. I will
5 remind the viewing public, for anyone wishing to
6 testify remotely on this item, if you have not
7 already done so, you must register online and you may
8 do that now by visiting the Council's website. If
9 you are here today and person and wish to testify,
10 please see the sergeant-at-arms to fill out and
11 submit a speaker card. The first panel for this item
12 includes Richard Lobel, Amanda Iannotti, Dino
13 Tomasetti, and Victor Filetti appearing for the
14 applicant. This applicant team well be testify
15 remotely, so I will now ask that they be muted and,
16 counsel, if you will please administer the
17 affirmation.

18 COMMITTEE COUNSEL: Panelists, please
19 raise your right hand and state your name for the
20 record.

21 VICTOR FILETTI: Victor Filetti.

22 RICHARD LOBEL: Richard Lobel.

23 AMANDA IANNOTTI: Amanda Ianno--

24 DINO TOMASETTI: Dino--

25 AMANDA IANNOTTI: Amanda Iannotti.

2 DINO TOMASETTI: Dino Tomasetti.

3 COMMITTEE COUNSEL: Thank you. Do you
4 affirm did tell the truth, the whole truth, and
5 nothing but the truth in your testimony before the
6 subcommittee into in answer to all Council member
7 questions?

8 VICTOR FILETTI: I do.

9 RICHARD LOBEL: I do.

10 AMANDA IANNOTTI: I do.

11 COMMITTEE COUNSEL: Thank you.

12 DINO TOMASETTI: I do.

13 CHAIRPERSON MOYA: Thank you. We have
14 received your slideshow presentation for this
15 proposal. When you are ready to present, please say
16 so and it will be displayed on screen by our staff
17 and slides will be advanced when you say next. As a
18 reminder for the viewing public, if you need an
19 accessible version of this presentation, please send
20 an email request to landusetestimony@Council.NYC.gov.
21 And now, Mr. Lobel, you and your team may begin.

22 RICHARD LOBEL: Thank you, Chair Moya.

23 Good morning and good morning to members of the
24 subcommittee. Once again, Richard Lobel of Sheldon
25 Lobel PC for the applicant. If you can please load

2 the slideshow. While that is done, I am joined by
3 Dino Tomasetti, the applicant for this project,
4 Victor Filetti, who is the project architect, and
5 Amanda Iannotti from my office. You see before you
6 the presentation 10602 Rockaway Beach Boulevard.

7 Next slide. The proposed rezoning will rezone all or
8 portions of five lots from an R5D C23 zoning district
9 to an M13 zoning district. The rezoning will have
10 the effect of two things. The first is to create a
11 six-story and cellar self storage facility and the
12 second is to create a parking garage underneath the
13 storage facility to allow for 83 cars. The storage
14 would be on floors one through six with accessory
15 parking and loading docks on the ground floor and
16 your public parking garage would be below in the
17 cellar. Next slide. This application was the result
18 of many community conversations over the last several
19 years. There were meetings with both Community Board
20 14 as well as the Rockaway Beach Civic. The
21 community initial expressed support for the project,
22 but did note that they would like parking beneath the
23 facility to accommodate beachgoers during the summer
24 months. As originally composed, this complied with
25 parking requirements without providing any cellar

1 parking. So, with that in mind, the applicant went
2 back to the drawing board and, at cost to the
3 project, is now able to provide 83 spaces in the
4 cellar. So, in the most recent meetings with both
5 the Land Use Committee and the Civic, the members
6 expressed support for the proposal. They found the
7 context of the proposal at six stories to be
8 appropriate given both the 13 story residential
9 towers to the south, as well as the wastewater
10 treatment facility and large wastewater tower to the
11 north. They appreciated the 83 parking spaces again
12 and they also discussed the need for self storage in
13 this area of the Rockaways were those almost no
14 facilities available, particularly ones that are
15 flood proved in the interest of protecting goods and
16 items for families who are, you know, at risk to
17 flooding. In addition to that, the application here
18 made commitments to local hiring, to local hiring for
19 long-term employees, as well as typical discounts for
20 seed news, veterans, and youth organizations. Next
21 slide. So, the next slide that shows the zoning map
22 again. This would involve the rezoning of this area
23 from in R5D C23 two an M13. The applicant's
24 properties towards the eastern portion of the
25

2 proposed rezoning area and, again, this is deemed
3 appropriate given the 13 story towers to the south of
4 Rockaway Beach Boulevard and the wastewater treatment
5 facility to the north of the freeway. Next slide.

6 This is merely a tax map demonstrating the extent of
7 the rezoning. You can see that area of the

8 applicant's property in red. There is no adjacent

9 lot to be included in the rezoning, lot one. This

10 currently houses a Walgreens which will continue to

11 be conforming under the proposed rezoning. Next

12 slide. So, with this slide, we have a land use map

13 and photos that follow it and then there is going to

14 be the project rendering and plan. So, I am just

15 going to briefly just look at this land use map and

16 we would know that there are higher density districts

17 that have been reused to do in the area, including an

18 R6A to the southwest of the development site and,

19 again, we note that, particularly given the street

20 access here in the surrounding M11 use and the M21

21 district, both the city planning felt this to be

22 particularly appropriate. As Amanda pages through

23 the photos, which gives some flavor over these

24 surrounding areas, we would note that we have had

25 fantastic support-- I'm sorry. If you could just--

1 I'm sorry. Amanda is not doing it. If you could
2 just forward the slides to the project rendering.
3 Thank you. We would note that Community Board 14,
4 the Queens Borough President, and the City Planning
5 Commission have all approved this application and
6 have viewed this as something that is sorely needed
7 in the area. With that, I would defer to Victor
8 Filetti who can briefly run through the plans and
9 then we'd be happy to answer any questions.

11 VICTOR FILETTI: Good afternoon. So,
12 first slide we have is the rendering of the exterior
13 of the proposed self storage building. Again, a six
14 story with a cellar. This slide here shows the main
15 entrance to the building, handicapped accessible in
16 with the windows of viewing into view facility. Next
17 slide. The adjacent first Sgt. showing the proposed
18 parking insurance, as well as additional windows
19 viewing into the facility, as well. Next slide. An
20 aerial view showing our building in proximity to the
21 surrounding area showing the wastewater treatment
22 plan and adjacent to this property and, across the
23 street, the multilevel residential building across
24 the street. Next slide. Site plan with zoning and
25 no social void the news six-story self storage

2 building on the site. It also shows vote to curb cut
3 access points, one to the parking garage in one to
4 the loading for the self storage facility. Next.
5 Proposed cellar planned for an attended parking
6 garage. It is pretty much laid out for attendants to
7 park vehicles for the public. Next slide. This is
8 the babe level or first floor plan main level
9 entrance to the self storage facility as well as some
10 accessory parking for the self storage facility in
11 the entrance ramp to the public parking garage. The
12 retail portion of the self storage facility, as well.
13 Thank you. Next. Second through sixth floor is a
14 typical plan for self storage which would be accessed
15 through the two main elevators and provided with two
16 egress stairs as per code. Next. A height diagram
17 showing the building is wound the sky exposure for
18 this district. Next.

19 RICHARD LOBEL: I believe that ends
20 the--

21 VECTOR FILETTI: That's the last one.
22 Sorry.

23 RICHARD LOBEL: That's okay. Thank you.
24 And, Chair Moya, with that, we would be happy to
25 answer any questions.

2 CHAIRPERSON MOYA: Thank you. I just have
3 one question, and I moved mystic, so I apologize if I
4 did. But do you plan to still build the public
5 parking garage?

6 RICHARD LOBEL: We do. In the public
7 parking garage, as built, will be able to accommodate
8 83 spaces. This would be attended parking. A huge
9 benefit to the local area where many residents
10 complain of congestion and parking during the summer
11 months. So, we are really happy to provide it. It
12 has been a wonderful project and we have really
13 worked closely with Queens Community Board 14.

14 CHAIRPERSON MOYA: And have you identified
15 any potential parking operators?

16 RICHARD LOBEL: Currently, no. I know
17 that, you know, in our conversations with the
18 community board, we discussed the fact that the
19 parking garage here is not really central to the
20 business. Mr. Tomasetti is in the business of self
21 storage in similar projects, so the idea here would
22 be to find an operator in took, basically, charge,
23 you know, the lowest rates of the area so that,
24 really, we can just get cars off the street and
25 provide this amenity. You know, the truth here is

2 that the operations of the self storage facility is
3 what is important to the upper repair. The parking
4 will merely operate as a neighborhood amenity.

5 CHAIRPERSON MOYA: Got it. Okay. That's
6 it for me. I now want to invite any of my colleagues
7 to ask any questions to this panel. Okay. There
8 being no further questions, the applicant panel is
9 excused.

10 RICHARD LOBEL: Thank you, Chair.

11 CHAIRPERSON MOYA: Thank you. Thank you
12 for your testimony today.

13 VICTOR FILETTI: Thank you.

14 UNIDENTIFIED: Thank you.

15 CHAIRPERSON MOYA: Thank you. Thank you so
16 much. If there are any members of the public who
17 wish to testify on the 10602 Rockaway Beach Boulevard
18 rezoning proposal, please press the raise him but now
19 or for those here in the chamber, please see the
20 sergeants now to prepare a speaker card in the
21 meeting will briefly stand at ease. Thank you.

22 There being no other members of the public who wish
23 to testify on LU number 839 for the 10602 Rockaway
24 Beach Boulevard rezoning proposal, the public hearing
25 is now closed and the item is laid over. I know

2 openly public hearing on LU number 840 and 841 for
3 the 307 Kent Avenue rezoning proposal seeking a
4 zoning map amendment and a related zoning text
5 amendment and relating to property in Council member
6 Levin's district in Brooklyn. Once again, for anyone
7 wishing to testify remotely on this item, if you have
8 not already done so, you must register online. You
9 may do that now by visiting the Council's website.
10 If you are here today in person and wish to testify,
11 please see the sergeant at arms to fill out a speaker
12 card. Council member.

13 COUNCIL MEMBER LEVIN: Thank you very
14 much, Chair. No. I appreciate the opportunity to
15 hear the applicant this morning and we have been in
16 discussions for the better part of six years. Five
17 or six years on this parcel. So, I appreciate all of
18 the hard work that has gone into it and look forward
19 to having a dialogue this morning. Thank you.

20 CHAIRPERSON MOYA: Thank you, Council
21 member. The first panel on this item includes Judy
22 Gallent, land use counsel for the applicant and Luis
23 Silverman and Lily Blank as the property owners. We
24 also have Jared Bernstein and Lisa Lao on hand for Q
25 and A, as needed. This applicant team will be

2 testifying remotely, so I will now ask that they be
3 muted in, counsel, if you would, please administer
4 the affirmation.

5 COMMITTEE COUNSEL: Panelists, please
6 raise your right hand and state your name for the
7 record.

8 LILY BLANK: Lily Blank.

9 JUDY GALLENT: Judy Gallent.

10 LILY BLANK: Lily Blank.

11 COMMITTEE COUNSEL: Do we have Lisa Lao
12 or Jerad Bernstein? Okay.

13 CHAIRPERSON MOYA: Is Lisa Lao and Jerad
14 Bernstein--

15 JERAD BERNSTEIN: Jerad Bernstein.

16 CHAIRPERSON MOYA: Okay.

17 COMMITTEE COUNSEL: Okay. Panelists.

18 Into the firm did tell the truth, the whole truth,
19 and nothing but the truth in your testimony before
20 this subcommittee and in answer to all Council member
21 questions?

22 JUDY GALLENT: I do.

23 LILY BLANK: Yes.

24 JERAD BERNSTEIN: I do.

25 COMMITTEE COUNSEL: Thank you.

2 CHAIRPERSON MOYA: Thank you. We have
3 received your slideshow presentation for this
4 proposal. When you are ready to present it, please
5 say so and it will be displayed on the screen by our
6 staff and the slides will be advanced when you say
7 next. As a reminder to the viewing public, if you
8 need an accessible version of this presentation,
9 please send an email request to
10 landusetestimony@Council.NYC.gov. And now, Mr.
11 Gallent, you and your team may begin.

12 JUDY GALLENT: Good morning, Chair Moya
13 and members of the Subcommittee. I am Judy Gallent,
14 from Bryan, Cave, Leighton, Paisner, land use counsel
15 to the applicant. I am joined today by Lily Blank
16 and Louis Silverman. They are representatives of the
17 owner of the site. Louis and Lily will make brief
18 remarks and then I will return and take the committee
19 through the application. Lily?

20 LILY BLANK: Hi. Good morning, Chair
21 Moya, and the members of the Subcommittee. My name
22 is Lily Blank and I am more of the owners of 307 Kent
23 Avenue. I am also a psychologist in community and
24 private practice. My father really wholesale
25 distributing business out of 307 Kent from the mid

1 60s to the late 80s and I worked there after school
2 and over Summers for many years. I'm a member when
3 Domino Sugar and let Schaefer Brewery were fully
4 functional factories. Kent Avenue smelled like beer
5 in those days and I joked that I knew what beer
6 smelled like long before I ever tasted it. My father
7 eventually purchased the building with my partner,
8 Louis Silverman's father who owned and operated a
9 trucking company up the street when my father
10 released his trucks. After my father closed his
11 business, we rented 307 Kent to city Meals on Wheels
12 for many years. They were wonderful tenants and we
13 had a great relationship with them, but several years
14 ago, they told us that they would not be renewing
15 their lease, explaining that the type of business
16 they operated, which was reliant on large trucks
17 running up and down Kent Avenue, as my father's
18 business had been, was no longer viable in the
19 neighborhood as it was revolving from a manufacturing
20 area to a residential area. It was at this point
21 that Louis and I began to consider a rezoning. We
22 wanted to build something that would support the
23 community and provide opportunities for work and we
24 reached out to many community leaders and members for
25

2 guidance. Pre-COVID, we decided other building that
3 would cater to those who wanted to work close to home
4 to bike and walk to work. If my clinical practice is
5 the indication, post COVID people will likely adopt a
6 hybrid work model where having an office close to
7 home is an even more appealing option. Thank you,
8 Chair Moya and members of the Subcommittee, for your
9 time. My partner, Louis Silverman will now introduce
10 himself.

11 LOUIS SILVERMAN: Good morning, Chair
12 Moya, and the members of the Subcommittee. My name
13 is Louis Silverman. I am a partner in 307 Kent
14 Associates. I have a long history with the site in
15 the neighborhood as my family and I operated a
16 business down the boardwalk starting in the 1960s and
17 purchased 307 Kent Avenue in 1986 with Willy's
18 father. Since then, we have maintained our
19 involvement and investment in the neighborhood with
20 our operating real estate and small businesses in the
21 area. This area of Williamsburg has changed
22 significantly over the years. Heavy industrial
23 businesses have left, residents have moved in.
24 Against this backdrop, we are pursuing a rezoning
25 that would allow 307 Kent to be developed for its

1 uses that are more appropriate for the surrounding
2 area today. Rather than adding more apartments to
3 the area, we feel the neighborhood would benefit from
4 an office building that would serve the existing
5 residents of the area. We are proposing an M15
6 because little wells for office, light industrial,
7 medical office, and ground-floor retail uses. We
8 feel are building will help build Williamsburg into a
9 true move, work, play community. We, of course,
10 recognize that COVID has changed the world. We do
11 not think that COVID has eliminated the need for
12 office space. Rather, it hasn't worked continued to
13 change how businesses and people interact with their
14 offices. We believe businesses and medical providers
15 will seek new additional locations with smaller
16 footprints that are located closer to where their
17 employees in patients live. Our proposed Sony news
18 intended to accommodate these users. Throughout this
19 process, we have gathered to feedback, support,
20 questions, and comments from key stakeholders and
21 community members. To give you some specifics, we
22 are partnering with St. Nick's Alliance to support
23 its construction training programs in have pledged to
24 make construction jobs available to local residents.
25

1 We have an ongoing dialogue with Evergreen Exchangers
2 on how light industrial users fitted into the
3 neighborhood today and how best to accommodate them.
4 We have received several letters of support which
5 would be submitted for the record. Thank you, again,
6 A chair Moya members of the Subcommittee for your
7 time. Our land use lawyer, Judy Gallent, one hour
8 explain our application.
9

10 JUDITH GALLENT: Good morning, again,
11 Chair Moya and members of the committee. May I have
12 the slide presentation, please? Next slide, please.
13 This is an application to raise own 307 Kent Avenue
14 from an M31 district to an M15 district to facilitate
15 the construction of a nine story building that would
16 accommodate office, retail, light manufacturing, and
17 community facility usage. The application also
18 requests the mapping of an M14 R6A mixed-use district
19 in establishment of an MIH area over property
20 adjacent to the development site. Next slide,
21 please. The rezoning area is located on the western
22 portion of the walk that is bounded by Kent Avenue on
23 the west, Wythe on the east, South Second on the
24 North, and South Third on the south. I'm sure you
25 can see the development site, which is book food at

1 the corner of South Third Street and Kent Avenue and
2 its surrounding context. The Domino building and
3 Park to the west, northwest, and southwest, the
4 Williamsburg Bridge to the south, and Grand Ferry
5 Park to the north. Next slide. The site is a 14,425
6 square foot lot that is lean developed with a single
7 story warehouse building shown here. The application
8 proposes to rezone the site from an M31 heavy
9 industrial district to an M15 light industrial
10 district because, as Lily explained, the neighborhood
11 around this site has changed from a manufacturing
12 area to increasingly mixed-use and residential area,
13 as you will see from the following slides. Next
14 slide, please. West of the site, across Kent Avenue,
15 is the Domino refinery building, part of the five
16 plus Domino campuses that were three zoned in 2010
17 from M31, the same district that the site is located
18 in today. The refinery is being enlarged and
19 converted to office use. To the south across South
20 Third Street from the development site is the Domino
21 Upland building at 325 Kent Avenue which is a 15
22 story residential building with ground floor retail,
23 shown in the photo on the right. Next slide, please.
24 On the left, is another view of 325 Kent, the large
25

1 building in the distance. The Upland building, 15
2 stories residential. Across Kent Avenue to A Kent,
3 which you can't see from the photo on the right, is
4 under construction and will contain is 680 dwelling
5 units, an elementary school, and parking. In further
6 north, shown on the right, the photo is another
7 Domino building, 260 Kent, which is two towers
8 containing residential, commercial, and retail uses
9 which is now completed and occupied. In total,
10 Domino will contain 2300 dwelling units and
11 approximately 480,000 square feet of commercial
12 space, really transforming the area from a heavy
13 manufacturing district to a mixed-use community.
14 Next slide. In addition to the Domino residential
15 buildings in the area, there is also residential use
16 adjacent to 307 Kent, as well as on the balance of
17 the project block, much of which is already mapped
18 within an MX district that permits residential use.
19 Shown here are two residential condominium buildings
20 fronting on South Second and South Third Street
21 adjacent to the site which was developed pursuant to
22 a 2005 ESA variance which permitted residential use
23 in the manufacturing zone. Next slide, please. The
24 Linda use map here illustrates the mixed-use nature
25

1 of the neighborhood today which continues to move
2 away from its industrial past. The prevalent red,
3 yellow, and peach are commercial, residential, in
4 mixed-use buildings, and the less prevalent purple is
5 industrial use. Next slide, please. The existing M3
6 district shown here in peach is currently limited to
7 portions of three blocks extending from South Third
8 Street on the south to Grand Street on the north,
9 having been reduced over time from multiple rezoning
10 so that, today, the remnants of the M3 district,
11 including the site, are entirely surrounded by
12 districts that permit residential use as a right. As
13 you know, M3 rezoning is intended for heavy
14 industrial uses that generate noise, traffic,
15 pollutants and these districts are intended to be and
16 typically are located at a distance from residential
17 areas. Next slide, please. The proposed rezoning
18 area consists of five blocks into partial lots. It
19 would map an M15 district over the western portion of
20 the block extending 120 feet from Kent Avenue. It
21 would also include a 90 foot Westward extension of
22 the MX special mixed-use district found on the
23 eastern into of the block to meet the proposed M15
24 district. And, finally, it would establish mandatory
25

1 inclusionary housing area over the portion of the
2 block that would be newly added to the MX district
3 where residential use is allowed. Next slide,
4 please. The proposed M15 district is the light
5 manufacturing district that permits industrial uses
6 that meet the strictest performance standards in a
7 zoning resolution, as well as office, retail, and
8 very limited community facility uses. Maximum FAR
9 for commercial and manufacturing use is five maximum
10 FAR. For community facility use is 6.5 and the
11 maximum total FAR for community facility as included
12 is 6.5. The maximum seat wall height is 85 feet,
13 after which the building must set back 20 feet on
14 both Kent and South Third Street which are narrow
15 streets, and then the building may rise under
16 [inaudible 00:52:53] both a plane of 2.7 to one.
17 Next slide, please. This is an illustrative
18 rendering of the nine story building approximate 6.5
19 FAR which could be constructed under the proposed
20 rezoning. It won't contain up to 93,000 square feet
21 of floor area consisting of office, light industrial,
22 community facility, and ground-floor retail. The
23 biggest word setback 5 feet from the property you are
24 on Kent Avenue to provide a sidewalk widening area
25

for enhanced pedestrian circulation. The building would then rise to five stories 85 feet above the straight line, setback another 20 feet from Kent Avenue in 25 feet on South Third Street to a total height of approximately 151 feet. Next slide, please.

Well, we believe that is the proposed rezoning that offers a number of benefits. It would bring office, community facility, and retail uses that would support the surrounding, emerging, and very prevalent already residential development and would be more consistent with those uses than the existing M3 zoning. It would also require any industrial uses that to locate in the building to meet in a high performance standard that are more consistent with residential use than M3 regulations would require. It would also result in uses that activate the street and enhance the site engagement with the surrounding area and would bring jobs to the Williamsburg area. The EIS projects 523 incremental jobs that would be brought to the area that would enhance the local economy and provide opportunities for residents to where they live as well as tax revenues. Community Board One voted to approve the rezoning by a vote of 25 to five to one without conditions on a report from the Land Use

2 Community, unanimously recommending approval of this
3 rezoning. Borough President Adams recommended
4 approval with conditions and the City Planning
5 Commission voted unanimously in favor of rezoning on
6 September 1st without conditions. We are happy to
7 answer to questions you might have.

8 CHAIRPERSON MOYA: Thank you. Before I
9 turn it over to the Councilman, I just have a couple
10 of quick questions for you. This application states
11 that the proposed development will be predominately
12 office space. Have you looked at alternative
13 development scenarios with this flexible zoning?

14 JUDITH GALLEN: The anticipation of the
15 concept behind the project was to provide office and
16 sort of flex space for companies that still want to
17 have employees that live and work in close proximity.
18 Though zoning, itself, however, is quite flexible
19 with limitations. Variously, residential use is not
20 allowed in an M1 zone. There are some limited
21 community facility uses that are allowed, such as
22 medical office, then commercial uses like office and
23 light industrial uses. So, the rezoning would allow
24 any of those uses to locate in the building, as it is
25 a rezoning and not a special permit or I think the

2 rezoning would allow any of those uses to locate in
3 the building.

4 CHAIRPERSON MOYA: Okay. Could the
5 building be taller than proposed and, if yes, are you
6 willing to commit to the building envelope as
7 presented today?

8 JUDITH GALLEN: The building-- There is
9 no height limit in an M15 district. It is not a
10 contextual district, so there is no height limit.
11 The building rises under a sky exposure plane. At
12 some point, though, the way the sky exposure plane
13 works, the floors become too inefficient to be built.
14 They get too small as they step back under the sky
15 exposure plane. At 100 and-- At approximately 151
16 feet, as shown in the illustrative rendering, the
17 maximum floor area can be [inaudible 00:56:53]. I
18 will leave it to the developer to discuss whether
19 there is a commitment to maintain that height.

20 CHAIRPERSON MOYA: Okay. And, also, when
21 it comes to good jobs and local hiring, do you have a
22 plan in place to address local hiring during
23 construction and how many local hires would typically
24 be involved in a project like this?

2 JUDITH GALLENT: Louis, do want to
3 discuss your discussions with St. Nick's and 32 BJ?

4 LOUIS SILVERMAN: Sorry. Can you hear me
5 now?

6 CHAIRPERSON MOYA: Yep.

7 JUDITH GALLENT: Yes.

8 LOUIS SILVERMAN: Yeah. We have
9 partnered with St. Nick's to support construction
10 training programs for locals. So, that is already in
11 place and we have spent time with them for this
12 project.

13 CHAIRPERSON MOYA: But do you know how many
14 local hires would typically be involved in a project
15 like this?

16 LOUIS SILVERMAN: It depends. I am a we
17 have spoken to them and they have-- you know,
18 handful. It's not a very large building.

19 CHAIRPERSON MOYA: Okay. If you could, at
20 some point, get that number to me, that would be
21 great.

22 LOUIS SILVERMAN: Sure.

23 CHAIRPERSON MOYA: Okay. That is it for
24 me. I want to know turn it over to Council member
25 Levin for questions.

2 COUNCIL MEMBER LEVIN: Thank you very
3 much, Chair. Hi, everybody. Nice to see you. So, I
4 wanted to ask a couple questions. First, about
5 parking. What is the parking framework under the
6 proposed zoning action?

7 JUDITH GALLENT: Parking is not required
8 in parking will not be provided.

9 COUNCIL MEMBER LEVIN: Okay. So, the goal
10 is to illuminate parking entirely? Is that correct?
11 Sorry. Is the goal to--

12 JUDITH GALLENT: The parking is not
13 required under zoning and it's not anticipated to be
14 provided, either.

15 COUNCIL MEMBER LEVIN: I'm sorry. I'm
16 having a little trouble hearing, Judith. Can you say
17 that a little louder?

18 JUDITH GALLENT: Parking is not required
19 under M15 zoning and there is no, at this time, there
20 is no expectation of providing parking. There will
21 be bicycle parking. Again, the idea being that the
22 attraction here would be to have people who live in
23 the neighborhood bike or walk to work.

24 COUNCIL MEMBER LEVIN: Okay. That's good.
25 In some of our prior discussions, we've discussed the

1 issue about lot line windows with neighboring
2 buildings. Can you speak a little bit to that issue?

3
4 JUDITH GALLEN: Yes. You know, lot line
5 windows that aren't benefited by a light and air
6 easement don't have legal protection in the event of
7 development on an adjacent lot. There are nine lot
8 line windows in the west facing wall of 29 South
9 Third Street would have to be closed as a result of
10 the construction of the project because they aren't
11 benefited by any kind of easement. They have no
12 legal protection. Because those windows were
13 constructed on the lot line when the condominium was
14 constructed, they cannot be used for legal light and
15 air. In other words, each of the rooms that have one
16 of those lot line windows on it must also have
17 another legal window for legal light and air. So,
18 the construction of the building wouldn't be to close
19 off a sole source of light, quote, living room. Any
20 room that is a living room under the local dwelling
21 law. In the fact that leaves our lot line windows
22 and that they can't be used for legal light and air
23 was disclosed in the condominium offering plan as it
24 was required to be. We also want to note that, under
25 existing zoning, under the existing M3 zoning, the

2 same lot line windows could be blocked today by
3 building construction as of right.

4 COUNCIL MEMBER LEVIN: By an as of right
5 development, you said?

6 JUDITH GALLENT: Yes. That's correct.

7 COUNCIL MEMBER LEVIN: Okay. Do you know
8 how many apartments that would be impacting?

9 JUDITH GALLENT: I don't know the number
10 of apartments, but I do know the number of windows,
11 as I said, is nine.

12 COUNCIL MEMBER LEVIN: Okay. And then--

13 JUDITH GALLENT: It might be very, but I
14 can't be 100 percent--

15 COUNCIL MEMBER LEVIN: Okay.

16 JUDITH GALLENT: sure of that. The
17 neighbors did not-- we reached out to other
18 neighbors on a number of occasions throughout this
19 rather lengthy process, but we didn't really get much
20 response, so we don't know what their floorplans are.

21 COUNCIL MEMBER LEVIN: And it would just
22 be the one building that it would impact or more than
23 one?

24 JUDITH GALLENT: It is 29 South Third
25 Street.

2 COUNCIL MEMBER LEVIN: Say that once more.
3 I'm sorry, Judith. I'm having a little--

4 JUDITH GALLENT: It's just 29 South Third
5 Street from the--

6 COUNCIL MEMBER LEVIN: Okay.

7 JUDITH GALLENT: from what I understand
8 from our architect.

9 COUNCIL MEMBER LEVIN: Okay. Okay. And
10 then, I wanted to ask about the Borough President's
11 recommendations which were the Borough President
12 approved with recommendations and one of the
13 provisions, and over the recommendations whose
14 ensuring adequate provision of space for innovation
15 and maker jobs. So, urging you as the applicant to
16 include some provision of light manufacturing or
17 space for innovation and maker jobs. So, using as an
18 example that IBIA special that--- and we have talked
19 about this numerous times, but that has been
20 utilized, you know, several blocks to your North in
21 the Williamsburg Greenpoint IBZ. Do you have a
22 response to the Borough President's recommendation?

23 LOUIS SILVERMAN: First, we are not a
24 special permit.

25 COUNCIL MEMBER LEVIN: Uh-hm.

2 LOUIS SILVERMAN: We are in a different
3 zone and part of spending time with a Community Board
4 One and listening to what they felt was needed there,
5 along with some of the struggles of putting tenants
6 in those buildings and being bacon and not generating
7 jobs is not generating tax revenue-- and this was
8 pre-COVID. What we are seeing and listening to what
9 everybody wants him completely respect to the Borough
10 President's thoughts along with everyone else's, but
11 having-- what we have learned, I think I'm during
12 COVID is that everyone had to be very flexible and
13 make great changes to the way that we ordinarily did
14 business, just as we are on this call today where we
15 would normally come back in the day, be in all one
16 room. That being said, we need flexibility to make
17 sure that this building is successful, which we
18 believe is completely different than some of the
19 other spaces that are on the market today. So, we
20 just need complete flexibility in order for this to
21 be a success and spending time with the Community
22 Board in understanding the needs of the neighborhood,
23 we believe this is what fits here.

24 COUNCIL MEMBER LEVIN: Uh-hm. And do
25 you--

2 JUDITH GALLENT: And I would just add--

3 COUNCIL MEMBER LEVIN: Go ahead, Judith.

4 JUDITH GALLENT: if I could, Community
5 Board One explicitly considered, prior to the Borough
6 President's recommendation, but explicitly considered
7 the idea of imposing new restriction on some portion
8 of the building largely because-- not that I'm in
9 their head-- but, from the discussion, they
10 understood the need for flexibility in their gravest
11 concern was over vacancy and failure, something that
12 they say they see in their neighborhood to commit to
13 a particular type of uses that may or may not be
14 available in the future when this building is built
15 and ready to be used and, therefore, condemning part
16 of the building to be vacant, that was not something
17 that they wanted to do. And so, someone raised it in
18 that condition was turned down. I would also add
19 that this property is not located in an IBZ, so it is
20 not [inaudible 01:05:56] that the city is committed
21 in keeping in industrial use. In the application has
22 chosen an M15 zone because it would very much like to
23 have that kind of use in the building. That is
24 really the concept and the vision of the applicant to
25 have that sort of nice mix of, you know, neighbors

2 and office tenants and, you know, just that whole mix
3 of uses. But it did not feel confident that that
4 would be available when we got to the process and, of
5 course, we have been going through it for so much
6 years, we couldn't have anticipated it would take
7 this long. It shouldn't be-- I feel that, in a way,
8 requiring that here is almost a punishment and moved
9 out mean industrial use is a punishment, but having
10 that kind of a restriction when they have chosen
11 instead of a commercial district, which is what
12 Domino is, all of those Domino buildings on
13 commercial districts were manufacturing use and
14 cannot locate. This application shows a
15 manufacturing district to have the ability needed to,
16 but feels strongly that it would be very difficult to
17 have a restriction that requires that.

18 COUNCIL MEMBER LEVIN: No. Understood. I
19 do appreciate that the applicant, you know, would
20 like to or envisions having that kind of mix. I
21 think that, from our perspective and as the
22 application is before us in approving it, you know,
23 we are tasked with trying to figure out how to make
24 sure that that actually happens. And so, it is
25 certainly not a punishment. I don't have any

2 interest in punishing this application in any way.

3 We are just looking to ensure that we need to have

4 that mix of uses. And, frankly, one other things

5 that, as we are kind of looking at a post COVID or

6 world in which the commercial development in New York

7 City-- you know, there are some things that you

8 can't do mostly. You can't make things remotely and

9 so there will always be a need for space, commercial

10 space in which things are fabricated or made and, you

11 know, the world of fabrication or design is different

12 than it was 30 years ago and a more technology 3D

13 printers and, you know, we're not talking about die

14 cutters anymore. You know, the uses of light

15 manufacturing are, you know, last seven impact, less

16 of a footprint, less of a nuisance to neighbors, less

17 noise, you know, and just over different character.

18 So, in any event, I understand your position

19 because-- and just for full disclosure, we have had

20 a version of this conversation for a number of years.

21 So, let's put a pin in the issue and continue the

22 conversation in the coming days. And I hope that we

23 will be able to arrive at a satisfactory conclusion.

24 And I do, just for the record, want to express my

25 appreciation for this application going for a

2 commercial development. As we'll know, ground-up
3 commercial development is few and far between in this
4 city and its-- I see it as a testament to your
5 client's, the applicant's, belief in the future of
6 this city as a commercial hub and the ability to
7 continue to work here and, you know, commute locally
8 and be able to do, you know, to achieve our dreams as
9 New Yorkers and stay in the neighborhood at work in
10 the neighborhood and create. And so, I take this as
11 a vote of confidence in New York City's future as an
12 application. So--

13 LOUIS SILVERMAN: Could I had one thing?

14 COUNCIL MEMBER LEVIN:

15 LOUIS SILVERMAN: We appreciate your input
16 and everything that you've just stated. I think it
17 is also that we have made earnest efforts all along
18 continue to do so, even when designing this building
19 which is not part of code. We are putting in a
20 larger freight elevator to accommodate the different
21 users, as he put it, which we completely agree. And
22 as the world has changed over the years, it continues
23 to change and there are many different types of uses
24 that fit. You know, an artificial intelligence, some
25 sort of a small chip manufacturer. There are many

1 different variations of light manufacturing. I think
2 where we might have a bit of a difference of a view
3 is that we have already committed to being able to
4 work with these types of tenants, but as Judy
5 mentioned earlier, with the way the world changes in
6 the way the business changes, putting the mandatory
7 restriction on a building of this size where we are
8 already built out to accept that space, it's just not
9 helping-- it won't do anything other than, if for
10 some reason, there is more changes and there aren't
11 enough to fill, it handicaps the project from
12 successfully fulfilling all the things that you just
13 mentioned that we agree with you. And we look
14 forward to having another discussion, but, just for
15 the record, we built this building with the intent--
16 we wouldn't spend the additional money if we were not
17 seriously looking to do it. It would be a discussion
18 point, not necessarily of physical attribute of how
19 we have laid out this building to accept it. So, I
20 just wanted to put that out there and thank you,
21 everybody. Chairman Moya and the whole subcommittee
22 and Councilman Levin. We appreciate everybody's
23 help here. Thank you.

2 COUNCIL MEMBER LEVIN: Thank you, Louis.
3 Thank you, Lily. Thank you.

4 CHAIRPERSON MOYA: Thank you, Council
5 member. I now invite any of my colleagues who wish
6 to ask any questions to this applicant. Seeing none,
7 there is no further questions on this panel is now
8 excused. Thank you. The first public panel on this
9 item will include Renzo Ramirez, Zachary Weiner, Bart
10 Noonan, Terry Benet. We good? Just give us a
11 moment. We are dealing with a little technical
12 issue. Will be back shortly. Okay. I'm just going
13 to we have everybody that is on this panel. Renzo
14 Ramirez, Zachary Weiner, Bart Noonan, and Terry
15 Benet. Okay. We are going to start with Zachary
16 Weiner. Zachary, are you there?

17 ZACHARY WEINER: Yes. I am. Can you
18 hear me?

19 CHAIRPERSON MOYA: We can hear you.

20 ZACHARY WEINER: Great.

21 SERGEANT-AT-ARMS: Starting time.

22 ZACHARY WEINER: Okay. First, I want to
23 thank everyone for letting me speak. My name is Zach
24 Weiner. I have lived or worked in the Williamsburg
25 neighborhood since 1992. I own property on the north

1 side and have two operating businesses on the south
2 side and 307 Kent pretty much falls right in between
3 them. I support the rezoning proposal and
4 redevelopment located at 307 Kent. I can attest that
5 the rezoning and redevelopment of the property would
6 be a valuable addition to the neighborhood. The area
7 has evolved and changed over the years and I think
8 that the 307 Kent project is a logical and valuable
9 extension of the neighborhood's growth. Continuing
10 the heavy industrial use of this property would be
11 damaging to the continued evolution and improvement
12 of our community. Throughout COVID, there have been
13 many vacancies in the area and I believe space to
14 accommodate smaller office tenants and light
15 industrial uses is appropriate to avoid vacancy which
16 has plagued our community throughout COVID.

17 Furthermore, I believe the scope of the project will
18 cater to smaller businesses and embody the spirit of
19 Williamsburg while adding a very valuable and much
20 needed product to the market. I am looking forward
21 to seeing the projects development and excited for
22 the activity it brings, name job opportunities and
23 new businesses in place of the existing windowless
24 warehouse, which detracts from the vibrancy of the
25

2 area. I enthusiastically encourage the city Council
3 support 307 Kent rezoning application. Thank you.

4 CHAIRPERSON MOYA: Thank you. Thank you
5 for your testimony today. We will now go to Terry
6 Benet.

7 SERGEANT-AT-ARMS: Starting time.

8 THIERRY BONET: Can you hear me?

9 CHAIRPERSON MOYA: We can hear you.

10 THIERRY BONET: My name is Thierry
11 Bonet. Today, I am lending my voice and some part of
12 the 307 Kent application after following the public
13 hearing in meetings for this proposal held by
14 Community Board One, the office of Brooklyn Borough
15 President, and the City Planning Commission. I am a
16 New York City resident since 1987. I have worked in
17 Brooklyn for over 20 years and I lived here for the
18 last 15. I used to be a neighbor right across the
19 street for 10 years which enabled me to work, live
20 with, and observe closely this very special
21 neighborhood and its residents. I believed that the
22 buildings proposed light use-- light industrial and
23 office use is an appropriate fit for this community.
24 It is well adapted and, in the continuity of its past
25 and future growth. Reducing commuting time and

2 distances by allowing people to live and work close
3 by will, I think, contribute effectively to resolve
4 serious challenges we face such as climate change.

5 The scale of the proposed application is, I think, in
6 sync with its surroundings and a new M15 zoning
7 would, I believe, serve the community much better
8 than its current heavy manufacturing zoning. I
9 really hope this hearing will support, as is, this
10 proposal. Thank you.

11 CHAIRPERSON MOYA: Thank you. Thank you
12 for your testimony today. Next, we have Bert Noonan.

13 SERGEANT-AT-ARMS: Starting time.

14 BART NOONAN: Hello? Can you hear me?

15 CHAIRPERSON MOYA: We can hear you.

16 BART NOONAN: Excuse me. My name is Bart
17 and I want to say that I have been a neighbor-- I am
18 a neighbor who has been on the block for 20 years and
19 in the neighborhood for over 25 years. I agree with
20 the previous speaker. I think this is good
21 application and proposal for both the block and the
22 surrounding neighborhood. I think the proposed
23 building, being able to accommodate in the way it was
24 just described and the way it has been described in
25 all of the other meetings, the mixture of both light

2 industrial and office uses a great fit and will only
3 become more necessary over time while Brooklyn in the
4 Williamsburg communities continue to grow. I
5 personally applaud them for not going for a
6 residential zoning and also not going for a pair
7 commercial zoning. They are clearly committed to
8 trying to retain the optionality or the flexibility
9 to be able to accommodate the demands of the
10 different types of light industrial and light
11 manufacturing use consistent and parallel with the
12 office use. And I think, from what I saw in their
13 designs, that the ceiling heights, not just the
14 elevators and loading dock and lack of parking, but
15 the ceiling heights and floor heights also speak to
16 that because those are very tall floors and that
17 allows for a lot of light industrial use. So,
18 clearly, they have a design commitment and a physical
19 commitment to lean in that direction whenever
20 possible. I think the scale of the proposed
21 application reflects a good transition that fits in
22 well with the neighboring buildings on the
23 surrounding blocks or for those that are only maybe
24 15 years old, as well as those that go back to over
25 120 years old and buildings such as the latter can be

2 found directly west on the block north and to the
3 block south. Buildings that go back over 100 years,
4 as well as to the block east of more recent
5 buildings, but all on a similar scale of--

6 SERGEANT-AT-ARMS: Time expired.

7 CHAIRPERSON MOYA: Bart, if you can coming
8 of a couple more seconds to wrap it up.

9 BART NOONAN: Okay. I apologize. So, in
10 any event, I think it is consistent with the rest of
11 the community and I think the proposed zoning is a
12 better fit for the surrounding community and
13 certainly preferable to the current zoning as the
14 heavy manufacturing is no longer appropriate for this
15 location. So, I fully support Community Board One
16 and the Subcommittee unanimous vote and the
17 Community Boards full vote in the Borough President's
18 vote. I would be more flexible with--

19 CHAIRPERSON MOYA: Thank you. Thank you,
20 Bart.

21 BART NOONAN: Thank you very much.

22 CHAIRPERSON MOYA: Thank you for your
23 testimony today. Next we have Renzo Ramirez.

24 SERGEANT-AT-ARMS: Starting time.

2 CHAIRPERSON MOYA: We seem to have lost
3 Renzo Ramirez, so now I am just going to turn it over
4 to colleagues if any of my colleagues have any
5 questions for this panel.

6 COUNCIL MEMBER LEVIN: Chair, I just want
7 to thank this panel for their testimony and I
8 appreciate very much and my office is available to
9 talk further prior to the vote on this application.
10 Thank you.

11 CHAIRPERSON MOYA: Okay. There being no
12 more questions for this panel, the witness panel is
13 now excused. As a reminder to all of you, written
14 testimony may be sent by email to
15 landusetestimony@Council.NYC.gov. We found Renzo
16 Ramirez, so, Renzo, whenever you're ready.

17 SERGEANT-AT-ARMS: Starting time.

18 RENZO RAMIREZ: Hello, everyone.
19 [inaudible 01:25:42]. Renzo Ramirez and I am a
20 member of 32 BJ. I am here today on the half of my
21 union to express our support for the proposed
22 project, 307 Kent. 32 BJ supports the responsible
23 developers who invest in the community. 307 Kent
24 Street Associates has made an early commitment to
25 creating prevailing wage building service jobs at

2 this site. The developers have a long time
3 partnership with 32 BJ and a track record of creating
4 good jobs throughout their portfolio. We estimate
5 that this will lead to the creation of a number of
6 new building service jobs. We are in full support of
7 this project and we have confidence that 307 Kent
8 Street Associates will be a responsible employer and
9 presence in the community. We know there are
10 opportunities for working families to thrive in. On
11 behalf of 32 BJ, thank you.

12 CHAIRPERSON MOYA: Okay. Thank you, Renzo.
13 Thank you for your testimony today. If there are any
14 remaining members of the public who is to testify on
15 the 307 Kent Avenue rezoning proposal, please press
16 the raise hand button now or, for those here in the
17 chamber, please see the sergeant-at-arms to prepare a
18 speaker card and the meeting will briefly stand at
19 ease. There being no other members of the public who
20 wish to testify on the LU number 840 and 841 for the
21 307 Kent Avenue proposal, the public hearing is now
22 closed and the items are laid over.

23 I now open the public hearing on LU
24 number 836 and 837 for the 629 and 639 West 142nd
25 Street rezoning proposal seeking a zoning map

2 amendment and relating to zoning text amendment and
3 property in Council member Levine's district in
4 Manhattan. Once again, for anyone following online
5 and wishing the testify remotely today on this
6 project, you must register online and you may do that
7 now by visiting the Council's website. If you are
8 here today in person and wish to testify, please
9 remember to see the sergeant-at-arms to fill out and
10 submit a speaker card. I now will turn it over to
11 Council member Levine for some opening remarks.

12 COUNCIL MEMBER LEVINE: Thank you, Chair
13 Moya, for an opportunity just to very briefly speak
14 on this project. It's located in West Harlem and,
15 for those who don't know the community, there are two
16 really important things you should understand. First
17 of all, this is a community with an incredibly rich
18 architectural heritage that isn't twined with the
19 history of this community and it is the heritage
20 which very much enriches and defines the community
21 today. It is precious to so many of us. Secondly,
22 it is the community with a desperate shortage of
23 affordable housing where there are just countless
24 families who are desperate to find an apartment that
25 they can afford or risk landing in homelessness. And

2 so, this very much, I think, has shaped how many of
3 those have reacted to this proposal, I think, feeling
4 devastated by the loss potentially of three story
5 grow houses on the block, feeling extremely concerned
6 about the loss of a rent regulated units that existed
7 in those brownstones, and also leaves us-- it
8 certainly leaves me-- asking many important
9 questions about the affordability component of this
10 project. Of course, the number of affordable units,
11 but more than just the number, the nature and size of
12 those units and whether they will be accessible to
13 families in a district with such deep need for
14 affordable units for families with kids. Questions
15 about the income targets of those units, as well, and
16 in a community that has lower incomes on average than
17 the rest of New York City. And, of course, we have a
18 number of process concerns, as well, including the
19 fact that the Community Board has not had a formal
20 briefings the scope of the project changed pretty
21 significantly. So, I look forward to getting answers
22 to some of these questions and to hearing from the
23 public and, of course, the applicant. Again, thank
24 you, Chair Moya. I will turn it back to you.

2 CHAIRPERSON MOYA: Thank you, Council
3 member. The first panel for this item includes Eric
4 Palatnic, land use counsel for the applicant, and
5 Nancy Dune and Shiva Ghomi as lead environmental
6 consultant and lead architect for the project. This
7 applicant team will testify remotely, so I will now
8 ask that they be muted and, counsel, if you would
9 please administer the information.

10 COMMITTEE COUNSEL: Panelists, if you
11 would please raise your right hand and state your
12 name for the record.

13 ERIK PALATNIC: Erik Palatnic.

14 NANCY DUNE: Nancy Dune.

15 SHIVA GHOMI: Shiva Ghomi.

16 COMMITTEE COUNSEL: Thank you. Do you
17 affirm to tell the truth, the whole truth, and
18 nothing but the truth in your testimony before the
19 subcommittee and in answer to COUNCIL member
20 questions?

21 ERIC PALATNIC: Yes. We do.

22 SHIVA GHOMI: I do.

23 COMMITTEE COUNSEL: Thank you.

24 CHAIRPERSON MOYA: Thank you. And when
25 you're ready to present your slideshow for the

2 proposal, please say so I know well be displayed on
3 screen by our staff. Slides will be advanced when
4 you say next. Once again, for the viewing public,
5 anyone wishing to obtain inaccessible version of this
6 presentation, please send an email request to
7 landusetestimony@Council.NYC.gov. Now, Mr. Palatnic,
8 you and your team may begin.

9 ERIC PALATNIC: Thank you very much,
10 Councilman Moya and members of the committee. And we
11 know everybody's time is extremely valuable, so we
12 would like to thank you for the amount of time that
13 you are dedicating to these issues. I would also
14 like to knowledge all of your service and to
15 acknowledge the oncoming September 11th tomorrow into
16 wish all a lot of strength as we remember our friends
17 and colleagues from those days. This application, is
18 the Councilman just so eloquently called out to all
19 of you, is a rezoning of 633 to 641 West 142nd
20 Street. It's on the corner of Riverside Drive and it
21 is laden with issues, as he just mentioned a moment
22 ago and the issues to relate to everything he said.
23 The level of affordability, the units, the size, the
24 family nature of them, and really, most importantly,
25 I think is the communication with the community

2 board. And I would like to call for the slide
3 presentation to be called up and I will speak to the
4 positions. We are here today asking you to read
5 zoning a block or a portion of a block on West 142nd
6 Street in Manhattan. That is an out carving of--
7 you can leave it right there. You can leave it on
8 that page. No. No. The second page is great, while
9 I am introducing it. You can see the site right
10 here. You can see it is within an R6A district and
11 we are proposing an R8A district. You can see it is
12 carved out in the mid-block section, the R6A is, of a
13 surrounding R8 district. That is all around it on
14 all sides. Our site is underdeveloped, one of the
15 lots is vacant. The couple of the rowhouses have not
16 been in great condition and some of them were
17 occupied and what the Councilman is speaking to write
18 now is what I'm trying to explain to everybody so
19 that you can see, as I go to present, we are
20 committed now and have been to providing as deep a
21 level and as much affordability as we can in families
22 sized units. When we started with the application,
23 we presented and R9A scenario to the community board.
24 That is what they heard through the ULURP process.
25 When we were approved and acted upon by City Planning

1 just a week ago, about 10 days ago, they reduced it
2 to an R8A version. We have not had the chance to go
3 back and meet with the Community board. So, I want
4 to say, from the beginning, that we are committed to
5 meeting with the community board, to explaining this
6 R8 scenario that we are explaining to you today to
7 them and spending as much time as is needed to answer
8 any question and try and get to a commonplace. So,
9 that is the backdrop. I would like now to present
10 the building and present what we are requesting here.
11 As I just mentioned a moment ago and as you can see
12 in both sides of the slide here, it is in an R6A
13 district right now, the property. The left side is
14 the existing conditions. The right side are the
15 proposed conditions. The R6A that is there right now
16 has no affordable housing requirement. The buildings
17 that are there right now could be knocked down and an
18 R6A compliant building could be developed. We are
19 asking to rezone the property with the understanding
20 that, if it is to be approved, it will create 66
21 units and 17 of those 66 units would be affordable.
22 So, we are hoping that the support mechanism for this
23 application is the fact that we are creating
24 affordable units where none exist right now and we're
25

1 going to try to do that to even overcompensate for
2 any of the units that were lost in the existing
3 rowhouses. Next slide, please. This slide shows the
4 proposed zoning map in more detail. You can see very
5 clearly that it's predominately an R8 area. With
6 this mid-block portion of West 142nd, rezoned years
7 ago-- it was an R6A primarily to protect the
8 rowhouse nature of the block. So, that is part, I
9 think of where the rub is with the community is some
10 of the concern of folks is that it was rezoned
11 specifically. The rest of our application to you
12 that we are really asking me to rezone a portion of
13 the block on Riverside Drive which, I think,
14 everybody can understand has a history of larger
15 buildings. Next slide, please. This shows you the
16 site with a visual on the left of what it is right
17 now. You can see the vacant lot on the corner is the
18 property that is proposed to be developed upon as
19 well as the four rowhouses to its right. Three of
20 the four rowhouses you see on the left side of the
21 page are vacant. They were in pretty poor condition.
22 The one that's remaining that's ours is the fourth
23 one. That's been fully renovated and occupied by
24 many and some of the people that were in the
25

buildings that were to its left that are now vacant.

The right side of the screen shows you what we are

proposing. Again, it's been downsized from what was

shown to the community board. It was shown to the

community board as a 18 story building. Excuse me.

This, what you see now, reflects an R8A which is a 14

story building. Next slide, please. This is just

some of the information that we presented to the

community board and tried to show that we do meet or

are trying to meet the goals of the community. The

community has made commentary in their community need

reports looking for developed soft sites with

affordable housing and we are trying to do that in a

way that is contextual to match what is now the R8

proposal. Next slide, please. This is an

interesting slide that goes to the affordability

component of the application which I think is a big

part of this application, of course. That the

Community Board Nine rent increased by 21 percent

over the past few years. It's quite a bit larger

increase than even Manhattan, which increased only

5.5 percent. We are calling out here what everybody

knows which is the pressing need for affordability,

but even showing how much more it's needed in this

2 community. Next slide. No, I am going to let Nancy
3 speak to this slide for a minute. She is going to
4 give you an overview of how the building height, we
5 believe, fits within the neighborhood. So, Nancy
6 Dune with VHB, if your could just speak for a few
7 minutes and just speak to this fact. Are you able to
8 speak?

9 NANCY DUNE: Yes.

10 ERIC PALATNIC: Great.

11 NANCY DUNE: Sorry. So, good afternoon.
12 I'm Nancy Dune. I'm a planner with VHB. So, the
13 image at the top of the slide shows how the building
14 would be consistent with the primarily large-scale
15 apartment buildings along Riverside Drive. So,
16 directly south of the site is our 140 foot tall
17 building which would be the exact same height as the
18 proposed building and then south-- moving south
19 along Riverside Drive-- the building range from 128
20 to 216 feet. The diagram to the lower right show
21 that there is a significant grade change along the
22 block. There is a change of 49 feet between Broadway
23 in Riverside and, as a result, you see in the top
24 image, although the building would be 140 feet in
25 total height, and appears to be only 9 feet taller

2 when you are looking down Broadway. And then, the
3 image on the lower left looks down 142nd Street from
4 Broadway so that you can see directly across from the
5 site is that existing 140 foot tall building along
6 Riverside and if you look down to the north, you
7 really can't see that building, which would be the
8 same for this building. Next slide. So, the map
9 here on the left shows how the FAA are is consistent
10 with the buildings along Riverside. You can see the
11 proposed building would really mirror the total
12 density directly to the south and to the north. And,
13 on the other blocks, this density actually carries
14 deeper east into the side streets. And then, the map
15 on the right shows how the project is consistent and
16 compatible with the building height along Riverside.
17 The map shows there is able care outline and building
18 footprint along the south side of 142nd Street. Next
19 slide.

20 CHAIRPERSON MOYA: Did we lose our
21 panelist?

22 ERIC PALATNIC: There we go. It was the
23 combination of my muted myself and then I was not
24 allowed to unmute myself. Two features my wife would
25 love to have in our home environment. So, this map

1 shows-- I'm trying to show you and I'm sorry. I
2 tried to explain a moment ago and you couldn't hear
3 me-- is the left side shows you the number of new
4 developments that have been created in Community
5 District Nine since 2014. You can see 18
6 developments the right side shows you how many have
7 been affordable, only ours. Or at least using MIH, I
8 should say. Using inclusionary housing. So, it is
9 really a dramatic difference that there has been none
10 created. Next slide, please. This slide is just
11 meant to drive home the point that I was saying
12 before which is really what we're hoping is the
13 enticement for this application. The left side shows
14 you the current zoning produces zero affordable
15 housing. It is R6A and creates 32 apartments, none
16 of which would be affordable. What we are asking you
17 for is to go to an R8A. That would let us build 66
18 apartments, 17 of which are affordable and I think
19 there is a you and some talk in the works of how to
20 increase the number and how to make those units more
21 family sized. That is what the Councilman was
22 speaking to earlier. So, I hope this is conveyed to
23 everybody that we are doing our best to try to
24 provide as much affordable housing as we can and, of
25

1 course, it is with zero government dollars. Next
2 slide, please. This shows you more specificity--
3 because we know this is the conversation that is at
4 hand-- the number of units, again, that are going to
5 be created that are affordable under the inclusionary
6 housing program. 66 were proposed-- were proposed
7 units total. We are proposing option one, 25 percent
8 of the residential floor area right now, which I have
9 a feeling we will increase and that results in 17
10 permanently affordable units mixed between the income
11 spectrum of 40 percent AMI to 100 percent AMI. Next
12 slide. On this slide-- actually stay here for a
13 second-- what will change, we can tell you in the
14 future, after speaking to the Councilman and two
15 other folks is the size of the apartment and the
16 affordability here. You can see here on the right
17 side, this is what the Council was speaking to that
18 you see the word studio. He was not happy with that
19 and we will endeavor to change that so that, although
20 there may still be a few studios, you will not see
21 what you see now, which is the majority of the units
22 are, in fact, studios and one bedrooms. We will
23 endeavor to make them larger family units. Next
24 slide. Hearing you can see again, just trying to
25

2 make it very clear so that everybody is completely
3 understanding of the affordability matrix and what we
4 are proposing, the left side, again, shows you the
5 total number of units and the total number that are
6 affordable and the right side, excuse me, right side
7 shows you the total number that are affordable and,
8 again, you can see the bottom where it says
9 affordable three-bedroom and just a few two-bedrooms,
10 that is not what the Councilman wanted to see and we
11 will endeavor to change that. Next slide, please.

12 This next slide and the rest of the slides will be
13 for Shiva who is the project architect and I will let
14 her explain the next few slides. Go on, Shiva.

15 SHIVA GHOMI: Good afternoon, everyone.

16 Thanks, Eric. Thank you very much for your time and
17 the opportunity to present this project. My name is
18 Shiva Ghomi. I am the director of planning and
19 community development at Aufgang Architects. This
20 slide shows that we've been trying to incorporate the
21 design elements and neighborhood characters into the
22 façade design for this future development and make it
23 as contextual as possible. We did a lot of research
24 and study that we did. You can see the proposed
25 material, the colors, the frames around the windows,

1 the stone details, and all these other kind of like
2 in depth details that we are proposing to resemble
3 the existing historic façade and also providing human
4 scale perspective for the pedestrian to reflect what
5 is going on with the rest of the neighborhood and the
6 rest of the building façade in this community. And
7 we do have a specific emphasis on the entrance and I
8 will show you the site plan that, you know, shows
9 where the existing or the proposed entrances. Next
10 slide, please. The design team in the development
11 team are definitely meeting and committed to provide
12 sustainability features for this proposed
13 development. We're looking into providing energy
14 saving appliances, the off gassing VOCs and paint and
15 other materials that we are going to use in the
16 interior to include the indoor air quality. We're
17 going to have proposed solar panels on the roof,
18 outdoor rack area that I will show you on the floor
19 plans. We are committed to provide air sealing, and
20 high performance windows on the façade and along with
21 the low flow plumbing fixtures. I will pass the next
22 slides to Nancy, again, and I will jump back to
23 explain some of the renderings for you. Thank you.

2 NANCY DUNE: Great. So, the rezoning area
3 is located in a national register eligible West
4 Harlem historical district. It is not a New York City
5 landmarked designated or even eligible district, but
6 when we assess the conditions of the existing
7 buildings, we found that they really lacked the
8 historic integrity for the reasons that I will go
9 through on this slide. So, 633 and 635 have been
10 resurfaced with a synthetic stone veneer and that is
11 out of character from the time period and then the
12 other 12 rowhouses. The curvature of Riverside Drive
13 resulted in a non-occupied unusable parcel at the end
14 of the block which you-- which Eric showed on that
15 existing conditions photo in the very beginning. To
16 the buildings, 635 and 633 have a non-raised first
17 floor entry because their stoops were actually
18 removed and, as a result, they visually sort of
19 breaks the rhythm of the 12 other rowhouses. Not
20 surprising is the various hazardous materials that
21 were used in the construction and nearly 20th century
22 of the buildings and, again, due to that the
23 development of Riverside Drive in the curvature of
24 the block which, again, you saw in the existing photo
25 in the beginning, that and rowhouse has an

2 undesigned-- it actually has a blank western
3 interior-- or exterior wall. And then, lastly, to
4 point out, the easternmost rowhouse will be preserved
5 and will remain intact. Next slide.

6 ERIC PALATNIC: This slide shows you,
7 in a very linear format, the vacancies of the
8 apartments in the other buildings. I won't spend too
9 much time on this other than to show and trying to
10 show you here, if you could see the bottom of each
11 date, did not request renewal and vacated. Did not
12 request renewal and vacated. Or voluntarily
13 relocated. We tried to show you in very clear detail
14 that we did not force anybody out or did not try to
15 force anybody out or did not try to give anybody the
16 impression that they were being forced out. Some
17 people left on their own and people who did not want
18 to leave were offered new spaces, primarily 633 which
19 is the remaining building. Next slide. The
20 remaining slimes are going to be the building which
21 we're going show you and, Shiva, you can go through
22 that and then we are happy to answer any questions
23 after you see the building. Thank you.

24 SHIVA GHOMI: Sure. Sure. Quickly go over
25 the remaining slides. So, this is a view from

2 Riverside Drive to show the height of the building
3 and the fact that we are-- what we're doing, the
4 concept I'm a design for this building is like a
5 traditional midblock concept which is like a bunch
6 of-- like a row of townhouses at the end of the
7 block and there's going to be like a higher elevation
8 building and this new development-- Can you go to
9 the next line, please? And this is the emphasis on
10 the entrance along Riverside Drive that I mentioned
11 earlier. Next slide, please. And this shows the
12 proposed development from the 142nd and, as you can
13 see, we tried to do, you know, set down the building,
14 incorporate the warmer design to make sure that we
15 are like slowly stepping down to get to the existing
16 context of the townhouses. So, we're going 14, 12,
17 10, and then it would be like gradually the elevation
18 steps down. Slide, please. This is a site plan that
19 shows what the existing-- sorry. The proposed
20 building. You can see the entrance of the lobby
21 along Riverside Drive. Next slide, please. This is
22 a schematic height diagram and shows the maximum
23 height is going to be 140 feet. Next, please.
24 Schematic massing. Next, please. The next couple of
25 slides are showing the schematic floor plans and the

2 unit distribution. I am sorry about the colors. I
3 don't know what happened. The color code is missing,
4 but, technically, on the left side you see the ground
5 floor schematic design for the lobby. It's going to
6 BASS height lobby with laundry room and bike storage
7 and mechanical units in the back and then, on the
8 second floor, we have recreation room that goes on
9 the roof of the existing building on the right and
10 that create some sort of outdoor rack room, well.
11 Next, please. The unit distribution, again, if you
12 have any specific question, I can provide you with
13 more detailed square footage numbers next week. In
14 the higher floors. And that-- Okay. That was the
15 presentation. Thank you.

16 ERIC PALATNIC: Thank you. And we know
17 that people must have a lot of questions and were
18 sure that some people signed up to speak, so we are
19 here to answer any questions.

20 CHAIRPERSON MOYA: Thank you. I had a
21 couple questions, but I know that my colleague,
22 Council member Levine, this is a very important
23 project to him, but I just want to go back to one
24 quick thing. When we were talking about sort of the
25 integrity of the last three rowhouses that were

2 there, it was a very big concern for the community
3 board. Those rowhouses were deemed eligible for the
4 national register and contributed to the historic
5 integrity of the block. They were also specifically
6 separated out of the down zoning in 2012. I know
7 that you have touched upon that, but I am just going
8 back to light given all of that, how are you really
9 are justifying demolishing those three rowhouses
10 there?

11 ERIC PALATNIC: I'll tell you how. We
12 are in no desire to demolish anything that anybody
13 would consider to be architecturally or historically
14 significant. Nancy is going to explain me now that
15 they are not architecturally significant and we also
16 would like to call out to you the fact that the block
17 was preserved, I think, with the hopes that the
18 buildings would somehow be improved upon and the
19 conditions would be better. In the block have a
20 special character, but it is these end rowhouses that
21 we are speaking to. We are not speaking to
22 disrupting the entire block. Nancy, can you just
23 speak to a little bit more on how we do not need the
24 state mandate for being a landmark building and what
25

2 the distinction is so that they can understand that
3 to the level that you do?

4 NANCY DUNE: Sure. Sure. Happy to. So,
5 just to step back, again, the district is an eligible
6 district. It is a massive district and they have not
7 individually designated any of the buildings.
8 Essentially, all of the buildings in the district are
9 considered contributing, but they are not
10 individually protected and that is the state. It's a
11 national register. It has nothing to do with New
12 York City landmark protection. So, we went through
13 the process to look at whether we could have an
14 opportunity to reuse them and, for those sort of
15 reasons, we went through them from a structural
16 standpoint and environmental standpoint they couldn't
17 be reused. The buildings, you know, they get-- any
18 building in an eligible district gets sort of flagged
19 for review when it goes through this type of process,
20 but if we had a building permit, you know, if there
21 was no zoning, you know, anything can happen to those
22 buildings until they are formally designated as New
23 York City landmarks. So, because we went through
24 this rezoning process, we went through this extra
25 staff of looking at whether we could save the

2 building or use the buildings and they couldn't be
3 reused and all that information is been reviewed by
4 the agencies and they concur that they can't be
5 reused. Does that answer your question?

6 CHAIRPERSON MOYA: M. Thank you. Let me
7 turn it over to Council member Levine for questions.

8 COUNCIL MEMBER LEVINE: Thank you, Chair
9 Moya. And I want to pick up on your excellent and
10 important question first. I have heard your
11 technical explanation, Nancy, on why you don't
12 believe that these three rowhouses are historically
13 significant, but I want to tell you from the
14 communities perspective, they are absolutely
15 historically significant. These are the kinds of
16 rowhouses that define the neighborhood, that people
17 feel connected to that are very much part of the
18 fabric of the neighborhood. So, technical rationale
19 aside, I think there is almost universal agreement
20 that we don't want to lose those rowhouses. So, my
21 question to you is why not develop the unused vacant
22 part of the site and renovate the three rowhouses?

23 ERIC PALATNIC: Yeah. Hi. It is Eric
24 Palatnic. The problem with that, Councilman, is that
25 the vacant lot that we speak to, lot 14, it's the one

2 on Riverside Drive. It's a relatively small lot. In
3 and of itself, and is probably half the size of the
4 remaining lots. It's got a curvature to. There are
5 all sorts of foundational issues that relate to
6 Riverside Drive which is why the property has not
7 been developed upon through the years. It is a very
8 difficult site to develop on its own and the
9 investment just simply wouldn't be worth what it
10 would take to make the site suitable. So, that is
11 the reason why. We have looked at ways-- I started
12 to get into this discussion with the community board
13 very early a couple years ago about ways to maintain
14 the façade of these buildings or somehow replicate
15 the townhome look of the block and she might be able
16 to speak to that, but to save the buildings, the
17 buildings are in fairly poor condition, they are
18 laden with asbestos, they have really been stripped
19 of all their historical significance. So, although I
20 understand what you are saying they have sort of a
21 quaint look to them. It sort of brings you back to
22 the, you know, the New York City of yesteryear and we
23 get that we're asking to change that, but the
24 argument for that is there is just not much there to

2 say. So, I don't know if that helps the discussion
3 that all and further along.

4 COUNCIL MEMBER LEVINE: Not really.

5 Similarly, there are currently eight apartments. I
6 understand there vacant, but they are formerly red
7 regulated units. They are part of the precious
8 finite stock we have of rent regulated-- I think in
9 that case, rent-stabilized-- units. Am I to
10 understand that the state law allows you to demolish
11 rent regulated units and then they are evaporated
12 from the rent regulation rules? There is that big of
13 a loophole?

14 ERIC PALATNIC: Well, so long as they
15 have been vacated and that everybody is placed.
16 That's the requirement. So, that has been done. But
17 I am aware of a few discussions and thoughts that
18 have been going around over the past few days and I
19 think that there is a strong effort on behalf of the
20 applicant to try to recapture-- those eight units
21 that you are speaking to our smaller units. They
22 were basically SROs and we would like to be able to
23 look at a way to maybe recapture that within the
24 redesigned building and find some way to provide for
25 that. So, hopefully, we can somehow make right with

2 that issue with you. We know that we are not legally
3 required to do so. We would be required to do so
4 under, I think, what you're asking us to do. So,
5 that is a legal mandate also. So we have two legal
6 requirements: you and the rent regulation laws. And
7 I think we would like to comply with both.

8 COUNCIL MEMBER LEVINE: I mean, to me, the
9 loss of even one regulated unit is just Gravis and
10 should be avoided at all costs and I am very upset to
11 learn what appears to be the fact that this would be
12 permitted under state housing law. So, what happens
13 on this property if your application is not accepted?

14 ERIC PALATNIC: Well, I hate to say what
15 we can do because it's not our intention. We desire
16 to do the R8A. What can be done is an R6A
17 development. That is what can be built on the
18 property. That is what has been able to be built
19 throughout the years. The R6A would result in a 70
20 foot tall building. It would not be a brownstone
21 building. It would not have any of the affordability
22 that we spoke about, but that's what can be built.
23 But I'm sitting here telling you that's what we want
24 to build. If that was so lucrative, everybody would
25 have been jumping through the hoops to build the R6A

2 because that is the allowable. Really, the economic,
3 smart move here is to do larger development than R6A
4 and even with the inclusion of the affordability on
5 the developer's back, that still incentivizes them to
6 redevelop the property. So, we could do an R6A. We
7 could do a 70 foot tall building. It would have
8 probably 34 apartments and, but that is not our
9 intention were not here telling you that that is what
10 we want to do, but that is what could be done.

11 COUNCIL MEMBER LEVINE: I mean, it's
12 disappointing and alarming to hear that that is the
13 fallback plan. I think that is, in many ways, the
14 worst of all possible worlds. In the income
15 targeting, this is a community that has a lower
16 median and average income than much of the city and
17 region. I understand you have units that go as low
18 as 40 percent AMI. Another horrible failure were
19 dealing with is the fact that average median income
20 includes Scarsdale and wealthy suburbs. It doesn't
21 just take into account the income of the immediate
22 neighborhood. Someone who makes minimum wage would
23 come a single person making 30,000 year would be
24 below 40 percent of AMI. So, are they not even
25 allowed to apply for one of those units?

2 ERIC PALATNIC: You know, that's not a
3 black-and-white answer from what and how I understand
4 it to work. Yes, they would definitely be allowed to
5 apply. The question is when modeling wills time,
6 whether or not the rent burden that they would be
7 suffering would be greater than 30 percent of their
8 total income. So, say somebody who is at a lower AMI
9 than 40 percent applied, but, yet, when they applied,
10 there rent burden, it was found that they were
11 spending 50 percent of their monthly paycheck on
12 rent. Well, that is not a healthy situation for
13 those people to be in either because we all have to
14 eat and there are other costs. So, the answer is
15 there is nothing legally necessarily preventing it.
16 HPV, I understand, likes to have it within a two or
17 three percentage point spread of the 40% AMI, though,
18 if only because of what I just mentioned a moment ago
19 for the fear that somebody might have a lower AMI I
20 and up with a higher rent burden than they should.
21 So, that is not, of course, our doing. That is a
22 bigger picture than us, but that is the way the rules
23 work.

24

25

2 COUNCIL MEMBER LEVINE: Have you talked to
3 HPD about getting HPD financing to expand the number
4 and the level and the quality of affordability?

5 ERIC PALATNIC: We have spoken-- I
6 don't know who my consultants, who they spoke to at
7 HPD, but we work with a bevy of consultants and there
8 is no money at HPD right now for any private
9 development right now. So--

10 COUNCIL MEMBER LEVINE: They told you there
11 is no money for any private development?

12 ERIC PALATNIC: Not to subsidize private
13 affordable development right now in an MIA. And to
14 make it worse, they did away and they wiped out last
15 year the AIRS program which was a successful program
16 and, to make it even worse, the 421A program is on
17 the cusp also. So, no. There is no money available
18 for a developer to go to to do deeper affordability.
19 If there is, we would be happy to work with any
20 program in place to do so.

21 COUNCIL MEMBER LEVINE: We have a large
22 number of people that want to testify from the public
23 which we are all anxious to hear from in person and
24 virtually, so I don't want to take up too much more
25 time. But the scope of the project changed pretty

2 dramatically. It had originally been proposed that
3 R9A. It is now being proposed that R8A and the
4 community board has not had a formal opportunity to
5 meet with Theo to discuss this revised scope. Would
6 you agree to do so to meet with the community board
7 to discuss the revised plan?

8 ERIC PALATNIC: Yes.

9 COUNCIL MEMBER LEVINE: Okay. I'm happy to
10 hear that. Going to pause now and pass it back to
11 the Chair because we are anxious to hear from members
12 of the public. Thank you, again, Mr. Chair.

13 CHAIRPERSON MOYA: Thank you, Council
14 member. Appreciate you giving up your time. There
15 being no further questions, the applicant panel is
16 now excused. The first public panel on this item
17 will be State Senator Robert Jackson.

18 SERGEANT-AT-ARMS: You may begin.

19 STATE SENATOR ROBERT JACKSON: So, let
20 me start my video. Good afternoon, Chair Moya and
21 members of the Zoning and Franchises Committee. I am
22 State Senator Robert Jackson and I represent the area
23 in question of West 142nd Street and I was a city
24 Council member before Mark Levine and I say to you
25 that I oppose this rezoning of West 142nd Street from

1 R6A to R8A and I oppose the original plan of up so
2 named to R9A, as well, when it was presented in April
3 to the community board. And I am following the lead
4 of our community. So, the Council should be fully
5 aware of that. As I heard at CB nine Housing, Land
6 Use and Zoning Committee emergency hearing on this
7 matter which was held Tuesday evening in a unanimous
8 pull vote of the committee members and board members
9 and members of the public, the West Harlem community
10 is not opposed to the development overall. They are
11 opposed to this development that would destroy this
12 character of the historic block without meaningfully
13 addressing the affordability crisis. This rezoning
14 flies in the face of nearly two decades of work by
15 community and community board to plan intentionally
16 in their 207 197A plan that I actively participated
17 in myself. They stated that the goal is to, quote,
18 ensure that future development is compatible with the
19 existing and historical urban fabric and complement
20 its neighborhood character. Neither the R9A nor the
21 slightly revised R8A building plans are compatible.
22 Now, let me be clear. This zoning would also take
23 away affordable units and the use existing
24 brownstones where they are aware currently 24 rent-

2 stabilized apartments of various sizes to accommodate
3 different family configurations. The proposed from
4 the developer would create only 20 units of so-called
5 affordable that would most likely be studios or one
6 bedrooms at a level that doesn't meet the income of
7 our neighborhoods most at risk in the housing
8 [inaudible 02:07:21] crisis. And as Council member
9 Mark Levine has stated, he raised some legitimate
10 questions. Can this be put on hold and let the
11 developer go and work with the community? Question
12 mark. And, if so, then I asked that to be the case.
13 And it appears as though, by Mark Levine, who asked
14 him that question himself, he would agree if that the
15 possibility that that could happen, it should happen.
16 So, I strongly encourage the subcommittee to listen
17 to the nearly unanimous will of the community and
18 reject this application for up zoning of West 142nd
19 Street near Riverside Drive. Thank you, Chair Moya,
20 and members of the Zoning and Franchises Committee,
21 as a former member of the city Council.

22 CHAIRPERSON MOYA: Thank you, Senator.

23 Before you go, I just want to turn it over to Council
24 number Levine who has a question for you.

2 COUNCIL MEMBER LEVINE: Very quickly and
3 thank you, Chair, because I am anxious to hear from
4 more members of the public. It is good to see you,
5 Senator, and I agreed with many of the points that
6 you raised. I know you were deeply involved with all
7 the rezoning was around 2012 at a time when the city
8 was aggressively pushing the rezoning in the
9 Manhattanville area. And the community had a lot of
10 leverage at that point. Do you know why, at that
11 moment when the community had so much leverage, that
12 block wasn't landmarked? Because that really
13 would've offered such strong protection.

14 STATE SENATOR ROBERT JACKSON: Well, I
15 can't answer that question at this point in time,
16 Mark. You know, 2012 was 10 years ago and I don't--
17 the details at that particular time I'm not fully
18 aware of now, but I say to you that, when Borough
19 President Scott Stringer was involved as the Borough
20 President, he put forward a rezoning in which I
21 supported wholeheartedly in order to maintain the
22 integrity of the West Harlem community for 126th
23 Street to 155th Street and I don't know specifically
24 about that track and whether or not it was excluded,
25 but I do know that, during the period of time, some

2 people-- and I don't know if it was 142nd Street or
3 another block, they asked for upzoning and I
4 basically recommended a no on that because it didn't
5 meet the needs of our community overall. So, needs
6 of our community and understanding that, when you
7 look at the census data even now, we have lost
8 members of our community-- My senatorial district,
9 the 31st senatorial district which includes West
10 Harlem and goes all the way up to Marble Hill and
11 down to 26th Street and Ninth Avenue, the only
12 senatorial district that has lost members of our
13 community and why, because the whole gentrification
14 process has, basically, hit the community. In fact,
15 Latin X and people of color have decreased were
16 Caucasians and Asians have increased. So this, in my
17 opinion, would increase the gentrification process
18 that we are trying to stop overall to make sure the
19 people that live in our community will have an
20 opportunity to stay there.

21 COUNCIL MEMBER LEVINE: And I certainly
22 agree that we have way too few affordable units
23 created in the neighborhood and way too many
24 affordable units lost. Just one more very quick
25 question. Something alarming that I heard back from

2 the developer is that the state rent regulation laws
3 which you're, obviously, more expert on than me,
4 since you all just passed a major modernization and
5 improvement there, that still allow for a developer
6 to demolish vacant regulated units and with no legal
7 obligation to replace them? Is that actually what
8 the state rent regulation laws allow and why can't
9 that be fixed?

10 STATE SENATOR ROBERT JACKSON: I'd say
11 to you, Council member, this is the first time I'm
12 hearing of it. I am not a housing expert. I am a
13 legislator overall and, as you know, that probably
14 did not occur during my tenure with my knowledge
15 because I would never allow that as an individual
16 State Senator. But I say to you that I will be
17 looking into that now that I'm hearing about it, for
18 sure.

19 COUNCIL MEMBER LEVINE: Good. Thank you,
20 Senator. Back to you, Mr. Chair.

21 STATE SENATOR ROBERT JACKSON: You're
22 welcome.

23 CHAIRPERSON MOYA: Thank you, Council
24 member. Thank you, Senator, for your testimony
25 today.

2 STATE SENATOR ROBERT JACKSON: Thank
3 you.

4 CHAIRPERSON MOYA: Okay. Thank you. I am
5 now going to call up the next panel. Is John Reddick
6 here? Yeah. John. And he will be followed by Jack
7 Sorenson.

8 JOHN REDDICK: Okay. Can I begin?

9 SERGEANT-AT-ARMS: Starting time.

10 JOHN REDDICK: I can start?

11 CHAIRPERSON MOYA: Yeah.

12 JOHN REDDICK: My name is John Reddick.

13 I am here to testify in opposition to the proposed
14 project, 629 to 633 West 142nd Street. I speak as a
15 Harlem resident of 142nd Street, living there since
16 1980 and as a participant and partner in the
17 neighborhood community West Harlem Rezoning
18 Initiative which involved years of effort resulting
19 in advancing Community Board Nine Manhattan 197A plan
20 in 2007 which was followed by another five year
21 review by City Planning finally being adopted by the
22 City Council in 2012. With the approved sounding
23 plan came a concerted effort to carve out R6A zoning
24 districts to serve and support of the community's
25 desire to advance landmark districting and discourage

2 development of over seven stories in those areas and,
3 thus, not incentivized developers to pursue project
4 like the one that is before us today. In support of
5 land marking goals set forth in the rezoning plan,
6 the community raised funds and advanced application
7 for a national register designation which we expect
8 to finalize and secure in the coming year while we
9 are also pursuing New York City landmarks status, as
10 well, for the property is cited and a [inaudible
11 02:13:51] district that includes the areas bounded by
12 Riverside Drive and Broadway from 135th to 145th
13 Street. And a brief response to the electeds talking
14 about why wasn't it landmarked at the time of the
15 zoning, land marking doesn't parallel zoning in terms
16 of timeframe and one of the things that it would be
17 great to see the city Council to is make those two
18 calendars run on the same clock. It is shameful to
19 see City Planning ignore their own R6A zoning goals
20 adopted under the West Harlem rezoning and even in
21 entertaining this proposal, and also remains--

22 SERGEANT-AT-ARMS: Time expired.

23 CHAIRPERSON MOYA: I'll give you a little
24 time to wrap it up.

2 JOHN REDDICK: Okay. Furthermore, the
3 purpose of this development is advanced only by the
4 developer's ability to take stabilized tenants and
5 move them off the site and to develop a site that
6 would not be what he is proposing today. In this
7 effort to grab several additional stories, he is not
8 even meeting what is being lost in terms of
9 affordable housing that he plans to demolish.

10 CHAIRPERSON MOYA: Thank you, John, for
11 your testimony today. We can now begin with you,
12 Jack.

13 SERGEANT-AT-ARMS: Starting time.

14 JACK SORENSON: Good afternoon,
15 everyone. My name is Jack Sorenson. I live in one
16 of the so-called not historically significant
17 brownstones on 142nd Street and I am a local law
18 student. So, I would just like to read but some of
19 the blatant lies that happen like a councils stated.
20 First, I want to make it explicitly clear, that a
21 rent-stabilized units are only in the one brownstone
22 that they are going to keep. Before they vacated all
23 of these units, as the State Senator mentioned, there
24 were 24 stabilized units that, while they bought
25 those properties, engaged in a systemic effort to

1 vacate those individuals, including senior citizens
2 of the community who lived in that building for over
3 30 years, they refused to allow individuals to make
4 fixes to their apartments. There are some instances
5 of, the community board meeting, the landowners
6 seized garbage collection at the places that he made
7 vacant and in the stoops, there was trash waste time
8 until the community said, these places that you
9 abandoned, you are leaving them abandoned. And I
10 want to make it explicitly clear that the developer
11 created this situation. The need for affordable--
12 if he had just maintained the 24 affordable units and
13 not forced them out, there would be no need to now
14 have a lower number of affordable units. And I would
15 also just like to touch on the history of larger
16 buildings. In 2012, as other members of the
17 community mentioned, this was specifically zoned
18 because the rest of Riverside was overdeveloped and
19 destroys the character of the historic community.
20 And I would also like to note that this lot has been
21 a lot since this area of Harlem was farmland. You
22 can look at the New York City.gov website as someone
23 who has a material history undergraduate degree and
24 this was a wraparound porch Dutch farmhouse before
25

2 the turn-of-the-century. So, this was not a
3 demolished large building at the turn-of-the-century
4 to build these brownstones. Furthermore, the reason
5 that the applicant counsel and applicant's consultant
6 said that these do not or not historically
7 significant, one, is because the craftsmanship does
8 not--

9 SERGEANT-AT-ARMS: Time expired.

10 JACK SORENSON: exist anymore to put
11 those building back in the condition they were and,
12 furthermore, the city and the developer purposefully
13 neglected this neighborhood throughout the later 20th
14 century and allowed these buildings to become
15 decrepit so that then developers now can come after.
16 The community fought for a decade to prevent this.
17 It's going to get overturned like that if you guys
18 will do anything. Thank you. I appreciate it.

19 CHAIRPERSON MOYA: Thank you. Thank you
20 for your testimony today. I would now like to call
21 up the next panel. Signe Mortensen. Anita Chang.
22 Barry Weinberg. Kathleen Collins. Signe Mortensen.
23 Do we have Signe?

24 SERGEANT-AT-ARMS: Starting time.

25 SIGNE MORTENSEN: Hello. Can you hear me?

2 CHAIRPERSON MOYA: We can hear you.

3 SIGNE MORTENSEN: All righty. Thank you.

4 So, thank you so much, committee, for hearing our
5 testimony today. As cochair for the Land Use and
6 Zoning Committee on CB Nine, where this project
7 lives, I want to share a little back story on the two
8 decades long journey that has brought us here today
9 and why the community board and neighbors are so
10 strongly opposed to this R8A rezoning. In the early
11 2000's, the community board engaged our neighbors to
12 address concerns by the expansion of institutions
13 such as Columbia into the Manhattanville and areas
14 above 125th Street. The threat to our affordable
15 housing stock and displacement of residents led to
16 the creation of our 197A plan in 2008 which laid out
17 a roadmap and a vision for our community regarding
18 zoning, land use, and development in our district.
19 In 2012, as a result of that plan, that DCP proposed
20 a zoning text amendment West Harlem, approved by this
21 city Council. So, within that rezoning, this very
22 block of row houses on 142nd was carved out and down
23 zoned from R8 to R6A to preserve the historic
24 character of the neighborhood and provide consistency
25 with the surrounding buildings on that block. Then

2 here we are just nine years later considering a
3 rezoning back to R8A, but the issues that concern our
4 neighbors are still in place. So, in April, we had a
5 hearing on the R9A proposal and everyone on the call
6 unanimously opposed to the rezoning. Three days ago,
7 we hosted a public discussion on the altered R8A
8 option and, again, it was unanimously opposed. So, I
9 want to be clear that the community board has not
10 heard from the developer about altering or addressing
11 our concern since we had that hearing in April. So,
12 in conclusion, I do want to ask that you hear the
13 overwhelming voices of our neighbors impacted by this
14 rezoning and vote to not approve this ULURP action.
15 Thank you.

16 CHAIRPERSON MOYA: Thank you. Thank you so
17 much for your testimony today. Next, we have Anita
18 Chang.

19 SERGEANT-AT-ARMS: Starting time.

20 ANITA CHANG: Hello, all. I am a member of
21 the Housing, Land Use, and Zoning Committee for
22 Community Board Nine. What are we discussing today?
23 In fact, there are two big procedures being tested
24 like levees in the face of the storm: rezoning and
25 community input in the ULURP process. Will the

1 developers be able to reverse recent rezoning and
2 negate community opposition? I hope not. State
3 Senator Robert Jackson just stated that this upzoning
4 flies in the face of two decades of work. I do
5 encourage everyone to listen to the two public
6 hearings held by CB Nine on this development. Four
7 and a half hours of community input against. In the
8 April 20th discussion, the developers [inaudible
9 02:21:48] counsel seemed to acknowledge, in response
10 to a question from a CB Nine member, Alana Mercado,
11 about profit that in running different zoning
12 exemptions scenarios with different numbers of
13 floors, they are discussing margins of profit and not
14 whether or not they will have a profit. So, the
15 issue is the pad of their profits versus the
16 community concerns about out of context height, loss
17 of sunshine, lack of affordability, and the loss of
18 our neighborhood character. Why are we even talking
19 about this? Because ULURP has a big weakness. At
20 this point before the Council, all those hours of
21 community testimony against the height of this
22 development and the repeated unanimous Community
23 Board Nine votes against this development depend on
24 one person to carry their message to the full
25

2 Council: our local Council member. I will see the
3 actual number of floors built as a souvenir that
4 Council member Levine is leaving his district and a
5 preview of how the probably next Manhattan Borough
6 Pres. will handle developers requesting up zoning's.
7 The stakes are not equal. What the neighborhood will
8 lose will be lost forever. I strongly ask the
9 Subcommittee on Zoning and Franchises to vote against
10 today's zoning exemption. Thank you.

11 CHAIRPERSON MOYA: Thank you. Thank you
12 for your testimony today. We are now going to call
13 up Barry Weinberg.

14 BARRY WEINBERG: Good afternoon--

15 SERGEANT-AT-ARMS: Starting time.

16 BARRY WEINBERG: to Chair Moya and
17 Council members. I just want to start by putting
18 some context and responding to what has been said
19 today. I am Barry Weinberg, Chair of Manhattan
20 Community Board Nine where this proposal is located.
21 We should not be hearing half-baked plans and talks
22 of different unit sizes or numbers of affordable
23 units at this point in the ULURP process. The
24 developer has not been in contact with our Housing,
25 Zoning, and Land Use Committee since May and while I

1 appreciate Council member Levine's important tough
2 questions today, these questions should have been
3 negotiated with a Community Board prior to the CPC
4 vote, not after a while it is in the Council.
5

6 Community Board Nine full board voted unanimously to
7 oppose this rezoning on May 20th and testified to
8 that effect at the CPC. When the CPC approved the

9 application at an R8A designation, we quickly put
10 together a community discussion of the proposal on
11 the evening of Tuesday, September 8th where over 60
12 people attended and there was unanimous opposition.

13 Nothing about the proposal merits undoing the years
14 of hard work that Community Board Nine then Council
15 member Jackson, then Borough President Scott

16 Stringer, and the Department of City Planning
17 undertook to raise own this block as R6A in 2012.

18 All of the lots in question were acquired after our
19 rezoning took place. So, there is no hardship here

20 that would merit and up zoning of lots that were down
21 zoned less than a decade ago. The developer spent

22 \$5.5 million over five years acquiring these five
23 lots to form an assembly. The affordable housing

24 created in the project is barely more and perhaps
25 less than the existing affordable units that have

2 been lost or would be lost by tearing down the
3 existing buildings. Manhattan Community Board Nine
4 continues to oppose the rezoning of these lots and
5 its executive committee voted on behalf of the full
6 board last night to reaffirm that. We hope that
7 Council will also decline to approve this rezoning.
8 This rezoning in this project would actually raise
9 the average rent in our district further. Elevation
10 shown today also showed the block south, but both of
11 the blocks to the north of here have six story
12 buildings along Riverside Drive that--

13 SERGEANT-AT-ARMS: Time expired.

14 BARRY WEINBERG: Thank you. If I can
15 just finish?

16 CHAIRPERSON MOYA: Yeah. You can.

17 BARRY WEINBERG: MIH may not have been
18 used in our district, but hundreds of affordable
19 units have been created in other projects like the
20 Enclave at 114th and the renovations from PS 186.
21 And I want to just know that these buildings have an
22 unbroken row of cornices across 142nd Street as
23 townhouses which is very rare historically and we
24 would not be having discussions about tearing down
25 these buildings that will contribute to the West

2 Harlem historic district expansion proposal pending
3 before the LPC if this were a wider, wealthier
4 neighborhood in another part of Manhattan. To ignore
5 the historic--

6 CHAIRPERSON MOYA: Thank-- Thank you,
7 Barry. Thank you for your testimony today. We
8 appreciate it.

9 BARRY WEINBERG: [inaudible 02:26:06]
10 Thank you.

11 CHAIRPERSON MOYA: Next, we have Kathleen
12 Collins.

13 SERGEANT-AT-ARMS: Time starts now.

14 KATHLEEN COLLINS: Good afternoon. My name
15 is Kathleen Collins and I am a person with the
16 disability. I am here on the zoning for
17 accessibility matter as opposed to our [inaudible
18 02:26:26] before the board right now. I mean, the
19 committee right now.

20 CHAIRPERSON MOYA: Okay. Hold on one
21 second, Kathleen. We'll get it fixed. Hold on.

22 KATHLEEN COLLINS: I don't have to leave in
23 five minutes because I'm doing a presentation on
24 voting with people with disabilities, so maybe that's
25 why they put me up at this moment.

2 CHAIRPERSON MOYA: Kathleen, that's coming
3 up next.

4 KATHLEEN COLLINS: I understand. Will that
5 continue past 2:30 because--

6 CHAIRPERSON MOYA: We're not sure. We have
7 a lot of people that are signed up and we are dealing
8 with this issue--

9 KATHLEEN COLLINS: Oh, do I have to get
10 back on at that time? [Inaudible 02:27:03]

11 CHAIRPERSON MOYA: You can try to get back
12 on, but you can always submit your testimony, as
13 well.

14 KATHLEEN COLLINS: We did submit our
15 testimony, but I just one note I just want to make is
16 that we haven't been given transparency with this
17 zoning--

18 CHAIRPERSON MOYA: I know, Kathleen. I'm
19 sorry. But I have to stick with the item that we
20 have--

21 KATHLEEN COLLINS: Got you. All right.
22 Thank you.

23 CHAIRPERSON MOYA: and we'll get back to
24 you. Sorry for the--

2 KATHLEEN COLLINS: Thank you, Council
3 member Rivera for her help.

4 CHAIRPERSON MOYA: Thank you. Thank you,
5 Kathleen. I'm so sorry about that. Okay. Thank
6 you. This panel is now excused. I would like to
7 call up the next panel. Michael Henry Adams.
8 Elizabeth Waytkus. Merrill Felix. Kevin Jarvis.
9 While we wait, I'm going to take this opportunity as
10 a reminder written testimony may be sent by email to
11 landusetestimony@Council.NYC.gov. Again, written
12 testimony may be sent by email to
13 landusetestimony@Council.NYC.gov. And do we have
14 Michael Henry Adams ready?

15 MICHAEL HENRY ADAMS: Hello?

16 CHAIRPERSON MOYA: Hey, Michael. One
17 second. Sergeant Martinez, are we ready?

18 SERGEANT-AT-ARMS: Time starts now.

19 CHAIRPERSON MOYA: Okay. Great.

20 MICHAEL HENRY ADAMS: Thank you, sir.

21 Well, good morning. Or, rather, good afternoon. I

22 am a resident of Harlem for the past 35 years. I

23 wrote the book Harlem, Lost and Found: An

24 Architectural History 1765 to 1915. And that really

25 came out of working with Carolyn Kent, the founder of

1 the Landmarks Committee of Community Board Nine on an
2 exhibition that was sponsored by Borough President
3 Ruth-- the Manhattan Borough President called
4 Heritage on that Heights. That happened in 1992.
5 That wasn't preparation for the 197A plan of the
6 Community Board and, after the supportive roof
7 Messenger and getting the 197A plan to include
8 elements that would preserve and protect the heritage
9 of our diverse community, we then moved on and, in
10 2012, we got the zoning changed on this particular
11 street with the help of the Landmarks Commission in
12 the City Planning Commission. And now, all of that
13 is to be overlooked and swept aside and units of
14 affordable housing matter rent-stabilized swept away
15 for fewer units of so-called affordable housing which
16 is not as affordable as the housing that is going to
17 be destroyed. As to the architect of the developer,
18 I must say that our interaction with the State
19 Historic Preservation Office, the Landmarks
20 Commission, and the Planning Commission are such that
21 we have understood from them that these buildings in
22 question are worthy of being city landmarks as part
23 of a historic district and that it is not true that
24 they are not contributing building in a historic
25

2 district. Moreover, were those buildings to be
3 developed because they are part of the national
4 register historic district, they would be eligible--

5 SERGEANT-AT-ARMS: Time expired.

6 MICHAEL HENRY ADAMS: for the investment
7 tax credit, the federal investment tax credit and the
8 state investment tax credit for historic properties.
9 So, this is really an ill-conceived project and we
10 are adamantly opposed to it.

11 CHAIRPERSON MOYA: Thank you. Thank you
12 for your testimony today. Next, we have Elizabeth
13 Waytkus.

14 SERGEANT-AT-ARMS: Time starts now.

15 ELIZABETH WAYTKUS: Thanks so much. My
16 name is Liz Waytkus and I have been a resident of was
17 Harlem for 18 years. I am a member of Manhattan
18 Community Board Nine and I am also a historic
19 preservation professional. I was also a resident of
20 one of the row houses on this block and I lived in a
21 beautiful, affordable, floor through apartment that
22 had a full gut renovation in 2012. I was also pushed
23 out, along with my neighbors, in 2017. As a former
24 resident of this block, I am strongly opposed to this
25 development because the project is out of scale with

2 the historic rowhouse block that has a high level of
3 charm and community and is distinct from the high-
4 rise blocks to the north and to the south. This
5 block is unique due to the balance of rowhouses and
6 apartment buildings-- excuse me. Renters and
7 owners. The abundance of light and it is a direct
8 connection to Riverside Drive. Every rowhouse on
9 this block has been restored over the last 10 years
10 except for the parcel zoned this developer and I
11 watch them being restored. I am opposed to this
12 proposal because our communities signed an agreement
13 with the Department of City Planning in 2012 to down
14 zone this block from R8 to R6A. I participated in
15 those lengthy negotiations and I find it extremely
16 frustrating for City Planning to renege on that
17 agreement. The buildings on this block are some of
18 the oldest buildings in our neighborhood and they
19 retain a high degree of historic integrity which is
20 why they were down zoned. The row is eligible for
21 the National Register of Historic Places in the
22 application to the New York City Landmarks
23 Preservation Commission is pending determination.
24 So, they are still eligible and they haven't decided.
25 As CB Nine Manhattan has already stated in our

2 official response to the ULURP process, this project
3 will add nothing to our community that we want or
4 need. We will lose precious rent-stabilized
5 apartments and this proposal is creating a loss of
6 current affordability in the units. If anything, the
7 new development will continue to push out long-
8 standing residents--

9 SERGEANT-AT-ARMS: Time expired.

10 ELIZABETH WAYTKUS: and increase the
11 threshold of apartment prices and our community.
12 Thank you.

13 CHAIRPERSON MOYA: Thank you. Thank you
14 for your testimony today. Next, we have Merrill
15 Felix.

16 SERGEANT-AT-ARMS: Time starts now.

17 MARIEL FELIX: Yes. Good afternoon,
18 everyone. My name is Mariel Felix. Thank you for
19 the opportunity to speak on behalf of the proposal of
20 the rezoning of the townhouses on 142nd Street. I'd
21 like to speak on behalf of many people in the
22 community as other members have said. I have been a
23 member of the community, not 18 years, not 20 years.
24 I am a person in her mid-50s and I lived there all my
25 life and I know the character of the neighborhood and

1 I know what changes have come about with other
2 buildings and areas that have been torn down into
3 buildings put up in its place. The displacement of
4 many of my neighbors of the flavor of the community
5 has taken place because of this. I am also very
6 outraged because the builders have not reached out to
7 the community sincerely to hear from us to make these
8 proposals to get our input in order to, you know,
9 make sure that we have a say in what is coming along.
10 I oppose it, too, because of the pedestrian traffic
11 that is going to increase, the particular traffic
12 that will increase. What it will do to the-- one of
13 the few areas of Manhattan that we have where we can
14 actually go sit at a park and enjoy greenery, the
15 trees, the fresh air, sunlight, shading of trees
16 rather than buildings, all of these things need to be
17 taken into consideration before we change the
18 character and the nature of what is trying to be
19 preserved or what is existing there already by
20 putting in any building, regardless of the size of
21 it, whether it is 14 stories, seven stories. The
22 units of affordability, that, of course, plays a
23 factor into it. Me, being as one person who lives
24
25

2 in, you know, and apartment that still remains
3 affordable--

4 SERGEANT-AT-ARMS: Time expired.

5 MARIEL FELIX: to me. I would like to
6 keep that in mind, but keep in mind the character of
7 the community and the area that we're living in.
8 thank you for your time and allowing me to speak on
9 behalf of many in my community.

10 CHAIRPERSON MOYA: Thank you. Thank you
11 for your testimony today. Next, we have Kevin
12 Jarvis.

13 SERGEANT-AT-ARMS: Time starts now.

14 KEVIN JARVIS: Hi. I am deeply opposed
15 to this project being built because I have been in
16 the community for a good 22 years and the biggest
17 thing I see is the affordability issue. It is just
18 going to be another big apartment that all only have
19 17-- right now 17 affordable units while the other
20 66 units are going to be market rate and, since I've
21 been inside this neighborhood, it has changed
22 dramatically. I mean, dramatically to the point
23 where the original community has been pushed out and
24 a new community is coming in that has a lot more
25 money and can spend and other people who are still

2 living in the community and can still survive into
3 are trying to keep their heads above water and it
4 seems as if the developers are trying to make a quick
5 buck, be devious, make the money, and then run and
6 not care about whatever problems happen and let the
7 communities deal with it. And we have enough
8 problems as it is right now. One is just this
9 developer. Others is, you know, trying to get people
10 jobs and the list goes on. And the city has never
11 been behind us. As that one law student said, the
12 city has never put money into this side of town
13 before until it can find a quick buck as it is right
14 now. So, I am against this project and I will do
15 anything I can to fight it. Thank you.

16 CHAIRPERSON MOYA: Thank you. Thank you so
17 much for your testimony today. This panel is now
18 excused. I would like to bring up the next panel.
19 Margaret Seeley, Athena Lemakis, Gabe Morales, and
20 Walter Alexander.

21 SERGEANT-AT-ARMS: Time starts now.

22 CHAIRPERSON MOYA: Hold on, Margaret.
23 You're still muted.

24 MARGARET SEELEY: Hi. My name is Margaret
25 Seeley. I am a longtime resident of 635 Riverside

2 Drive which is the building a block away from this
3 site that we are talking about and I would like to
4 say that, in terms of the character of this
5 neighborhood of West Harlem, the buildings are
6 important and, even more than the buildings, the
7 people are important and the people that give this
8 neighborhood the character that they have and that it
9 has, many of them are people who would not be able to
10 live in this proposed building. So, I am opposed to
11 the building itself and to changing the category from
12 6A to 8A. I also want to say that it is disingenuous
13 of the developer to say that their building is
14 appropriate for the neighborhood because it is
15 consistent with the size of buildings that are along
16 Riverside Drive. Because I live on Riverside Drive,
17 I know that it is precisely that reason that the
18 buildings around it are so tall that this block, the
19 way it is now, is so important. And the other thing
20 I want to mention is that the undeveloped part of
21 this property is not just a pile of rubble. It is
22 beautiful, green, well cared for-- not by the
23 developer. I don't know who cares for, but it is
24 full of green plants inside and shade and I learned
25 for the first time just now that it is part of

2 original farmland. So, I want you all to be able to
3 picture that when you are deciding how to proceed
4 with this proposal. Thank you.

5 CHAIRPERSON MOYA: Thank you so much for
6 your testimony. Athena Lemakis?

7 SERGEANT-AT-ARMS: Time starts now.

8 ATHENA LEMAKIS: Hi. I am just going to
9 read. Thank you so much for letting me speak. My
10 name is Athena Lemakis and I would like to say I am
11 opposed to the ULURP rezoning application from R6A to
12 R8A by Soma Developers in an increase of seven to 14
13 stories at 633-641 West 142nd Street. I am in New
14 York. I have lived in Harlem for over 20 years. I
15 love to walk along Riverside Drive a very angry and
16 devastated that there are plans to build a 14 story
17 building along Riverside Drive, so I'm getting upset.
18 Not only will this building being a major eyesore to
19 the architectural integrity of the area, but it will
20 block light to the park in the area. We live in a
21 city where the sense of space and openness is in
22 constant threat. I am also saddened to hear that the
23 brownstones are being torn down and my neighbors
24 displaced. My understanding of the history of the
25 zoning of the area that this was rezoned to save the

2 brownstones or, at least, from building tall
3 buildings. By rezoning this area, and is setting a
4 dangerous precedent for the future developers that
5 zoning doesn't matter. In addition, this building
6 will not add any additional affording housing to the
7 neighborhood. The brownstones they plan to det--
8 whatever. I'm not going to say that. We will be
9 losing affordable housing in the neighborhood. I'm
10 very upset. This building will destroy the beautiful
11 area along Riverside Drive. It does not fit with the
12 other architecture in the area. Thank you.

13 COMMITTEE COUNSEL: The next speaker
14 will be Gabe Morales.

15 SERGEANT-AT-ARMS: Time starts now.

16 GABE MORALES: Hello, members. I am a
17 resident of Harlem. I've lived in Harlem for about
18 20 something years. I just recently joined to the
19 Community Board. I was just recently appointed to
20 the Community Board and yesterday I took walk to
21 142nd Street to take a look at what was going on and
22 I am strongly opposed to this rezoning. I wrote up
23 bunch of stuff down, but I'm just strongly opposed to
24 this rezoning based off of someone's desire to make
25 this a lucrative endeavor while taking away the

2 fabric in the character of this neighborhood. When
3 you walk down the hill of 142nd Street, there is just
4 something about the hills in Harlem that don't really
5 exist anywhere else and so these homes have a very,
6 very specific character and if you are going to put a
7 14 story building, it just doesn't really make any
8 sense outside of it being lucrative because there is
9 nothing that has been done to incorporate the
10 community. I spoke to one of the people who owns
11 their homes still there and, apparently, the
12 developers have not really been engaging with the
13 community, so I really don't believe anything that
14 they are saying. And to get rid of that character in
15 exchange for 14 stories and a rezoning, I am just
16 strongly opposed to it and everyone is pretty much
17 said what I'm saying. So, thank you very much.

18 CHAIRPERSON MOYA: Thank you. Thank you,
19 again, for your testimony today. Our next panelist
20 is Walter Alexander.

21 SERGEANT-AT-ARMS: Time starts now.

22 WALTER ALEXANDER: Hello? Am I on camera?

23 SERGEANT-AT-ARMS: Yes.

24 WALTER ALEXANDER: You can hear me. Okay.

25 I am Walter Alexander. I am also on Community Board

2 Nine. I sent in a letter yesterday with my
3 disapproval of this rezoning. I have been a longtime
4 resident of Harlem. I have been in my building here
5 since 1978. There is a character and a flavor in
6 Harlem, especially with Riverside Drive that really
7 needs to be maintained. The folks that lived there
8 that have been displaced, it is tragic and for a
9 developer to come in and for City Planning to usurp
10 the process of going through the community board for
11 listening to the concerns of the neighborhood and to
12 go ahead with their plans to make changes to
13 something that they have already started to say that
14 they would keep is a disservice to the community and
15 a disservice to the community board and to the
16 neighborhood of Harlem in general. I disapprove of
17 this zoning change and I will just stay online to
18 listen to what everyone else is saying. But I am
19 strongly opposed to this zoning change. Thank you
20 for listening to me.

21 CHAIRPERSON MOYA: Thank you. Thank you
22 for your testimony today. We will now move to close.
23 If there are any remaining members of the public who
24 wish to testify on the 629-639 W. 142nd Street
25 rezoning proposal, please press the raise hand but

2 now or for those in the chamber, please see the
3 sergeant-at-arms now to prepare speaker card and the
4 meeting will briefly stand at ease. There being no
5 members of the public who wish to testify, before we
6 close out, I would like to turn it over to Council
7 member Levine for some closing remarks.

8 COUNCIL MEMBER LEVINE: Thank you, Chair
9 Moya, for doing a great job chairing this hearing
10 and, most of all, thank you to every member of the
11 public who took time to speak out now. I have just
12 so appreciated the perspectives and the passion and
13 agreed with the great majority of the comments that
14 were made. And it is just an outrage that, because
15 this block was never landmarked, because our state
16 laws on regulated units allow them to demolish these
17 brownstones, is just terrific and I grieve this loss.
18 The fact that it appears those brownstones will be
19 demolished no matter what we decide hair on the
20 rezoning is deeply, deeply upsetting and so now we
21 have to find a way to do the right thing for the
22 community and I have put some of my principles on the
23 table in terms of the affordability of this project,
24 which I consider to be currently inadequate. But
25 these comments today have really been important

2 contributions to this debate and so, again, I thank
3 everyone who spoke out today and thank you, Mr.
4 Chair. Thank you.

5 CHAIRPERSON MOYA: Thank you. Thank you,
6 Council member. There being no members of the public
7 who wish to testify on the LU numbers 836 and 837 for
8 the 629-639 West 142nd Street rezoning proposal, the
9 public hearing on these items is now closed and they
10 are laid over. I now open the public hearing on LU
11 numbers 832 and 833 for the 2840 Knapp Street
12 rezoning proposal seeking a zoning map amendment and
13 related zoning text amendment and relating to
14 property and Council District 48 in Brooklyn. Once
15 again, for anyone following online and wishing to
16 testify remotely today on this item, you must
17 register in advance online and you may do that now by
18 visiting the Council's website.
19 Council.NYC.gov/Landuse. If you're here today in
20 person and wish to testify, please remember to see
21 the sergeant-at-arms to fill out and submit a speaker
22 card. The first panel in this item includes Eric
23 Palatnic, land-use counsel for the applicant. Mr.
24 Palatnic will, again, testify remotely. So, I will
25 now as that he be unmuted and I will remind Mr.

2 Palatnic that he remain under oath. When you are
3 ready to present your slideshow for the proposal,
4 please say so and it will be displayed on the screen
5 by our staff. Slides will be advanced when you say
6 next. Once again, for the viewing public, anyone
7 wishing to obtain an accessible version of this
8 presentation, please send a request to
9 landusetestminy@Council.NYC.gov and now, Mr.
10 Palatnic, you may begin.

11 ERIC PALATNIC: Thank you very much,
12 Councilman Moya, and I assume my swearing in from
13 before will apply now. If you may please bring up
14 the slides. So, I'm happy to be here today on a less
15 controversial rezoning application that was well
16 supported at the Community Board level, by the former
17 Councilman, and is in Chaim Deutsch's former district
18 as well as by Community Board 15 and the Borough
19 President. The side at issue are the block you are
20 looking at is zoned R5. We're in Sheepshead Bay just
21 off of the Belt Parkway and we are asking to read
22 zone this portion of this block to an R6. If the
23 rezoning were to be approved, it would allow for the
24 alteration of the interior of the building for floor
25 area that is at the ground level that doesn't count

2 as floor area right now because it is storage and
3 allow it to be used for-- I'm forgetting the term.
4 When people come and have their-- I can't believe
5 I'm forgetting this. When people come and have their
6 blood removed when they have to have dialysis done.
7 I apologize. So, it is going to be in building
8 dialysis treatment center. Right now, all the
9 residents in the nursing home go out for dialysis
10 treatment. So, by converting the ground floor that
11 is currently storage into a dialysis center, we are
12 creating floor area and we exceed the existing
13 allowable floor area. So, the R6 will allow us to
14 make that change and it will also allow us to include
15 20 parking spaces at the ground floor. Next slide,
16 please. This slide tells you exactly what I just
17 told you omitted it out and explains to you what we
18 are doing. The right side explains to you what I
19 just mentioned a moment ago when I blanked out on the
20 term dialysis, but it is a 4940 square foot dialysis
21 center in the cellar which is what we are seeking to
22 create and, by doing that, we exceed the R5 because
23 the building is already noncompliant. Next slide,
24 please. Next slide, please. You have already seen
25 the picture. This gives you an idea. As he can see,

2 the block that the building is located on is improved
3 upon just two properties, the seven story residential
4 building to its south and the six story nursing home.

5 Next slide. There are some pictures of the building.

6 The most important picture here is pictures one and

7 three. Picture one at the top shows you the area

8 that is currently now storage. You can see a garage

9 entrance there. That area of the building is going

10 to be the portion that is going to be converted into

11 a dialysis center. View two also shows you some cars

12 on the sidewalk. As I explained a moment ago, part

13 of the redevelopment project for this building will

14 be to create 20 parking spaces inside the building.

15 So, that condition will no longer occur. Next slide,

16 please. You can see the nursing home now from just

17 all different angles. We'll go around. This is a

18 200 bed nursing home and, of course, they were very

19 helpful during COVID and did whatever they could to

20 accommodate whoever they could with whatever health

21 concerns they had. Next slide, please. And we will

22 just take you around the building. If you can just

23 go ahead now and go right to the zoning change map,

24 pleadings, which is a few slides ahead. Next slide,

25 please. This slide shows you the zoning change map.

2 You can see the left side the block is an R5. On the
3 right side, it shows in the R6. In the next slide
4 shows you the plans. Next slide. One more slide.
5 Okay. So, this slide shows you what we are asking
6 you to do. The area that is-- this is the ground
7 floor or cellar level. It should be that it does not
8 count as floor area unless it is utilized. The area
9 that is in yellow at the top of the page is the
10 proposed dialysis location. You can see that in
11 yellow and, to the left side, is the parking for 20
12 cars that we are asking. Those are the only changes
13 to the building that we are requesting and which the
14 rezoning will facilitate. The remainder of the plans
15 are just the remainder of the building which I would
16 be happy to click through, but it is pretty much just
17 what you would expect. You can click right to the
18 end and you can see an elevation of the building.
19 Like I said, this is a very well supported
20 application. This concludes our presentation. The
21 rezoning will not create anything new. It will
22 simply allow for the change in the existing building
23 to allow for better medical care for the residents.
24 Thank you very much.

2 CHAIRPERSON MOYA: Thank you very much.

3 Just one quick question on this. Do you have a local
4 hiring plan and, if so, could you please describe it?

5 ERIC PALATNIC: Well, local hiring plan
6 is nothing changed with the people that are employed
7 there are still going to be employed there. Most of
8 the staff is local. Everybody that works there, a
9 lot of the staff that works there, lives within 10
10 miles of the facility. Nobody really commutes too
11 far to get there. There are not going to be too many
12 more jobs created out of this. That is going to be
13 the same nursing staff in the same support staff that
14 exists now that is going to help out with the
15 dialysis when it goes into place. So, it's not going
16 to be much more of a job created than it already is,
17 but it already is-- I can give you an exact number,
18 but there's certainly quite a few people working
19 there right now for a 200 bed facility.

20 CHAIRPERSON MOYA: Okay. Thank you. There
21 being no further questions, the applicant panel is
22 excused.

23 ERIC PALATNIC: Thank you.

24 CHAIRPERSON MOYA: Thank you. If there any
25 remaining members of the public who wish to testify

2 on the 2840 Knapp Street rezoning proposal, please
3 press the raise hand but now or, for those here in
4 the chamber, please see the sergeants now to prepare
5 your speaker card and the meeting will briefly stand
6 at ease. There being no other members of the public
7 who wish to testify on LU 832 and 8334 the 2840 Knapp
8 Street rezoning proposal, the public hearing on these
9 items is now closed and they are laid over.

10 I now open the public hearing on LU
11 number 8384 the proposed rezoning text amendment
12 known as the zoning for accessibility or ZFA. Once
13 again, for anyone following online and wishing to
14 testify remotely today on this item, you must
15 register in advance and you made to that now by
16 visiting the Council's website. If you are here
17 today in person and wish to testify, please remember
18 to see the sergeant-at-arms to fill out and submit a
19 speaker card. The first panel on this item includes
20 Angela Belicio and Christopher Lee on behalf of the
21 Department of City Planning. They will be supported
22 for Q and A by Chris Haner of the DEP, Robert Paley
23 and Mon Soon Park from the MTA, Rachel Cohen from New
24 York City Transit, Victor Kalesee, the Commissioner
25 of the Mayors Office for People with Disabilities.

2 This panel will testify remotely, so I will now ask
3 that they be unmediated and, counsel, if you would
4 please administer the affirmation.

5 COMMITTEE COUNSEL: Applicants, please
6 raise your right hands and state your name for the
7 record.

8 CHRISTOPHER HANER: Chris Haner.

9 ANGELA BELICIO: Angelo Belicio.

10 ROBERT PALEY: Robert Paley.

11 MOON SUN PARK: Moon Sun Park.

12 RACHEL COHEN: Rachel Cohen.

13 COMMITTEE COUNSEL: Do we have
14 Commissioner Kalesee here?

15 CHAIRPERSON MOYA: Do we have the
16 Commissioner?

17 COMMITTEE COUNSEL: All right.

18 Panelists, do you affirm to tell the truth, the whole
19 truth, and nothing but the truth in your testimony
20 before this Subcommittee and in answer to all Council
21 member questions?

22 ROBERT PALEY: I do.

23 RACHEL COHEN: I do.

24 CHRISTOPHER LEE: I do.

25 COMMITTEE COUNSEL: Thank you.

2 CHAIRPERSON MOYA: Thank you. When you are
3 ready to present your slideshow for the proposal,
4 please say so and it will be displayed on the screen
5 by our staff. Slides will be advanced when you say
6 next. Once again, for the viewing public, anyone
7 wishing to obtain an accessible version of this
8 presentation, please send an email request to
9 landusetestimony@Council.NYC.gov. And now, Ms.
10 Belicio and Mr. Lee, you may begin.

11 ANGELA BELICIO: Great. Well, we are
12 ready to show the presentation, then, please. Can
13 you go back-- Thank you. Good afternoon, Chair Moya
14 and committee members. My name is Angela Belicio.
15 I'm here with Christopher Lee and we are both here
16 from the Department of City Planning. The MTA and
17 the Department of City Planning, along with the
18 Mayors Office for People with Disabilities are
19 proposing Elevate Transit Zoning for Accessibility,
20 or ZFA, a city wind zoning text amendment designed to
21 better coordinate private development and station
22 accessibility improvements. Next slide, please.
23 Today, only about 30 percent of stations in the MTA
24 system are ADA accessible. The MTA implements
25 station accessibility improvements, including

1 elevator construction through its five-year capital
2 programs and the current 2220 4A program dedicates
3 over \$5 billion to making 77 subway, Metro-North, and
4 Long Island and railroad stations accessible. Next
5 slide, please. But elevator construction and subway
6 stations is particularly challenging. Stations are
7 old and can have complex infrastructure, platforms
8 can be narrow, existing buildings near stations and
9 limit places for elevators to be placed. Moreover,
10 some surface conditions present decades worth of
11 highly complex utility infrastructure, including
12 sewers, water pipes, and electrical cables. Because
13 of these unique challenges, often the preferable and
14 sometimes the only solution is to place an elevator
15 and corresponding circulation elements within private
16 property. Transit related zoning provisions are in
17 place today to help alleviate some of these burdens.
18 These provisions include easement requirements and a
19 transit bonus program. However, they have limited
20 coverage through the city. Next slide, please.
21 Zoning for Accessibility seeks to support the long
22 term planning needs of transit stations and to
23 facilitate station upgrades by expanding and
24 improving transit related zoning tools. It proposes
25

1 to expand easement requirements system wide from
2 limited areas in the city to most station adjacent
3 sites and provide zoning flexibility on sites where
4 easements are provided to offset potential burdens of
5 this requirement on development feasibility and to
6 increase participation in the Transit Bonus Program
7 by increasing its area of applicable light from only
8 the highest density commercial districts to other
9 high density areas in the city. Next slide, please.
10 The first component of this proposal is a systemwide
11 easement requirement. As part of this requirement,
12 all developments and enlargements on zoning laws
13 within 50 feet of the transit station and in most
14 zoning districts would need to consult with the MTA
15 to determine whether an easement on a zoning lot is
16 needed to help facilitate station access improvements
17 in the future. Next slide, please. In order to
18 facilitate easements on development sites, targeted
19 relief from certain zoning limits will be provided to
20 minimize potential challenges for providing an
21 easement. Such zoning relief would include floor
22 area and open space relief to ensure that the
23 accommodation of an easement does not reduce
24 development potential. I and setback modifications
25

1 to facilitate the accommodation of all permitted
2 floor area on a given site, parking relief to address
3 the potential limitations created by an easement and
4 providing required parking spaces, use allowances to
5 support compatible uses around station entrances,
6 and, finally, streetscape relief. To ensure that
7 rules pertaining to the ground floor were other
8 elements affecting street design to not conflict with
9 station design requirements. Next slide, please.

11 CHRISTOPHER LEE: The second component of
12 the proposal is an expanded transit bonus program
13 that would grant a floor area bonus of up to 20
14 percent for significant station improvement. Today,
15 the current subway bonus special permit only applies
16 to station adjacent sites and the highest density
17 commercial districts in the city. To address the
18 limitations of today's subway bonus mechanism, the
19 proposed transit bonus would expand the geography of
20 areas where a transit bonus may be used to other high
21 density areas and simplify this discretionary review
22 and approval process to an authorization by the city
23 Planning Commission. Next slide, please. The new
24 bonus program would expand this applicability to
25 other high density areas including all R9 and R 10

1 districts in the city where commercial equivalent M16
2 districts. In addition, it would also allow sites
3 that are within 500 feet or 1500 feet of his station
4 to participate in them in exchange for an off-site
5 improvement that could be constructed add a station
6 that is not immediately adjacent to the site. This
7 feature of the new bonus program, to allow both on
8 site and off-site improvements would encourage a
9 greater number of developments to provide station
10 improvements. Next slide. And, finally, the text
11 amendment is also proposing additional discretionary
12 actions that would allow for further zoning
13 modifications, including an authorization that would
14 permit a height increase of up to 25 percent in a
15 special permit for anything beyond that. Next slide.
16 On April 5th, this proposal was referred out to all
17 59 Community Boards, Borough Presidents and borough
18 boards. 48 Community Boards submitted
19 recommendations regarding the proposal and 35 of
20 those recommendations were in favor. Three borough
21 boards and three borough presidents submitted
22 resolutions in favor of the proposal wall one borough
23 president submitted a disapproval. The Commission
24 held a public hearing on June 23rd and approved the
25

text on September 1 with a few modifications based on feedback received during public review.

Modifications on the easement provision includes clarification on the applicability of this requirement and exemptions for sites with active applications, adjustments that would streamline the application process and make the review timeline more predictable, and modifications to certain requirements that would have otherwise been into restrictive for locating and utilizing an easement volume. These modifications are generally meant to enable the timely processing of applications under the proposal in a manner that would maintain the integrity of the easement review process without significantly or unnecessarily delaying development.

Next slide. The Commission also made modifications to the expanded bonus program. Hudson yards Station was removed from the bonus coverage as it was recently constructed partially through a separate zoning framework and the modified text now clarifies that accessibility or capacity enhancing improvements are required for any bonus application. It also makes clear that accessibility and improvements are prioritized if a station is not currently accessible.

2 And, finally, under the special permit for additional
3 zoning relief, the Commission modified the text to
4 clarify that any zoning modifications granted through
5 this mechanism would have to be necessary and needed
6 to facilitate an easement transit access or
7 additional floor area on a bonus site. In summary, a
8 zoning for accessibility will improve and expand
9 existing zoning tools to support our collective goal
10 of making all transit stations in the system
11 accessible. This concludes our presentation and we
12 are happy to answer any questions. Thank you.

13 CHAIRPERSON MOYA: Great. Thank you so
14 much. Just a couple quick questions here before we
15 go to the public. If the MTA determines that an
16 easement is necessary and acquires one on a site, how
17 long would it likely take for the MTA to utilize the
18 easement and construct a station improvement?

19 MUNSUN PARK: Well, I'll take that
20 question.

21 CHAIRPERSON MOYA: Okay.

22 MUNSUN PARK: So, there are numerous
23 variables that impact planning of when an easement.
24 Current accessible stations, as many of us know, are
25

2 not distributed evenly throughout the city and are
3 occurring--

4 [background comments]

5 MUNSUN PARK: our current capital plan
6 where it's focused on achieving the goal that no
7 customer will be no more than two stations away from
8 an accessible station. We also looked at factors
9 such as ridership, demographics, geography, nearby
10 activity centers, transfer opportunities, and cost
11 constricted ability to decide which stations to
12 prioritize for accessibility. So, if we get an
13 easement at a station that meet these criteria, then
14 having an easement at a particular station would be
15 considered as part of the cost constructability
16 criteria. And regardless of when a station is
17 scheduled for an MTA capital project, the easement
18 will be critical in making that project delivery
19 easier and more timely.

20 CHAIRPERSON MOYA: And so, but is
21 construction likely to occur concurrently with the
22 construction of the development or will it happen
23 years later?

24 MUNSUN PARK: It would happen later.

25 CHAIRPERSON MOYA: How many years later?

2 MUNSUN PARK: As I said, it would be one of
3 the criteria in considering the cost of
4 constructability and when we identify which stations
5 should get accessibility improvements.

6 CHAIRPERSON MOYA: So, how long does it
7 take you to make that assessment?

8 MUNSUN PARK: I'll defer to my colleague,
9 Rachel Cohen from the Systemwide Accessibility Group.

10 RACHEL COHEN: Sure. Can you hear me?

11 CHAIRPERSON MOYA: We can hear you.

12 RACHEL COHEN: Yes. Great. So, this
13 is Rachel Cohen from Systemwide Accessibility. So,
14 you know, our capital planning process is a five year
15 cycles, right? And as we plan ahead for each
16 subsequent five-year cycle, cost and
17 constructability, as Munsun said, is one of the
18 criteria that we consider when selecting stations to
19 prioritize for accessibility upgrades. So, in the
20 future, if we have any easement attestation, that
21 would be one of the criteria that we would consider,
22 but, you know, this would be something that happens
23 as part of the MTA's existing five-year capital
24 planning cycle, you know, which falls under a number

2 of other, you know, legal and regulatory parameters
3 that is outside of the zoning proposal.

4 CHAIRPERSON MOYA: So, are you saying that
5 every five years there will be the ability to
6 evaluate whether or not you are able to construct the
7 easement on that site? Oh, you're-- did we mute
8 Rachel? If we can unmute Rachel.

9 RACHEL COHEN: There we go.

10 CHAIRPERSON MOYA: Yep.

11 RACHEL COHEN: So, yes. Our capital
12 plan is on a five year planning cycle, so we have
13 already named the stations that we intend to
14 prioritize in this capital plan, which is underway
15 and then, you know, as we go forward to the 2025 to
16 2029 plan, we would be doing our next round of
17 prioritization and selection.

18 CHAIRPERSON MOYA: So, you select them,
19 right? And then, from there, how long is that
20 process after it has been selected?

21 RACHEL COHEN: So, again, it really
22 depends on the project. So, given number of projects
23 in our current capital plan that are already underway
24 that have been awarded to contractors and we have a

2 number that are in the pipeline. So it would be
3 project to project--

4 CHAIRPERSON MOYA: So, out of the ones that
5 you have already-- Out of the ones that you have
6 done already, what has been the average timeline to
7 get one of them completed? What is been sort of the
8 shortest one and what is been the longest one that
9 you have in the pipeline now?

10 RACHEL COHEN: Sure. So, we have a
11 limited number of easements now and this proposal is
12 hoping to expand that. I don't have on hand details
13 about specific easements. I don't know if my
14 colleagues could comment on that. If not, we can
15 certainly follow up on that. Just to say that, you
16 know, in the meantime, regardless of the length of
17 time, the easement is not vacant space, right?
18 Zoning for Accessibility provides that that space is
19 usable space for the developer, so, you know, the
20 intent and the design of the program is such that,
21 you know, potential time lag is accounted for in that
22 way. The developer is able to use the space. And I
23 see one person raising their hand. I'm not sure
24 tattered to get unmuted.

2 ROBERT PALEY: I was asking to be muted
3 and now I am. I will just add that the timing of the
4 easements is that the circumstance of development and
5 is not, you know, coincidental with our programming.
6 You know, our capital planning itself. There will
7 certainly be disconnect between when we receive any
8 easement and when we are able to use that easement,
9 actually, in a capital construction project.

10 CHAIRPERSON MOYA: Okay. Thank you.
11 Moving on, was there any consideration for expanding
12 the bonus to applied to medium density districts or a
13 wider geographic applicability?

14 CHRISTOPHER LEE: I can take that answer--
15 or that question. Thank you for the question. So,
16 through Zoning for Accessibility, we are actually
17 expanding the existing subway bonus quite
18 substantially. Today, under the subway bonus
19 mechanism, we have an adjacency requirement that
20 limits the applicability to sites that are just next
21 to stations. It also only applies to the highest
22 commercial districts in the city. What we are doing
23 through Zoning for Accessibility is we are expanding
24 the applicability to all of R9 and R10 density level
25 districts and we are eliminating this adjacency

1 requirement so that sites that are within 500 feet or
2 1500 feet can provide in improvement and participate
3 in the program. We believe that R9 and R10 density
4 level districts are the most appropriate for this
5 bonus program simply because, on a typical zoning lot
6 in these densities, you are able to generate, based
7 on the analysis that we conducted, you are able to
8 generate enough of a floor area bonus to cover the
9 costs of [inaudible 03:14:11] improvement. If we
10 wanted to make the bonus work in the mid-density
11 level districts, we would have to increase the floor
12 area bonus beyond the 20 percent floor area bonus
13 which is inconsistent with our citywide approach for
14 floor area bonuses. That said, Zoning for
15 Accessibility is really not meant to replace MTAs
16 responsibilities and MTAs future capital programs
17 either. It's really meant to be additive and to help
18 support capital improvements across the city. I just
19 wanted to know that the easement provision, as well,
20 would apply to most stations and we feel that that is
21 a very impactful part of Zoning for Accessibility and
22 allowing the MTA to more easily locate elevators.

23
24 CHAIRPERSON MOYA: Thank you. My next
25 question is the proposed transit improvement bonus

1 program. It relies on the value that is generated by
2 a 20 percent bonus to closely match the costs of the
3 station improvement. Has the MTA considered how to
4 facilitate projects where the value generated by the
5 bonus may fall short of a major improvement? Like
6 for example, an elevator. In other words, what
7 happens in scenarios where the value from a bonus is
8 15 million while the cost of the accessibility and
9 improvements like an elevator costs 20 million?
10 Could it be possible for multiple sites to be pulled
11 together?
12

13 CHRISTOPHER LEE: I can answer the first
14 part of this question. Somebody from MTA, if you
15 would like to chime in, feel free to do so. Again,
16 the bonus program is designed in a way to ensure the
17 timely delivery and completion of improvements
18 concurrently with each application that is coming in.
19 So, as a requirement, improvements must be
20 substantially completed before the portion of the
21 development that is utilizing the floor area bonus
22 could be occupied at all. So, a funding mechanism or
23 mechanism that would allow for multiple applicants to
24 contribute to a single improvement could potentially
25 result in delays simply because we don't know how

2 many applications will come in within a specific
3 timeframe in order to complete or to pull in enough
4 resources for that improvement to be delivered in the
5 first place. That creates a lot of uncertainty and
6 unpredictability in terms of the scope and the timing
7 of improvements and it would, pretty much, go against
8 the requirements that we have in today's bonus
9 program. But that said, MTA and the Department of
10 City Planning will continue to work with each
11 applicant to ensure that the proposed improvements
12 would be commenced thereat with the floor area
13 bonuses that are being granted.

14 ROBERT PALEY: Yeah. I would just like
15 to that the circumstance that you posit is probably
16 going to be a very, very unusual circumstance. The
17 intention is that they single project would deliver a
18 single improvement. And that the real intent is to
19 accelerate and facilitate MTAs capital program
20 investments. And so the combination of the easement
21 provision in the bonus provision are intended to do
22 that. And, I think, you know, to think about the
23 different possibilities is certainly, you know, an
24 interesting speculation and there could be a
25 situation like that, but I think the more common

2 situation would be a single developer providing a
3 single improvement.

4 CHAIRPERSON MOYA: Okay. Thank you. And
5 my last question is advocates have reported many
6 times that privately operated and maintained
7 elevators are generally the most poorly managed and
8 lowest performing in the system. How will the MTA
9 ensure that any privately built elevators through
10 these mechanisms will be maintained?

11 MUNSUN PARK: I can take that. So first,
12 I'd like to mention that we expect that, for Zoning
13 for Accessibility, the majority of these elevators
14 will be maintained by the MTA. Elevators built by
15 the MTA within the easements, as well as elevators
16 built by developers outside of their property through
17 the bonus such as inside the stations or on the
18 sidewalks, will be maintained by the MTA. The small
19 number of elevators built by a developer through the
20 bonus and located inside of their building footprint
21 will be maintained by the developer. And it's for
22 these elevators that we have, at the MTA, very
23 specific maintenance requirements that the developers
24 must meet, as well as performance standards and this
25 is all laid out in our developer agreement before

2 they even start construction. And a few of these
3 requirements include an elevator availability rate
4 that meets or exceeds 96.5 percent, a requirement
5 that the developer respond within two hours of being
6 notified that there is an elevator outage. There is
7 a requirement to include MTA as a third-party
8 beneficiary on the elevator service contract so that
9 the MTA has the ability to request a repair if there
10 is an instance where the developer is just not
11 responding within two hours. There is also financial
12 security that the owner must meet on their
13 maintenance as well as their capital replacement
14 obligations. They have to provide bank letters of
15 credit issued to the MTA. And, finally, another
16 example is they have to install performance
17 monitoring equipment inside their elevator to the
18 report real-time service status that is the same as
19 the performance monitoring equipment that we,
20 ourselves, install in our elevators.

21 CHAIRPERSON MOYA: Thank you. That is it
22 for me. There being no further questions, the
23 applicant panel is excused and now I will call up the
24 first public panel on this item which will include
25 Mike Shrinesberg.

2 SERGEANT-AT-ARMS: Starting time.

3 CHAIRPERSON MOYA: Hold on. Sit. Sit.

4 We're going to start, so go ahead.

5 MIKE SHRINESBERG: All right. So, the
6 printed testimony I submitted differs from what you
7 will hear as I exerted the essence of my remarks to
8 conform with the two minute time limit. So--

9 CHAIRPERSON MOYA: Can you bring the mic a
10 little bit closer? Don't worry, Mike. I'm going to
11 give you some time.

12 MIKE SHRINESBERG: Great. Thank you. So,
13 you know, I cut it in half, basically, but you have
14 the written testimony and fall. And then, late
15 yesterday afternoon, I was sent a 100 page document
16 updating the text amendment and it appeared to me
17 during a very brave glance through, that some of the
18 issues I will speak of have been addressed, though I
19 can't be certain that what we are seeking will be
20 accomplished satisfactorily. That's my comments.
21 Now, so I'm the president of the 504 Democratic Club,
22 the nations first and largest advocating for the
23 civil rights of people with disabilities. For years,
24 we have been promoting more usage of this concept and
25 realize there have been some missed opportunities,

1 but it would appear now that we're on track to
2 achieve far greater accessibility than we might have
3 imagined before the introduction of ZFA. Our chief
4 concerns lie in the possibility that these bonuses,
5 being awarded for environmental or beautification
6 purposes, as well as walk ability. We do not totally
7 rollout these possibilities, but the consensus is
8 that accessibility must be prioritized. So, we would
9 find improvements other than true accessibility to be
10 acceptable only if the savings realized by the MTA go
11 into a locked box for creating elevators or other
12 accessibility features elsewhere in the system. We
13 are troubled by the application of the zoning being
14 limited to high density areas and central business
15 districts. These areas of the city are largely the
16 domain of the wealthy and influential. The
17 disability community is--

18
19 SERGEANT-AT-ARMS: Time expired.

20 MIKE SHRINESBERG: the largest minority in
21 the poorest minority and many members of the
22 community live in outlying, low income areas
23 employment is the only sure path out of poverty and,
24 if we are to improve employability for the disabled,
25 we must ensure that we are doing everything we can to

2 help us get to and from work as easily as the
3 nondisabled workforce or we will remain poor. So,
4 the proposal should be expanded to some of the
5 transportation deserts in the far reaches of the
6 subway system. In summation, we strongly support ZFA
7 and join with many others calling for improvements as
8 outlined above. Thank you, kindly.

9 CHAIRPERSON MOYA: Thank you, Mike. Thank
10 you for your testimony today and thank you for your
11 patience being here all this time. We really
12 appreciate it. Thank you.

13 MIKE SHRINESBERG: Good to see you, again.
14 Thank you, kindly.

15 CHAIRPERSON MOYA: Calling up her next
16 group of panelists we have Bradley Bashears, José
17 Hernandez, Marion Fisher, and Donna Messinger.

18 SERGEANT-AT-ARMS: Starting time.

19 CHAIRPERSON MOYA: Do we have Bradley?

20 BRADLEY BASHEARS: Hello. Can you hear me?

21 CHAIRPERSON MOYA: Yep. We can hear you,
22 Bradley.

23 BRADLEY BASHEARS: Okay. Good afternoon.

24 My name is Bradley Bashears and I'm the planning
25 manager at the Permanent Citizen's Advisory Committee

1 to the MTA-- PCAC. The PCAC and its counsels have
2 long advocated for improved systemwide accessibility
3 through various research reports, public testimonies,
4 and participation in accessibility events throughout
5 the region. We are very pleased that the MTA, New
6 York City Department of City Planning, and the Mayors
7 Office for People with Disabilities has embarked on
8 the Zoning for Accessibility citywide zoning proposal
9 that will help advance transit accessibility more
10 quickly and take much-needed pressure off the MTA
11 struggling capital program. As will now, the COVID
12 19 pandemic just likely altered the lives of millions
13 in our region and beyond, including pausing the MTA
14 capital programs which is essential to delivering
15 more accessible options for system what riders.
16 Despite this pause in 2020, the MTA completed 11 new
17 subway station accessibility projects and has
18 increased from 70 to 77 the number of stations it
19 will make accessible in its 2020-24 capital program.
20 While this progress is encouraging, there is still so
21 much work that must be completed considering that
22 just 28 percent of the 493 subway stations, including
23 Staten Island Railroad, are accessible. Two thirds
24 of Long Island City Stations are accessible and just
25

2 half of Metro-North City Stations are accessible.
3 Therefore, the city Council should definitely approve
4 the Zoning for Accessibility proposal to support
5 increasing accessible stations within the city for
6 tens of thousands of riders who simply need options
7 for full participation. Whether wheelchairs or on
8 crutches, parents with children, passengers with
9 luggage, or seniors simply trying to get across town,
10 ZFA will allow the MTA to work with private
11 developers building next to existing stations to
12 provide more space for the MTA to build elevators
13 another station access and improvements. This will,
14 at no cost to taxpayers and allow the MTA to set
15 resources aside for additional accessibility
16 projects. We all come out when time or another in
17 our lives will need to accessible travel options,
18 therefore, finding innovative ways such as this
19 proposal--

20 SERGEANT-AT-ARMS: Time expired.

21 BRADLEY BRASHEARS: will go a long way
22 in helping to realize a more accessible MTA network
23 for all. Thank you very much.

24

25

2 CHAIRPERSON MOYA: Thank you. Thank you
3 for your testimony today. Next, we have José
4 Hernandez.

5 SERGEANT-AT-ARMS: Starting time.

6 JOSÉ HERNANDEZ: Hello and thank you. My
7 name is José Hernandez. I am a person with a
8 disability and I am the New York City advocacy
9 coordinator for United Spinal Association and also
10 the president of the United Spinal Associations New
11 York City chapter. I support Zoning for
12 Accessibility because it will increase the
13 availability of accessible subway stations for
14 individuals who use mobility devices. As the
15 president of the New York City chapter of United
16 Spinal Association, we represent many individuals who
17 use mobility or who have mobility challenges. Zoning
18 for Accessibility will make it easier for my members
19 to get around the city, whether it be to doctors
20 appointments, school, or social events. I am even
21 more in favor of ZFA since it has been changed to
22 require ADA access at subway stations to be
23 considered first. Chair Moya, your connection with
24 Eastern Paralyzed Veterans Association, which is now
25 United Spinal Association in your work with Terry

2 Mokley and James Wiseman, you know how hard they have
3 advocated for accessible transportation. Terry
4 practically dedicated his entire disabled life to
5 ensure that disabilities or individuals with
6 disabilities could access public transportation.
7 This is just an example of that. ZFA will strive to
8 make the subway system that much more accessible and
9 Terry would have been here right now supporting ZFA
10 if he had not passed away seven years ago. That is
11 why I am here to continue that advocacy and to ensure
12 that equal access is given to those with disabilities
13 and ZFA will help to achieve them. Thank you.

14 CHAIRPERSON MOYA: José, let me just say
15 that you just mentioned to the greatest people I have
16 ever met in my entire life and Terry was a great man,
17 taught me a lot. He was a true fighter and advocate.
18 He is sorely missed and you are correct. He would
19 have been here fighting it out and gutting it out to
20 make sure everything was done to really accomplish
21 this. And, of course, Jim is such a great guy, but
22 thank you again for all that you do, your testimony
23 today, and your continued fight to see this come
24 through. It really is inspiring. So, thank you very
25 much for being here today.

2 JOSÉ HERNANDEZ: I'm here today because
3 Terry got me started here and, you know--

4 CHAIRPERSON MOYA: A great man.

5 JOSÉ HERNANDEZ: thank you for everything
6 and--

7 CHAIRPERSON MOYA: Jose, he was a great
8 man. Thank you, again.

9 JOSÉ HERNANDEZ: Thank you.

10 CHAIRPERSON MOYA: Have a good one.

11 JOSE HERNANDEZ: You, too.

12 CHAIRPERSON MOYA: Next, we have Miriam
13 Fischer.

14 SERGEANT-AT-ARMS: Starting time.

15 MIRIAM FISCHER: Can you hear me?

16 CHAIRPERSON MOYA: We can hear you.

17 MIRIAM FISCHER: Okay. I am Miriam
18 Fischer. I am speaking independently as a disability
19 advocate, as somebody who became disabled being hit
20 by a taxi and in a, and in and out of hospitals for
21 most of my adult life. Despite the passage of the
22 Americans with Disabilities Act in 19 9031 years ago,
23 the subway is still not accessible for everyone.
24 Approximately one half of a million people in New
25 York City have ambulatory disabilities and about 1

1 million have disabilities with varying needs. We see
2 few people in the subway and wheelchairs because of
3 the tremendous difficulty navigating the system and
4 going from accessible point A to an inaccessible
5 point B destination such as a job is almost
6 impossible and alternate circuitous route must be
7 carved out, often adding hours to the commute and
8 complicated planning. Most of us don't have to face
9 this, but use the most efficient, quickest route. If
10 our training is stuck, we are mobile and can find
11 alternatives, rather than being stranded for hours.
12 This is discriminatory, not equal access to
13 transportation. Separate is not equal.
14 Approximately 900 elevators still need to be
15 constructed to make the system 100 percent
16 accessible. Only about 25 percent to 30 percent of
17 elevators, depending on how many are counted out of
18 the 472 or 500, including Staten Island stations are
19 accessible. An important avenue to pursue this is
20 the Zoning for Accessibility Project which uses
21 partly developers funds for elevating construction
22 and frees the MTA to use the savings for more
23 elevators. Elevators are for everyone. For people
24 with disabilities, seniors, parents with strollers--
25

2 SERGEANT-AT-ARMS: Time expired.

3 MIRIAM FISCHER: bad backs, needs,
4 pregnant mothers to be, travelers with luggage,
5 delivery persons. The young 22-year-old mother,
6 Malaysia Goodson, profile and died on the steep steps
7 of the stairs at Seventh Avenue [inaudible 03:32:39]
8 Station and holding her baby daughter in her stroller
9 reminds US how vital the need is for elevators.
10 Thank you for listening.

11 CHAIRPERSON MOYA: Thank you, Miriam.
12 Thank you for your testimony today. We now are going
13 to call up Donna Messinger.

14 SERGEANT-AT-ARMS: Starting time.

15 DONNA MESSINGER: Hi. My name is-- Can
16 you hear me? My name is Donna---

17 CHAIRPERSON MOYA: Yep. We can hear you.

18 DONNA MESSINGER: Messinger. I am a
19 wheelchair user that lives on the upper Eastside in
20 Community Board Eight. I can't stress how important
21 it is for you to implement Zoning for Accessibility.
22 As a wheelchair user, I would like you to think about
23 how difficult it is for me to just spontaneously take
24 a subway. So much thought goes into it. Which
25 subway do I take? Is it accessible? Is there an

2 elevator on the other side? It's actually quite
3 exhausting. I just want to get in the subway like
4 everybody else. Equal access for all. New York City
5 is the greatest city, but we need to be more
6 accessible. Excuse me. More accessible. This is
7 not just for me. It's for all the other people in
8 wheelchairs. Strollers, crutches, and aging
9 population. Follow me around. See what it is like.
10 Don't wait until it affects you in some form because,
11 at some point, it will affect you or a friend or
12 relative. Zoning for Accessibility is the start to
13 make the city more accessible. Please vote in favor
14 for it. Accessibility benefits everyone. Don't
15 discriminate those of us that just wanted to the same
16 things equally as everybody else. Thank you.

17 CHAIRPERSON MOYA: Thank you for your
18 testimony today. Thank you to the panel. We really
19 appreciate you being patient. And thank you, again.
20 I'm going to call up the next panel now. Craig
21 Wallenstein, Hassan Mamun, Felicia Park Rogers.
22 Okay. We're going to-- Do we have Craig?

23 CRAIG WALLENSTEIN: Hello? Can you
24 hear me?

25 CHAIRPERSON MOYA: We can hear you, Craig.

2 CRAIG WALLENSTEIN: Okay. I'm so sorry
3 about that.

4 CHAIRPERSON MOYA: No. That's okay.

5 SERGEANT-AT-ARMS: Starting time.

6 CRAIG WALLENSTEIN: Okay. So, anyway,
7 hi. My name is Craig Wallenstein. I am a travel
8 trainer, as well as a disability advocate. Travel
9 training, I work with people with disabilities, the
10 elderly, disabled, and I train them on how to use
11 buses and trains to travel and navigate around the
12 NYC travel system and MTA. So, disability is really
13 important for the greater independent for parents
14 with strollers, for the elderly, and, yes like,
15 people with disabilities in wheelchairs and walkers
16 and so forth. But we will have immediate access to
17 trains without the need of the bus first to get to a
18 train, which frustrates me a lot. This will save
19 time and motivate more people to travel safely again
20 and live their lives more efficiently. More
21 independent travel, the accessible trains will bring
22 more job opportunities to us, as well. Right now, I
23 know the elevator on Ninth Street and Seventh Avenue
24 in Brooklyn, hopefully, will be gaining an elevator
25 soon there and it will be great for me because every

2 time I go out to use the train, I always have to use
3 a bus first. So, I'm very much looking forward to
4 that and this is just a great opportunity. Thank
5 you.

6 CHAIRPERSON MOYA: Thank you, Craig. Thank
7 you for your testimony today. We are now going to go
8 with Felicia.

9 SERGEANT-AT-ARMS: Starting time.

10 FELICIA PARK ROGERS: Hi. My name is
11 Felicia Park Rogers. I am the director of regional
12 infrastructure projects for Tri-state Transportation
13 Campaign, a transportation policy and advocacy
14 organization working on transit and transportation
15 matters in New York, New Jersey, and Connecticut. I
16 am here to state tri-state's strong support for the
17 Zoning for Accessibility Program. The Zoning for
18 Accessibility plan is exactly the kind of innovative
19 policies solution that will speed up the MTA's
20 progress in building a modern, accessible world-class
21 transit system. Prioritizing transit improvement
22 projects, particularly those with an equity focus is
23 crucial for ensuring that New York City's pandemic
24 recovery is both fair and environmentally sustainable
25 with less dependence on cars. We commend all of the

2 parties involved who worked on the Zoning for
3 Accessibility for committing to expand transit
4 accessibility on a faster timeline and for less
5 money. Less than 30 percent of our subway system is
6 currently accessible. This is simply unacceptable.
7 As developments are considered, this plan will
8 increase opportunities to make desperately needed
9 investments in subway accessibility and improvements.
10 We are glad the MTA is dedicating \$5 billion in its
11 20-24 capital plan to increase the number of
12 elevators across the system, but the fact is that
13 that is not enough. We need more. This plan will
14 incentivize private developers to participate in
15 transforming our system into one that can be accessed
16 fairly by all. The changes in the easement
17 certification process and the transit improvement
18 bonus expansions will allow oversight walls so
19 streamlining those processes and increasing access to
20 transit. We encourage you to pass the ZFA. Thank
21 you.

22 CHAIRPERSON MOYA: Thank you, Felicia, for
23 your testimony. We are going to try again if Hassan
24 Mamun is still on. Hassan? Here we go. Hassan, can
25 you hear me? Hassan? Hassan, if you can unmute

2 yourself? Hassan, if you can't unmute yourself, if
3 you can accept the unmute request that is being sent
4 to you, we can begin.

5 HASSAN MAMUN: Yes. Can you hear me?

6 CHAIRPERSON MOYA: There you go.

7 HASSAN MAMUN: Yeah. Sorry.

8 CHAIRPERSON MOYA: No. It's okay.

9 HASSAN MAMUN: Can I stay as an
10 attendee on the-- Sorry.

11 CHAIRPERSON MOYA: That's okay. Whenever
12 you are ready to begin.

13 HASSAN MAMUN: Yeah. That's all.
14 Thank you.

15 CHAIRPERSON MOYA: Hassan, I think you
16 might have muted yourself again.

17 SERGEANT-AT-ARMS: I think he indicated
18 that he only wanted to stay as an attendee.

19 CHAIRPERSON MOYA: Sergeant Martinez, could
20 you repeat that?

21 SERGEANT-AT-ARMS: Mr. Hassan indicated
22 that he wanted to remain an attendee.

23 CHAIRPERSON MOYA: Oh. Okay. GOT IT.
24 Thank you. Okay. Hassan, if you want to submit
25 testimony, please feel free to do so. We thank you

again for your patience. There being no further questions for this panel, the panel is now excused and if there are any remaining members of the public who wish to testify on the Zoning for Accessibility proposal, please press the raise hand button now. Or for those in the chamber, please see the sergeants now to prepare a speaker card and the meeting will briefly stand at ease. Yeah. You have to go there. Okay. Yep. Okay. There being no other members of the public who wish to testify on LU number 838 and the citywide Zoning for Accessibility proposal, the public hearing is now closed and the item is laid over. That concludes today's business and, as a reminder, the public testimony for any item heard today may be submitted in writing via email to landusetestimony@Council.NYC.gov and I would like to thank my colleagues, the subcommittee counsel, the land use and other Council staff, including my copilot here, as always. Thank you, Arthur. And the Sgt. at arms for doing a tremendous job always and for participating in today's meeting. This meeting is hereby adjourned.

[gavel]

[background comments]

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 October 5, 2021