

# **Appendix I**

## **Comments Received on the Draft Environmental Impact Statement and the General Project Plan<sup>1</sup>**

- Public Hearing Transcript (oral testimony; no written testimony provided)
- Written comments received by email/mail

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<sup>1</sup> This Appendix is new to the FEIS.

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NEW YORK STATE URBAN DEVELOPMENT CORPORATION  
d/b/a EMPIRE STATE DEVELOPMENT CORPORATION

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PUBLIC HEARING - AFTERNOON SESSION

RE: FOUNTAIN AVENUE LAND USE IMPROVEMENT  
AND RESIDENTIAL PROJECT.

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1540 Van Siclen Avenue  
Brooklyn, New York

May 24, 2016  
3:00 p.m.

B E F O R E: EDWARD C. KRAMER, ESQ.,  
The Hearing Officer

2 A P P E A R A N C E S :

3 Edward C. Kramer, Esq., The Hearing Officer

4 ESD STAFF:

5 Marion Phillips, III

6 Debbie Royce

7 Thomas Conoscenti

8 Other Staff

9  
10 ALSO PRESENT:

11 Cade Hobbick, STV, Inc.

12 Marlene Pissott, InGroup  
13 Other Staff

14 The Public

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Reported by:  
Kari L. Reed

2	INDEX OF SPEAKERS:	
3	SPEAKER	PAGE
4	Bishop Lester C. Smith, New Jerusalem Holy Church.....	21
5	June Williams, President, Tenant Association	24
6	Jeanett Brown.....	26
7	Eva Shevard.....	28
8	Richard Bearak, for Brooklyn Borough President Eric Adams.....	29
9	Viola Plummer, for Assembly Member Charles Barron.....	37
10	Lillie Jones, Progressive Management.....	37
11	Victor Rivera, Progressive Management.....	38
12	Manuel Burgos, BTN Consulting Services.....	39
13	Kelly Houghtaling, Progressive Management...	41
14	Hugo Mailhos, Progressive Management.....	44
15	Latrina Miley.....	44
16	Mike Kalezic, Progressive Management.....	47
17	Melvin Faulkner.....	48
18	Isha Kanu.....	50
19	Alexandra Artyukhova.....	51
20	Liliya Shpigelman.....	52
21	Desiree Blunt.....	53
22	Jessica Alexandra.....	54
23	Bill Wilkins, LDCENY.....	56
24		
25		

2 INDEX CONTINUED:

3	SPEAKER	PAGE
4	Hope Johnson, Progressive Management.....	57
5	Keisha Graham.....	59
6	Mirna Vidal.....	60
7	Momodu Roberts.....	63
8	Terry Saunders.....	66

9  
10  
11  
12  
13  
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2 P R O C E E D I N G S

3 THE HEARING OFFICER: Could  
4 everybody please take a seat.

5 Good afternoon, ladies and  
6 gentlemen. My name is Edward Kramer. I am an  
7 attorney duly admitted to practice law in the State  
8 of New York. I have been asked by the New York  
9 State Urban Development Corporation doing business  
10 as Empire State Development --

11 AUDIENCE MEMBER: Could you turn  
12 the mic on, please?

13 THE HEARING OFFICER: We can  
14 make it loud.

15 AUDIENCE MEMBER: Very soft  
16 spoken guy.

17 MR. PHILLIPS: Just a minute,  
18 Ted. Testing.

19 THE HEARING OFFICER: That's  
20 better. I'll start again.

21 Good afternoon, ladies and  
22 gentlemen. My name is Edward Kramer, and I am an  
23 attorney duly admitted to practice law in the State  
24 of New York. I have been asked by the New York  
25 State Urban Development Corporation doing business

2 as Empire State Development, ESD, to conduct  
3 today's public hearing pursuant to Section 6 and 16  
4 of the New York State Urban Development Corporation  
5 Act, the UDC Act, and Article 8 of the New York  
6 State Environmental Conservation Law and its  
7 implementing regulations.

8 This hearing is being held  
9 pursuant to the legal notice published in  
10 accordance with the UDC Act and the State  
11 Environmental Quality Review Act, or SEQRA, in the  
12 April 22, 2016 editions of the New York Daily News  
13 and the Brooklyn Eagle.

14 The purpose of this hearing is  
15 to afford you an opportunity to make statements and  
16 comments about ESD's General Project Plan, the  
17 Draft Environmental Impact Statement, the DEIS, and  
18 the essential terms of the proposed purchase and  
19 sale agreement, and other documents for the  
20 proposed Fountain Avenue Land Use Improvement and  
21 Residential Project.

22 My purpose is to run the hearing  
23 in a fair and impartial manner, and to try to make  
24 sure everyone who wishes to speak has an adequate  
25 opportunity to be heard. This is not a question

2 and answer session. It is instead an opportunity  
3 for you to present your views so that ESD can  
4 consider them in making its final determinations.

5 Please note that a stenographic  
6 transcript of this hearing is being made.

7 Comments presented at this  
8 hearing will be taken into consideration by ESD as  
9 part of the final approval of the proposed project.

10 Comments may also be submitted in writing.

11 Comments must be received by the close of business  
12 on June 23, 2016. Instructions for submitting  
13 written comments can be found at the sign-in table  
14 located outside this room.

15 First, Mr. Thomas Conoscenti,  
16 Director of Real Estate Development and Planning,  
17 will present information about the project on  
18 behalf of ESD. He will be followed by Mr. Cade  
19 Hobbick of STV, Inc. who will present the summary  
20 of the DEIS.

21 Following the presentations, I  
22 will recognize anyone else who wishes to make a  
23 comment about the project. If you wish to speak at  
24 today's hearing, please be sure to sign in at the  
25 speaker registration table located outside this



2 Avenue at New Jersey Avenue, Brooklyn, New York  
3 11207. The draft EIS can also be viewed at  
4 [www.esd.ny.gov/subsidiaries\\_projects.html](http://www.esd.ny.gov/subsidiaries_projects.html).

5 In order to give everyone an  
6 ample opportunity to speak, I request speakers keep  
7 their oral presentations to no more than three  
8 minutes. Elected officials will be afforded five  
9 minutes. Speakers unable to conclude their remarks  
10 in the allotted time may be given an opportunity to  
11 conclude their remarks once all speakers have been  
12 given an opportunity to speak, should time allow.

13 In order to ensure an accurate  
14 transcript and to enable all assembled to hear your  
15 remarks, I ask each speaker, when called, to come  
16 to the microphone in the front of the room. Please  
17 state your name and address. If you are appearing  
18 as a representative of an organization or a  
19 governmental entity, please identify the  
20 organization or entity and state its address.

21 Finally, I want to remind you  
22 that the purpose of this hearing is to afford you  
23 an opportunity to make comments about the General  
24 Project Plan, including the essential terms of the  
25 proposed purchase and sale agreement for the

2 proposed project and the draft EIS. This is not a  
3 question and answer session.

4 Now I would like to take care of  
5 some administrative matters by asking the  
6 stenographer to mark the following documents as  
7 exhibits to the hearing transcript.

8 Exhibit 1, copies of the public  
9 hearing notice that appeared in the New York Daily  
10 News and in the Brooklyn Eagle on April 22, 2016,  
11 along with affidavits of publication attesting to  
12 their publication of the notice.

13 Exhibit 2, April 21, 2016 ESD  
14 Directors materials pursuant to which the proposed  
15 General Project Plan was adopted for purposes of  
16 this hearing and the holding of this public hearing  
17 was authorized.

18 And Exhibit 3, the Draft  
19 Environmental Impact Statement for the project,  
20 which is at the table on the side of the room. And  
21 these will all be deemed marked exhibits.

22 Mr. Conoscenti will now present  
23 information about the project.

24 MR. CONOSCENTI: Thank you.

25 Testing, can everyone hear me?

2 AUDIENCE MEMBER: Not very well.

3 MR. CONOSCENTI: Testing,

4 testing. Testing. Is that better?

5 (Some nos from the audience)

6 MR. CONOSCENTI: Is this better?

7 (Some yeses from the audience)

8 MR. CONOSCENTI: Wonderful.

9 Thank you, and good afternoon.

10 In 2013, Empire State  
11 Development utilized a request for proposals to  
12 market two sites, parcel A, which is two acres, and  
13 parcel B, which is 4.8 acres, of primarily vacant,  
14 underdeveloped surplus property, constituting a  
15 portion of the Brooklyn Developmental Center in the  
16 Spring Creek neighborhood of the East New York  
17 section of Brooklyn. The address of the property  
18 is 888 Fountain Avenue. Brooklyn Developmental  
19 Center was and is used by the Office for People  
20 with Developmental Disabilities, or OPWDD, for both  
21 administrative offices and residences for people  
22 with developmental disabilities.

23 The RFP yielded a response from  
24 an affiliate of the Arker Companies, a New York  
25 based residential development company that

2 specializes in the construction of affordable  
3 housing. The developer proposed to build  
4 approximately 1.268 million square feet of mixed  
5 use development comprised of affordable residential  
6 space, ground floor retail, commercial and/or  
7 community facility space, and parking.

8           The development on the two  
9 parcels would yield 1,169 units of affordable  
10 housing. One hundred percent of the units would be  
11 made available to households earning no greater  
12 than 60 percent of the area median income. The  
13 units would be made available for 30 or 50 years,  
14 depending on the financing. The project would  
15 include approximately 200 units of affordable  
16 senior housing, and OPWDD would have a preference  
17 in the selection of up to 20 percent of the  
18 non-senior units. The project would also include a  
19 privately owned, publicly accessible open space  
20 called Schroeders Walk that would effectively  
21 extend Schroeders Avenue for pedestrians between  
22 Erskine Street and Fountain Avenue. The developer  
23 would pay \$10 million for the site.

24           In terms of timeline, the  
25 project would commence construction shortly after

2 the developer closes on the land and its financing.  
3 The project is anticipated to be completed by 2028  
4 in five phases.

5 In order to construct the  
6 project consistent with the design guidelines  
7 included in the General Project Plan, Empire State  
8 Development will override certain local zoning  
9 regulations pursuant to the UDC Act. These zoning  
10 overrides will permit development that generally  
11 conforms to an R-7A zoning equivalency with a C4-2  
12 commercial overlay zone. The resulting development  
13 will be compatible with adjacent R6 medium density  
14 zoned residential development in the surrounding  
15 area of the project site. The City has been  
16 advised of, and the City staff has provided input  
17 on the proposal already.

18 In 2015, ESD entered into a  
19 Memorandum of Understanding and Conditional  
20 Designation with Fountain Seaview Limited  
21 Partnership, an affiliate of the Arker Companies.

22 AUDIENCE MEMBER: We can't hear  
23 you.

24 AUDIENCE MEMBER: We can't hear  
25 you at all.

2 MR. CONOSCENTI: Okay. I'm  
3 going to start from the beginning of that  
4 paragraph.

5 Okay. In 2015, Empire State  
6 Development entered into a Memorandum of  
7 Understanding and Conditional Designation with  
8 Fountain Seaview Limited Partnership, an affiliate  
9 of the Arker Companies and the Disability  
10 Opportunity Fund. In March of 2016, both entities  
11 assigned their interest to an affiliate of Arker,  
12 Fountain Seaview One Housing Development Fund  
13 Corporation, an approved Housing Development Fund  
14 Corporation created pursuant to the provisions of  
15 the Private Housing Finance Law.

16 Thank you very much.

17 THE HEARING OFFICER: Thank you,  
18 Mr. Conoscenti.

19 The next speaker will be Cade  
20 Hobbick.

21 AUDIENCE MEMBER: Could you just  
22 go over what he said the income limits were,  
23 because I couldn't hear any of that.

24 MR. CONOSCENTI: Oh, I can  
25 repeat that, sure.

2 AUDIENCE MEMBER: Thank you.

3 MR. CONOSCENTI: So 100 percent  
4 of the units are affordable. The maximum AMI, area  
5 median income, for this project is 60 percent AMI.

6 AUDIENCE MEMBER: Thank you.

7 MR. HOBBICK: All right, thank  
8 you. Can everybody hear me? I'll hold it like  
9 this.

10 The New York State Urban  
11 Development Corporation doing business as Empire  
12 State Development, ESD, has prepared a Draft  
13 Environmental Impact Statement or DEIS for the  
14 proposed Fountain Avenue Land Use Improvement and  
15 Residential Project, known as the Project, which  
16 Tom just described. The DEIS has been prepared  
17 pursuant to the New York State Environmental  
18 Quality Review Act, SEQRA, codified in Article 8 of  
19 the Environmental Conservation Law and its  
20 implementing regulations.

21 The environmental review process  
22 began last fall. The SEQRA Environmental  
23 Assessment Form, EAF, was completed in October 2015  
24 and ESD then issued a notice of public scoping and  
25 intent to prepare a draft EIS, also in October

2 2015.

3                   As some of you in attendance  
4 this afternoon recall, ESD held a public scoping  
5 meeting in November 2015, and the public had the  
6 opportunity to provide comment on the draft scope  
7 of work to prepare the DEIS. No comments received  
8 during the public comment period warranted changes  
9 to the draft scope of work, and so the technical  
10 analyses undertaken for the DEIS followed the draft  
11 scope of work as published.

12                   Now at this point in the process  
13 the public has the opportunity to comment on the  
14 findings presented in the DEIS. Notice of  
15 availability of the DEIS was published in the New  
16 York State Department of Environmental Conservation  
17 Environmental News Bulletin, ENB, on April 27th,  
18 2016. As Tom explained, the DEIS and proposed GPP  
19 have been made available to the public for review  
20 online at the ESD website, [www.esd.ny.gov](http://www.esd.ny.gov), and a  
21 printed copy of the DEIS has been made available to  
22 the public at the Spring Creek Branch of the  
23 Brooklyn Public Library. In addition, there are  
24 two printed copies of the DEIS provided this  
25 evening which may be reviewed by the public at the

2 registration desk where you signed in to the  
3 meeting this evening.

4 I will now summarize key  
5 findings of the technical analyses as presented in  
6 the DEIS, specifically potential significant  
7 adverse impacts that may result with the proposed  
8 action, and also the proposed mitigation that would  
9 reduce or eliminate these impacts. The DEIS  
10 concludes that the proposed action could result in  
11 significant adverse impacts related to publicly  
12 funded child care facilities, traffic, transit,  
13 specifically bus service, and temporary  
14 construction noise impacts.

15 The proposed action would result  
16 in significant adverse indirect impacts to publicly  
17 funded child care facilities. The proposed action  
18 would generate approximately 173 children under the  
19 age of six who would be eligible for publicly  
20 funded child care services. And so the collective  
21 demand for the study area child care centers would  
22 increase.

23 As described in the DEIS, the  
24 restrictive declaration governing the use of the  
25 project site would require that the developer,

2 prior to the occupancy of phase one, consult with  
3 New York City Administration for Children's  
4 Services to determine the appropriate mitigation  
5 measures for the impact of eligible children  
6 anticipated to be generated by the proposed action.  
7 Such mitigation could include, one, funding a  
8 number of vouchers equal to the number of children  
9 projected to occupy the project site or a portion  
10 thereof eligible for day care; and/or, two,  
11 providing commercial space within parcel B to a New  
12 York City Administration for Children's Services  
13 contractor or other day care provider accepting  
14 vouchers sufficient to serve eligible children  
15 projected to occupy the project site or a portion  
16 thereof. As described in the DEIS, absent  
17 certainty as to whether such measures would be  
18 practicable, the significant indirect adverse  
19 impact to child care centers may prove to be an  
20 unavoidable adverse impact.

21                   The proposed action would result  
22 in significant adverse traffic impacts at four  
23 intersections during one or more analyzed peak  
24 hours. All these significant adverse impacts to  
25 traffic could be fully mitigated through the

2 modification of traffic signal phasing and/or  
3 timing.

4           The proposed action would result  
5 in a capacity shortfall on three bus lines in the  
6 a.m. peak hour and one bus line in the p.m. peak  
7 hour. Affected bus service lines would include the  
8 B13, B83, and Q8. These significant adverse  
9 impacts on bus service could be fully mitigated by  
10 the addition of buses in the a.m. peak hour and in  
11 the p.m. peak hour.

12           Finally, the proposed action  
13 would be expected to result in significant adverse  
14 impacts related to construction noise at some  
15 neighboring Gateway Estates buildings. These  
16 impacts would be temporary and would be limited  
17 through use of best practices. The effects of  
18 construction noise on the sensitive receptors would  
19 vary, depending on the location of the noise  
20 source. During most of the construction period for  
21 each project phase, noise levels would decrease  
22 following the completion of pile driving activities  
23 that would occur for up to approximately twelve  
24 weeks at the beginning of each of the five project  
25 phases. The potential for significant adverse

2 impacts related to construction noise would be  
3 minimized to the extent practicable with the  
4 proposed action, though not entirely eliminated.  
5 There would remain the likely potential for  
6 significant adverse construction period noise  
7 impacts during pile driving activities and  
8 potentially during other construction activities,  
9 but these activities would occur for limited  
10 durations.

11                   The restrictive declaration  
12 would require contract specifications requiring  
13 contractors to comply with all requirements and  
14 regulations of the New York City noise code and the  
15 United States Environmental Protection Agency,  
16 USEPA, noise emissions standards for construction  
17 equipment, devices and activities which are subject  
18 to the provisions of the New York City noise code  
19 to be operated, conducted, constructed or  
20 manufactured without causing a violation of the  
21 code, and all work to be conducted in compliance  
22 with the regulations set forth in the code that  
23 controls noise levels during construction.

24                   Other mitigation measures and  
25 strategies that could reduce noise levels and which

2 the restrictive declaration would require the  
3 developer to implement, if and when practicable and  
4 effective, further include:

5                   Design considerations and  
6 project layout approaches;

7                   Perimeter noise barriers;

8                   Alternative construction  
9 methods; and,

10                   Use of noise enclosures or noise  
11 insulation fabric on compressors, generators, et  
12 cetera.

13                   Finally, to reiterate, there are  
14 three ways for the public to provide comment on the  
15 DEIS and the proposed GPP. You may provide comment  
16 at this public hearing. Please be sure you have  
17 registered to speak at the front desk if you have  
18 not already done so and you wish to provide  
19 comments this evening. You may provide comment via  
20 email to the address shown on the screen, and which  
21 is also included on the handout materials available  
22 from the registration desk. And you may provide  
23 comments in writing to the address shown on the  
24 screen, which is also provided in the handout  
25 materials. Please note that comments on either the

2 proposed General Project Plan, GPP, or the DEIS  
3 will be accepted until 5:30 p.m. on June 23rd,  
4 2016.

5 Thank you.

6 THE HEARING OFFICER: Thank you,  
7 Mr. Hobbick.

8 We will now begin the public  
9 comment portion of the hearing. The procedures to  
10 be followed are as follows. If you wish to speak  
11 at today's hearing, and you haven't already done  
12 so, please register at the sign-in table. Public  
13 officials and certain project participants will be  
14 allowed to speak as soon as possible after their  
15 arrival at the hearing room. In all other  
16 instances speakers will be called on in the order  
17 in which they have registered.

18 At this time I would like to ask  
19 our first four speakers to take seats at the front  
20 of the room over there. And they will be Bishop  
21 Lester C. Smith, June Williams, Jeanett Brown, and  
22 I believe Eva Shevard. And the first speaker will  
23 be Bishop Lester C. Smith. Please state your name  
24 and address and whether you're appearing as a  
25 representative of any organization.

2                   BISHOP SMITH: Yes, good  
3                   afternoon. My name is Lester Charles Smith. I am  
4                   a senior pastor at the New Jerusalem Holy Church.  
5                   We're located at 2635 Pitkin Avenue between  
6                   Fountain Avenue and Crystal Street. I am here to  
7                   give my full support to this project because I  
8                   have -- we've been in the community, my church, for  
9                   the last 40 years, since 1976. We have been here  
10                  for the last 40 years. And I see the great need  
11                  for affordable housing in this community.

12                  I see this project bringing two  
13                  things to the community. But, number one, as I  
14                  said, affordable housing because I see within my  
15                  congregation and the community there's a desperate  
16                  need for that. Secondly, I see this project may  
17                  also bring much needed employment. There's going  
18                  to be short term employment due to the fact there's  
19                  going to be construction jobs on the site. But  
20                  also, the retail, commercial stores that going to  
21                  be coming probably, will bring long term  
22                  employment. So I hope that the committee and those  
23                  that are involved with this project get it passed  
24                  quickly, as soon as possible. Because the one  
25                  thing, as I said, not only the housing, but we need

2 employment. So I think we need to bring these two  
3 components together. Therefore I, you know, if I  
4 could be a critic I'll give it a thumbs up and say  
5 push it through as quickly as possible.

6 Thank you very much.

7 (Applause)

8 THE HEARING OFFICER: Thank you,  
9 Bishop Smith.

10 The next speaker will be June  
11 Williams. And I want to remind everyone that if  
12 you have any prepared remarks and copies available,  
13 please hand one to the stenographer to my right.

14 MS. WILLIAMS: Good evening.  
15 I'm June Williams, I'm from Staten Island.

16 (Inaudible)

17 THE HEARING OFFICER: Is the  
18 microphone working?

19 MS. WILLIAMS: I'm June  
20 Williams. I'm from Staten Island, I live in one of  
21 the developments. And -- can you hear me?

22 THE HEARING OFFICER: Can  
23 everybody hear?

24 AUDIENCE MEMBER: We can't hear  
25 you.

2 MS. WILLIAMS: Can you hear me?  
3 (Audience participation)

4 MS. WILLIAMS: You want me to  
5 talk like this?

6 (Audience participation)

7 MS. WILLIAMS: Anyway, we  
8 have -- we have the developer of the project,  
9 that's you, right?

10 THE HEARING OFFICER: No.

11 MS. WILLIAMS: I thought that  
12 was you.

13 AUDIENCE MEMBER: Put the mic to  
14 your mouth.

15 MS. WILLIAMS: I live in one of  
16 the developments, 55 Bowen, Staten Island, okay.  
17 And I mean, we went through the construction  
18 things, the noise, the dust and everything, but we  
19 all enjoy it right now. I mean they never left us.  
20 When the kids, they need Christmas parties, they're  
21 giving it to us. And, like I said, it's a -- it's  
22 like a -- something. It's Staten Island. I can't  
23 even think of the words right now. But it's a  
24 development that everybody is looking at, everybody  
25 wants to get in the building, you know. We have a

2 lot of different things going on with the kids.  
3 And, you know, we look after the seniors, and  
4 there's a lot of other things.

5 So that's about all that I have  
6 to say about it. Thank you.

7 (Applause)

8 THE HEARING OFFICER:

9 Ms. Williams, thank you for your comments.

10 And the next speaker is Jeanett  
11 Brown:

12 MS. BROWN: Hello, everybody.  
13 My name is Jeanett Brown. And I live at 20  
14 Capodanno. That's right by the seaside, you know,  
15 that's right by the beach. And we undergone that  
16 program also. And it was really nice. I mean we  
17 have a nice gazebo now where people can come  
18 downstairs and, you know, bring your chairs down  
19 and you can sit under the gazebo. When you do go  
20 to the beach we have like a gate, we have a gate  
21 that you can go through the gate to go on the beach  
22 or to go on the -- go onto the beach, and when you  
23 come back on the facility, you can shower that sand  
24 so you don't be bringing it upstairs to your house.

25 And we also have where they --

2 if you're going to have like something -- the  
3 bathrooms, we got new bathrooms. The bathrooms was  
4 beautiful, the kitchen. It's really -- it's  
5 really, all the beautification, it's really --  
6 that's what it really did. I mean this was -- it's  
7 very good. You know, when my grandchildren come  
8 over they have the little like a sliding park, the  
9 sliding, the slide, the park area where everyone  
10 can come down and, you know, the children, and you  
11 can watch them under that gazebo too. But it's  
12 really very good.

13 I really, you know, am for that  
14 program of beautifying it, you know. And not only  
15 that, but at that site on Fountain Avenue of where  
16 they are talking about. And it would be so good  
17 because that's opening up houses, that's opening up  
18 housing for people, you know, for the homeless and  
19 everything, you know. So it's very good.

20 Three minutes.

21 (Applause)

22 THE HEARING OFFICER: Thank you,  
23 Ms. Brown.

24 The next speaker is Eva, is that  
25 Shevard?

2 MS. SHEVARD: Yeah. Eva.

3 THE HEARING OFFICER: Eva  
4 Shevard.

5 MS. SHEVARD: Eva Shevard.

6 Hello, everybody. Okay. Just,  
7 I want to -- I'm sorry, I don't speak good English.  
8 So I'm sorry, I'm living there 44 years.

9 AUDIENCE MEMBER: We can't hear  
10 you.

11 AUDIENCE MEMBER: Could somebody  
12 help with the microphone, please?

13 MS. SHEVARD: Sorry.

14 AUDIENCE MEMBER: No, it's not  
15 your fault.

16 MS. SHEVARD: Okay.

17 I'm so happy I'm living there.  
18 I have my grandchildren. I have my grandchildren.  
19 I have eight grandchildren. I'm going with them  
20 outside, they are looking very beautiful. So  
21 everywhere it's clean, clean, nice. So we have to  
22 say -- we have to say thank you for us manager,  
23 Mike, Mr. Mike, he's very good person.

24 (Applause)

25 MS. SHEVARD: He's first coming

2 in office, and every time I see him he left from  
3 office. He's a really nice person.

4 So I want to say I'm so happy to  
5 live there. I never got to go from there. Just  
6 that. Because I'm very glad, 24, 25 years. So I'm  
7 really happy. And neighbors, we all happy there  
8 because they did a very good job. The kitchen,  
9 bathrooms, floors, right, everywhere. Really.

10 Okay, so thank you for everybody  
11 who's here. And that's all. Thank you so much.

12 (Applause)

13 THE HEARING OFFICER: The next  
14 four speakers will be Michael Bearak, Viola  
15 Plummer, Lilly Jones, and Victor Rivera. And the  
16 first speaker of this bunch will be Michael Bearak.

17 (No response)

18 THE HEARING OFFICER: Is Michael  
19 Bearak here?

20 AUDIENCE MEMBER: Is Richard --

21 THE HEARING OFFICER: I mean  
22 Richard Bearack.

23 STAFF MEMBER: Test, test, test.  
24 I just want to make sure the mic is working.

25 MR. BEARAK: My name is Richard

2 Bearak. I am the land use director for Brooklyn  
3 Borough President Eric Adams. I'll be reading the  
4 Borough President's remarks.

5 (Reading:) I want to thank the  
6 Empire State Development Corporation for giving me  
7 the opportunity to provide comments at this public  
8 hearing on the proposed Fountain Avenue Land Use  
9 Improvement and Residential Project.

10 Unfortunately, Brooklyn's  
11 success has led to displacement pressure on long  
12 time residents, many of whom can no longer afford  
13 to live in their own neighborhoods or are only  
14 remaining while being housed at an unsustainable  
15 rent burden. Therefore, creating affordable  
16 housing is a central interest to my borough  
17 presidency. It is my policy to support land use  
18 actions that provide much needed affordable housing  
19 opportunities.

20 The state's former Brooklyn  
21 Development Center campus at 888 Fountain Avenue in  
22 the Spring Creek section of East New York has been  
23 conditionally designated to Fountain Seaview  
24 Limited Partnership, according to a proposed  
25 General Project Plan, to result in a significant

2 number of affordable housing units. The project is  
3 anticipated to facilitate the construction of  
4 approximately 1,170 affordable housing units, 200  
5 set aside for seniors, contemplated for  
6 construction in 2017, with all units completed by  
7 2028, as well as 120,000 square feet designated for  
8 commercial use.

9                   The broader East New York  
10 community has been a safe haven for many of those  
11 displaced in recent years, as well as for long term  
12 residents who have called this community their home  
13 for many years. However, without rent  
14 stabilization protection for more than 20,000 area  
15 apartments, residents of East New York are unlikely  
16 to be immune to the pressures of the real estate  
17 market as more people are drawn to the area. As a  
18 result, many residents are struggling to remain  
19 within the community as they safeguard their life  
20 savings just to keep up with day-to-day living.  
21 Providing regulated affordable housing through such  
22 developments offers opportunities for those  
23 displaced, facing displacement, or living with rent  
24 burden.

25                   In my November 2014 report,

2 "Housing Brooklyn: A Road Map to Real  
3 Affordability for Brooklynites," I advocated for  
4 developing this state land for the creation of  
5 affordable housing. I reconfirmed my commitment to  
6 these affordable housing units in my December 30th,  
7 2015 Uniform Land Use Review Procedure  
8 recommendations submitted in regards to the New  
9 York City Department of City Planning, which just  
10 adopted the application to amend the zoning of  
11 approximately 200 blocks in the neighborhoods of  
12 Cypress Hills, East New York, and Ocean Hill.  
13 Recognizing the added rental pressures that this  
14 proposed rezoning will have on the existing  
15 residents living in housing not yet rent regulated,  
16 I expressed the importance of achieving affordable  
17 housing through the use of the state's former  
18 Brooklyn Development Center campus.

19 In that regard, I view community  
20 preference affiliated with this project as being  
21 very important to ensuring that existing residents  
22 are able to continue living in their community and  
23 not having to be pushed out due to increased  
24 housing costs. This is especially important  
25 because the neighborhood residents of Cypress Hills

2 and East New York contain a substantial amount of  
3 small buildings that are not subject to rent  
4 protection laws. While these communities have had  
5 stable residential populations in recent history,  
6 as many people consider relocating to the  
7 neighborhood, rents typically climb in the many  
8 unregulated apartments, ultimately displacing long  
9 time residents. There is a community concern that  
10 such an upward trend in market rents would be  
11 amplified by the anticipated developments resulting  
12 from the recently adopted rezoning.

13 For that reason, I seek for this  
14 project to play a role in addressing the current  
15 and potential future displacement of local  
16 residents with the commitment of 50 percent local  
17 preference for residents of Brooklyn Community  
18 District 5, including former residents who have  
19 been previously displaced. In addition, each phase  
20 of the development must be supported by adequate  
21 awareness and housing lottery readiness so that  
22 such opportunities would be effectively utilized as  
23 an affordable housing resource with targeted  
24 educational resource and marketing outreach.

25 Too many residents of Brooklyn

2 are unemployed or underemployed. Double digit  
3 unemployment is a pervasive reality in many of  
4 Brooklyn's neighborhoods, with more than half of  
5 our community districts having suffered poverty  
6 rates of 25 percent or higher according to data  
7 from 2002 to 2012. Therefore, prioritizing local  
8 hiring is integral to addressing this employment  
9 crisis.

10                   The development of affordable  
11 housing is a form of economic development and is an  
12 essential employment opportunity that must include  
13 participation by community residents. The new  
14 construction projects provide a means to ensure  
15 that local residents will be available to benefit  
16 from the added job capacity to the area. The  
17 importance of local hiring and promoting Brooklyn  
18 based subcontractors and contractors, including  
19 those qualified as minority and women owned  
20 business enterprises, and especially those who are  
21 designated locally based enterprises, cannot be  
22 understated. New construction provides  
23 opportunities for future developers to remain  
24 Brooklyn based contractors and subcontractors,  
25 especially those who are designated LBEs.



2 of Environmental Protection's Jamaica Bay Tributary  
3 and Long Term Control Plan and operation of the  
4 26th Ward Water Pollution Control Plant, right  
5 outside the windows here, which will be affected by  
6 this development's resulting sanitary and  
7 stormwater waste during extended periods of intense  
8 rainfall, incorporating steps such as bioswales,  
9 permeable pavers, and blue/green roof strategies  
10 are efforts the developers should take to advance  
11 DEP's green-water stormwater goals to achieve  
12 consistency with the Long Term Control Plan.

13 Finally, regarding the potential  
14 impacts of the development, I urge the developers  
15 to consult with the New York City Administration  
16 for Children's Services to ensure the provision of  
17 adequate, publicly funded child care facilities,  
18 and New York City Transit to provide additional bus  
19 service as warranted for the B13, B83 and Q8  
20 routes. In addition, I believe that there is an  
21 opportunity to better serve this community by  
22 extending the terminus of the IRT 3 train service,  
23 integrating a station as part of the rail decking  
24 over Linden Boulevard between Elton and Linwood  
25 streets.

2 Thank you.

3 (Applause)

4 THE HEARING OFFICER: Thank you,  
5 Mr. Bearak.

6 The next speaker will be Viola  
7 Plummer.

8 MS. PLUMMER: Good afternoon and  
9 thank you. We on behalf of the New York State  
10 Assembly Member Charles Barron will be submitting  
11 our testimony, writing to you prior to your June  
12 deadline.

13 Thank you.

14 THE HEARING OFFICER: Thank you  
15 for your brief comments.

16 The next speaker will be Lilly  
17 Jones.

18 MS. JONES: I got a big mouth, I  
19 might not need the microphone. But I am also from  
20 Staten Island, 501 Street. And I'm also in the  
21 program underneath Progressive Management.

22 They revamped our buildings.  
23 And I cannot tell you, I cannot begin to tell you  
24 the pride that we've felt once they finished our  
25 building. Revamped it not only on the inside, they

2 also revamped it on the outside. So when you  
3 invite your guests in, you're no longer ashamed,  
4 you're no longer ashamed to say come into my home,  
5 come into my building. And this is what happened  
6 to our building with Progressive Management. Don't  
7 get me wrong now, I'm not advocating for  
8 Progressive Management, not at all. So please  
9 don't get me wrong. But what I am advocating for,  
10 it's a team that works, a team that I know works  
11 because I have been through it. And that team just  
12 happens to be Progressive Management.

13 Thank you.

14 (Applause)

15 THE HEARING OFFICER: Thank you,  
16 Ms. Jones.

17 The next speaker is Victor  
18 Rivera.

19 MR. RIVERA: Good evening,  
20 everyone. I'm Pastor Victor. I do a better job  
21 reading the ministry, prison ministry. I'm also  
22 NYPD chaplain.

23 Through Progressive Management I  
24 was able to get myself a very nice place paid by  
25 Section 8. Now, I reach out to all, all veterans.

2 I have been recognized by Congress, which I have  
3 received an award. Also, Progressive Management  
4 worked with me in placing 400 veterans. If you all  
5 can help me, I would be highly favored very much as  
6 an advocate to the community. And whatever you  
7 guys can help me with, it would be highly  
8 appreciated. Thank you.

9 THE HEARING OFFICER: Thank you,  
10 Pastor Rivera.

11 If the next four speakers could  
12 take seats to the front left, to your right.  
13 Manuel Burgos, Kelly Houghtaling, Sukram Ajvaz, and  
14 Hugo Mailhos. Manuel Burgos will be the first.

15 MR. BURGOS: Good afternoon. My  
16 name is Manuel Burgos. Can everyone hear me?

17 (Some yeses from the audience)

18 MR. BURGOS: I am a life-long  
19 resident of East New York, Brooklyn, residing at  
20 640 Belmont Avenue, Brooklyn, New York 11207.

21 I also own a business here in  
22 East New York named BTN Consulting Services, with a  
23 staff that's hired right from this neighborhood.  
24 We provide a number of supportive services to the  
25 community development industry, specifically M/WBE

2 and EEO compliance and monitoring, comprehensive  
3 local hiring, neighborhoods -- neighborhood needs  
4 assessments, and more. I have worked in community  
5 development and real estate for over twenty years,  
6 in the nonprofit, public and private sectors of the  
7 industry.

8 I have reviewed the project  
9 description and all the materials, and on that I  
10 wish to comment.

11 First, the affordability levels  
12 are very good. Rents are reasonable for working  
13 class individuals.

14 Next, the project allows for  
15 some units to be earmarked for supportive housing,  
16 as well as for seniors, setting rents at no more  
17 than 30 percent of their income.

18 Finally, the sheer number of  
19 units to be built on this land means that we will  
20 have hundreds of new units of housing in the  
21 neighborhood and the city as a whole.

22 I am also encouraged by the  
23 number of construction and permanent jobs that will  
24 be created from this endeavor. I strongly  
25 recommend that, for M/WBE contracting, the project

2 attempt, where possible, to seek out M/WBE firms  
3 from this immediate area.

4 I am pleased with the mitigation  
5 plans set in the DEIS and encourage the project  
6 team to update the community on a regular basis to  
7 report out your progress.

8 Based on my past and current  
9 work, I know a good community development project  
10 when I see one. I wholeheartedly support this  
11 project and eagerly look forward to its completion.

12 Thank you.

13 (Applause)

14 THE HEARING OFFICER: Thank you,  
15 Mr. Burgos, and for your very audible voice.

16 The next speaker is Kelly  
17 Houghtaling, if I'm pronouncing that --

18 MS. HOUGHTALING: Houghtaling.

19 THE HEARING OFFICER: What?

20 MS. HOUGHTALING: Houghtaling.

21 THE HEARING OFFICER:

22 Houghtaling.

23 MS. HOUGHTALING: Hi. My name  
24 is Kelly Houghtaling. I live at 231 St. Steuben  
25 Street in Staten Island with Progressive

2 Management. I will be living in that building 16  
3 years in July.

4                   The best part of living in that  
5 building has been only the last three years. I  
6 lived in that building for four months with no  
7 elevator. When Progressive Management took over,  
8 we had an elevator for -- we were out of a elevator  
9 for a month, and it was brand new, we got it back.  
10 We had no cameras, we had no locks, when you looked  
11 outside you saw basically nothing. Now we look  
12 outside you see trees. It's such a nice place to  
13 come home to. Like I said, I've been there 16  
14 years and I've never experienced anything like it  
15 until three years ago when they took over.

16                   My bathroom is beautiful. My  
17 kitchen I just love. And just coming home, you  
18 know what I mean? And the neighbors and just, you  
19 know, the way they take care of things when there's  
20 an issue, a problem. There's no issues. With  
21 neighbors that are loud, you make a complaint, it's  
22 dealt with, you know what I mean? People are not  
23 breaking things like they used to. We're not  
24 hopping over urination in the elevators because the  
25 doors are locked and people are not just coming in

2 and out as they please. And it's just such a safe  
3 environment to live in. It's beautiful.

4 I got out of work at 6:30 this  
5 morning, I have not been to sleep. And I actually  
6 came here to support this project because I believe  
7 in it that much. And I have to go back to work at  
8 10:30 tonight, and I drove all the way from Staten  
9 Island. I was offered a cab and I drove here  
10 because I believe that much in this project. So  
11 please, whatever it is that you can do --

12 (Applause)

13 MS. HOUGHTALING: -- I give my  
14 whole support to it.

15 THE HEARING OFFICER: Thank you,  
16 Ms. Houghtaling.

17 MS. HOUGHTALING: You're  
18 welcome.

19 The next speaker is Sukram  
20 Ajvaz.

21 MS. AJVAZ: I already spoke. I  
22 already spoke.

23 THE HEARING OFFICER: Oh, that  
24 was you?

25 MS. AJVAZ: Yes.

2 THE HEARING OFFICER: Okay.

3 The next speaker is Hugo  
4 Mailhos.

5 MR. MAILHOS: All right. Hi.  
6 As my friend said, I'm from 195 St. Steuben Street,  
7 also Progressive Management. And, as she said, the  
8 development have been completely redone. It's  
9 gorgeous. It's good to look outside. And, like  
10 she said, the bathroom is fantastic. That's as  
11 long as you keep it clean, naturally. And the  
12 kitchen also is done. And the hallway has been  
13 done, the windows. And like she is content, I'm  
14 content, and I'm here to support Progressive  
15 Management. Which is for the last three years has  
16 been exactly what is promised. And that's all I  
17 have to say and thank you.

18 (Applause)

19 THE HEARING OFFICER: Thank you,  
20 Mr. Mailhos.

21 The next four speakers to take  
22 seats in the front, Latrina Miley, Mike Kalezic,  
23 Melvin Faulkner and Isha Kahn or Connie, I'm not  
24 sure. And the first speaker will be Latrina Miley.

25 MS. MILEY: Hello. Hello,

2 everyone. My name is Latrina Miley. And I am not  
3 a resident of Brooklyn or Staten Island. I'm a  
4 resident of one of those I want to say the Queens  
5 properties that Progressive oversees, and that's  
6 Rufus King Court. And I'm just going to talk and  
7 basically say that, you know, coming from the  
8 projects, because that's my background, my mom  
9 raised us here. That's where she was raised, in a  
10 project development. I was raised in a project  
11 development. And then I had my daughter and she  
12 also was raised in a project development. So being  
13 able to transition out of that into a private  
14 building not only raised my awareness of what I can  
15 have, it's pushed me to want more. So even though  
16 I'm in this building and I'm very grateful, this is  
17 not my final stop because I would love, you know,  
18 for people that are coming from where I came from  
19 to still experience, you know, what I'm  
20 experiencing now, what I'm experiencing now.

21 I'm sorry, I'm a little -- I  
22 feel a little choked up because I went through a  
23 lot of projects, you know. I'm coming from Broom  
24 Houses, Queens Ridge Houses, and I'll tell you, it  
25 was turmoil, it was crazy. Broom Houses had rats.

2 You know, one time someone got robbed, and funny  
3 story, so the person that robbed the individual, I  
4 thought he was the victim so I'm asking him are you  
5 okay, like, you know, I'm asking the assailant is  
6 he okay because I'm thinking he was the victim, but  
7 he was the actual guy robbing the, you know, the  
8 pizza guy. So I said oh, my God, I'm in a -- I'm  
9 in a project development where I can't even detect  
10 who's the assailant and who's the actual victim.  
11 You know, it's crazy.

12                   So, like I said, I'll keep it  
13 short. So moving forward and getting into this  
14 building has opened my awareness. And not only am  
15 I in college and seeking other things, I am also  
16 pursuing to fix my credit, so that I can become a  
17 homeowner. Because, you know, lovely as my  
18 building is, beautiful as it is, I would love to  
19 own a home. Because, like I said before, I am  
20 looking forward to more developments to be open to  
21 people of my nature to come in and experience good  
22 things. Okay?

23                   Thank you.

24                   (Applause)

25                   MS. MILEY: Have a good day.

2 THE HEARING OFFICER: Thank you,  
3 Ms. Miley.

4 The next speaker is Mike  
5 Kalezic.

6 MR. KALEZIC: Okay, I'm  
7 representing 20 Capodanno, which is Progressive  
8 Management. And I just want to say to everybody  
9 that I've been living there for seven years now.  
10 And since I moved in first time, their building  
11 honestly has been run down to the point it was very  
12 difficult to make any repairs or anything. And  
13 since Progressive Management took over, it's been a  
14 blessing for us because we received a bathroom, a  
15 brand new kitchen. And it's an excellent location,  
16 we are located next to the beach. And right now I  
17 have a kid, and I feel safe being in the building  
18 since they have cameras. Our cars are parked. And  
19 our gates are finally working. And we can feel  
20 finally at home. I just want to say thank you to  
21 Progressive for taking their time to improve our  
22 property, and thank you for having me here today.

23 THE HEARING OFFICER: Thank you,  
24 Mr. Kalezic.

25 (Applause)

2 THE HEARING OFFICER: The next  
3 speaker is Michael Faulkner.

4 (No response)

5 THE HEARING OFFICER: Is Michael  
6 Faulkner here?

7 MR. FAULKNER: Melvin Faulkner.  
8 Can you hear me?

9 THE HEARING OFFICER: Melvin  
10 Faulkner?

11 MR. FAULKNER: I'm the  
12 big-mouthed one from the community.

13 THE HEARING OFFICER: That's  
14 Melvin?

15 MR. FAULKNER: Melvin.

16 THE HEARING OFFICER: We'll take  
17 Melvin.

18 MR. FAULKNER: Thank you.

19 Most people can hear me. Can  
20 you hear me all the way in the back? Thank you.

21 I'm here to say something about  
22 the community. This community is on the rise.  
23 We're saying to everybody that wants to be a part  
24 of this community, it's a program devised for all  
25 of the people of this community. East New York is

2 a very big place. We are saying to any developer  
3 that wants to be a part of this, work with the  
4 people of this community. Don't come in and  
5 dictate. We are tired of dictatorships.

6 One of the things that I have --  
7 the reason I'm here today for, is that we've heard  
8 for the same property they wanted to build a  
9 shelter here. East New York is inundated with  
10 shelters already. And basically I was on the phone  
11 with the governor's office this morning. No more  
12 shelters for East New York, none. And basically  
13 the site that they had told us originally was 888  
14 Fountain Avenue, to your surprise, to our surprise.  
15 And if we didn't hear a shelter, they wanted to  
16 build a jail. East New York is not going to  
17 tolerate any of that. Not by the governor, the  
18 mayor, or nobody else is going to come in and  
19 delegate what's happening to East New York. It's  
20 rising. Let us rise together. And we are not  
21 going to rise here and go down there. So the  
22 shelters and the jails, not in East New York. And  
23 we say that to the governor and the mayor as well.

24 So now we're meeting with the  
25 mayor's people -- not the mayor's, I should say the

2 governor's people on Friday. The same tone that  
3 I'm speaking to you today is the same tone that he  
4 will hear on Friday. As long as you're working  
5 with us, we want to rise up with East New York. If  
6 you're rising up here today, we're with you.

7 Anything that's not rising up we're opposed to.

8 I speak on behalf of Charles  
9 Barron and the 60th Assembly District in Brooklyn.  
10 And basically we do fight. We do stand on the  
11 principle of we're going to rise together in East  
12 New York. Now, anybody object to that, you have an  
13 argument with me. And I do have a big mouth.

14 Thank you.

15 (Applause)

16 THE HEARING OFFICER: Thank you,  
17 Melvin Faulkner.

18 The next speaker is Isha Kanu.

19 Do I have your last name right?

20 MS. KANU: Kanu.

21 THE HEARING OFFICER: Kanu?

22 MS. KANU: Kanu.

23 THE HEARING OFFICER: Kanu.

24 MS. KANU: Hello. My name is  
25 Isha. And I'm a little nervous, I never spoken in

2 front of people before. Anyway, I live at 1426  
3 Loring Avenue. I've been living there since 2002.  
4 And my apartment is still the same as I first moved  
5 there. I get a lot of comments from people when  
6 they come visit me, and I take it as if I'm the  
7 owner. They love it. My grass is green, walls is  
8 white. All is clean over there. What else. The  
9 management company, they are very professional.  
10 I'm very bossy sometimes, but they are very  
11 professional. My super is the bomb. I love it.  
12 Okay. All right.

13 (Applause)

14 THE HEARING OFFICER: Thank you,  
15 Ms. Kanu.

16 The next four speakers,  
17 please take seats. Alexandra Artyukhova. Liliya  
18 Shpigelman. Desiree Blunt. And Jessica Alexander.  
19 And the first speaker will be Alexandra Artyukhova.

20 MS. ARTYUKHOVA: Good afternoon  
21 to everyone. I live in 2828 West 28th Street.  
22 It's close to the ocean. I'm in my building like  
23 almost six years. And I wanted to just give you  
24 one example of how Progressive Management has  
25 worked.

2                   It was the first day after  
3 Sandy. And when I come down on the first floor we  
4 see there was -- like the level of water was during  
5 the night like this one. So we stay without  
6 electricity, water and gas. And I live in a  
7 fifteen floor with four children and two older  
8 parents. So just imagine how hard was this time  
9 for us. But the first day what the management did,  
10 they provide us with water in the first floor. And  
11 they fix one elevator that people who live in  
12 higher floor was able to get this water and come up  
13 with this water in the upper floor. So I just want  
14 to say thank you for them -- for this. I really  
15 feel that they care about us.

16                   Thank you.

17                   (Applause)

18                   THE HEARING OFFICER: Thank you,  
19 Ms. Artyukhova.

20                   MS. SHPIGELMAN: I live in the  
21 same building at 2828.

22                   THE HEARING OFFICER: Ma'am,  
23 what is your name?

24                   MS. SHPIGELMAN: Liliya  
25 Shpigelman.

2 THE HEARING OFFICER: The next  
3 speaker is Liliya Shpigelman.

4 MS. SHPIGELMAN: Yeah, okay.

5 When I stay with these people,  
6 fourteen years ago my relatives from Russia, they  
7 say you wouldn't be able to live in the City. The  
8 building is the best because they see different  
9 buildings, and the Ocean Avenue where I live with  
10 my friends and the Sheepshead Bay, I can't compare.  
11 So clean. When they come, they surprised, it's so  
12 clean buildings. They don't remember -- like they  
13 never stop more than two hours. Our super, our  
14 management is working the best. This is the best  
15 management. I can't imagine. I don't want to move  
16 in any building from this.

17 Thank you.

18 (Applause)

19 THE HEARING OFFICER: Thank you,  
20 Ms. Shpigelman.

21 The next speaker is Desiree  
22 Blunt.

23 MS. BLUNT: Hi. I've been  
24 living in the building for thirty years. I've been  
25 in the same building since 1974. I went through a

2 lot of managements, but Progressive Management is  
3 the best management we have. Any time you need  
4 something fixed, they fix. My floors was peeling.  
5 They gave me all new floors all through my house.  
6 When I needed a paint job, they came right away,  
7 they painted. When I called management or our  
8 super, he's there. He comes to fix whatever. If  
9 he can't come, he'll tell you. If you have a  
10 emergency, he'll be right up. So I really don't  
11 have any complaints about my building and the  
12 management. And the people in the renting office,  
13 believe it or not, are the nicest people there.

14 So thank you.

15 (Applause)

16 THE HEARING OFFICER: Thank you,  
17 Ms. Blunt.

18 The next speaker is Jessica  
19 Alexander.

20 MS. ALEXANDER: Hi. My name is  
21 Jessica Alexander. I, like the other ladies, live  
22 at Sea Park North in Staten Island. I am a new  
23 resident, but I feel confident in giving testimony  
24 for Progressive Management. Because my story is  
25 that I came here from Hawaii. A long distance move

2 on a short time schedule and shoe string budget.  
3 It came to a point when I basically had to take the  
4 first apartment that I possibly could and wherever  
5 that was. And I was scared. I didn't know what I  
6 was going to get coming to New York. You hear  
7 stories, it could be good, it could be bad. I  
8 basically just hoped and prayed that I didn't end  
9 up in a totally horrible place that I'd have to  
10 look for a new place as soon as my lease was up.

11 I was sent out to look at the  
12 apartment at Sea Park North, I believe on day  
13 eleven of a two week trip to find an apartment.  
14 And I walked in and I said this is great. It's  
15 clean, it's well kept, people are nice, it's safe.  
16 I'm so happy to have ended up where I did, when I  
17 could have ended up with anything. And I, you  
18 know, I don't perceive wanting to move any time in  
19 the foreseeable future.

20 So that is my endorsement to  
21 Progressive Management.

22 (Applause)

23 THE HEARING OFFICER: Thank you,  
24 Ms. Alexander.

25 The next three speakers can come

2 have seats in the front. Bill Wilkins, Hope  
3 Johnson and Keisha Graham. And the first speaker  
4 will be Bill Wilkins.

5 MR. WILKINS: Is it all right if  
6 I use this mic?

7 THE HEARING OFFICER: Yes.

8 MR. WILKINS: All right, good  
9 afternoon. As stated, my name is Bill Wilkins.  
10 I'm the Director of Economic Development for the  
11 Local Development Corporation of East New York,  
12 growing businesses, changing lives, strengthening  
13 communities.

14 A lot of the boxes that we like  
15 to see checked I've heard already in just spending  
16 about an hour here. As Richard Bearak indicated,  
17 50 percent preference for local residents. Also, a  
18 preference for local hiring. In addition to that,  
19 I'm interested in the economic development aspects  
20 of this project because this is analogous to Hudson  
21 Yards. This project represents \$371 million. The  
22 question is, how do we enable ourselves to  
23 recirculate that money in our community, because we  
24 have high unemployment. We also are in the  
25 backyard of an industrial park. And one of our

2 core industries happen to be companies in the  
3 buildings trade. Let's create the blueprint for  
4 intelligent economic development going forward  
5 where we're able not only to move \$371 million but  
6 to recycle our money with individuals that need  
7 employment and also hire locally. That's the  
8 success of this project.

9                   So far it's been a love fest and  
10 I've heard a lot of great things. I know the  
11 architect, he's worked with us on other projects.  
12 The design looks intelligent. But let's get the  
13 money right. So I challenge Empire State  
14 Development, I challenge all of the project team to  
15 create the blueprint for intelligent economic  
16 development, and let's do it in East New York,  
17 which will be transformative.

18                   Thank you very much.

19                   THE HEARING OFFICER: Thank you,  
20 Mr. Wilkins.

21                   The next speaker is Hope  
22 Johnson.

23                   MS. JOHNSON: Hello. I'm here  
24 on behalf of Progressive Management. And I reside  
25 at 710 Dumont.

2 I'm also a long time resident of  
3 East New York. I remember the building that I  
4 actually lived in when I was a little girl was an  
5 abandoned school building. I think they opened in  
6 1998, was it? I'm not sure.

7 I'm the first person to ever  
8 reside in my apartment, I've been there since day  
9 one. The building is wonderful. Most visitors  
10 compare it to a hotel. It's kept well. We have  
11 laundry rooms so you don't have to go out. You  
12 have parking area also. You have to pay for the  
13 parking, though, if you want one. I love my  
14 apartment. I tell people all the time I love my  
15 apartment. It's huge, it's big. I wasn't used to  
16 having so much space. The rent is reasonable.

17 I don't have that much  
18 experience with the management itself because I  
19 don't really have to call them for anything. Also,  
20 there was a time when someone tried to start --  
21 well, there was a time when someone started  
22 urinating in the elevator, and the management had  
23 cameras installed in the building throughout the  
24 building, so we don't have that problem, urination  
25 or hanging out or anything. So doors are locked.

2 And I love it. I love my apartment. I wish you  
3 guys would make condos. I would love to own my  
4 own -- yeah, I wouldn't mind if they converted my  
5 apartment to a condo where I owned it, that's how  
6 much I love it.

7 Thank you.

8 (Applause)

9 THE HEARING OFFICER: Thank you,  
10 Ms. Johnson.

11 The next speaker is Keisha  
12 Graham.

13 MS. GRAHAM: Hello, everybody.  
14 I am a tenant for Ocean View in Far Rockaway, 1410  
15 New Haven.

16 To be honest with you, 1410 was  
17 a project in itself I feel like, living there.  
18 Well, my mom was on the waiting list since she was  
19 twenty, when she had me. We moved in when I was  
20 about ten years old. That was back in 1999. And  
21 the building back then to today is a completely  
22 different building. We actually have a security  
23 guard now. The security guards did not last for  
24 more than two weeks in that building. We have  
25 playgrounds in the front of the building. We have

2 grass in the front of our building. We have a  
3 gate. Like the way the building looked before to  
4 today, I thank you guys. I thank Progressive  
5 because I can actually invite people over and not  
6 feel ashamed of it. All the way to Far Rockaway,  
7 and the building was terrible.

8 So I have high expectations for  
9 this new project. I feel like this new project  
10 will benefit a lot of people, a lot of seniors. I  
11 think you guys will do great.

12 Thank you.

13 (Applause)

14 THE HEARING OFFICER: Thank you,  
15 Ms. Graham.

16 In case there's any confusion,  
17 the people up front here are not from Progressive.  
18 I'm a hearing officer, which mean I'm neutral,  
19 nothing to do with anyone.

20 The next speaker is Mirna Vidal.

21 MS. VIDAL: Hi. I talk kind of  
22 loud so I don't think I need it. Hi. My name is  
23 Mirna Vidal, and I live at 472 East Street in  
24 Brooklyn.

25 I just want to tell Progressive

2 Management thank you. Because I'm all for  
3 projects, for better things. And I'm proof  
4 positive. I've been in East New York all my life.  
5 And before Progressive Management I was going from  
6 shelter to shelter. I was falling to drugs for  
7 many, many years. And Progressive Management  
8 played a role in changing my life, and for that I  
9 thank you.

10 I remember when I was in the  
11 shelter that I got the call, I had wanted badly an  
12 apartment. And, like I said, I didn't know about  
13 East Street because I know it was a dump site for  
14 many years. So when they called me off the lottery  
15 gate, mind you, I stayed in the shelter two and a  
16 half years because I unfortunately with my  
17 lifestyle back then I have four felonies. I had to  
18 wait for every possible program to deny me because  
19 of my track record before someone would offer me  
20 housing. So I remember I got called through a  
21 lottery game, it was this program called Six, that  
22 I didn't even know existed. So when I went to look  
23 at the apartment, I'm like oh my God, what kind of  
24 hell-like place am I going to. And I see it and I  
25 was like oh, my God, it was so beautiful.

2 I was the first one to move into  
3 the complex. I'm still in the same apartment. I  
4 love it. The thing about it is you don't -- we  
5 work hard every day, no matter what it is that we  
6 are doing. And to me my most precious thing's my  
7 apartment where I live. You know, when you live in  
8 a place that you're happy, you're comfortable, that  
9 makes you want to better yourself. By the grace of  
10 God I got to say thank you to Progressive  
11 Management. It's been fourteen years that I've  
12 been living there, it's been fourteen years since  
13 I'm drug free.

14 (Applause)

15 MS. VIDAL: I work for the New  
16 York City Department of Parks. I'm a supervisor  
17 right now. And if it wasn't for you guys, I mean  
18 God only knows where I would have been. So I'm all  
19 for the Progressive project.

20 Thank you.

21 (Applause)

22 THE HEARING OFFICER: Thank you,  
23 Ms. Vidal.

24 Is there any person who has  
25 signed up who has not had the opportunity to speak?

2 (No response)

3 THE HEARING OFFICER: Is there  
4 anyone else here who would like to make a statement  
5 regarding the project?

6 (No response)

7 THE HEARING OFFICER: Let the  
8 record reflect that no one has answered yes to that  
9 question, and the time is now 4:09. We will hold  
10 the hearing open until five p.m. in order to afford  
11 any latecomers an opportunity to make a statement.  
12 At this time I will call for a recess in these  
13 proceedings until such time as someone requests an  
14 opportunity to make a statement.

15 Please also note at five p.m. we  
16 will come back on the record and announce a break  
17 in the proceedings, and we will then resume at six  
18 o'clock p.m. Thank you.

19 (Recess taken)

20 THE HEARING OFFICER: Could  
21 everyone please take seats? We will go back on the  
22 record.

23 We have another speaker. And  
24 that speaker is Momodu Roberts.

25 MR. ROBERTS: All right. I'm

2 Momodu Roberts. I live on Forbell Street, 1101,  
3 Apartment 501.

4 I'm so grateful for Progressive  
5 being present to tell you how happy I am, because  
6 when I was looking for a place to live, I came  
7 across Progressive Management. And they gave me a  
8 place to live. And I will tell you that place is  
9 well protected. Security is in the building 24/7.  
10 Water never gone out or off. We have the water,  
11 it's always there. And if you look at the guy who  
12 does the yard, the parking lot, we have a better  
13 place. And the building is so nice. Whenever you  
14 call the super, the workers of Progressive  
15 Management, they always there to give you exactly  
16 what you ask for. Never let you down. They always  
17 concerned about us, the tenant that is in the  
18 building. And I'm so happy.

19 So I came here to stand here  
20 also to say thank you for your coming up with the  
21 project, because it's also a project that is going  
22 on Fountain Avenue for those who don't have places  
23 to rest. Because if you don't have a place to  
24 sleep, you don't even have the time to even find  
25 food to eat or even to go to work. Because to be

2 proper, you have to have a place to rest, to do  
3 what you have to do best. So I just tell you thank  
4 you for what you are doing for us. Thank you.

5 (Applause)

6 THE HEARING OFFICER: Thank you  
7 for your comments, Mr. Roberts.

8 Is there anyone else present who  
9 would like to make a statement regarding the  
10 project?

11 (No response)

12 THE HEARING OFFICER: Let the  
13 record reflect that no one has answered yes to that  
14 question, and the time is now 4:25. We will hold  
15 the hearing open until five p.m. in order to afford  
16 any latecomers an opportunity to make a statement.

17 At this time I will call for a  
18 recess in these proceedings until such time as  
19 someone requests an opportunity to make a  
20 statement. Again I will note -- yes?

21 MS. SAUNDERS: I want to speak.

22 THE HEARING OFFICER: Sure.  
23 State your name.

24 MS. SAUNDERS: Terry Saunders.

25 THE HEARING OFFICER: Could you

2 spell that?

3 MS. SAUNDERS: T-e-r-r-y,  
4 Saunders, S-a-u-n-d-e-r-s.

5 Hello, everybody. I'm from  
6 Coney Island. And I've been there for 16 years.

7 Before I came there, I was  
8 living in the projects. I'm not trying to  
9 downgrade anybody or whatever, but this is an  
10 upgrade to where I'm living at now.

11 I love my management, I love the  
12 super. When I need something done, they come in a  
13 flash.

14 I live by the shore. It's very,  
15 very nice. When we have -- when Sandy came, it was  
16 a disaster. But everything got back on point. I  
17 love it. The only way I think I would move is I  
18 hit Lotto. I mean unless they give me a dispossess  
19 or something. But I really do love where I live,  
20 and Progressive Management is the best.

21 Thank you.

22 (Applause)

23 THE HEARING OFFICER: Thank you,  
24 Ms. Saunders. Thank you.

25 Is there anyone else who would

2 like to make a statement regarding the project?

3 (No response)

4 THE HEARING OFFICER: Let the  
5 record reflect that no one has answered yes to that  
6 question. The time is now 4:27. So we'll now go  
7 off the record until someone else wishes to make a  
8 statement. Thank you.

9 (Recess taken)

10 THE HEARING OFFICER: We're  
11 going to go back on the record.

12 Thank you for all of your  
13 comments. The time is now five p.m.

14 Before we adjourn for a break,  
15 is there anyone else here who would like to make a  
16 statement regarding the proposed project?

17 (No response)

18 THE HEARING OFFICER: Let the  
19 record reflect that no one has answered yes to that  
20 question. The time is now five p.m., and we will  
21 go off the record now and resume at six p.m. for  
22 our evening session. Thank you all for attending  
23 this afternoon.

24 (Time noted: 5:00 p.m.)

25



	<b>additional (2)</b> 35:18;36:18	17:19	<b>appearing (2)</b> 9:17;22:24	<b>assigned (1)</b> 14:11
<b>\$</b>	<b>address (7)</b> 8:17;9:17,20;11:17; 21:20,23;22:24	<b>Agency (1)</b> 20:15	<b>Applause (24)</b> 24:7;26:7;27:21; 28:24;29:12;37:3; 38:14;41:13;43:12; 44:18;46:24;47:25; 50:15;51:13;52:17; 53:18;54:15;55:22; 59:8;60:13;62:14,21; 65:5;66:22	<b>attempt (1)</b> 41:2
<b>\$10 (1)</b> 12:23	<b>addressing (2)</b> 33:14;34:8	<b>ago (2)</b> 42:15;53:6	<b>agreement (2)</b> 6:19;9:25	<b>attendance (1)</b> 16:3
<b>\$371 (2)</b> 56:21;57:5	<b>adequate (3)</b> 6:24;33:20;36:17	<b>Ajvaz (4)</b> 39:13;43:20,21,25	<b>approach (1)</b> 32:10	<b>attending (1)</b> 67:22
<b>A</b>	<b>adjacent (1)</b> 13:13	<b>Alexander (5)</b> 51:18;54:19,20,21; 55:24	<b>appreciated (1)</b> 39:8	<b>attesting (1)</b> 10:11
<b>abandoned (1)</b> 58:5	<b>adjourn (1)</b> 67:14	<b>Alexandra (2)</b> 51:17,19	<b>approaches (1)</b> 21:6	<b>attorney (2)</b> 5:7,23
<b>able (6)</b> 32:22;38:24;45:13; 52:12;53:7;57:5	<b>Administration (3)</b> 18:3,12;36:15	<b>allotted (1)</b> 9:10	<b>appropriate (1)</b> 18:4	<b>audible (1)</b> 41:15
<b>above (1)</b> 8:17	<b>administrative (2)</b> 10:5;11:21	<b>allow (1)</b> 9:12	<b>approval (1)</b> 7:9	<b>AUDIENCE (19)</b> 5:11,15;11:2,5,7; 13:22,24;14:21;15:2, 6;24:24;25:3,6,13; 28:9,11,14;29:20; 39:17
<b>absent (1)</b> 18:16	<b>admitted (2)</b> 5:7,23	<b>allowed (1)</b> 22:14	<b>approved (1)</b> 14:13	<b>authorized (1)</b> 10:17
<b>accepted (1)</b> 22:3	<b>adopted (3)</b> 10:15;32:10;33:12	<b>allows (1)</b> 40:14	<b>approximately (6)</b> 12:4,15;17:18; 19:23;31:4;32:11	<b>availability (1)</b> 16:15
<b>accepting (1)</b> 18:13	<b>advance (2)</b> 35:22;36:10	<b>almost (1)</b> 51:23	<b>April (4)</b> 6:12;10:10,13; 16:17	<b>available (9)</b> 8:6,8;12:11,13; 16:19,21;21:21; 24:12;34:15
<b>access (1)</b> 35:3	<b>adverse (11)</b> 17:7,11,16;18:18, 20,22,24;19:8,13,25; 20:6	<b>Alternative (1)</b> 21:8	<b>architect (1)</b> 57:11	<b>Avenue (18)</b> 6:20;8:12;9:2,2; 11:18;12:21,22; 15:14;23:5,6;27:15; 30:8,21;39:20;49:14; 51:3;53:9;64:22
<b>accessible (1)</b> 12:19	<b>advised (1)</b> 13:16	<b>always (4)</b> 35:2;64:11,15,16	<b>area (12)</b> 12:12;13:15;15:4; 17:21;27:9;31:14,17; 34:16;35:13,16;41:3; 58:12	<b>award (1)</b> 39:3
<b>accordance (1)</b> 6:10	<b>advocate (1)</b> 39:6	<b>amid (1)</b> 32:10	<b>argument (1)</b> 50:13	<b>awareness (3)</b> 33:21;45:14;46:14
<b>according (2)</b> 30:24;34:6	<b>advocated (1)</b> 32:3	<b>AMI (2)</b> 15:4,5	<b>Arker (4)</b> 11:24;13:21;14:9, 11	<b>away (1)</b> 54:6
<b>accurate (1)</b> 9:13	<b>advocating (2)</b> 38:7,9	<b>amount (2)</b> 33:2;35:18	<b>arrival (1)</b> 22:15	<b>B</b>
<b>achievable (1)</b> 36:11	<b>Affected (2)</b> 19:7;36:5	<b>ample (1)</b> 9:6	<b>Article (2)</b> 6:5;15:18	<b>B13 (2)</b> 19:8;36:19
<b>achieving (1)</b> 32:16	<b>affidavits (1)</b> 10:11	<b>amplified (1)</b> 33:11	<b>Artyukhova (4)</b> 51:17,19,20;52:19	<b>B83 (2)</b> 19:8;36:19
<b>acres (2)</b> 11:12,13	<b>affiliate (4)</b> 11:24;13:21;14:8, 11	<b>analogous (1)</b> 56:20	<b>ashamed (3)</b> 38:3,4;60:6	<b>back (11)</b> 26:23;42:9;43:7; 48:20;59:20,21; 61:17;63:16,21; 66:16;67:11
<b>across (1)</b> 64:7	<b>affiliated (1)</b> 32:20	<b>analyses (2)</b> 16:10;17:5	<b>aside (1)</b> 31:5	<b>background (1)</b> 45:8
<b>Act (6)</b> 6:5,5,10,11;13:9; 15:18	<b>afford (5)</b> 6:15;9:22;30:12; 63:10;65:15	<b>analyzed (1)</b> 18:23	<b>aspects (1)</b> 56:19	<b>backyard (1)</b> 56:25
<b>action (9)</b> 17:8,10,15,17;18:6, 21;19:4,12;20:4	<b>Affordability (2)</b> 32:3;40:11	<b>and/or (3)</b> 12:6;18:10;19:2	<b>assailant (2)</b> 46:5,10	<b>bad (1)</b> 55:7
<b>actions (1)</b> 30:18	<b>affordable (17)</b> 12:2,5,9,15;15:4; 23:11,14;30:15,18; 31:2,4,21;32:5,6,16; 33:23;34:10	<b>announce (1)</b> 63:16	<b>assessments (1)</b> 15:23	<b>badly (1)</b> 61:11
<b>activities (5)</b> 19:22;20:7,8,9,17	<b>afforded (1)</b> 9:8	<b>answered (4)</b> 63:8;65:13;67:5,19	<b>assessment (1)</b> 15:23	<b>barriers (1)</b> 21:7
<b>actual (2)</b> 46:7,10	<b>afternoon (10)</b> 5:5,21;11:9;16:4; 23:3;37:8;39:15; 51:20;56:9;67:23	<b>anticipated (4)</b> 13:3;18:6;31:3; 33:11	<b>assessments (1)</b> 40:4	<b>Barron (2)</b>
<b>actually (4)</b> 43:5;58:4;59:22; 60:5	<b>again (2)</b> 5:20;65:20	<b>apartment (14)</b> 51:4;55:4,12,13; 58:8,14,15;59:2,5; 61:12,23;62:3,7;64:3		
<b>Adams (1)</b> 30:3	<b>age (1)</b>	<b>apartments (2)</b> 31:15;33:8		
<b>added (2)</b> 32:13;34:16		<b>appeared (1)</b> 10:9		
<b>addition (5)</b> 16:23;19:10;33:19; 36:20;56:18				

37:10;50:9 <b>based (5)</b> 11:25;34:18,21,24; 41:8 <b>basically (7)</b> 42:11;45:7;49:10, 12:50:10;55:3,8 <b>basis (1)</b> 41:6 <b>bathroom (3)</b> 42:16;44:10;47:14 <b>bathrooms (4)</b> 27:3,3,3;29:9 <b>Bay (2)</b> 36:2;53:10 <b>beach (5)</b> 26:15,20,21,22; 47:16 <b>Bearack (1)</b> 29:22 <b>Bearak (7)</b> 29:14,16,19,25; 30:2;37:5;56:16 <b>beautification (1)</b> 27:5 <b>beautiful (6)</b> 27:4;28:20;42:16; 43:3;46:18;61:25 <b>beautifying (1)</b> 27:14 <b>become (1)</b> 46:16 <b>began (1)</b> 15:22 <b>begin (2)</b> 22:8;37:23 <b>beginning (2)</b> 14:3;19:24 <b>behalf (4)</b> 7:18;37:9;50:8; 57:24 <b>Belmont (1)</b> 39:20 <b>benefit (2)</b> 34:15;60:10 <b>best (8)</b> 19:17;42:4;53:8,14, 14;54:3;65:3;66:20 <b>better (8)</b> 5:20;11:4,6;36:21; 38:20;61:3;62:9; 64:12 <b>big (4)</b> 37:18;49:2;50:13; 58:15 <b>big-mouthed (1)</b> 48:12 <b>Bill (3)</b> 56:2,4,9 <b>bioswales (1)</b> 36:8 <b>Bishop (4)</b> 22:20,23;23:2;24:9	<b> blessing (1)</b> 47:14 <b> blocks (1)</b> 32:11 <b> blue/green (1)</b> 36:9 <b> blue/green/white (1)</b> 35:23 <b> blueprint (2)</b> 57:3,15 <b> Blunt (4)</b> 51:18;53:22,23; 54:17 <b> Board (1)</b> 8:23 <b> bomb (1)</b> 51:11 <b> Borough (4)</b> 8:20;30:3,4,16 <b> bossy (1)</b> 51:10 <b> both (2)</b> 11:20;14:10 <b> Boulevard (1)</b> 36:24 <b> Bowen (1)</b> 25:16 <b> boxes (1)</b> 56:14 <b> Branch (2)</b> 8:24;16:22 <b> brand (2)</b> 42:9;47:15 <b> break (2)</b> 63:16;67:14 <b> breaking (1)</b> 42:23 <b> brief (1)</b> 37:15 <b> bring (4)</b> 23:17,21;24:2; 26:18 <b> bringing (2)</b> 23:12;26:24 <b> broader (1)</b> 31:9 <b> Brooklyn (24)</b> 6:13;8:20,22,25; 9:2;10:10;11:15,17, 18;16:23;30:2,20; 32:2,18;33:17,25; 34:17,24;35:12; 39:19,20;45:3;50:9; 60:24 <b> Brooklynites (1)</b> 32:3 <b> Brooklyn's (2)</b> 30:10;34:4 <b> Broom (2)</b> 45:23,25 <b> Brown (5)</b> 22:21;26:11,12,13; 27:23	<b> BTN (1)</b> 39:22 <b> budget (1)</b> 55:2 <b> build (3)</b> 12:3;49:8,16 <b> building (35)</b> 25:25;37:25;38:5,6; 42:2,5,6;45:14,16; 46:14,18;47:10,17; 51:22;52:21;53:8,16, 24,25;54:11;58:3,5,9, 23,24;59:21,22,24,25; 60:2,3,7;64:9,13,18 <b> buildings (6)</b> 19:15;33:3;37:22; 53:9,12;57:3 <b> built (1)</b> 40:19 <b> Bulletin (1)</b> 16:17 <b> bunch (1)</b> 29:16 <b> burden (2)</b> 30:15;31:24 <b> Burgos (6)</b> 39:13,14,15,16,18; 41:15 <b> bus (6)</b> 17:13;19:5,6,7,9; 36:18 <b> buses (1)</b> 19:10 <b> business (6)</b> 5:9,25;7:11;15:11; 34:20;39:21 <b> businesses (1)</b> 56:12	10:25;14:24;15:8; 24:21,22;25:2;26:17, 19,21,23;27:10,11; 30:12;39:5,7,16; 43:11;45:14;46:16; 47:19;48:8,19,19; 55:25;60:5 <b> capacity (2)</b> 19:5;34:16 <b> Capodanno (2)</b> 26:14;47:7 <b> care (11)</b> 10:4;17:12,17,20, 21;18:10,13,19; 36:17;42:19;52:15 <b> cars (1)</b> 47:18 <b> case (1)</b> 60:16 <b> causing (1)</b> 20:20 <b> Center (4)</b> 11:15,19;30:21; 32:18 <b> centers (2)</b> 17:21;18:19 <b> central (1)</b> 30:16 <b> certain (2)</b> 13:8;22:13 <b> certainty (1)</b> 18:17 <b> cetera (1)</b> 21:12 <b> chair (2)</b> 8:21,22 <b> chairs (1)</b> 26:18 <b> challenge (2)</b> 57:13,14 <b> changes (1)</b> 16:8 <b> changing (2)</b> 56:12;61:8 <b> chaplain (1)</b> 38:22 <b> Charles (3)</b> 23:3;37:10;50:8 <b> checked (1)</b> 56:15 <b> child (6)</b> 17:12,17,20,21; 18:19;36:17 <b> children (6)</b> 17:18;18:5,8,14; 27:10;52:7 <b> Children's (3)</b> 18:3,12;36:16 <b> choked (1)</b> 45:22 <b> Christmas (1)</b> 25:20 <b> Church (2)</b>	23:4,8 <b> City (16)</b> 8:19,20,21;13:15, 16;18:3,12;20:14,18; 32:9,9;36:15,18; 40:21;53:7;62:16 <b> class (1)</b> 40:13 <b> clean (7)</b> 28:21,21;44:11; 51:8;53:11,12;55:15 <b> clerks (1)</b> 8:18 <b> climb (1)</b> 33:7 <b> close (2)</b> 7:11;51:22 <b> closes (1)</b> 13:2 <b> code (4)</b> 20:14,18,21,22 <b> codified (1)</b> 15:18 <b> collective (1)</b> 17:20 <b> college (1)</b> 46:15 <b> comfortable (1)</b> 62:8 <b> coming (9)</b> 23:21;28:25;42:17, 25;45:7,18,23;55:6; 64:20 <b> commence (1)</b> 12:25 <b> comment (9)</b> 7:23;16:6,8,13; 21:14,15,19;22:9; 40:10 <b> comments (16)</b> 6:16;7:7,10,11,13; 9:23;16:7;21:19,23, 25;26:9;30:7;37:15; 51:5;65:7;67:13 <b> commercial (5)</b> 12:6;13:12;18:11; 23:20;31:8 <b> Commission (1)</b> 8:22 <b> commitment (2)</b> 32:5;33:16 <b> committee (1)</b> 23:22 <b> communities (2)</b> 33:4;56:13 <b> Community (29)</b> 8:22;12:7;23:8,11, 13,15;31:10,12,19; 32:19,22;33:9,17; 34:5,13;35:7;36:21; 39:6,25;40:4;41:6,9; 48:12,22,22,24,25; 49:4;56:23
		<b>C</b>		
		<b> C4-2 (1)</b> 13:11 <b> cab (1)</b> 43:9 <b> Cade (2)</b> 7:18;14:19 <b> call (5)</b> 58:19;61:11;63:12; 64:14;65:17 <b> called (8)</b> 9:15;12:20;22:16; 31:12;54:7;61:14,20, 21 <b> came (9)</b> 43:6;45:18;54:6,25; 55:3;64:6,19;66:7,15 <b> cameras (3)</b> 42:10;47:18;58:23 <b> campus (2)</b> 30:21;32:18 <b> can (29)</b> 5:13;7:3,13;9:3;		

<b>Companies (4)</b> 11:24;13:21;14:9; 57:2	<b>confusion (1)</b> 60:16	<b>controls (1)</b> 20:23	37:12	34:23;36:10,14
<b>company (2)</b> 11:25;51:9	<b>congregation (1)</b> 23:15	<b>convenience (1)</b> 8:4	<b>dealt (1)</b> 42:22	<b>developing (1)</b> 32:4
<b>compare (2)</b> 53:10;58:10	<b>Congress (1)</b> 39:2	<b>converted (1)</b> 59:4	<b>December (1)</b> 32:6	<b>Development (42)</b> 5:9,10,25;6:2,4;
<b>compatible (1)</b> 13:13	<b>connecting (1)</b> 35:4	<b>copies (6)</b> 8:4,15,18;10:8; 16:24;24:12	<b>decking (1)</b> 36:23	7:16;11:11,25;12:5,8; 13:8,10,12,14;14:6, 12,13;15:11,12; 25:24;30:6,21;32:18; 33:20;34:10,11; 35:20;36:14;39:25; 40:5;41:9;44:8;45:10, 11,12;46:9;56:10,11, 19;57:4,14,16
<b>complaint (1)</b> 42:21	<b>Connie (1)</b> 44:23	<b>copy (3)</b> 8:7,23;16:21	<b>declaration (3)</b> 17:24;20:11;21:2	<b>Developmental (4)</b> 11:15,18,20,22
<b>complaints (1)</b> 54:11	<b>Conoscenti (10)</b> 7:15;10:22,24;11:3, 6,8;14:2,18,24;15:3	<b>core (1)</b> 57:2	<b>decrease (1)</b> 19:21	<b>developments (7)</b> 24:21;25:16;31:22; 33:11;35:2,5;46:20
<b>complete (1)</b> 8:23	<b>Conservation (3)</b> 6:6;15:19;16:16	<b>Corporation (8)</b> 5:9,25;6:4;14:13, 14;15:11;30:6;56:11	<b>deemed (1)</b> 10:21	<b>development's (1)</b> 36:6
<b>completed (3)</b> 13:3;15:23;31:6	<b>consider (2)</b> 7:4;33:6	<b>costs (1)</b> 32:24	<b>DEIS (18)</b> 6:17;7:20;15:13,16; 16:7,10,14,15,18,21, 24;17:6,9,23;18:16; 21:15;22:2;41:5	<b>devices (1)</b> 20:17
<b>completely (2)</b> 44:8;59:21	<b>consideration (1)</b> 7:8	<b>County (1)</b> 8:19	<b>delegate (1)</b> 49:19	<b>devised (1)</b> 48:24
<b>completion (2)</b> 19:22;41:11	<b>considerations (1)</b> 21:5	<b>Court (1)</b> 45:6	<b>demand (4)</b> 17:21;35:13,15,18	<b>dictate (1)</b> 49:5
<b>complex (1)</b> 62:3	<b>Considering (1)</b> 35:17	<b>crazy (2)</b> 45:25;46:11	<b>density (1)</b> 13:13	<b>dictatorships (1)</b> 49:5
<b>compliance (2)</b> 20:21;40:2	<b>consistency (1)</b> 36:12	<b>create (2)</b> 57:3,15	<b>deny (1)</b> 61:18	<b>different (3)</b> 26:2;53:8;59:22
<b>comply (1)</b> 20:13	<b>consistent (1)</b> 13:6	<b>created (2)</b> 14:14;40:24	<b>Department (4)</b> 16:16;32:9;35:25; 62:16	<b>difficult (1)</b> 47:12
<b>components (1)</b> 24:3	<b>constituting (1)</b> 11:14	<b>creating (1)</b> 30:15	<b>depending (2)</b> 12:14;19:19	<b>digit (1)</b> 34:2
<b>comprehensive (1)</b> 40:2	<b>construct (1)</b> 13:5	<b>creation (1)</b> 32:4	<b>DEP's (1)</b> 36:11	<b>Director (3)</b> 7:16;30:2;56:10
<b>compressors (1)</b> 21:11	<b>constructed (1)</b> 20:19	<b>credit (1)</b> 46:16	<b>described (3)</b> 15:16;17:23;18:16	<b>Directors (1)</b> 10:14
<b>comprised (1)</b> 12:5	<b>construction (19)</b> 12:2,25;17:14; 19:14,18,20;20:2,6,8, 16,23;21:8;23:19; 25:17;31:3,6,34;14, 22;40:23	<b>Creek (4)</b> 8:24;11:16;16:22; 30:22	<b>description (1)</b> 40:9	<b>Disabilities (2)</b> 11:20,22
<b>Con (2)</b> 35:14,15	<b>consult (2)</b> 18:2;36:15	<b>crisis (1)</b> 34:9	<b>design (4)</b> 13:6;21:5;35:24; 57:12	<b>Disability (1)</b> 14:9
<b>concern (1)</b> 33:9	<b>Consulting (1)</b> 39:22	<b>critic (1)</b> 24:4	<b>designated (4)</b> 30:23;31:7;34:21, 25	<b>disaster (1)</b> 66:16
<b>concerned (1)</b> 64:17	<b>contact (1)</b> 8:16	<b>Crystal (1)</b> 23:6	<b>Designation (2)</b> 13:20;14:7	<b>displaced (3)</b> 31:11,23;33:19
<b>conclude (2)</b> 9:9,11	<b>contain (1)</b> 33:2	<b>current (3)</b> 33:14;35:15;41:8	<b>Desiree (2)</b> 51:18;53:21	<b>displacement (3)</b> 30:11;31:23;33:15
<b>concludes (1)</b> 17:10	<b>contemplated (1)</b> 31:5	<b>Cypress (2)</b> 32:12,25	<b>desk (3)</b> 17:2;21:17,22	<b>displacing (1)</b> 33:8
<b>Conditional (2)</b> 13:19;14:7	<b>content (2)</b> 44:13,14	<b>D</b>	<b>desperate (1)</b> 23:15	<b>dispossess (1)</b> 66:18
<b>conditionally (1)</b> 30:23	<b>continue (1)</b> 32:22	<b>Daily (2)</b> 6:12;10:9	<b>detect (1)</b> 46:9	<b>distance (1)</b> 54:25
<b>condo (1)</b> 59:5	<b>contract (1)</b> 20:12	<b>data (1)</b> 34:6	<b>determinations (1)</b> 7:4	<b>District (2)</b> 33:18;50:9
<b>condos (1)</b> 59:3	<b>contracting (1)</b> 40:25	<b>daughter (1)</b> 45:11	<b>determine (1)</b> 18:4	<b>districts (1)</b> 34:5
<b>conduct (1)</b> 6:2	<b>contractor (1)</b> 18:13	<b>day (8)</b> 18:10,13;46:25; 52:2,9;55:12;58:8; 62:5	<b>determined (1)</b> 35:16	<b>documents (3)</b> 6:19;8:16;10:6
<b>conducted (2)</b> 20:19,21	<b>contractors (3)</b> 20:13;34:18,24	<b>day-to-day (1)</b> 31:20	<b>developer (8)</b> 12:3,22;13:2;17:25; 21:3;25:8;35:22;49:2	<b>done (5)</b> 21:18;22:11;44:12,
<b>Coney (1)</b> 66:6	<b>Control (3)</b> 36:3,4,12	<b>deadline (1)</b>	<b>developers (3)</b>	
<b>confident (1)</b> 54:23				
<b>conforms (1)</b> 13:11				

13:66:12 <b>doors (2)</b> 42:25;58:25 <b>Double (1)</b> 34:2 <b>down (6)</b> 26:18;27:10;47:11; 49:21;52:3;64:16 <b>downgrade (1)</b> 66:9 <b>downstairs (1)</b> 26:18 <b>Draft (13)</b> 6:17;8:5,7,10,23; 9:3;10:2,18;15:12,25; 16:6,9,10 <b>drawn (1)</b> 31:17 <b>driving (2)</b> 19:22;20:7 <b>drove (2)</b> 43:8,9 <b>drug (1)</b> 62:13 <b>drugs (1)</b> 61:6 <b>due (2)</b> 23:18;32:23 <b>duly (2)</b> 5:7,23 <b>Dumont (1)</b> 57:25 <b>dump (1)</b> 61:13 <b>durations (1)</b> 20:10 <b>during (8)</b> 16:8;18:23;19:20; 20:7,8,23;36:7;52:4 <b>dust (1)</b> 25:18	<b>economic (5)</b> 34:11;56:10,19; 57:4,15 <b>Ed (2)</b> 35:14,16 <b>editions (1)</b> 6:12 <b>educational (1)</b> 33:24 <b>Edward (2)</b> 5:6,22 <b>EEO (1)</b> 40:2 <b>effective (1)</b> 21:4 <b>effectively (2)</b> 12:20;33:22 <b>effects (1)</b> 19:17 <b>efficient (1)</b> 35:21 <b>efforts (1)</b> 36:10 <b>eight (1)</b> 28:19 <b>EIS (7)</b> 8:5,7,11,23;9:3; 10:2;15:25 <b>either (1)</b> 21:25 <b>Elected (1)</b> 9:8 <b>electricity (1)</b> 52:6 <b>elevator (5)</b> 42:7,8,8;52:11; 58:22 <b>elevators (1)</b> 42:24 <b>eleven (1)</b> 55:13 <b>eligible (4)</b> 17:19;18:5,10,14 <b>eliminate (1)</b> 17:9 <b>eliminated (1)</b> 20:4 <b>else (8)</b> 7:22;49:18;51:8; 63:4;65:8;66:25;67:7, 15 <b>Elton (1)</b> 36:24 <b>email (1)</b> 21:20 <b>emergency (1)</b> 54:10 <b>emissions (1)</b> 20:16 <b>Empire (8)</b> 5:10;6:2;11:10; 13:7;14:5;15:11;30:6; 57:13	<b>employment (7)</b> 23:17,18,22;24:2; 34:8,12;57:7 <b>enable (2)</b> 9:14;56:22 <b>ENB (1)</b> 16:17 <b>enclosures (1)</b> 21:10 <b>encourage (1)</b> 41:5 <b>encouraged (1)</b> 40:22 <b>end (1)</b> 55:8 <b>endeavor (1)</b> 40:24 <b>ended (2)</b> 55:16,17 <b>endorsement (1)</b> 55:20 <b>energy (3)</b> 35:15,20,22 <b>English (1)</b> 28:7 <b>enjoy (1)</b> 25:19 <b>ensure (3)</b> 9:13;34:14;36:16 <b>ensuring (1)</b> 32:21 <b>entered (2)</b> 13:18;14:6 <b>enterprises (2)</b> 34:20,21 <b>entirely (1)</b> 20:4 <b>entities (1)</b> 14:10 <b>entity (2)</b> 9:19,20 <b>environment (1)</b> 43:3 <b>Environmental (13)</b> 6:6,11,17;10:19; 15:13,17,19,21,22; 16:16,17;20:15;36:2 <b>equal (1)</b> 18:8 <b>equipment (1)</b> 20:17 <b>equivalency (1)</b> 13:11 <b>Eric (1)</b> 30:3 <b>Erskine (1)</b> 12:22 <b>ESD (11)</b> 6:2;7:3,8,18;8:17; 10:13;13:18;15:12, 24;16:4,20 <b>ESD's (2)</b> 6:16;8:12	<b>especially (3)</b> 32:24;34:20,25 <b>essential (3)</b> 6:18;9:24;34:12 <b>Estate (3)</b> 7:16;31:16;40:5 <b>Estates (1)</b> 19:15 <b>et (1)</b> 21:11 <b>Eva (5)</b> 22:22;27:24;28:2,3, 5 <b>even (7)</b> 25:23;45:15;46:9; 61:22;64:24,24,25 <b>evening (6)</b> 16:25;17:3;21:19; 24:14;38:19;67:22 <b>everybody (12)</b> 5:4;15:8;24:23; 25:24,24;26:12;28:6; 29:10;47:8;48:23; 59:13;66:5 <b>everyone (10)</b> 6:24;9:5;10:25; 24:11;27:9;38:20; 39:16;45:2;51:21; 63:21 <b>everywhere (2)</b> 28:21;29:9 <b>exactly (2)</b> 44:16;64:15 <b>example (1)</b> 51:24 <b>excellent (1)</b> 47:15 <b>excluded (1)</b> 8:15 <b>Executive (2)</b> 8:5,11 <b>Exhibit (3)</b> 10:8,13,18 <b>exhibits (2)</b> 10:7,21 <b>existed (1)</b> 61:22 <b>existing (2)</b> 32:14,21 <b>expectations (1)</b> 60:8 <b>expected (1)</b> 19:13 <b>experience (3)</b> 45:19;46:21;58:18 <b>experienced (1)</b> 42:14 <b>experiencing (2)</b> 45:20,20 <b>explained (1)</b> 16:18 <b>expressed (1)</b> 32:16	<b>extend (1)</b> 12:21 <b>extended (1)</b> 36:7 <b>extending (1)</b> 36:22 <b>extent (1)</b> 20:3
<b>F</b>				
<b>E</b>				
<b>EAF (1)</b> 15:23 <b>eagerly (1)</b> 41:11 <b>Eagle (2)</b> 6:13;10:10 <b>earmarked (1)</b> 40:15 <b>earning (1)</b> 12:11 <b>East (22)</b> 11:16;30:22;31:9, 15;32:12;33:2;39:19, 22;48:25;49:9,12,16, 19,22;50:5,11;56:11; 57:16;58:3;60:23; 61:4,13 <b>eat (1)</b> 64:25				

<p><b>Finance (1)</b> 14:15</p> <p><b>financing (2)</b> 12:14;13:2</p> <p><b>find (3)</b> 35:8;55:13;64:24</p> <p><b>findings (2)</b> 16:14;17:5</p> <p><b>finished (1)</b> 37:24</p> <p><b>firms (1)</b> 41:2</p> <p><b>First (19)</b> 7:15;22:19,22; 28:25;29:16;39:14; 40:11;44:24;47:10; 51:4,19;52:2,3,9,10; 55:4;56:3;58:7;62:2</p> <p><b>five (8)</b> 9:8;13:4;19:24; 63:10,15;65:15; 67:13,20</p> <p><b>fix (4)</b> 46:16;52:11;54:4,8</p> <p><b>fixed (1)</b> 54:4</p> <p><b>flash (1)</b> 66:13</p> <p><b>Flatlands (1)</b> 8:25</p> <p><b>floor (6)</b> 12:6;52:3,7,10,12, 13</p> <p><b>floors (3)</b> 29:9;54:4,5</p> <p><b>followed (3)</b> 7:18;16:10;22:10</p> <p><b>Following (3)</b> 7:21;10:6;19:22</p> <p><b>follows (1)</b> 22:10</p> <p><b>food (1)</b> 64:25</p> <p><b>Forbell (1)</b> 64:2</p> <p><b>foregoing (1)</b> 8:16</p> <p><b>foreseeable (1)</b> 55:19</p> <p><b>Form (2)</b> 15:23;34:11</p> <p><b>former (3)</b> 30:20;32:17;33:18</p> <p><b>forth (1)</b> 20:22</p> <p><b>forward (4)</b> 41:11;46:13,20; 57:4</p> <p><b>found (1)</b> 7:13</p> <p><b>Fountain (14)</b> 6:20;11:18;12:22; 13:20;14:8,12;15:14;</p>	<p>23:6;27:15;30:8,21, 23;49:14;64:22</p> <p><b>four (9)</b> 18:22;22:19;29:14; 39:11;42:6;44:21; 51:16;52:7;61:17</p> <p><b>fourteen (3)</b> 53:6;62:11,12</p> <p><b>free (1)</b> 62:13</p> <p><b>Friday (3)</b> 8:14;50:2,4</p> <p><b>friend (1)</b> 44:6</p> <p><b>friends (1)</b> 53:10</p> <p><b>front (10)</b> 9:16;21:17;22:19; 39:12;44:22;51:2; 56:2;59:25;60:2,17</p> <p><b>full (2)</b> 8:7;23:7</p> <p><b>fully (2)</b> 18:25;19:9</p> <p><b>Fund (3)</b> 14:10,12,13</p> <p><b>funded (4)</b> 17:12,17,20;36:17</p> <p><b>funding (1)</b> 18:7</p> <p><b>funny (1)</b> 46:2</p> <p><b>further (1)</b> 21:4</p> <p><b>future (3)</b> 33:15;34:23;55:19</p>	<p>18:6;35:19</p> <p><b>generators (1)</b> 21:11</p> <p><b>gentlemen (2)</b> 5:6,22</p> <p><b>girl (1)</b> 58:4</p> <p><b>given (2)</b> 9:10,12</p> <p><b>giving (3)</b> 25:21;30:6;54:23</p> <p><b>glad (1)</b> 29:6</p> <p><b>goals (1)</b> 36:11</p> <p><b>God (5)</b> 46:8;61:23,25; 62:10,18</p> <p><b>Good (24)</b> 5:5,21;11:9;23:2; 24:14;27:7,12,16,19; 28:7,23;29:8;35:8; 37:8;38:19;39:15; 40:12;41:9;44:9; 46:21,25;51:20;55:7; 56:8</p> <p><b>gorgeous (1)</b> 44:9</p> <p><b>governing (1)</b> 17:24</p> <p><b>government (1)</b> 35:6</p> <p><b>governmental (1)</b> 9:19</p> <p><b>governor (2)</b> 49:17,23</p> <p><b>governor's (2)</b> 49:11;50:2</p> <p><b>GPP (5)</b> 8:5,10;16:18;21:15; 22:2</p> <p><b>grace (1)</b> 62:9</p> <p><b>Graham (4)</b> 56:3;59:12,13; 60:15</p> <p><b>grandchildren (4)</b> 27:7;28:18,18,19</p> <p><b>grass (2)</b> 51:7;60:2</p> <p><b>grateful (2)</b> 45:16;64:4</p> <p><b>great (4)</b> 23:10;55:14;57:10; 60:11</p> <p><b>greater (1)</b> 12:11</p> <p><b>green (2)</b> 35:21;51:7</p> <p><b>green-water (1)</b> 36:11</p> <p><b>ground (1)</b> 12:6</p>	<p><b>growing (2)</b> 35:19;56:12</p> <p><b>guard (1)</b> 59:23</p> <p><b>guards (1)</b> 59:23</p> <p><b>guests (1)</b> 38:3</p> <p><b>guidelines (1)</b> 13:6</p> <p><b>guy (4)</b> 5:16;46:7,8;64:11</p> <p><b>guys (5)</b> 39:7;59:3;60:4,11; 62:17</p>	<p>29:13,18,21;30:8; 37:4,14;38:15;39:9; 41:14,19,21;43:15,23; 44:2,19;47:2,23;48:2, 5,9,13,16;50:16,21, 23;51:14;52:18,22; 53:2,19;54:16;55:23; 56:7;57:19;59:9; 60:14,18;62:22;63:3, 7,10,20;65:6,12,15, 22,25;66:23;67:4,10, 18</p> <p><b>held (2)</b> 6:8;16:4</p> <p><b>hell-like (1)</b> 61:24</p> <p><b>Hello (8)</b> 26:12;28:6;44:25, 25;50:24;57:23; 59:13;66:5</p> <p><b>help (4)</b> 28:12;35:10;39:5,7</p> <p><b>Hi (6)</b> 41:23;44:5;53:23; 54:20;60:21,22</p> <p><b>high (2)</b> 56:24;60:8</p> <p><b>higher (2)</b> 34:6;52:12</p> <p><b>highly (2)</b> 39:5,7</p> <p><b>Hill (1)</b> 32:12</p> <p><b>Hills (2)</b> 32:12,25</p> <p><b>hire (1)</b> 57:7</p> <p><b>hired (1)</b> 39:23</p> <p><b>hiring (4)</b> 34:8,17;40:3;56:18</p> <p><b>history (1)</b> 33:5</p> <p><b>hit (1)</b> 66:18</p> <p><b>Hobbick (4)</b> 7:19;14:20;15:7; 22:7</p> <p><b>hold (3)</b> 15:8;63:9;65:14</p> <p><b>holding (1)</b> 10:16</p> <p><b>holidays (1)</b> 8:14</p> <p><b>Holy (1)</b> 23:4</p> <p><b>home (6)</b> 31:12;38:4;42:13, 17;46:19;47:20</p> <p><b>homeless (1)</b> 27:18</p> <p><b>homeowner (1)</b> 46:17</p>
	<b>G</b>		<b>H</b>	

<b>honest (1)</b> 59:16 <b>honestly (1)</b> 47:11 <b>hope (3)</b> 23:22;56:2;57:21 <b>hoped (1)</b> 55:8 <b>hopping (1)</b> 42:24 <b>horrible (1)</b> 55:9 <b>hotel (1)</b> 58:10 <b>Houghtaling (12)</b> 39:13;41:17,18,18, 20,20,22,23,24;43:13, 16,17 <b>hour (5)</b> 19:6,7,10,11;56:16 <b>hours (3)</b> 8:13;18:24;53:13 <b>house (3)</b> 26:24;35:24;54:5 <b>housed (1)</b> 30:14 <b>households (1)</b> 12:11 <b>houses (4)</b> 27:17;45:24,24,25 <b>housing (27)</b> 12:3,10,16;14:12, 13,15;23:11,14,25; 27:18;30:16,18;31:2, 4,21;32:2,5,6,15,17, 24;33:21,23;34:11; 40:15,20;61:20 <b>Hudson (1)</b> 56:20 <b>huge (1)</b> 58:15 <b>Hugo (2)</b> 39:14;44:3 <b>hundred (1)</b> 12:10 <b>hundreds (1)</b> 40:20	<b>impacts (13)</b> 17:7,9,11,14,16; 18:22,24;19:9,14,16; 20:2,7;36:14 <b>impartial (1)</b> 6:23 <b>implement (1)</b> 21:3 <b>implementing (2)</b> 6:7;15:20 <b>importance (2)</b> 32:16;34:17 <b>important (3)</b> 32:21,24;35:6 <b>improve (2)</b> 35:10;47:21 <b>Improvement (3)</b> 6:20;15:14;30:9 <b>inadequate (1)</b> 35:15 <b>Inaudible (1)</b> 24:16 <b>Inc (1)</b> 7:19 <b>include (6)</b> 12:15,18;18:7;19:7; 21:4;34:12 <b>included (2)</b> 13:7;21:21 <b>including (4)</b> 9:24;33:18;34:18; 35:4 <b>income (4)</b> 12:12;14:22;15:5; 40:17 <b>incorporating (1)</b> 36:8 <b>increase (1)</b> 17:22 <b>increased (1)</b> 32:23 <b>indicated (1)</b> 56:16 <b>indirect (2)</b> 17:16;18:18 <b>individual (1)</b> 46:3 <b>individuals (2)</b> 40:13;57:6 <b>industrial (1)</b> 56:25 <b>industries (1)</b> 57:2 <b>industry (2)</b> 39:25;40:7 <b>information (3)</b> 7:17;8:3;10:23 <b>infrastructure (1)</b> 35:14 <b>input (1)</b> 13:16 <b>inside (1)</b> 37:25	<b>inspect (1)</b> 8:15 <b>inspected (1)</b> 8:11 <b>inspection (1)</b> 8:9 <b>installed (1)</b> 58:23 <b>instances (1)</b> 22:16 <b>instead (1)</b> 7:2 <b>Instructions (1)</b> 7:12 <b>insulation (1)</b> 21:11 <b>integral (1)</b> 34:8 <b>integrating (1)</b> 36:23 <b>intelligent (3)</b> 57:4,12,15 <b>intense (1)</b> 36:7 <b>intent (1)</b> 15:25 <b>interest (2)</b> 14:11;30:16 <b>interested (1)</b> 56:19 <b>intersections (1)</b> 18:23 <b>into (8)</b> 7:8;13:18;14:6; 38:4,5;45:13;46:13; 62:2 <b>inundated (1)</b> 49:9 <b>invite (2)</b> 38:3;60:5 <b>involved (1)</b> 23:23 <b>IRT (1)</b> 36:22 <b>Isha (3)</b> 44:23;50:18,25 <b>Island (10)</b> 24:15,20;25:16,22; 37:20;41:25;43:9; 45:3;54:22;66:6 <b>issue (1)</b> 42:20 <b>issued (1)</b> 15:24 <b>issues (1)</b> 42:20	<b>Jamaica (1)</b> 36:2 <b>Jeanett (3)</b> 22:21;26:10,13 <b>Jersey (1)</b> 9:2 <b>Jerusalem (1)</b> 23:4 <b>Jessica (3)</b> 51:18;54:18,21 <b>job (6)</b> 29:8;34:16;35:4,5; 38:20;54:6 <b>jobs (4)</b> 23:19;35:3,8;40:23 <b>Johnson (4)</b> 56:3;57:22,23; 59:10 <b>Jones (4)</b> 29:15;37:17,18; 38:16 <b>July (1)</b> 42:3 <b>June (7)</b> 7:12;22:3,21;24:10, 15,19;37:11	62:18 <b>Kramer (2)</b> 5:6,22
<b>I</b>		<b>J</b>		<b>L</b>
<b>identified (1)</b> 35:14 <b>identify (1)</b> 9:19 <b>imagine (2)</b> 52:8;53:15 <b>immediate (1)</b> 41:3 <b>immune (1)</b> 31:16 <b>Impact (6)</b> 6:17;10:19;15:13; 18:5,19,20	<b>insulation (1)</b> 21:11 <b>integral (1)</b> 34:8 <b>integrating (1)</b> 36:23 <b>intelligent (3)</b> 57:4,12,15 <b>intense (1)</b> 36:7 <b>intent (1)</b> 15:25 <b>interest (2)</b> 14:11;30:16 <b>interested (1)</b> 56:19 <b>intersections (1)</b> 18:23 <b>into (8)</b> 7:8;13:18;14:6; 38:4,5;45:13;46:13; 62:2 <b>inundated (1)</b> 49:9 <b>invite (2)</b> 38:3;60:5 <b>involved (1)</b> 23:23 <b>IRT (1)</b> 36:22 <b>Isha (3)</b> 44:23;50:18,25 <b>Island (10)</b> 24:15,20;25:16,22; 37:20;41:25;43:9; 45:3;54:22;66:6 <b>issue (1)</b> 42:20 <b>issued (1)</b> 15:24 <b>issues (1)</b> 42:20	<b>insulation (1)</b> 21:11 <b>integral (1)</b> 34:8 <b>integrating (1)</b> 36:23 <b>intelligent (3)</b> 57:4,12,15 <b>intense (1)</b> 36:7 <b>intent (1)</b> 15:25 <b>interest (2)</b> 14:11;30:16 <b>interested (1)</b> 56:19 <b>intersections (1)</b> 18:23 <b>into (8)</b> 7:8;13:18;14:6; 38:4,5;45:13;46:13; 62:2 <b>inundated (1)</b> 49:9 <b>invite (2)</b> 38:3;60:5 <b>involved (1)</b> 23:23 <b>IRT (1)</b> 36:22 <b>Isha (3)</b> 44:23;50:18,25 <b>Island (10)</b> 24:15,20;25:16,22; 37:20;41:25;43:9; 45:3;54:22;66:6 <b>issue (1)</b> 42:20 <b>issued (1)</b> 15:24 <b>issues (1)</b> 42:20	<b>Kahn (1)</b> 44:23 <b>Kalezic (4)</b> 44:22;47:5,6,24 <b>Kanu (9)</b> 50:18,20,20,21,22, 22,23,24;51:15 <b>keep (4)</b> 9:6;31:20;44:11; 46:12 <b>Keisha (2)</b> 56:3;59:11 <b>Kelly (3)</b> 39:13;41:16,24 <b>kept (2)</b> 55:15;58:10 <b>key (1)</b> 17:4 <b>kid (1)</b> 47:17 <b>kids (2)</b> 25:20;26:2 <b>kind (2)</b> 60:21;61:23 <b>King (1)</b> 45:6 <b>Kings (1)</b> 8:19 <b>kitchen (5)</b> 27:4;29:8;42:17; 44:12;47:15 <b>known (1)</b> 15:15 <b>knows (1)</b>	<b>ladies (3)</b> 5:5,21;54:21 <b>Land (9)</b> 6:20;13:2;15:14; 30:2,8,17;32:4,7; 40:19 <b>last (7)</b> 15:22;23:9,10;42:5; 44:15;50:19;59:23 <b>latecomers (2)</b> 63:11;65:16 <b>Latrina (3)</b> 44:22,24;45:2 <b>laundry (1)</b> 58:11 <b>law (5)</b> 5:7,23;6:6;14:15; 15:19 <b>laws (1)</b> 33:4 <b>layout (1)</b> 21:6 <b>LBEs (1)</b> 34:25 <b>lease (1)</b> 55:10 <b>led (1)</b> 30:11 <b>left (3)</b> 25:19;29:2;39:12 <b>legal (1)</b> 6:9 <b>Lester (3)</b> 22:21,23;23:3 <b>level (1)</b> 52:4 <b>levels (4)</b> 19:21;20:23,25; 40:11 <b>Library (2)</b> 8:25;16:23 <b>life (4)</b> 31:19;35:11;61:4,8 <b>life-long (1)</b> 39:18 <b>lifestyle (1)</b> 61:17 <b>likely (1)</b> 20:5 <b>Liliya (3)</b> 51:17;52:24;53:3 <b>Lilly (2)</b> 29:15;37:16 <b>Limited (5)</b> 13:20;14:8;19:16; 20:9;30:24 <b>limits (1)</b>
<b>K</b>		<b>J</b>		<b>L</b>
<b>I</b>		<b>J</b>		<b>L</b>

<p>14:22  <b>Linden (1)</b>  36:24  <b>line (1)</b>  19:6  <b>lines (2)</b>  19:5,7  <b>Linwood (1)</b>  36:24  <b>list (1)</b>  59:18  <b>little (5)</b>  27:8;45:21,22;  50:25;58:4  <b>live (23)</b>  24:20;25:15;26:13;  29:5;30:13;41:24;  43:3;51:2,21;52:6,11,  20;53:7,9;54:21;  60:23;62:7,7;64:2,6,  8;66:14,19  <b>lived (2)</b>  42:6;58:4  <b>lives (1)</b>  56:12  <b>living (15)</b>  28:8,17;31:20,23;  32:15,22;42:2,4;47:9;  51:3;53:24;59:17;  62:12;66:8,10  <b>local (11)</b>  13:8;33:15,16;34:7,  15,17;35:4;40:3;  56:11,17,18  <b>locally (2)</b>  34:21;57:7  <b>located (6)</b>  7:14,25;8:8,25;  23:5;47:16  <b>location (2)</b>  19:19;47:15  <b>locked (2)</b>  42:25;58:25  <b>locks (1)</b>  42:10  <b>long (10)</b>  23:21;30:11;31:11;  33:8;36:3,12;44:11;  50:4;54:25;58:2  <b>longer (3)</b>  30:12;38:3,4  <b>look (8)</b>  26:3;41:11;42:11;  44:9;55:10,11;61:22;  64:11  <b>looked (2)</b>  42:10;60:3  <b>looking (4)</b>  25:24;28:20;46:20;  64:6  <b>looks (1)</b>  57:12  <b>Loring (1)</b></p>	<p>51:3  <b>lot (10)</b>  26:2,4;45:23;51:5;  54:2;56:14;57:10;  60:10,10;64:12  <b>lottery (3)</b>  33:21;61:14,21  <b>Lotto (1)</b>  66:18  <b>loud (3)</b>  5:14;42:21;60:22  <b>love (17)</b>  42:17;45:17;46:18;  51:7,11;57:9;58:13,  14;59:2,2,3,6;62:4;  66:11,11,17,19  <b>lovely (1)</b>  46:17</p> <p style="text-align: center;"><b>M</b></p> <p><b>M/WBE (3)</b>  39:25;40:25;41:2  <b>M/WBEs (1)</b>  35:2  <b>Ma'am (1)</b>  52:22  <b>Mailhos (4)</b>  39:14;44:4,5,20  <b>makes (1)</b>  62:9  <b>making (1)</b>  7:4  <b>Management (35)</b>  35:13;37:21;38:6,8,  12,23;39:3;42:2,7;  44:7,15;47:8,13;51:9,  24;52:9;53:14,15;  54:2,3,7,12,24;55:21;  57:24;58:18,22;61:2,  5,7;62:11;64:7,15;  66:11,20  <b>managements (1)</b>  54:2  <b>manager (1)</b>  28:22  <b>manner (1)</b>  6:23  <b>Manuel (3)</b>  39:13,14,16  <b>manufactured (1)</b>  20:20  <b>many (11)</b>  30:12;31:10,13,18;  33:6,7,25;34:3;61:7,7,  14  <b>Map (1)</b>  32:2  <b>March (1)</b>  14:10  <b>mark (1)</b>  10:6  <b>marked (1)</b></p>	<p>10:21  <b>market (3)</b>  11:12;31:17;33:10  <b>marketing (1)</b>  33:24  <b>materials (4)</b>  10:14;21:21,25;  40:9  <b>matter (1)</b>  62:5  <b>matters (1)</b>  10:5  <b>maximum (1)</b>  15:4  <b>may (10)</b>  7:10;8:11;9:10;  16:25;17:7;18:19;  21:15,19,22;23:16  <b>Mayor (3)</b>  8:19;49:18,23  <b>mayor's (2)</b>  49:25,25  <b>mean (10)</b>  25:17,19;26:16;  27:6;29:21;42:18,22;  60:18;62:17;66:18  <b>means (2)</b>  34:14;40:19  <b>measures (4)</b>  18:5,17;20:24;  35:22  <b>median (2)</b>  12:12;15:5  <b>medium (1)</b>  13:13  <b>meeting (3)</b>  16:5;17:3;49:24  <b>Melvin (7)</b>  44:23;48:7,9,14,15,  17;50:17  <b>MEMBER (16)</b>  5:11,15;11:2;13:22,  24;14:21;15:2,6;  24:24;25:13;28:9,11,  14;29:20,23;37:10  <b>Memorandum (2)</b>  13:19;14:6  <b>methods (1)</b>  21:9  <b>mic (4)</b>  5:12;25:13;29:24;  56:6  <b>Michael (5)</b>  29:14,16,18;48:3,5  <b>microphone (4)</b>  9:16;24:18;28:12;  37:19  <b>might (1)</b>  37:19  <b>Mike (4)</b>  28:23,23;44:22;  47:4  <b>Miley (6)</b></p>	<p>44:22,24,25;45:2;  46:25;47:3  <b>million (4)</b>  12:4,23;56:21;57:5  <b>mind (2)</b>  59:4;61:15  <b>minimized (1)</b>  20:3  <b>ministry (2)</b>  38:21,21  <b>minority (1)</b>  34:19  <b>minute (1)</b>  5:17  <b>minutes (3)</b>  9:8,9;27:20  <b>Mirna (2)</b>  60:20,23  <b>mitigated (2)</b>  18:25;19:9  <b>mitigation (5)</b>  17:8;18:4,7;20:24;  41:4  <b>mixed (1)</b>  12:4  <b>modification (1)</b>  19:2  <b>mom (2)</b>  45:8;59:18  <b>Momodu (2)</b>  63:24;64:2  <b>Monday (1)</b>  8:14  <b>money (3)</b>  56:23;57:6,13  <b>monitoring (1)</b>  40:2  <b>month (1)</b>  42:9  <b>months (1)</b>  42:6  <b>more (12)</b>  9:7;18:23;31:14,17;  34:4;40:4,16;45:15;  46:20;49:11;53:13;  59:24  <b>morning (2)</b>  43:5;49:11  <b>most (4)</b>  19:20;48:19;58:9;  62:6  <b>mouth (3)</b>  25:14;37:18;50:13  <b>move (6)</b>  53:15;54:25;55:18;  57:5;62:2;66:17  <b>moved (3)</b>  47:10;51:4;59:19  <b>moving (1)</b>  46:13  <b>much (12)</b>  14:16;23:17;24:6;  29:11;30:18;39:5;</p>	<p>43:7,10;57:18;58:16,  17;59:6  <b>must (3)</b>  7:11;33:20;34:12  <b>myself (1)</b>  38:24</p> <p style="text-align: center;"><b>N</b></p> <p><b>name (17)</b>  5:6,22;9:17;22:23;  23:3;26:13;29:25;  39:16;41:23;45:2;  50:19,24;52:23;  54:20;56:9;60:22;  65:23  <b>named (1)</b>  39:22  <b>naturally (1)</b>  44:11  <b>nature (1)</b>  46:21  <b>necessary (1)</b>  35:9  <b>need (10)</b>  23:10,16,25;24:2;  25:20;37:19;54:3;  57:6;60:22;66:12  <b>needed (3)</b>  23:17;30:18;54:6  <b>needs (1)</b>  40:3  <b>neighborhood (7)</b>  11:16;32:25;33:7;  35:9;39:23;40:3,21  <b>neighborhoods (4)</b>  30:13;32:11;34:4;  40:3  <b>neighboring (1)</b>  19:15  <b>neighbors (3)</b>  29:7;42:18,21  <b>nervous (1)</b>  50:25  <b>neutral (1)</b>  60:18  <b>New (63)</b>  5:8,8,24,24;6:4,5,  12;8:12,12,19,20;9:2,  2;10:9;11:16,24;  15:10,17;16:15;18:3,  11;20:14,18;23:4;  27:3;30:22;31:9,15;  32:8,12;33:2;34:13,  22;35:16;36:15,18;  37:9;39:19,20,22;  40:20;42:9;47:15;  48:25;49:9,12,16,19,  22;50:5,12;54:5,22;  55:6,10;56:11;57:16;  58:3;59:15;60:9,9;  61:4;62:15  <b>News (3)</b></p>
---	---	---	---	---

<p>6:12;10:10;16:17  <b>next (26)</b>                  14:19;24:10;26:10;                  27:24;29:13;37:6,16;                  38:17;39:11;40:14;                  41:16;43:19;44:3,21;                  47:4,16;48:2;50:18;                  51:16;53:2,21;54:18;                  55:25;57:21;59:11;                  60:20  <b>nice (9)</b>                  26:16,17;28:21;                  29:3;38:24;42:12;                  55:15;64:13;66:15  <b>nicest (1)</b>                  54:13  <b>night (1)</b>                  52:5  <b>nobody (1)</b>                  49:18  <b>noise (16)</b>                  17:14;19:14,18,19,                  21;20:2,6,14,16,18,                  23,25;21:7,10,10;                  25:18  <b>none (1)</b>                  49:12  <b>nonprofit (1)</b>                  40:6  <b>non-senior (1)</b>                  12:18  <b>North (2)</b>                  54:22;55:12  <b>nos (1)</b>                  11:5  <b>note (4)</b>                  7:5;21:25;63:15;                  65:20  <b>noted (1)</b>                  67:24  <b>notice (5)</b>                  6:9;10:9,12;15:24;                  16:14  <b>November (2)</b>                  16:5;31:25  <b>number (8)</b>                  8:23;18:8,8;23:13;                  31:2;39:24;40:18,23  <b>NYPD (1)</b>                  38:22</p>	<p><b>Ocean (4)</b>                  32:12;51:22;53:9;                  59:14  <b>o'clock (1)</b>                  63:18  <b>October (2)</b>                  15:23,25  <b>off (4)</b>                  61:14;64:10;67:7,                  21  <b>offer (1)</b>                  61:19  <b>offered (1)</b>                  43:9  <b>offers (1)</b>                  31:22  <b>Office (5)</b>                  11:19;29:2,3;49:11;                  54:12  <b>OFFICER (60)</b>                  5:3,13,19;14:17;                  22:6;24:8,17,22;                  25:10;26:8;27:22;                  28:3;29:13,18,21;                  37:4,14;38:15;39:9;                  41:14,19,21;43:15,23;                  44:2,19;47:2,23;48:2,                  5,9,13,16;50:16,21,                  23;51:14;52:18,22;                  53:2,19;54:16;55:23;                  56:7;57:19;59:9;                  60:14,18;62:22;63:3,                  7,20;65:6,12,22,25;                  66:23;67:4,10,18  <b>offices (2)</b>                  8:12;11:21  <b>officials (2)</b>                  9:8;22:13  <b>old (1)</b>                  59:20  <b>older (1)</b>                  52:7  <b>once (2)</b>                  9:11;37:24  <b>One (27)</b>                  12:10;14:12;18:2,7,                  23;19:6;23:13,24;                  24:13,20;25:15;                  41:10;45:4;46:2;                  48:12;49:6;51:24;                  52:5,11;56:25;58:9,                  13;62:2;63:8;65:13;                  67:5,19  <b>online (1)</b>                  16:20  <b>only (12)</b>                  8:9;23:25;27:14;                  30:13;35:8;37:25;                  42:5;45:14;46:14;                  57:5;62:18;66:17  <b>onto (1)</b>                  26:22  <b>open (4)</b></p>	<p>12:19;46:20;63:10;                  65:15  <b>opened (2)</b>                  46:14;58:5  <b>opening (2)</b>                  27:17,17  <b>operated (1)</b>                  20:19  <b>operation (1)</b>                  36:3  <b>opportunities (5)</b>                  30:19;31:22;33:22;                  34:23;35:5  <b>opportunity (18)</b>                  6:15,25;7:2;9:6,10,                  12,23;14:10;16:6,13;                  30:7;34:12;36:21;                  62:25;63:11,14;                  65:16,19  <b>opposed (1)</b>                  50:7  <b>OPWDD (2)</b>                  11:20;12:16  <b>oral (1)</b>                  9:7  <b>order (6)</b>                  9:5,13;13:5;22:16;                  63:10;65:15  <b>organization (3)</b>                  9:18,20;22:25  <b>originally (1)</b>                  49:13  <b>ourselves (1)</b>                  56:22  <b>out (12)</b>                  32:23;38:25;41:2,7;                  42:8;43:2,4;45:13;                  55:11;58:11,25;64:10  <b>outreach (1)</b>                  33:24  <b>outside (9)</b>                  7:14,25;8:7;28:20;                  36:5;38:2;42:11,12;                  44:9  <b>over (11)</b>                  14:22;22:20;27:8;                  36:24;40:5;42:7,15,                  24;47:13;51:8;60:5  <b>overlay (1)</b>                  13:12  <b>override (1)</b>                  13:8  <b>overrides (1)</b>                  13:10  <b>oversees (1)</b>                  45:5  <b>own (5)</b>                  30:13;39:21;46:19;                  59:3,4  <b>owned (3)</b>                  12:19;34:19;59:5  <b>owner (1)</b>                  51:7</p>	<p><b>P</b></p> <p><b>paid (1)</b>                  38:24  <b>paint (1)</b>                  54:6  <b>painted (1)</b>                  54:7  <b>panels (1)</b>                  35:23  <b>paragraph (1)</b>                  14:4  <b>parcel (3)</b>                  11:12,13;18:11  <b>parcels (2)</b>                  12:9;35:6  <b>parents (1)</b>                  52:8  <b>park (5)</b>                  27:8,9;54:22;55:12;                  56:25  <b>parked (1)</b>                  47:18  <b>parking (4)</b>                  12:7;58:12,13;                  64:12  <b>Parks (1)</b>                  62:16  <b>part (7)</b>                  7:9;35:3,12;36:23;                  42:4;48:23;49:3  <b>participants (1)</b>                  22:13  <b>participation (3)</b>                  25:3,6;34:13  <b>parties (1)</b>                  25:20  <b>Partnership (3)</b>                  13:21;14:8;30:24  <b>passed (1)</b>                  23:23  <b>Passive (1)</b>                  35:24  <b>past (1)</b>                  41:8  <b>pastor (3)</b>                  23:4;38:20;39:10  <b>pavers (1)</b>                  36:9  <b>pay (2)</b>                  12:23;58:12  <b>paying (1)</b>                  35:8  <b>peak (5)</b>                  18:23;19:6,6,10,11  <b>pedestrians (1)</b>                  12:21  <b>peeling (1)</b>                  54:4  <b>People (26)</b>                  11:19,21;26:17;                  27:18;31:17;33:6;</p>	<p>42:22,25;45:18;                  46:21;48:19,25;49:4,                  25;50:2;51:2,5;52:11;                  53:5;54:12,13;55:15;                  58:14;60:5,10,17  <b>perceive (1)</b>                  55:18  <b>percent (9)</b>                  12:10,12,17;15:3,5;                  33:16;34:6;40:17;                  56:17  <b>Perimeter (1)</b>                  21:7  <b>period (3)</b>                  16:8;19:20;20:6  <b>periods (1)</b>                  36:7  <b>permanent (1)</b>                  40:23  <b>permeable (1)</b>                  36:9  <b>permit (1)</b>                  13:10  <b>person (5)</b>                  28:23;29:3;46:3;                  58:7;62:24  <b>pervasive (1)</b>                  34:3  <b>phase (3)</b>                  18:2;19:21;33:19  <b>phases (2)</b>                  13:4;19:25  <b>phasing (1)</b>                  19:2  <b>PHILLIPS (1)</b>                  5:17  <b>phone (1)</b>                  49:10  <b>pile (2)</b>                  19:22;20:7  <b>Pitkin (1)</b>                  23:5  <b>pizza (1)</b>                  46:8  <b>place (13)</b>                  38:24;42:12;49:2;                  55:9,10;61:24;62:8;                  64:6,8,8,13,23;65:2  <b>places (1)</b>                  64:22  <b>placing (1)</b>                  39:4  <b>Plan (9)</b>                  6:16;8:4,9;24;                  10:15;13:7;22:2;                  30:25;36:3,12  <b>Planning (3)</b>                  7:16;8:21;32:9  <b>plans (1)</b>                  41:5  <b>Plant (1)</b>                  36:4  <b>play (1)</b></p>
--	---	---	---	---

33:14 <b>played (1)</b> 61:8 <b>playgrounds (1)</b> 59:25 <b>please (19)</b> 5:4,12;7:5,24;8:16; 9:16,19;21:16,25; 22:12,23;24:13; 28:12;38:8;43:2,11; 51:17;63:15,21 <b>pleased (1)</b> 41:4 <b>Plummer (3)</b> 29:15;37:7,8 <b>pm (12)</b> 8:14;19:6,11;22:3; 63:10,15,18;65:15; 67:13,20,21,24 <b>point (4)</b> 16:12;47:11;55:3; 66:16 <b>policy (1)</b> 30:17 <b>Pollution (1)</b> 36:4 <b>population (1)</b> 35:19 <b>populations (1)</b> 33:5 <b>portion (4)</b> 11:15;18:9,15;22:9 <b>positive (1)</b> 61:4 <b>possible (5)</b> 22:14;23:24;24:5; 41:2;61:18 <b>possibly (1)</b> 55:4 <b>potential (5)</b> 17:6;19:25;20:5; 33:15;36:13 <b>potentially (1)</b> 20:8 <b>poverty (1)</b> 34:5 <b>practicable (3)</b> 18:18;20:3;21:3 <b>practice (2)</b> 5:7,23 <b>practices (1)</b> 19:17 <b>prayed (1)</b> 55:8 <b>precious (1)</b> 62:6 <b>preference (5)</b> 12:16;32:20;33:17; 56:17,18 <b>prepare (2)</b> 15:25;16:7 <b>prepared (3)</b> 15:12,16;24:12	<b>present (6)</b> 7:3,17,19;10:22; 64:5;65:8 <b>presentations (2)</b> 7:21;9:7 <b>presented (3)</b> 7:7;16:14;17:5 <b>presidency (1)</b> 30:17 <b>President (2)</b> 8:21;30:3 <b>President's (1)</b> 30:4 <b>pressure (1)</b> 30:11 <b>pressures (2)</b> 31:16;32:13 <b>previously (1)</b> 33:19 <b>pride (1)</b> 37:24 <b>primarily (1)</b> 11:13 <b>principle (1)</b> 50:11 <b>principles (1)</b> 35:24 <b>printed (2)</b> 16:21,24 <b>prior (2)</b> 18:2;37:11 <b>prioritizing (1)</b> 34:7 <b>prison (1)</b> 38:21 <b>Private (3)</b> 14:15;40:6;45:13 <b>privately (1)</b> 12:19 <b>probably (1)</b> 23:21 <b>problem (2)</b> 42:20;58:24 <b>Procedure (1)</b> 32:7 <b>procedures (1)</b> 22:9 <b>proceedings (3)</b> 63:13,17;65:18 <b>process (2)</b> 15:21;16:12 <b>professional (2)</b> 51:9,11 <b>program (6)</b> 26:16;27:14;37:21; 48:24;61:18,21 <b>progress (1)</b> 41:7 <b>Progressive (30)</b> 37:21;38:6,8,12,23; 39:3;41:25;42:7;44:7; 14:45:5;47:7,13,21; 51:24;54:2,24;55:21;	57:24;60:4,17,25; 61:5,7;62:10,19;64:4, 7,14;66:20 <b>Project (66)</b> 6:16,21;7:9,17,23; 8:4,6,9;24:10;2,15,19, 23;12:14,18,25;13:3, 6,7,15;15:5,15,15; 17:25;18:9,15;19:21, 24;21:6;22:2,13;23:7, 12,16,23;25:8;30:9, 25;31:2;32:20;33:14; 40:8,14,25;41:5,9,11; 43:6,10;45:10,10,12; 46:9;56:20,21;57:8, 14;59:17;60:9,9; 62:19;63:5;64:21,21; 65:10;67:2,16 <b>projected (2)</b> 18:9,15 <b>projects (6)</b> 34:14;45:8,23; 57:11;61:3;66:8 <b>promised (1)</b> 44:16 <b>promoting (2)</b> 34:17;35:2 <b>pronouncing (1)</b> 41:17 <b>proof (1)</b> 61:3 <b>proper (1)</b> 65:2 <b>properties (1)</b> 45:5 <b>property (4)</b> 11:14,17;47:22; 49:8 <b>proposal (1)</b> 13:17 <b>proposals (1)</b> 11:11 <b>proposed (26)</b> 6:18,20;7:9;8:6; 9:25;10:2,14;12:3; 15:14;16:18;17:7,8, 10,15,17;18:6,21; 19:4,12;20:4;21:15; 22:2;30:8,24;32:14; 67:16 <b>protected (1)</b> 64:9 <b>Protection (3)</b> 20:15;31:14;33:4 <b>Protection's (1)</b> 36:2 <b>prove (1)</b> 18:19 <b>provide (15)</b> 16:6;21:14,15,18, 19,22;30:7,18;34:14; 35:3,7,9;36:18;39:24; 52:10	<b>provided (4)</b> 8:18;13:16;16:24; 21:24 <b>provider (1)</b> 18:13 <b>provides (1)</b> 34:22 <b>providing (2)</b> 18:11;31:21 <b>provision (1)</b> 36:16 <b>provisions (2)</b> 14:14;20:18 <b>public (20)</b> 6:3;8:14,25;10:8, 16;15:24;16:4,5,8,13, 19,22,23,25;21:14,16; 22:8,12;30:7;40:6 <b>publication (2)</b> 10:11,12 <b>publicly (5)</b> 12:19;17:11,16,19; 36:17 <b>published (3)</b> 6:9;16:11,15 <b>purchase (2)</b> 6:18;9:25 <b>purpose (3)</b> 6:14,22;9:22 <b>purposes (1)</b> 10:15 <b>pursuant (6)</b> 6:3,9;10:14;13:9; 14:14;15:17 <b>pursuing (1)</b> 46:16 <b>push (1)</b> 24:5 <b>pushed (2)</b> 32:23;45:15 <b>Put (1)</b> 25:13	36:23 <b>rainfall (1)</b> 36:8 <b>raised (5)</b> 45:9,9,10,12,14 <b>rates (1)</b> 34:6 <b>rats (1)</b> 45:25 <b>reach (1)</b> 38:25 <b>readiness (1)</b> 33:21 <b>reading (3)</b> 30:3,5;38:21 <b>Real (4)</b> 7:16;31:16;32:2; 40:5 <b>reality (1)</b> 34:3 <b>really (14)</b> 26:16;27:4,5,5,6,12, 13;29:3,7,9;52:14; 54:10;58:19;66:19 <b>reason (2)</b> 33:13;49:7 <b>reasonable (2)</b> 40:12;58:16 <b>recall (1)</b> 16:4 <b>received (4)</b> 7:11;16:7;39:3; 47:14 <b>recent (2)</b> 31:11;33:5 <b>recently (1)</b> 33:12 <b>receptors (1)</b> 19:18 <b>recess (4)</b> 63:12,19;65:18; 67:9 <b>recirculate (1)</b> 56:23 <b>recognition (1)</b> 35:25 <b>recognize (1)</b> 7:22 <b>recognized (1)</b> 39:2 <b>Recognizing (1)</b> 32:13 <b>recommend (1)</b> 40:25 <b>recommendations (1)</b> 32:8 <b>reconfirmed (1)</b> 32:5 <b>record (10)</b> 61:19;63:8,16,22; 65:13;67:5,7,11,19,21 <b>recycle (1)</b> 57:6
			<b>Q</b>	
			<b>Q8 (2)</b> 19:8;36:19 <b>qualified (1)</b> 34:19 <b>Quality (4)</b> 6:11;15:18;35:8,10 <b>Queens (3)</b> 35:13;45:4,24 <b>quickly (2)</b> 23:24;24:5	
			<b>R</b>	
			<b>R6 (1)</b> 13:13 <b>R-7A (1)</b> 13:11 <b>rail (1)</b>	



<p>17:6,11,16;18:18, 22,24;19:8,13,25; 20:6;30:25;35:18 <b>sign-in (2)</b> 7:13;22:12 <b>sit (1)</b> 26:19 <b>site (9)</b> 12:23;13:15;17:25; 18:9,15;23:19;27:15; 49:13;61:13 <b>sites (1)</b> 11:12 <b>six (5)</b> 17:19;51:23;61:21; 63:17;67:21 <b>sleep (2)</b> 43:5;64:24 <b>slide (1)</b> 27:9 <b>sliding (2)</b> 27:8,9 <b>small (1)</b> 33:3 <b>Smith (5)</b> 22:21,23;23:2,3; 24:9 <b>soft (1)</b> 5:15 <b>solar (1)</b> 35:23 <b>somebody (1)</b> 28:11 <b>someone (7)</b> 46:2;58:20,21; 61:19;63:13;65:19; 67:7 <b>sometimes (1)</b> 51:10 <b>soon (3)</b> 22:14;23:24;55:10 <b>sorry (4)</b> 28:7,8,13;45:21 <b>source (1)</b> 19:20 <b>space (5)</b> 12:6,7,19;18:11; 58:16 <b>speak (11)</b> 6:24;7:23;9:6,12; 21:17;22:10,14;28:7; 50:8;62:25;65:21 <b>speaker (28)</b> 7:25;9:15;14:19; 22:22;24:10;26:10; 27:24;29:16;37:6,16; 38:17;41:16;43:19; 44:3,24;47:4;48:3; 50:18;51:19;53:3,21; 54:18;56:3;57:21; 59:11;60:20;63:23,24 <b>speakers (10)</b> 9:6,9,11;22:16,19;</p>	<p>29:14;39:11;44:21; 51:16;55:25 <b>speaking (1)</b> 50:3 <b>specializes (1)</b> 12:2 <b>specifically (3)</b> 17:6,13;39:25 <b>specifications (1)</b> 20:12 <b>spell (1)</b> 66:2 <b>spending (1)</b> 56:15 <b>spoke (2)</b> 43:21,22 <b>spoken (2)</b> 5:16;50:25 <b>Spring (4)</b> 8:24;11:16;16:22; 30:22 <b>square (2)</b> 12:4;31:7 <b>St (2)</b> 41:24;44:6 <b>stabilization (1)</b> 31:14 <b>stable (1)</b> 33:5 <b>staff (3)</b> 13:16;29:23;39:23 <b>stand (2)</b> 50:10;64:19 <b>standards (1)</b> 20:16 <b>start (3)</b> 5:20;14:3;58:20 <b>started (1)</b> 58:21 <b>State (24)</b> 5:7,9,10,23,25;6:2, 4,6,10;9:17,20;11:10; 13:7;14:5;15:10,12, 17;16:16;22:23;30:6; 32:4;37:9;57:13; 65:23 <b>stated (1)</b> 56:9 <b>Statement (12)</b> 6:17;10:19;15:13; 63:4,11,14;65:9,16, 20;67:2,8,16 <b>statements (1)</b> 6:15 <b>Staten (9)</b> 24:15,20;25:16,22; 37:20;41:25;43:8; 45:3;54:22 <b>States (1)</b> 20:15 <b>state's (2)</b> 30:20;32:17 <b>station (1)</b></p>	<p>36:23 <b>stay (2)</b> 52:5;53:5 <b>stayed (1)</b> 61:15 <b>stenographer (2)</b> 10:6;24:13 <b>stenographic (1)</b> 7:5 <b>Stephens (1)</b> 8:16 <b>steps (1)</b> 36:8 <b>Steuben (2)</b> 41:24;44:6 <b>still (3)</b> 45:19;51:4;62:3 <b>stop (2)</b> 45:17;53:13 <b>stores (1)</b> 23:20 <b>stories (1)</b> 55:7 <b>stormwater (2)</b> 36:7,11 <b>story (2)</b> 46:3;54:24 <b>strategies (2)</b> 20:25;36:9 <b>strategy (1)</b> 35:3 <b>Street (9)</b> 12:22;23:6;37:20; 41:25;44:6;51:21; 60:23;61:13;64:2 <b>streets (1)</b> 36:25 <b>strengthening (1)</b> 56:12 <b>string (1)</b> 55:2 <b>strongly (1)</b> 40:24 <b>struggling (1)</b> 31:18 <b>study (1)</b> 17:21 <b>STV (1)</b> 7:19 <b>subcontractors (2)</b> 34:18,24 <b>subject (2)</b> 20:17;33:3 <b>submitted (2)</b> 7:10;32:8 <b>submitting (2)</b> 7:12;37:10 <b>substantial (1)</b> 33:2 <b>substation (1)</b> 35:17 <b>success (2)</b> 30:11;57:8</p>	<p><b>suffered (1)</b> 34:5 <b>sufficient (1)</b> 18:14 <b>Sukram (2)</b> 39:13;43:19 <b>summarize (1)</b> 17:4 <b>summary (3)</b> 7:19;8:5,11 <b>super (5)</b> 51:11;53:13;54:8; 64:14;66:12 <b>supervisor (1)</b> 62:16 <b>support (7)</b> 23:7;30:17;35:15; 41:10;43:6,14;44:14 <b>supported (1)</b> 33:20 <b>supportive (2)</b> 39:24;40:15 <b>sure (8)</b> 6:24;7:24;14:25; 21:16;29:24;44:24; 58:6;65:22 <b>surplus (1)</b> 11:14 <b>surprise (2)</b> 49:14,14 <b>surprised (1)</b> 53:11 <b>surrounding (1)</b> 13:14 <b>sustainable (1)</b> 35:22</p>	<p>36:3,12 <b>terminus (1)</b> 36:22 <b>terms (3)</b> 6:18;9:24;12:24 <b>terrible (1)</b> 60:7 <b>Terry (1)</b> 65:24 <b>T-e-r-r-y (1)</b> 66:3 <b>Test (3)</b> 29:23,23,23 <b>testimony (2)</b> 37:11;54:23 <b>Testing (5)</b> 5:18;10:25;11:3,4,4 <b>Therefore (3)</b> 24:3;30:15;34:7 <b>thereof (2)</b> 18:10,16 <b>thing's (1)</b> 62:6 <b>thinking (1)</b> 46:6 <b>Third (1)</b> 8:12 <b>thirty (1)</b> 53:24 <b>Thomas (1)</b> 7:15 <b>though (3)</b> 20:4;45:15;58:13 <b>thought (2)</b> 25:11;46:4 <b>three (8)</b> 9:7;19:5;21:14; 27:20;42:5,15;44:15; 55:25 <b>throughout (1)</b> 58:23 <b>thumbs (1)</b> 24:4 <b>timeline (1)</b> 12:24 <b>timing (1)</b> 19:3 <b>tired (1)</b> 49:5 <b>today (6)</b> 47:22;49:7;50:3,6; 59:21;60:4 <b>today's (3)</b> 6:3;7:24;22:11 <b>together (3)</b> 24:3;49:20;50:11 <b>told (1)</b> 49:13 <b>tolerate (1)</b> 49:17 <b>Tom (2)</b> 15:16;16:18 <b>tone (2)</b></p>
<b>T</b>				
			<p><b>table (6)</b> 7:13,25;8:6,8; 10:20;22:12 <b>talk (3)</b> 25:5;45:6;60:21 <b>talking (1)</b> 27:16 <b>targeted (1)</b> 33:23 <b>team (5)</b> 38:10,10,11;41:6; 57:14 <b>technical (2)</b> 16:9;17:5 <b>Ted (1)</b> 5:18 <b>temporary (2)</b> 17:13;19:16 <b>ten (1)</b> 59:20 <b>tenant (2)</b> 59:14;64:17 <b>term (5)</b> 23:18,21;31:11;</p>	

<p>50:2,3  <b>tonight (1)</b>                      43:8  <b>took (3)</b>                      42:7,15;47:13  <b>totally (1)</b>                      55:9  <b>track (1)</b>                      61:19  <b>trade (1)</b>                      57:3  <b>traffic (4)</b>                      17:12;18:22,25;                      19:2  <b>train (1)</b>                      36:22  <b>training (2)</b>                      35:5,10  <b>transcript (3)</b>                      7:6;9:14;10:7  <b>transformative (1)</b>                      57:17  <b>transit (2)</b>                      17:12;36:18  <b>transition (1)</b>                      45:13  <b>trees (1)</b>                      42:12  <b>trend (1)</b>                      33:10  <b>Tributary (1)</b>                      36:2  <b>tried (1)</b>                      58:20  <b>trip (1)</b>                      55:13  <b>try (1)</b>                      6:23  <b>trying (1)</b>                      66:8  <b>turmoil (1)</b>                      45:25  <b>turn (1)</b>                      5:11  <b>twelve (1)</b>                      19:23  <b>twenty (2)</b>                      40:5;59:19  <b>two (13)</b>                      11:12,12;12:8;                      16:24;18:10;23:12;                      24:2;35:17;52:7;                      53:13;55:13;59:24;                      61:15  <b>typically (1)</b>                      33:7</p>	<p><b>unable (1)</b>                      9:9  <b>unavoidable (1)</b>                      18:20  <b>under (3)</b>                      17:18;26:19;27:11  <b>underdeveloped (1)</b>                      11:14  <b>underemployed (1)</b>                      34:2  <b>undergone (1)</b>                      26:15  <b>underneath (1)</b>                      37:21  <b>understated (1)</b>                      34:22  <b>undertaken (1)</b>                      16:10  <b>unemployed (1)</b>                      34:2  <b>unemployment (2)</b>                      34:3;56:24  <b>Unfortunately (2)</b>                      30:10;61:16  <b>Uniform (1)</b>                      32:7  <b>United (1)</b>                      20:15  <b>units (13)</b>                      12:9,10,13,15,18;                      15:4;31:2,4,6;32:6;                      40:15,19,20  <b>unless (1)</b>                      66:18  <b>unlikely (1)</b>                      31:15  <b>unregulated (1)</b>                      33:8  <b>unsustainable (1)</b>                      30:14  <b>up (19)</b>                      12:17;19:23;24:4;                      27:17,17;31:20;                      45:22;50:5,6,7;52:12;                      54:10;55:9,10,16,17;                      60:17;62:25;64:20  <b>update (1)</b>                      41:6  <b>upgrade (1)</b>                      66:10  <b>Upon (1)</b>                      8:10  <b>upper (1)</b>                      52:13  <b>upstairs (1)</b>                      26:24  <b>upward (1)</b>                      33:10  <b>Urban (4)</b>                      5:9,25;6:4;15:10  <b>urge (2)</b>                      35:21;36:14  <b>urinating (1)</b></p>	<p>58:22  <b>urination (2)</b>                      42:24;58:24  <b>Use (13)</b>                      6:20;12:5;15:14;                      17:24;19:17;21:10;                      30:2,8,17;31:8;32:7,                      17;56:6  <b>used (3)</b>                      11:19;42:23;58:15  <b>USEPA (1)</b>                      20:16  <b>utilized (2)</b>                      11:11;33:22</p>	<p><b>wants (3)</b>                      25:25;48:23;49:3  <b>Ward (1)</b>                      36:4  <b>warranted (2)</b>                      16:8;36:19  <b>waste (1)</b>                      36:7  <b>watch (1)</b>                      27:11  <b>Water (8)</b>                      36:4;52:4,6,10,12,                      13;64:10,10  <b>way (6)</b>                      42:19;43:8;48:20;                      60:3,6;66:17  <b>ways (1)</b>                      21:14  <b>website (1)</b>                      16:20  <b>week (1)</b>                      55:13  <b>weeks (2)</b>                      19:24;59:24  <b>welcome (1)</b>                      43:18  <b>West (1)</b>                      51:21  <b>what's (1)</b>                      49:19  <b>Whenever (1)</b>                      64:13  <b>wherever (1)</b>                      55:4  <b>white (1)</b>                      51:8  <b>whole (2)</b>                      40:21;43:14  <b>wholeheartedly (1)</b>                      41:10  <b>who's (3)</b>                      29:11;46:10,10  <b>whose (1)</b>                      35:13  <b>Wilkins (6)</b>                      56:2,4,5,8,9;57:20  <b>Williams (12)</b>                      22:21;24:11,14,15,                      19,20;25:2,4,7,11,15;                      26:9  <b>windows (2)</b>                      36:5;44:13  <b>wish (5)</b>                      7:23;21:18;22:10;                      40:10;59:2  <b>wishes (3)</b>                      6:24;7:22;67:7  <b>within (5)</b>                      18:11;23:14;31:19;                      35:8,17  <b>without (3)</b>                      20:20;31:13;52:5  <b>women (1)</b></p>	<p>34:19  <b>Wonderful (2)</b>                      11:8;58:9  <b>words (1)</b>                      25:23  <b>work (11)</b>                      16:7,9,11;20:21;                      41:9;43:4,7;49:3;                      62:5,15;64:25  <b>worked (4)</b>                      39:4;40:4;51:25;                      57:11  <b>workers (1)</b>                      64:14  <b>working (6)</b>                      24:18;29:24;40:12;                      47:19;50:4;53:14  <b>works (2)</b>                      38:10,10  <b>writing (3)</b>                      7:10;21:23;37:11  <b>written (1)</b>                      7:13  <b>wrong (2)</b>                      38:7,9  <b>wwwesdn.gov (1)</b>                      16:20  <small>wwwesdn.gov/subsidiaries_projectshtml (1)</small>                      9:4</p>
<b>U</b>		<b>V</b>		<b>Y</b>
<p><b>UDC (3)</b>                      6:5,10;13:9  <b>ultimately (1)</b>                      33:8</p>		<p><b>vacant (1)</b>                      11:13  <b>vary (1)</b>                      19:19  <b>veterans (2)</b>                      38:25;39:4  <b>via (1)</b>                      21:19  <b>victim (3)</b>                      46:4,6,10  <b>Victor (3)</b>                      29:15;38:17,20  <b>Vidal (5)</b>                      60:20,21,23;62:15,                      23  <b>view (2)</b>                      32:19;59:14  <b>viewed (1)</b>                      9:3  <b>views (1)</b>                      7:3  <b>Viola (2)</b>                      29:14;37:6  <b>violation (1)</b>                      20:20  <b>visit (1)</b>                      51:6  <b>visitors (1)</b>                      58:9  <b>voice (1)</b>                      41:15  <b>vouchers (2)</b>                      18:8,14</p>		<p><b>yard (1)</b>                      64:12  <b>Yards (1)</b>                      56:21  <b>years (25)</b>                      12:13;23:9,10;28:8;                      29:6;31:11,13;35:17;                      40:5;42:3,5,14,15;                      44:15;47:9;51:23;                      53:6,24;59:20;61:7,                      14,16;62:11,12;66:6  <b>yeses (2)</b>                      11:7;39:17  <b>yield (1)</b>                      12:9  <b>yielded (1)</b>                      11:23  <b>York (48)</b>                      5:8,8,24,24;6:4,5,                      12:8;12,13,19,20;9:2;                      10:9;11:16,24;15:10,                      17;16:16;18:3,12;                      20:14,18;30:22;31:9,                      15;32:9,12;33:2;                      36:15,18;37:9;39:19,                      20,22;48:25;49:9,12,                      16,19,22;50:5,12;                      55:6;56:11;57:16;                      58:3;61:4;62:16</p>
		<b>W</b>		
		<p><b>wait (1)</b>                      61:18  <b>waiting (1)</b>                      59:18  <b>Walk (1)</b>                      12:20  <b>walked (1)</b>                      55:14  <b>walls (1)</b>                      51:7</p>		

	<b>2002 (2)</b> 34:7;51:3	65:14		
<b>Z</b>	<b>2012 (1)</b> 34:7	<b>4:27 (1)</b> 67:6		
<b>zone (2)</b> 13:12;35:13	<b>2013 (1)</b> 11:10	<b>40 (2)</b> 23:9,10		
<b>zoned (1)</b> 13:14	<b>2014 (1)</b> 31:25	<b>400 (1)</b> 39:4		
<b>zoning (4)</b> 13:8,9,11;32:10	<b>2015 (6)</b> 13:18;14:5;15:23; 16:2,5;32:7	<b>44 (1)</b> 28:8		
<b>1</b>	<b>2016 (7)</b> 6:12;7:12;10:10,13; 14:10;16:18;22:4	<b>472 (1)</b> 60:23		
<b>1 (1)</b> 10:8	<b>2017 (1)</b> 31:6	<b>5</b>		
<b>1,169 (1)</b> 12:9	<b>2028 (2)</b> 13:3;31:7	<b>5 (2)</b> 8:23;33:18		
<b>1,170 (1)</b> 31:4	<b>21 (1)</b> 10:13	<b>5:00 (2)</b> 8:13;67:24		
<b>1.268 (1)</b> 12:4	<b>212-803-3818 (1)</b> 8:17	<b>5:30 (1)</b> 22:3		
<b>10:30 (1)</b> 43:8	<b>22 (2)</b> 6:12;10:10	<b>50 (3)</b> 12:13;33:16;56:17		
<b>100 (1)</b> 15:3	<b>23 (1)</b> 7:12	<b>501 (2)</b> 37:20;64:3		
<b>10017 (1)</b> 8:13	<b>231 (1)</b> 41:24	<b>55 (1)</b> 25:16		
<b>1101 (1)</b> 64:2	<b>23rd (1)</b> 22:3	<b>6</b>		
<b>11207 (2)</b> 9:3;39:20	<b>24 (1)</b> 29:6	<b>6 (1)</b> 6:3		
<b>120,000 (1)</b> 31:7	<b>24/7 (1)</b> 64:9	<b>6:30 (1)</b> 43:4		
<b>12143 (1)</b> 8:25	<b>25 (2)</b> 29:6;34:6	<b>60 (2)</b> 12:12;15:5		
<b>1410 (2)</b> 59:14,16	<b>2635 (1)</b> 23:5	<b>60th (1)</b> 50:9		
<b>1426 (1)</b> 51:2	<b>26th (1)</b> 36:4	<b>633 (1)</b> 8:12		
<b>16 (4)</b> 6:3;42:2,13;66:6	<b>27th (1)</b> 16:17	<b>640 (1)</b> 39:20		
<b>173 (1)</b> 17:18	<b>2828 (2)</b> 51:21;52:21	<b>7</b>		
<b>195 (1)</b> 44:6	<b>28th (1)</b> 51:21	<b>710 (1)</b> 57:25		
<b>1974 (1)</b> 53:25	<b>3</b>	<b>8</b>		
<b>1976 (1)</b> 23:9	<b>3 (2)</b> 10:18;36:22	<b>8 (3)</b> 6:5;15:18;38:25		
<b>1998 (1)</b> 58:6	<b>30 (2)</b> 12:13;40:17	<b>888 (3)</b> 11:18;30:21;49:13		
<b>1999 (1)</b> 59:20	<b>30th (1)</b> 32:6	<b>9</b>		
<b>2</b>	<b>4</b>	<b>9:30 (1)</b> 8:13		
<b>2 (1)</b> 10:13	<b>4.8 (1)</b> 11:13			
<b>20 (3)</b> 12:17;26:13;47:7	<b>4:09 (1)</b> 63:9			
<b>20,000 (1)</b> 31:14	<b>4:25 (1)</b>			
<b>200 (3)</b> 12:15;31:4;32:11				

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
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NEW YORK STATE URBAN DEVELOPMENT CORPORATION  
d/b/a EMPIRE STATE DEVELOPMENT CORPORATION

-----X  
PUBLIC HEARING - EVENING SESSION

RE: FOUNTAIN AVENUE LAND USE IMPROVEMENT  
AND RESIDENTIAL PROJECT.

-----X

1540 Van Siclen Avenue  
Brooklyn, New York

May 24, 2016  
6:00 p.m.

B E F O R E: EDWARD C. KRAMER, ESQ.,  
The Hearing Officer

2 A P P E A R A N C E S :

3 Edward C. Kramer, Esq., The Hearing Officer

4 ESD STAFF:

5 Marion Phillips, III

6 Debbie Royce

7 Thomas Conoscenti

8 Other Staff

9  
10 ALSO PRESENT:

11 Cade Hobbick, STV, Inc.

12 Marlene Pissott, InGroup  
13 Other Staff

14 The Public

15

16

Reported by:

17

Kari L. Reed

18

19

20

21

22

23

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INDEX OF SPEAKERS:	
SPEAKER	PAGE
Patricia Allen.....	21
Elonka Torres.....	22
Janet Jolley.....	23
Michelle West.....	24
Marcia Campbell.....	25
Cavarene Wilkisson.....	28
Debbie Hyles.....	29
Joyce Brayboy.....	32
Albert Scott Jr.....	35
Rhonda Aikman.....	38
Antrenese McCord.....	40
Gordon Barnes.....	41
Domingo Rivera.....	42
Grisel Cruz.....	44
Alice Lowman.....	45
April Ankum.....	48
Vivian Smith.....	49
Laticha Lesane.....	50
Sarah Lesane.....	51
Yekaterina Fedorkina.....	53
Tanay Matthews.....	55
Nikki Lucas.....	57

2 INDEX OF SPEAKERS CONTINUED:

3	SPEAKER	PAGE
4	Kimberly Council.....	61
5	Alexandra Diaz.....	63

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## P R O C E E D I N G S

THE HEARING OFFICER: Good

evening, ladies and gentlemen. My name is Edward Kramer. I'm an attorney duly admitted to practice law in the State of New York. I have been asked by the New York State Urban Development Corporation, doing business as Empire State Development, ESD, to conduct today's public hearing pursuant to Section 6 and 16 of the New York State Urban Development Corporation Act, the UDC Act, and Article 8 of the New York State Environmental Conservation Law and its implementing regulations.

This hearing is being held pursuant to the legal notices published in accordance with the UDC Act and the State Environmental Quality Review Act, or SEQRA, in the April 22, 2016 editions of the New York Daily News and the Brooklyn Eagle.

The purpose of this hearing is to afford you an opportunity to make statements and comments about an ESD's General Project Plan, the Draft Environmental Impact Statement, DEIS, and the essential terms of the proposed purchase and sale agreement, and other documents for the proposed

2 Fountain Avenue Land Use Improvement Residential  
3 Project. My purpose is to run the hearing in a  
4 fair and impartial manner, and to try to make sure  
5 that everyone who wishes to speak has an adequate  
6 opportunity to be heard. This is not a question  
7 and answer session. It is instead an opportunity  
8 for you to present your views so that ESD can  
9 consider them in making its final determinations.

10 Please note that a stenographic  
11 transcript of this hearing is being made.

12 Comments presented in this  
13 hearing will be taken into consideration by ESD as  
14 part of the final approval of the proposed project.  
15 Comments may also be submitted in writing.  
16 Comments must be received by the close of business  
17 on June 23, 2016. Instructions for submitting  
18 written comments can be found at the sign-in table  
19 located right outside this room.

20 First, Mr. Tom Conoscenti,  
21 Director of Real Estate Development and Planning,  
22 will present information about the project on  
23 behalf of ESD. He will be followed by Mr. Cade  
24 Hobbick of STV, Inc. who will present the summary  
25 of the DEIS. Following the presentations, I will

2 recognize anyone else who wishes to make a comment  
3 about the project.

4                   If you wish to speak at today's  
5 hearing, please be sure to sign in at the speaker  
6 registration table located right outside this room.  
7 For your information and convenience, copies of the  
8 General Project Plan, GPP, and the Executive  
9 Summary of the draft EIS for the proposed project  
10 are available on the table outside this room. A  
11 full copy of the draft EIS is also located at this  
12 table, available for inspection.

13                   Upon request, the GPP, the draft  
14 EIS and the Executive Summary may be inspected at  
15 ESD's offices at 633 Third Avenue, New York, New  
16 York 10017, between the hours of 9:30 a.m. and 5:00  
17 p.m., Monday through Friday, public holidays  
18 excluded. To inspect and/or obtain copies of the  
19 foregoing documents, please contact Regina Stephens  
20 ESD at the address above, or at 212-803-3818.

21                   Copies have also been provided  
22 to the clerks of Kings County and the City of New  
23 York, the Mayor of the City of New York, the  
24 Brooklyn Borough president, the Chair of the City  
25 Planning Commission, and the Chair of Brooklyn

2 Community Board number 5. A copy of the complete  
3 draft EIS is also on file at the Spring Creek  
4 Branch of the Brooklyn Public Library located at  
5 12143 Flatlands Avenue, at New Jersey Avenue,  
6 Brooklyn, New York 11207. The Draft EIS can also  
7 be viewed at [www.esd.ny.gov/subsidiaries](http://www.esd.ny.gov/subsidiaries) --  
8 actually, s-u-b-s-i-d-i-a-r-e-s, underscore  
9 projects dot html.

10 In order to give everyone an  
11 ample opportunity to speak, I request that speakers  
12 keep their oral presentations to no more than three  
13 minutes. Elected officials will be afforded five  
14 minutes. Speakers unable to conclude their remarks  
15 in the allotted time may be given an opportunity to  
16 conclude their remarks once all speakers have been  
17 given an opportunity to speak, should time allow.

18 In order to ensure an accurate  
19 transcript and to enable all assembled to hear your  
20 remarks, I ask each speaker, when called, to come  
21 to the microphone in the front of the room, please  
22 state your name and address, and if you are  
23 appearing as a representative of an organization or  
24 a governmental entity, please identify the  
25 organization or entity and state its address.

2                   Finally, I want to remind you  
3 that the purpose of this hearing is to afford you  
4 an opportunity to make comments about the General  
5 Project Plan, including the essential terms of the  
6 proposed purchase and sale agreement for the  
7 proposed project and the Draft EIS. This is not a  
8 question and answer session.

9                   Now I would like to take care of  
10 some administrative matters by asking the  
11 stenographer to mark the following documents as  
12 exhibits to the hearing transcript.

13                   Exhibit 1, copies of the Public  
14 Hearing Notice that appeared in the New York Daily  
15 News and the Brooklyn Eagle on April 22, 2016,  
16 along with the affidavits of publication attesting  
17 to the publication of the notices.

18                   Exhibit 2, April 21, 2016, ESD  
19 directors materials, pursuant to which the proposed  
20 General Project Plan was adopted for purposes of  
21 this public hearing and the holding of this public  
22 hearing was authorized.

23                   And Exhibit 3, which is located  
24 outside the hearing room, the draft environmental  
25 impact statement for the project.

2 I request that the stenographer  
3 deem these exhibits marked.

4 Mr. Conoscenti will now present  
5 information about the project.

6 MR. CONOSCENTI: Thank you. And  
7 can everyone hear me? Great. Thank you and good  
8 afternoon -- good evening.

9 In 2013, Empire State  
10 Development utilized a request for proposals to  
11 market two sites, parcel A, which is two acres, and  
12 parcel B, which is 4.8 acres, of primarily vacant,  
13 underdeveloped, surplus property, constituting a  
14 portion of the Brooklyn Developmental Center in the  
15 Spring Creek neighborhood of the East New York  
16 section of Brooklyn. The address of the property  
17 is --

18 AUDIENCE MEMBER: Could you  
19 speak up a little bit, please?

20 MR. CONOSCENTI: Sure,  
21 definitely, thank you.

22 The address of the property is  
23 888 Fountain Avenue.

24 Brooklyn Developmental Center  
25 was and is used by the Office for People with

2 Developmental Disabilities, or OPWDD, for both  
3 administrative offices and residences for people  
4 with developmental disabilities.

5           The RFP yielded a response from  
6 an affiliate of the Arker Companies, a New York  
7 based residential development company that  
8 specializes in the construction of affordable  
9 housing. The developer proposed to build  
10 approximately 1.268 million square feet of mixed  
11 use development comprised of affordable residential  
12 space, ground floor retail, commercial and/or  
13 community facility space, and parking.

14           The development on the two  
15 parcels would yield 1,169 units of affordable  
16 housing. One hundred percent of the units would be  
17 made available to households earning no greater  
18 than 60 percent of the area median income. The  
19 units would be made available for 30 or 50 years,  
20 depending on the financing. The project would  
21 include approximately 200 units of affordable  
22 senior housing, and OPWDD would have a preference  
23 in the selection of up to 20 percent of the  
24 non-senior units. The project would also include a  
25 privately owned, publicly accessible open space

2 called Schroeders Walk that would effectively  
3 extend Schroeders Avenue for pedestrians between  
4 Erskine Street and Fountain Avenue. The developer  
5 would pay \$10 million for the site.

6 In terms of timeline, the  
7 project would commence construction shortly after  
8 the developer closes on the land and its financing.  
9 The project is anticipated to be completed by 2028  
10 in five phases.

11 In order to construct the  
12 project consistent with the design guidelines  
13 included in the General Project Plan, Empire State  
14 Development will override certain local zoning  
15 regulations pursuant to the UDC Act. These zoning  
16 overrides will permit development that generally  
17 conforms to an R-7A zoning equivalency with a C4-2  
18 commercial overlay zone. The resulting development  
19 will be compatible with adjacent R6 medium density  
20 zoned residential development in the surrounding  
21 area of the project site. The City has been  
22 advised of, and the City staff has provided input  
23 on the proposal already.

24 In 2015, ESD entered into a  
25 Memorandum of Understanding and Conditional

2 Designation with Fountain Seaview Limited  
3 Partnership, an affiliate of the Arker Companies.

4 In 2015, Empire State  
5 Development entered into a Memorandum of  
6 Understanding and Conditional Designation with  
7 Fountain Seaview Limited Partnership, an affiliate  
8 of the Arker Companies and the Disability  
9 Opportunity Fund. In March of 2016, both entities  
10 assigned their interest to an affiliate of Arker,  
11 Fountain Seaview One Housing Development Fund  
12 Corporation, an approved Housing Development Fund  
13 Corporation created pursuant to the provisions of  
14 the Private Housing Finance Law.

15 Thank you very much.

16 THE HEARING OFFICER: Thank you,  
17 Mr. Conoscenti.

18 The next speaker will be Cade  
19 Hobbick.

20 MR. HOBICK: Thank you, and  
21 good evening.

22 The New York State Urban  
23 Development Corporation doing business as Empire  
24 State Development, ESD, has prepared a Draft  
25 Environmental Impact Statement or DEIS for the

2 proposed Fountain Avenue Land Use Improvement and  
3 Residential Project, known as the Project, which  
4 Tom just described. The DEIS has been prepared  
5 pursuant to the New York State Environmental  
6 Quality Review Act, SEQRA, codified in Article 8 of  
7 the Environmental Conservation Law and its  
8 implementing regulations.

9 The environmental review process  
10 began last fall. The SEQRA Environmental  
11 Assessment Form, EAF, was completed in October 2015  
12 and ESD then issued a notice of public scoping and  
13 intent to prepare a Draft EIS, also in October  
14 2015.

15 As some of you in attendance  
16 this evening recall, ESD held a public scoping  
17 meeting in November 2015, and the public had the  
18 opportunity to provide comment on the draft scope  
19 of work to prepare the DEIS. No comments received  
20 during the public comment period warranted changes  
21 to the draft scope of work, and so the technical  
22 analyses undertaken for the DEIS followed the draft  
23 scope of work as published.

24 Now at this point in the process  
25 the public has the opportunity to comment on the

2 findings presented in the DEIS. Notice of  
3 availability of the DEIS was published in the New  
4 York State Department of Environmental Conservation  
5 Environmental News Bulletin, ENB, on April 27th,  
6 2016. As Tom explained, the DEIS and proposed GPP  
7 have been made available to the public for review  
8 online at the ESD website, [www.esd.ny.gov](http://www.esd.ny.gov), and a  
9 printed copy of the DEIS has been made available to  
10 the public at the Spring Creek Branch of the  
11 Brooklyn Public Library. In addition, there are  
12 two printed copies of the DEIS provided this  
13 evening which may be reviewed by the public at the  
14 registration desk where you signed in to the  
15 meeting this evening.

16 I will now summarize key  
17 findings of the technical analyses as presented in  
18 the DEIS, specifically potential significant  
19 adverse impacts that may result with the proposed  
20 action, and also the proposed mitigation that would  
21 reduce or eliminate these impacts. The DEIS  
22 concludes that the proposed action could result in  
23 significant adverse impacts related to publicly  
24 funded child care facilities, traffic, transit,  
25 specifically bus service, and temporary

2 construction noise impacts.

3                   The proposed action would result  
4 in significant adverse indirect impacts to publicly  
5 funded child care facilities. The proposed action  
6 would generate approximately 173 children under the  
7 age of six who would be eligible for publicly  
8 funded child care services. And so the collective  
9 demand for the study area child care centers would  
10 increase.

11                   As described in the DEIS, the  
12 restrictive declaration governing the use of the  
13 project site would require that the developer,  
14 prior to the occupancy of phase one, consult with  
15 New York City Administration for Children's  
16 Services to determine the appropriate mitigation  
17 measures for the impact of eligible children  
18 anticipated to be generated by the proposed action.  
19 Such mitigation could include, one, funding a  
20 number of vouchers equal to the number of children  
21 projected to occupy the project site or a portion  
22 thereof eligible for day care; and/or, two,  
23 providing commercial space within parcel B to a New  
24 York City Administration for Children's Services  
25 contractor or other day care provider accepting

2 vouchers sufficient to serve eligible children  
3 projected to occupy the project site or a portion  
4 thereof. As described in the DEIS, absent  
5 certainty as to whether such measures would be  
6 practicable, the significant indirect adverse  
7 impact to child care centers may prove to be an  
8 unavoidable adverse impact.

9           The proposed action would result  
10 in significant adverse traffic impacts at four  
11 intersections during one or more analyzed peak  
12 hours. All these significant adverse impacts to  
13 traffic could be fully mitigated through the  
14 modification of traffic signal phasing and/or  
15 timing.

16           The proposed action would result  
17 in a capacity shortfall on three bus lines in the  
18 a.m. peak hour and one bus line in the p.m. peak  
19 hour. Affected bus service lines would include the  
20 B13, B83, and Q8. These significant adverse  
21 impacts on bus service could be fully mitigated by  
22 the addition of buses in the a.m. peak hour and in  
23 the p.m. peak hour.

24           Finally, the proposed action  
25 would be expected to result in significant adverse

2 impacts related to construction noise at some  
3 neighboring Gateway Estates buildings. These  
4 impacts would be temporary and would be limited  
5 through use of best practices. The effects of  
6 construction noise on the sensitive receptors would  
7 vary, depending on the location of the noise  
8 source. During most of the construction period for  
9 each project phase, noise levels would decrease  
10 following the completion of pile driving activities  
11 that would occur for up to approximately twelve  
12 weeks at the beginning of each of the five project  
13 phases. The potential for significant adverse  
14 impacts related to construction noise would be  
15 minimized to the extent practicable with the  
16 proposed action, though not entirely eliminated.  
17 There would remain the likely potential for  
18 significant adverse construction period noise  
19 impacts during pile driving activities and  
20 potentially during other construction activities,  
21 but these activities would occur for limited  
22 durations.

23                                   The restrictive declaration  
24 would require contract specifications requiring  
25 contractors to comply with all requirements and

2 regulations of the New York City noise code and the  
3 United States Environmental Protection Agency,  
4 USEPA, noise emissions standards for construction  
5 equipment, devices and activities which are subject  
6 to the provisions of the New York City noise code  
7 to be operated, conducted, constructed or  
8 manufactured without causing a violation of the  
9 code, and all work to be conducted in compliance  
10 with the regulations set forth in the code that  
11 controls noise levels during construction.

12 Other mitigation measures and  
13 strategies that could reduce noise levels and which  
14 the restrictive declaration would require the  
15 developer to implement, if and when practicable and  
16 effective, further include:

17 Design considerations and  
18 project layout approaches;

19 Perimeter noise barriers;

20 Alternative construction  
21 methods; and,

22 Use of noise enclosures or noise  
23 insulation fabric on compressors, generators, et  
24 cetera.

25 Finally, to reiterate, there are

2 three ways for the public to provide comment on the  
3 DEIS and the proposed GPP. You may provide comment  
4 at this public hearing. Please be sure you have  
5 registered to speak at the front desk if you have  
6 not already done so and you wish to provide  
7 comments this evening. You may provide comment via  
8 email to the address shown on the screen, and which  
9 is also included on the handout materials available  
10 from the registration desk. And you may provide  
11 comments in writing to the address shown on the  
12 screen, which is also provided in the handout  
13 materials. Please note that comments on either the  
14 proposed General Project Plan, GPP, or the DEIS  
15 will be accepted until 5:30 p.m. on June 23rd,  
16 2016.

17 Thank you.

18 THE HEARING OFFICER: Thank you,  
19 Mr. Hobbick.

20 We will now begin the public  
21 comment portion of this hearing. The procedures to  
22 be followed are as follows. If you wish to speak  
23 at today's hearing, and if you haven't already done  
24 so, please register at the sign-in table. Public  
25 officials and certain project participants will be

2 allowed to speak as soon as possible after their  
3 arrival at this hearing room. In all instances  
4 speakers will be called on in the order in which  
5 they have registered.

6 At this time I'd like our first  
7 four speakers to take seats in the front on the  
8 left, and they are Patricia Allen, Elonka Torres,  
9 Janet Jolley, and Michelle West. When you get up  
10 please state your name, address and whether you are  
11 appearing as a representative of any organization.  
12 If you have any prepared remarks and have copies  
13 available, kindly hand one to the stenographer.  
14 And the first speaker is Patricia Allen.

15 MS. ALLEN: Hello, good evening.  
16 My name is Patricia Allen. I live in the  
17 development at 510 Wyoming Street. I've been there  
18 16 years, I'm the first one in the apartment. And  
19 I just want to say Progressive has been a good  
20 development. I've been there, like I said, 16  
21 years. And I wish to see another development so  
22 that, you know, we could have some more local  
23 housing in the area.

24 Okay, thank you.

25 (Applause)

2 THE HEARING OFFICER: Thank you,  
3 Ms. Allen.

4 The next speaker is Elonka  
5 Torres. Elonka Torres?

6 (No response)

7 THE HEARING OFFICER: Is there  
8 anyone here named Torres whose name might start  
9 with an E?

10 MS. TORRES: (In English:) Hi.  
11 My name is Elonka Torres.

12 MR. SOSA: I'm here to help  
13 translate.

14 (Ms. Torres speaks in Spanish)  
15 Gracias.

16 MR. SOSA: Would you like me to  
17 translate?

18 THE HEARING OFFICER: Sure.

19 MR. SOSA: Ms. Torres, she said  
20 that she lives at 472 Ruby Street and that she  
21 really enjoys where she lives and that everything  
22 is very responsive. Her superintendent responds  
23 very well whenever she needs anything, and she's  
24 very happy with her apartment.

25 THE CHAIR: And sir, what is

2 your name?

3 MR. SOSA: I'm Alex Sosa.

4 THE HEARING OFFICER: Alex Sosa.

5 The next speaker will be Janet

6 Jolley.

7 MS. JOLLEY: That's me.

8 THE HEARING OFFICER: You seem

9 happy.

10 MS. JOLLEY: All the time.

11 Hi. I'm Janet Jolley. I've  
12 been with Progressive for fourteen years. I lived  
13 at 1426 Loring first, had no problems. Whenever I  
14 needed management, they're right there for me. I  
15 transferred say four years ago to Forbell. There I  
16 have no problems. Whenever I need anything done to  
17 the apartment, they're right there for me. I have  
18 no issues.

19 Does anybody want to ask me any  
20 questions to see if anything?

21 They're the best.

22 AUDIENCE MEMBER: And you agree  
23 there should be another development.

24 MS. JOLLEY: Well, not -- I mean  
25 yeah, we could all use affordable housing. And

2 Progressive has really shown me that they has  
3 really put their stuff together and they come out  
4 when I need them. And I'm talking from me and  
5 truly from me. I don't know what they do with  
6 anybody else, but I have a good -- nothing but good  
7 things to say about them because they have never  
8 done me wrong. Whenever I need them they are right  
9 on time.

10 Anybody got any question,  
11 anybody got a question for me?

12 (Laughter)

13 MS. JOLLEY: Come on, let's hear  
14 it.

15 (Applause)

16 MS. JOLLEY: Thank you all.

17 THE HEARING OFFICER: Thank you,  
18 Ms. Jolley.

19 The next speaker is Michelle  
20 West.

21 MS. WEST: Hello. I've been at  
22 1426 Loring Avenue for fifteen years.

23 AUDIENCE MEMBER: We can't hear  
24 you.

25 MS. WEST: I've been at 1426

2 Loring Avenue for fourteen years, fifteen years.  
3 And any time I need Progressive Management or the  
4 super or anybody, they're right there for me. And  
5 I believe that Progressive Management will be a  
6 great developer. They will take care of this  
7 development also. So if you can, if you can,  
8 Progressive Management, yay.

9 (Applause)

10 THE HEARING OFFICER: Thank you,  
11 Ms. West.

12 The next four people, please  
13 take seats right in the front, so if you could  
14 vacate those seats so they could sit here. Okay.  
15 And that will be Marcia Campbell.

16 MS. CAMPBELL: Hi.

17 THE HEARING OFFICER: Cavarene  
18 Wilkisson.

19 MS. CAMPBELL: My name is --

20 THE HEARING OFFICER: Hold on  
21 one moment.

22 Debby Hyles and Joyce Brayboy.  
23 And Marcia Campbell is the first speaker.  
24 Ms. Campbell.

25 MS. CAMPBELL: Hi, this is

2 Marcia Campbell. I came from 666 Jamaica Avenue,  
3 across from the cemetery. And I saw an ad in the  
4 Daily News, affordable apartment, and I was very  
5 interested. So I applied at a place called the  
6 Fountains, which is 922 Forbell Street. The rent  
7 was reasonable at the time. Still is. And but I  
8 can afford for more development and move there also  
9 or get a transfer, okay. So I'm glad that this  
10 meeting exists today, so that way I can look  
11 forward into moving into another affordable  
12 apartment which is just as nice as the Fountains.

13 Let me tell you, people come  
14 here talking about that it's a project? I say no.  
15 This is called the Fountains, okay, not the  
16 project, okay. We have brand new radiators, not  
17 those old metal or iron radiators. We have that  
18 button that we press for air, fan and heat, okay.  
19 We got a new stove, new refrigerator. If we want  
20 tile, we get tile. We want carpet, we get carpet.  
21 That's the way it is there.

22 And I do appreciate that place.  
23 And you know what I do as a tenant, I try to keep  
24 my compactor room clean on the third floor. People  
25 like to throw garbage. I'll pick it up and put it

2 in the container because I don't like those little  
3 critters running around in my apartment. I am real  
4 clean and I am constantly cleaning, okay.

5 So that's why I'm looking  
6 forward to see what they develop around here and to  
7 see all these new apartments that they're building  
8 around here for us people that work, lower income.  
9 We can move in there. And we all have to treat the  
10 place nice and take care of it, okay. Because  
11 there's some people that when they move in  
12 somewhere, they don't take care of the apartment.  
13 And that you got to appreciate what Progressive  
14 Management has built for us and take care of it,  
15 like I do. And I do appreciate, like I said, all  
16 these affordable apartments that's being built all  
17 around us, and I do wish to see more. And for  
18 people that I know really can't afford --

19 AUDIENCE MEMBER: Housing.

20 MS. CAMPBELL: Housing. I  
21 didn't want to say that word "housing" though,  
22 because I live at the Fountains.

23 AUDIENCE MEMBER: Exactly.

24 (Laughter)

25 MS. CAMPBELL: So, you know, I

2 do appreciate what's going on and I do appreciate  
3 these meetings that we come to. And I'm happy  
4 where I'm at, okay, I'm really happy where I'm at.

5 That's it for today.

6 (Applause)

7 THE HEARING OFFICER: Thank you,  
8 Ms. Campbell.

9 The next speaker is Cavarene  
10 Wilkisson.

11 MS. WILKISSON: Good evening.  
12 My name is Cavarene Wilkisson, and I live at 14819  
13 Fifth Avenue in a building managed by Progressive.

14 AUDIENCE MEMBER: Use the mic.  
15 Use the mic.

16 MS. WILKISSON: In a building  
17 managed by Progressive Management. I say managed  
18 because that's the experience I get from them.  
19 There is nothing left undone. The place is always  
20 clean. I have visitors to my apartment asking how  
21 can I get into this building. If I should call,  
22 this is the operation, it's three minutes I get a  
23 response. And I appreciate that.

24 As far as I see, most of the  
25 tenants, if not all, do their part to -- it's like

2 two hands. We do what we got to do, the management  
3 do what they got to do. And I think we all like  
4 living in someplace like that, okay. It is very  
5 clean, very affordable, very welcoming to live in.  
6 That's what I've got to say about where I live.

7 Thank you.

8 (Applause)

9 THE HEARING OFFICER: Thank you,  
10 Ms. Wilkisson.

11 The next speaker is Debbie  
12 Hyles.

13 MS. HYLES: Good evening,  
14 everyone, how are you. I live at Rufus King,  
15 148-19 90th Avenue. That's in Jamaica, New York  
16 for those who don't know.

17 I can say that I'm the first  
18 tenant in my unit. Rufus King is going to be  
19 turning two this year in July. I have no qualms  
20 about my unit. The apartments are very big. I  
21 have a two bedroom, and it's me and my daughter.  
22 Let's just say the two bedroom that I live in is,  
23 my master bedroom is one apartment when you go to  
24 rent an average apartment in New York City. Okay.

25 A lot of people don't know about

2 Rufus King. When I tell them where I live, they  
3 don't know about it. But my unit is located right  
4 off of Jamaica and Sutton right across from the  
5 park.

6 Management, I have no qualms  
7 with management. They have always been  
8 open-hearted and warm to me. A prime example, my  
9 mom died suddenly in December, and I had to use my  
10 community room on a weekday. They don't let us use  
11 it on a weekday, rent it, quote, unquote. They  
12 called me, they got in touch with me, I didn't even  
13 reach out to them, my super reached out to them,  
14 which is Carlos Ramos. He's the best, by the way,  
15 so if you all ever hear of Carlos Ramos, he's mine,  
16 you can't have him. You know what's going on. You  
17 can't take Carlos from Rufus, okay, I will fight  
18 you for Carlos. They reached out to me and they  
19 offered to help me in such a horrible time in my  
20 life.

21 And the building is immaculate,  
22 it's clean. We have a porter. He's on point. He  
23 is always in uniform. When I wake up and I leave,  
24 I smell fresh berries. When I come in, the  
25 building is clean, because my building is glass,

2 you don't see fingerprints, you see nothing but  
3 spotless. When I compare my unit to downtown  
4 Brooklyn, that's what it is, I live in a luxury  
5 apartment. I have a laundry room. I have a  
6 bicycle room. I have storage. A lot of units  
7 don't offer storage. And we all know we all need  
8 some extra space. Because I'm not a clutter bug, I  
9 don't like clutter. What else do we have. We have  
10 a beautiful landscape at the back. We have access  
11 to the up and coming Jamaica Avenue, which is  
12 turning into new Downtown Brooklyn. Our location  
13 is the fundamental heart of Jamaica Avenue.

14                   And my only request at this  
15 point is we need some more units in Queens. I know  
16 we have units going up in Brooklyn, which I'm proud  
17 of. But if we could get some more units in Queens,  
18 hey.

19                   THE HEARING OFFICER: Ms. Hyles,  
20 could you finish up?

21                   MS. HYLES: At the end of the  
22 day, Rufus King and Progressive Management, they  
23 have done good for me. And I could also speak for  
24 my co-tenants that I know. So you know what, give  
25 them a hand, guys, because they're doing an

2 outstanding job.

3 (Applause)

4 THE HEARING OFFICER: Thank you,  
5 Ms. Hyles.

6 The next speaker is Joyce  
7 Brayboy.

8 MS. BRAYBOY: Good evening,  
9 everyone. My name is Joyce Brayboy. I am the  
10 tenant association president at Emerald Green. I  
11 know quite a few of the people who are here. And  
12 some tell true things about what's going on in  
13 where we live at, Progressive Management run sites,  
14 but I have some disagreements.

15 The apartments are huge. Lovely  
16 made apartments they are. I live in a development.  
17 It has beautiful style homes where there's only  
18 three people to a building. But I do have a  
19 problem with the construction of it. It is not  
20 kept properly as far as good maintenance within the  
21 units that we have, which they call heating units,  
22 which some people might call lovely, I call it a  
23 detriment because our units are outdated. It takes  
24 three to four months sometimes, maybe even six  
25 months, maybe a year, some people have been waiting

2 over a year to get a new unit, which we actually  
3 pay for our own heat out there. The landlord does  
4 not pay. The owners created their development so  
5 the tenants pay for their own heat. And so if this  
6 is low income affordable housing, people who are on  
7 a fixed income, people who might have one income  
8 per household, that might be a problem for them,  
9 okay. These places are not even kept as far as the  
10 insulation, if you turn the unit off, your  
11 apartment is freezing. If you don't have -- if you  
12 don't have air conditioning within your unit, and  
13 it breaks or if you have it in there and it breaks  
14 down, they don't replace it. It takes forever to  
15 get a brand new unit. Everything is replaced with  
16 used or shoddy equipment or replacement objects.  
17 So again, it will be breaking down within the next  
18 year or so. Some people have gotten new units, and  
19 that's few and far between, okay. The old  
20 management prior to these couple of people who are  
21 in here now, they -- I can deal with some of them.  
22 But as far as getting the violations and whatever  
23 is going on in the apartments repaired, it's slow  
24 moving because a lot of the things that need to be  
25 repaired, they don't make them anymore.

2 I feel that Progressive  
3 Management should just change out all the units.  
4 According to them they don't have any money for  
5 that. But, I mean, if you even have to go up on  
6 the rent I don't care, because as far as I'm  
7 concerned, if it's a good quality unit you need to  
8 go up on the rent. But if it's just fake stuff,  
9 then we don't need it.

10 Another thing is that they don't  
11 correspond to the tenants in a timely manner --

12 (Buzzer sounds)

13 MS. BRAYBOY: -- that lady  
14 talked for way over that -- timely manner and they  
15 don't respond to us from the management office in a  
16 timely manner. We had gave them a whole list of  
17 repairs that needed to be done, and right now we  
18 still have a lot to be done.

19 The current property management,  
20 nice guy, but he's promised me that he would get  
21 back to me within a week. I haven't heard from him  
22 yet, because we need a lot of things done in our  
23 development. And as far as I'm concerned,  
24 Progressive Management is not really a good  
25 management company. And neither is the Arker

2 Company in the construction.

3 Thank you.

4 THE HEARING OFFICER: Thank you,  
5 Ms. Brayboy.

6 (Applause)

7 The next four speakers, they can  
8 take seats in the front of the room, are Albert  
9 Scott Junior, Rhonda Aikman, Antrenese McCord and  
10 Gordon Barnes. And the first speaker of these four  
11 will be Albert Scott Junior.

12 MR. SCOTT: Good evening,  
13 everyone. My name is, again, Albert Scott. I'm  
14 with Community Board 5. Also a chair of the  
15 Homeowners Association of Greater East New York.  
16 Thank you all for coming out here and listening to  
17 some of the good things as well as some of the  
18 challenging things that we have heard so far.

19 But the issue that I -- the  
20 issues that I'm going to raise today is a  
21 combination of, one, how the selection process and  
22 RFP process was doled out by Empire State  
23 Development Corporation. It was a two week RFP.  
24 Questions were asked by our community board, and  
25 discussions with the Empire State Development. How

2 many people signed up for this RFP, was it a  
3 competitive process or what this RFP for a selected  
4 few. One.

5                   Number two, the other concern  
6 that we have in regards to the whole selection  
7 process when reading the actual development is, A,  
8 is a combination of a few things.

9                   THE HEARING OFFICER: Excuse me,  
10 one second.

11                   Could we please give Mr. Scott  
12 his attention? Thank you.

13                   MR. SCOTT: The issues that we  
14 have is in regards to a couple of things in regards  
15 to the process. When reading the environmental  
16 impact study, we actually realized what is going to  
17 be developed. From our interpretation we see that  
18 there seems to be a lot of promises made to the  
19 community, such as they stated ten percent to local  
20 hires, additional percentage for minority, women  
21 owned businesses. But the community are tired of  
22 getting promises where we all know in business  
23 contracts are given out. And due to the, what the  
24 lady just mentioned in regards to the relationship  
25 that have with the existing owners of the



2 We want contracts between these potential  
3 developers. And we understand that this is going  
4 through the normal state process, but also, reading  
5 this document, we know that the funding sources is  
6 aid from the state, but very much it's going to  
7 come down to a local level, because I know they  
8 anticipate funding from, A, the New York City HPD  
9 department as well as the HDC corporation. And  
10 that we'll be more engaged in, that we're looking  
11 to address.

12 So I would, A, like to say thank  
13 you for this opportunity to express my thoughts on  
14 these issues. And then number two, in regards to  
15 the developer, the anticipated developer for this  
16 site to actually come and speak to some of the  
17 community stakeholders to identify true community  
18 partnerships rather than promises. We don't want  
19 promises, we want contracts. It's business.

20 Thank you.

21 (Applause)

22 THE HEARING OFFICER: Thank you,  
23 Mr. Scott. The next speaker is Rhonda Aikman.

24 MS. AIKMAN: Hi, good evening.  
25 I'm for Progressive Management. I live in Forbell,

2 the Fountains.

3                   The first time I've been to  
4 Brooklyn is when I saw my apartment, which was in  
5 April 2010. I love where I live at. The  
6 management is very nice. Anthony and John are very  
7 good. I have never had a problem. I don't call to  
8 complain. They don't bother me, I don't bother  
9 them. Yeah, people come to my house -- we don't do  
10 company, because my house is nice and I don't want  
11 nobody to mess it up, and I'm very careful, you  
12 know, about who you let in your household. And,  
13 you know, the doors are always locked, right. You  
14 know, the laundry downstairs is very affordable,  
15 and the rent is affordable. If you have a problem,  
16 whatever, Progressive will understand what types of  
17 issues you're going through, just call and let them  
18 know what's going on. I really love my management,  
19 you know, I trust them.

20                   As far as me and my needs, I  
21 have a daughter and grandkids also that live in the  
22 development, and I've never had a problem. And I  
23 would like to see -- since I've been to Brooklyn  
24 I've seen a lot and I see a lot of buildings coming  
25 up and they're very nice. And I see a lot of

2 Progressive buildings here again tonight they're  
3 going to build and they're very nice. Like you  
4 were saying, it's very affordable, very nice. And  
5 I'm definitely happy. That was my first time  
6 coming to Brooklyn, now I'm a Brooklyn resident.

7 Thank you so much, I appreciate  
8 it.

9 (Applause)

10 THE HEARING OFFICER: Thank you,  
11 Ms. Aikman.

12 The next speaker is Antrenese  
13 McCord.

14 MS. McCORD: Hi, good evening.  
15 My name is Antrenese McCord. I live at 710 Dumont  
16 Avenue. I've been there for 17 years. I have no  
17 problems. I love my apartment. I love the  
18 management. Any time I call, I get the service  
19 from them. I can honestly say any time I have a  
20 problem, they're right on time to fix it. I never  
21 have to wait too many days. I never have to wait  
22 hours or weeks later. The job is done. My super  
23 is excellent, excellent man. He keep the property  
24 clean at all times. I can never say the building  
25 is dirty or the doors is unlocked or anything like

2 that. It's always clean. So I love my management.

3 Thank you.

4 (Applause)

5 THE HEARING OFFICER: Thank you,  
6 Ms. McCord.

7 The next speaker is Gordon  
8 Barnes.

9 MR. BARNES: Hello. My name is  
10 Gordon Barnes.

11 (Inaudible)

12 MR. BARNES: Can you hear me  
13 now?

14 My name is Gordon Barnes. I  
15 live at Sea Park North, Coney Island, Progressive  
16 Management. I've been living there since 1973.  
17 1973. The building has been exactly the same.  
18 Since I've been there, no problems, very clean.  
19 The management is very understanding and they take  
20 care all your problems. The super of the building,  
21 he's out there every morning seven o'clock in the  
22 morning getting the grounds prepared. Everything  
23 is clean inside. No graffiti on the walls anywhere  
24 around the building. It's very well maintained. I  
25 love living there and I have no problems with

2 management and it's a great building to live in.

3 Since 1973. It's like the day it's been opened.

4 Thank you.

5 (Applause)

6 THE HEARING OFFICER: Thank you,  
7 Mr. Barnes.

8 The next four speakers will be  
9 Domingo Rivera, Grisel Cruz, Alice Lowman and April  
10 Ankum. And Domingo Rivera will be the next  
11 speaker.

12 MR. RIVERA: Good afternoon,  
13 everybody. My name is Domingo Rivera. I live at  
14 2828 West 28th Street, Sea Park North, Brooklyn.

15 I just wanted to say before I  
16 moved into this building I used to live at Carey  
17 Gardens building, I don't know if anybody is aware  
18 of that. The building where I'm at now, it's like  
19 hitting the lottery. Before I used to have to go  
20 to incinerator with gloves on, you would have to  
21 walk down the stairs with masks on because there  
22 was nothing but piss smell and poop from people  
23 just doing that in the buildings. Not good for the  
24 health because I have asthma. And but as soon as I  
25 was able to move into Sea Park North, things got --

2 the building is so clean, it's so sanitized. The  
3 management does a great job.

4 The maintenance crew, an  
5 unbelievable job. During the wintertime, snow  
6 removal, on point, on time. The building is always  
7 clean, very sanitized. You would walk there, you'd  
8 be like is this really an apartment building? No.  
9 It's, like you say, it's Sea Park North. And I am  
10 very happy where I'm at.

11 I just wanted to let Robbie,  
12 which is my building management super, he's a great  
13 guy, every time I need something I could give him a  
14 call and he's on point within five to ten minutes  
15 he's responding. Management, you give them a call,  
16 I can't say within five to ten minutes, but they do  
17 get back to you within the same day and they do  
18 take care of your problems within a serious,  
19 serious reliable manner.

20 Again, thanks to the crew from  
21 Sea Park North for keeping the building clean and  
22 helping me out not only with my asthma but also  
23 everybody else in the building, I think they're  
24 very happy as well.

25 Thank you very much.

2 (Applause).

3 THE HEARING OFFICER: Thank you,  
4 Mr. Rivera. The next speaker is Grisel Cruz.

5 MS. CRUZ: Good evening,  
6 everyone. My name is Grisel Cruz. I've just been  
7 living at 2828 West 28th Street, Sea Park North.  
8 I've been living everywhere else, finally I got my  
9 own place. And I love it, it's like my castle.  
10 I'm very happy with it. My kids enjoy it. And I  
11 definitely feel safe when they come in clean. And  
12 when I have visitors coming over, they don't  
13 believe it. They're like oh my God, you know, they  
14 would like to come and live in an apartment too.  
15 So I'm like yes, I'm very happy. The super, if I  
16 need something they help me out, or if I need to  
17 get anything, they help me with the service, or if  
18 I need to borrow something to fix something,  
19 they'll have it to me, like no, we'll take care of  
20 it, we got it. I'm very happy, it's like my  
21 castle. I enjoy it. And I maintain it and I help  
22 out too, you know, neighbors, we clean up here and  
23 there, you know, we maintain, you know, you have to  
24 keep what you have to maintain it.

25 THE HEARING OFFICER: Thank you,

2 Ms. Cruz.

3 The next speaker is Alice  
4 Lowman.

5 MS. LOWMAN: Good evening,  
6 everyone. I would like to say thank you to Empire  
7 for coming out to the community. I am the first  
8 vice of Community Board 5, and I have been tenant  
9 association president of Spring Creek Gardens,  
10 which is one of the developments that the Arker  
11 developed in -- well, that they took over in 2006.

12 All I want to say is that I hope  
13 that when the Arker come and take over this project  
14 here that they actually do what they say they're  
15 going to do. They had us come to the movie theater  
16 on Linden Boulevard, they showed us all this  
17 beautiful stuff, showers and tubs and cabinets.  
18 And everyone's apartment was going to get done over  
19 and it wasn't going to be no cost to the tenant.  
20 And when they came in and ripped up our stuff, we  
21 got inferior materials. Beside the inferior  
22 materials, then they applied for an MCI increase.  
23 So now we incurred all of those beautiful things  
24 that they put in, we're paying for them for the  
25 rest of our tenancy. So I'm just saying that if

2 the Arkers are going to go back there, that they  
3 should not under false pretense tell the residents  
4 that they're going to do this and they're going to  
5 do that, and then they don't do it. That was the  
6 biggest issue I have with the Arker back then.

7 Not only that, I live in Spring  
8 Creek Gardens, I've been a tenant there since 1989.  
9 I am the president of the tenant association. I  
10 take ownership. Things that go on there at Spring  
11 Creek I say I'm responsible for, because if we  
12 don't push management to do what they're supposed  
13 to do -- snow removal is the worst. Repairs is the  
14 worst. You have to have a budget to get your  
15 apartment painted. You don't get your apartment  
16 painted on a three year cycle like you're supposed  
17 to. So what I will say to the Arkers you're here,  
18 we know you're going to be here. But whatever you  
19 say you're going to do, get it in writing. Because  
20 they say they're going to do one thing and they do  
21 something totally different. Like I said, I'm the  
22 first chair of Community Board 5, I'm not going  
23 anywhere, this is my community, I'm vested here. I  
24 have three male black children that live in this  
25 development. I call this my home. I work for

2 transit over 25 years. I have a vested interest in  
3 this community.

4                   So, like I said, the Arkers are  
5 here to stay. But I just want them -- I've heard a  
6 whole bunch of people from Fountains, they have no  
7 problems, they love their landlord and things of  
8 that nature. I can't say that for Spring Creek.  
9 We have management that is horrible, disrespectful.  
10 And then they say oh, it's not us, it's the domain  
11 company. You can't work together as partners?  
12 You're a part of it. Now it's oh, the Arkers only  
13 do the construction side, the domain company do the  
14 administrative side. This is our community.  
15 You're at Forbell, you're at Fountain Avenue,  
16 you're at Emerald Green, you're all over. Don't  
17 come in our community and treat us like we're crap.  
18 All I'm going to ask is that the Arkers say what  
19 they mean and mean what they say. Put it in  
20 writing, whatever you do. Get it in writing.  
21 Because after they put the stuff in your apartment,  
22 you will get an MCI increase.

23                   Thank you.

24                   (Applause)

25                   THE HEARING OFFICER: Thank you,

2 Ms. Lowman.

3 The next speaker is April Ankum.

4 MS. ANKUM: You pronounced my  
5 name very well.

6 THE HEARING OFFICER: What is  
7 your name?

8 MS. ANKUM: Not too many people  
9 can pronounce my last name right, but you did.

10 THE HEARING OFFICER: How do you  
11 pronounce it?

12 MS. ANKUM: You did a very good  
13 job, that's how you pronounce it.

14 Hello, everybody. My name is  
15 April Ankum and I'm from Ocean View II, Far  
16 Rockaway, Queens.

17 We lived in a dump. I have been  
18 there for twenty years. The ceiling, it was  
19 leaking. When they took over four or five years  
20 ago now, we, you know, we don't see the rain unless  
21 if we go outside. But they did, they did the  
22 thing. They did the thing. They did it. So when  
23 you all build this new one, I'm going to be looking  
24 for three bedroom. I need a transfer, okay.

25 Thank you.

2 THE HEARING OFFICER: Thank you,  
3 Ms. Ankum.

4 The next four speakers will be  
5 Vivian Smith, Laticha Lesane, Sarah Lesane and  
6 Yekaterina Fedorkina.

7 MS. SMITH: Hello, everyone. My  
8 names is Vivian Smith. I'm from Far Rockaway,  
9 Heyson Garden, the senior citizen development.

10 Before I came to Rockaway I was  
11 living in Brooklyn, had a beautiful apartment,  
12 didn't want to leave it, but when I retired my  
13 income was doing this, so I had to get somewhere  
14 would suit my income. So I moved to Far Rockaway,  
15 and the development that I lived in, it was  
16 horrible. It got so bad. And this is the  
17 landscape I'm speaking of. I didn't even want  
18 people to come to my house because they would have  
19 to pass through, you know. And I used to take up a  
20 collection to have someone come in and cut the  
21 grass. I would clean the glass myself, I would mop  
22 the floors. I did all of that until my savior came  
23 in, Progressive Management. And when they came in  
24 and took over, they did the grounds, they did your  
25 kitchen, they did your bathroom. My apartment is

2 beautiful. When people come to my house now they  
3 say oh, is this where you live. And I feel so  
4 proud of being there. As seniors you couldn't do  
5 any better. So I felt like I hit the jackpot when  
6 I -- when they came along and saved us. So thank  
7 you Progressive Management for all the things you  
8 have done for the seniors.

9 (Applause)

10 THE HEARING OFFICER: Thank you,  
11 Ms. Smith.

12 The next speaker Laticha Lesane.

13 MS. L. LESANE: Hello. My name  
14 is Laticha Lesane, and I am from Sea Park North in  
15 Coney Island. I've lived in Sea Park for over  
16 fourteen years. Over the time of me living there I  
17 have noticed a lots of changes within the  
18 management company. I have seen -- I've been there  
19 from the old management company and now with the  
20 new one. And it's been a lot of positive changes  
21 in the building. The face uplift of the building,  
22 inside of our apartments.

23 The building itself is amazing.  
24 Our maintenance crew is on point. I text my super,  
25 I call, he's there to fix the problem, whatever it

2 is. If I have like a bird mess on my terrace, that  
3 he gets off. And if my stove has a problem, he's  
4 there without any questions. And if he can't do it  
5 right away, he will tell me when he can come, when  
6 it's convenient for me. Same thing with the  
7 management company. If they can't address the  
8 issue right away, they will let you know when they  
9 can do it, what's convenient for me. And that's  
10 it. I have no major issues with my building, with  
11 the super or the management company.

12 (Applause)

13 THE HEARING OFFICER: Thank you,  
14 Ms. Lesane.

15 The next speaker is Sarah  
16 Lesane, who I assume is no relation.

17 (Laughter)

18 MS. S. LESANE: Hi. That was my  
19 daughter speaking.

20 I've been living in Sea Park  
21 North for over twenty years. And I've seen the  
22 past management they had there. They were okay.  
23 But the new management we have there now, I have no  
24 complaints about them. I mean I hear people  
25 complaining about, you know, management, they ain't

2 doing this, I mean, they have to wait so long to do  
3 this and do repairs to the building. I mean I'm  
4 sitting here listening to the complaints they have  
5 with Progressive. And we -- I'm with Progressive,  
6 we don't have those problems with Progressive.

7 My building is beautiful. They  
8 keep up with the maintenance. The grounds look  
9 beautiful. The building is beautiful. Like she  
10 said, you call or complain about problems with your  
11 apartment, they come out and they fix it. I mean  
12 we don't have to wait like days and months for  
13 repairs or for, you know, appliances to fixed.  
14 They come out and they fix it. They don't give us  
15 no problems.

16 I mean I hear people complain,  
17 but I don't see what the complaining is about. If  
18 you take care of your property, you take care of  
19 your apartment, you shouldn't have to have the  
20 repairs to be done. I mean yeah, things get  
21 broken, but they shouldn't have to get broken every  
22 other month. You shouldn't have to have repairs  
23 done every other month in your apartment. It's  
24 your apartment. You upkeep it just as well as if  
25 it was your house. That's your -- you're paying

2 for that, so you should keep up what you got.

3 That's all I got to say.

4 THE HEARING OFFICER: Thank you,  
5 Ms. Lesane.

6 The next speaker is Yekaterina  
7 Fedorkina.

8 MS. FEDORKINA: Hi, good  
9 evening. My name is Yekaterina Fedorkina. I live  
10 at 28 --

11 (Inaudible)

12 THE HEARING OFFICER: Could you  
13 speak into the mic?

14 MS. FEDORKINA: I live at 2828.  
15 We have Progressive Management. Our building is  
16 always clean.

17 AUDIENCE MEMBER: Speak up.

18 MS. FEDORKINA: For a friend of  
19 mine, they are just --

20 THE HEARING OFFICER: A little  
21 closer to the mic.

22 MS. FEDORKINA: But --

23 THE HEARING OFFICER: That's it.

24 MS. FEDORKINA: -- everyone is  
25 nice. Like if I ever ask for any help in my

2 apartment, they fix. Like everything is done  
3 immediately I would say.

4                   Recently I moved from a one  
5 bedroom apartment to a three bedroom apartment. I  
6 have a new stove. Everything around the building  
7 is nice. I have two kids, so, and we have a little  
8 playground by the building. So everything is  
9 beautiful.

10                   Thank you.

11                   THE HEARING OFFICER: Okay.

12                   (Applause)

13                   THE HEARING OFFICER: Is there  
14 anyone here who has signed up to speak who has not  
15 yet spoken?

16                   (No response)

17                   THE HEARING OFFICER: Is there  
18 anyone else here present who would like to make a  
19 statement regarding the project?

20                   (No response)

21                   THE HEARING OFFICER: Let the  
22 record reflect that no one has answered yes to that  
23 question, and the time now is seven o'clock. We  
24 will hold the hearing open until eight o'clock p.m.  
25 in order to afford any latecomers to make a

2 statement. At this time I will call a recess to  
3 these proceedings until such time as someone  
4 requests an opportunity to make a statement.

5 (Recess taken)

6 THE HEARING OFFICER: Would  
7 everybody please take a seat, we are ready to go  
8 back on the record. We have a few more speakers.  
9 Right now we have to the front of the room Tanay  
10 Matthews and Nikki Lucas. And the first speaker  
11 will be Tanay Matthews.

12 MS. MATTHEWS: Good evening,  
13 everyone. So I live at 1101 Forbell Street. I  
14 moved from Lewis HPD Houses, which is a couple of  
15 blocks from there.

16 I've been in East New York my  
17 whole entire life. So when I was searching for an  
18 apartment, I wanted to see in the neighborhood.  
19 I'm quite sure people who are not from East New  
20 York probably think that it's a horrible place to  
21 live, but I wouldn't change it for the world. I  
22 have a 19-year-old daughter and I still have family  
23 members who live up the block in Pink Houses.

24 Everyone describes their  
25 experience with management as being smooth sailing

2 and a beautiful thing. And I can't honestly vouch  
3 and I say I feel the exact same way. I did  
4 experience some financial troubles about a year ago  
5 and I couldn't pay my rent, I was taken to court.  
6 But we figured it out, we worked it out. I was  
7 ill, I didn't have a job. And Maria and the legal  
8 staff at Progressive was very caring and took their  
9 time with me and understood that it was just a  
10 situation at the time and not something that was  
11 going to be for forever. So I'm very thankful for  
12 that, because I watched people in landlord and  
13 tenant court being evicted for two dollars or five  
14 dollars for because they can't afford to give it to  
15 their management company.

16 So I feel like Progressive is a  
17 blessing in disguise for some of us, maybe not for  
18 everybody. But they definitely were for me, a  
19 person who's a single parent, who was having health  
20 troubles at a point in my life. So thank you guys  
21 for being understanding and knowing that I was  
22 going to get through my trials and tribulations.

23 (Applause)

24 MS. MATTHEWS: And I really  
25 appreciate it. And I do look forward to the new

2 development, because maybe I'll see you off that  
3 first floor I'm on.

4 (Laughter)

5 MS. MATTHEWS: So if someone  
6 could let me know when the applications are  
7 released, I would be greatly appreciative.

8 Thank you.

9 THE HEARING OFFICER: Thank you,  
10 Ms. Matthews.

11 The next speaker is Nikki Lucas.

12 MS. LUCAS: Hello. Good evening  
13 to everyone.

14 So I hear a lot of great things.  
15 Unfortunately I missed the first half. I'm here  
16 more so to speak on the economic growth of our  
17 community.

18 When we have developers come  
19 within our community, oftentimes we are not  
20 included in the growth and development of what we  
21 need financially for our community. I would like  
22 to see and make sure that local people are getting  
23 actual contracts, not just simply jobs, that offer  
24 significant, the same opportunities that are given  
25 to contractors, I'd like to see that happen for us.

2 And oftentimes this skips over in terms of  
3 opportunity for people within our communities.

4 I want to also make sure that  
5 there are opportunities for minorities, which, once  
6 again, those are additional opportunities that we  
7 seem to miss and oftentimes skip over us. While I  
8 feel it very necessary to make sure that we have  
9 affordable housing and there's housing that's  
10 available for seniors, because there certainly is a  
11 need, we want to make sure that our community  
12 members are included in the process as well,  
13 because what you'll have is people that are brought  
14 in from the outside when we have a vast need within  
15 our own community. We have people who are living  
16 ten, you know, five people in a one bedroom. And  
17 that's unfair. There's our students, college  
18 students who are not given the opportunity to stay  
19 with their parents and cannot necessarily afford  
20 most things. And I think it's important that those  
21 things are really considered when you're talking  
22 about housing.

23 When you're talking about the  
24 economic growth, those retail stores that you are  
25 discussing the mixed use, what opportunities are we

2 going to have to own those stores or to be able to  
3 be the renters. Because again, oftentimes we see  
4 the bodegas, we see delis, we see a number of  
5 different things in our communities, but we are not  
6 the people either owning and we're not the people  
7 that's being employed in them. And we are also  
8 disrespected, yet we continue to spend our money in  
9 these establishments.

10 Do we also have community spaces  
11 for our children. There's families that's living  
12 there. There's seniors, there's students that's  
13 also going to be living in those communities. Do  
14 we have community space, do we have an accessible,  
15 you know, viable community room. Because you're  
16 building all these houses. What outlets do you  
17 have for our children and our seniors.

18 So those are the things that are  
19 extremely important for me in this fight. It's not  
20 about fighting against anything coming, it's about  
21 making sure that we are included in an equitable,  
22 fair way. And it's fantastic, it's fantastic for  
23 us to have these things growing in our community.  
24 But let's understand what we need to be fighting  
25 for. Let's stop taking from us, because we don't

2 have to accept it. We've been in these communities  
3 for several years. Many of us have blood, sweat  
4 and tears when this wasn't the community to be in.  
5 And now that 9/11 has happened and this is the  
6 place to be, Brooklyn, and it's growing up, and we  
7 have a number of different transportation hubs,  
8 this is the place to really be, and they want it,  
9 we have to fight for those things just so that we  
10 can make sure that we're included. And that's what  
11 it's really about.

12                   So it's about the economic  
13 growth, it's about inclusion, it's about fairness  
14 for our children, making sure that we have all of  
15 the accessible needs for our community. As our  
16 community grows, we want to make sure that our  
17 educational system grows, that there's fair and  
18 accessible public safety issues that we need to  
19 address. And I don't hear a lot of that happening  
20 right now. And I just want to make sure that we  
21 don't become distracted by kindness of developers  
22 or kindness of management. Let's not forget what  
23 this is really about. Because they can distract us  
24 and we can lose sight of what the issues really  
25 are. We want to support it, but we want equitable

2 fairness and justice. So let's make sure we focus  
3 on that. And this will be a continued discussion  
4 because it's not going to happen overnight. But I  
5 don't want you to settle for crumbs because you  
6 deserve more than that.

7 (Applause)

8 THE HEARING OFFICER: Thank you,  
9 Ms. Lucas.

10 The next speaker will be  
11 Kimberly Council.

12 MS. COUNCIL: It's kind of hard  
13 to come behind what Nikki just said. I probably  
14 should just say Roger that.

15 I agree, I think it's a  
16 fantastic program. I think it's fantastic that  
17 they want to come into our community and build  
18 these affordable housing units because that is what  
19 is desperately needed in Brooklyn. A vacant lot is  
20 not safe in the Borough of Brooklyn. And so I'm  
21 excited about the fact that they're interested in  
22 partnering with the community, that they're  
23 actually coming out here to listen to what it is  
24 that you have to say. And it is my sincere prayer  
25 that you take into consideration all the pros and

2 cons and the things that have been said, that you  
3 take them seriously.

4 THE HEARING OFFICER: Thank you,  
5 Ms. Council.

6 (Applause)

7 THE HEARING OFFICER: Is there  
8 anyone else present who would like to make a  
9 statement regarding the project?

10 (No response)

11 THE HEARING OFFICER: Let the  
12 record reflect that no one has answered to that  
13 question, and the time is now 7:30. We will hold  
14 the hearing open until five p.m. -- not five p.m.,  
15 until eight p.m., in order to afford any latecomers  
16 an opportunity to make a statement.

17 At this time I will call for a  
18 recess in these proceedings until such time as  
19 someone requests an opportunity to make a  
20 statement. Thank you.

21 (Recess taken)

22 THE HEARING OFFICER: Could  
23 everybody please take their seats, we have another  
24 speaker. Could I have everyone's attention? We  
25 have another speaker. And the next speaker is

2 Alexandra Diaz.

3 MS. DIAZ: Good evening. I just  
4 want to be here just to speak a little bit about my  
5 experience that I have to be in this community.

6 I get to this community like  
7 five or six years ago. As a Latin person, you  
8 know, everybody was giving me a bad recommendation  
9 about this community and how dangerous it's going  
10 to be for me to be with my two kids. They're like  
11 eight and -- at that time it was eight and ten  
12 years old. I used to be a single mother at that  
13 time with my two kids in this community.

14 It was something that it was  
15 kind of fearful in the beginning. But living in  
16 here I see the changes, see the protections, see  
17 the experience that I have with the management  
18 company of Progressive. It was a blessing for me.  
19 You know, a lot of persons don't want to rent me a  
20 house because, you know, I don't have an income  
21 before and I don't have, let's say, the -- the  
22 recusals, you know, for me to live in this place.  
23 But they help me, they checked my background, they  
24 teach me how to do my -- you know, things in the  
25 house with my kids, and help me in the process.

2 And it would be a blessing for me, you know, thank  
3 God now, because they rented to me. And the prices  
4 that they have compared with another places, it  
5 would be a blessing for me and a better life for me  
6 and my kids. And it's a such a nice experience, I  
7 love the neighborhood. If they told me to change  
8 to another place after that experience that we  
9 have, definitely it's a place that is growing,  
10 changing, having new opportunities for different  
11 persons over here, and different type of races, you  
12 know. As a Latin, you know, so many places,  
13 sometimes it's closed because you're, I don't know.  
14 But I see a difference in here. So I've been very  
15 blessed.

16 So I think it's a great  
17 opportunity. This project looks beautiful. It  
18 looks a good place with families is going to have  
19 the same opportunity that I had in my time. So I  
20 just want to say thank you and I hope it's going to  
21 be a reality for many persons.

22 Okay, so thank you so much.

23 (Applause)

24 THE HEARING OFFICER: Thank you,  
25 Ms. Diaz.

2                   And again I will ask the  
3 question, is there anyone else present who would  
4 like to make a statement regarding the project?

5                   (No response)

6                   THE HEARING OFFICER: Let the  
7 record reflect that no one has answered that  
8 question, and the time is now 7:45. Again, we will  
9 hold the hearing open until five p.m. Eight p.m.  
10 Eight p.m.

11                   (Laughter)

12                   (Recess taken)

13                   THE HEARING OFFICER: Thank you  
14 all for your comments. The time is now eight p.m.

15                   Before we adjourn and close this  
16 meeting, is there anyone else here who would like  
17 to make a statement regarding the proposed project?

18                   (No response)

19                   THE HEARING OFFICER: Let the  
20 record reflect that no one has answered that  
21 question, and we will now adjourn this meeting,  
22 which is now closed.

23                   (Time noted: 8:00 p.m.)  
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C E R T I F I C A T E

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )

I, KARI L. REED, a Registered Professional Reporter (Stenotype) and Notary Public with and for the State of New York, do hereby certify:

I reported the proceedings in the within-entitled matter and that the within transcript is a true record of such proceedings.

I further certify that I am not related, by blood or marriage, to any of the parties in this matter and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of June, 2016.

*Kari L. Reed*

\_\_\_\_\_  
KARI L. REED

	<b>adequate (1)</b> 6:5	<b>air (2)</b> 26:18;33:12	49:11,25;52:11,19,23, 24;54:2,5,5;55:18	32:10;35:15;45:9; 46:9
<b>\$</b>	<b>adjacent (1)</b> 12:19	<b>Albert (3)</b> 35:8,11,13	<b>apartments (7)</b> 27:7,16;29:20; 32:15,16;33:23;50:22	<b>assume (1)</b> 51:16
<b>\$1,300 (1)</b> 37:4	<b>adjourn (2)</b> 65:15,21	<b>Alex (2)</b> 23:3,4	<b>appeared (1)</b> 9:14	<b>asthma (2)</b> 42:24;43:22
<b>\$10 (1)</b> 12:5	<b>Administration (2)</b> 16:15,24	<b>Alexandra (1)</b> 63:2	<b>appearing (2)</b> 8:23;21:11	<b>attendance (1)</b> 14:15
<b>\$896 (1)</b> 37:3	<b>administrative (3)</b> 9:10;11:3;47:14	<b>Alice (2)</b> 42:9;45:3	<b>Applause (20)</b> 21:25;24:15;25:9; 28:6;29:8;32:3;35:6; 38:21;40:9;41:4;42:5; 44:2;47:24;50:9; 51:12;54:12;56:23; 61:7;62:6;64:23	<b>attention (2)</b> 36:12;62:24
<b>A</b>	<b>admitted (1)</b> 5:5	<b>Allen (5)</b> 21:8,14,15,16;22:3	<b>appliances (1)</b> 52:13	<b>attesting (1)</b> 9:16
<b>able (2)</b> 42:25;59:2	<b>adopted (1)</b> 9:20	<b>allocations (1)</b> 37:8	<b>applications (1)</b> 57:6	<b>attorney (1)</b> 5:5
<b>above (1)</b> 7:20	<b>adverse (11)</b> 15:19,23;16:4;17:6, 8,10,12,20,25;18:13, 18	<b>allotted (1)</b> 8:15	<b>applied (2)</b> 26:5;45:22	<b>AUDIENCE (7)</b> 10:18;23:22;24:23; 27:19,23;28:14;53:17
<b>absent (1)</b> 17:4	<b>advised (1)</b> 12:22	<b>allow (1)</b> 8:17	<b>appreciate (8)</b> 26:22;27:13,15; 28:2,2,23;40:7;56:25	<b>authorized (1)</b> 9:22
<b>accept (1)</b> 60:2	<b>Affected (1)</b> 17:19	<b>allowed (1)</b> 21:2	<b>appreciative (1)</b> 57:7	<b>availability (1)</b> 15:3
<b>accepted (1)</b> 20:15	<b>affidavits (1)</b> 9:16	<b>along (2)</b> 9:16;50:6	<b>approaches (1)</b> 19:18	<b>available (9)</b> 7:10,12;11:17,19; 15:7,9;20:9;21:13; 58:10
<b>accepting (1)</b> 16:25	<b>affiliate (4)</b> 11:6;13:3,7,10	<b>Alternative (1)</b> 19:20	<b>appropriate (1)</b> 16:16	<b>Avenue (17)</b> 6:2;7:15;8:5,5; 10:23;12:3,4;14:2; 24:22;25:2;26:2; 28:13;29:15;31:11, 13;40:16;47:15
<b>access (1)</b> 31:10	<b>afford (8)</b> 5:21;9:3;26:8; 27:18;54:25;56:14; 58:19;62:15	<b>always (7)</b> 28:19;30:7,23; 39:13;41:2;43:6; 53:16	<b>approval (1)</b> 6:14	<b>average (1)</b> 29:24
<b>accessible (4)</b> 11:25;59:14;60:15, 18	<b>affordable (15)</b> 11:8,11,15,21; 23:25;26:4,11;27:16; 29:5;33:6;39:14,15; 40:4;58:9;61:18	<b>amazing (1)</b> 50:23	<b>approved (1)</b> 13:12	<b>aware (1)</b> 42:17
<b>accordance (1)</b> 5:16	<b>afforded (1)</b> 8:13	<b>ample (1)</b> 8:11	<b>approved (1)</b> 13:12	<b>away (2)</b> 51:5,8
<b>According (1)</b> 34:4	<b>afternoon (2)</b> 10:8;42:12	<b>analyses (2)</b> 14:22;15:17	<b>approval (1)</b> 6:14	
<b>accurate (1)</b> 8:18	<b>again (8)</b> 33:17;35:13;40:2; 43:20;58:6;59:3;65:2, 8	<b>analyzed (1)</b> 17:11	<b>approved (1)</b> 13:12	<b>B</b>
<b>acres (2)</b> 10:11,12	<b>against (1)</b> 59:20	<b>and/or (4)</b> 7:18;11:12;16:22; 17:14	<b>approved (1)</b> 13:12	
<b>across (2)</b> 26:3;30:4	<b>age (1)</b> 16:7	<b>Ankum (7)</b> 42:10;48:3,4,8,12, 15;49:3	<b>approved (1)</b> 13:12	<b>B13 (1)</b> 17:20
<b>Act (6)</b> 5:11,11,16,17; 12:15;14:6	<b>Agency (1)</b> 19:3	<b>answered (4)</b> 54:22;62:12;65:7, 20	<b>approved (1)</b> 13:12	<b>B83 (1)</b> 17:20
<b>action (9)</b> 15:20,22;16:3,5,18; 17:9,16,24;18:16	<b>ago (4)</b> 23:15;48:20;56:4; 63:7	<b>Anthony (1)</b> 39:6	<b>approved (1)</b> 13:12	<b>back (6)</b> 31:10;34:21;43:17; 46:2,6;55:8
<b>activities (5)</b> 18:10,19,20,21; 19:5	<b>agree (2)</b> 23:22;61:15	<b>anticipate (1)</b> 38:8	<b>approved (1)</b> 13:12	<b>background (1)</b> 63:23
<b>actual (2)</b> 36:7;57:23	<b>agreement (2)</b> 5:25;9:6	<b>anticipated (4)</b> 12:9;16:18;37:6; 38:15	<b>approved (1)</b> 13:12	<b>bad (2)</b> 49:16;63:8
<b>actually (6)</b> 8:8;33:2;36:16; 38:16;45:14;61:23	<b>aid (1)</b> 38:6	<b>Antrenese (3)</b> 35:9;40:12,15	<b>approved (1)</b> 13:12	<b>balances (2)</b> 37:12,19
<b>ad (1)</b> 26:3	<b>Aikman (4)</b> 35:9;38:23,24; 40:11	<b>anymore (1)</b> 33:25	<b>approved (1)</b> 13:12	<b>Barnes (7)</b> 35:10;41:8,9,10,12, 14;42:7
<b>addition (3)</b> 15:11;17:22;37:7	<b>ain't (1)</b> 51:25	<b>apartment (30)</b> 21:18;22:24;23:17; 26:4,12;27:3,12; 28:20;29:23,24;31:5; 33:11;39:4;40:17; 43:8;44:14;45:18; 46:15,15;47:21;	<b>approved (1)</b> 13:12	<b>barriers (1)</b> 19:19
<b>additional (2)</b> 36:20;58:6			<b>approved (1)</b> 13:12	<b>based (2)</b> 11:7;37:20
<b>address (11)</b> 7:20;8:22,25;10:16, 22;20:8,11;21:10; 38:11;51:7;60:19			<b>association (4)</b>	<b>bathroom (1)</b> 49:25

31:10;32:17;45:17, 23:49;11:50;2:52;7,9, 9;54:9;56:2;64:17	<b>Branch (2)</b> 8:4;15:10	12:17	<b>certainty (1)</b> 17:5	35:21;36:8
<b>become (1)</b> 60:21	<b>brand (2)</b> 26:16;33:15	<b>cabinets (1)</b> 45:17	<b>cetera (1)</b> 19:24	<b>coming (8)</b> 31:11;35:16;39:24; 40:6;44:12;45:7; 59:20;61:23
<b>bedroom (7)</b> 29:21,22,23;48:24; 54:5,5;58:16	<b>Brayboy (6)</b> 25:22;32:7,8,9; 34:13;35:5	<b>Cade (2)</b> 6:23;13:18	<b>Chair (5)</b> 7:24,25;22:25; 35:14;46:22	<b>commence (1)</b> 12:7
<b>began (1)</b> 14:10	<b>breaking (1)</b> 33:17	<b>call (14)</b> 28:21;32:21,22,22; 39:7,17;40:18;43:14, 15;46:25;50:25; 52:10;55:2;62:17	<b>challenging (1)</b> 35:18	<b>comment (8)</b> 7:2;14:18,20,25; 20:2,3,7,21
<b>begin (1)</b> 20:20	<b>breaks (2)</b> 33:13,13	<b>called (6)</b> 8:20;12:2;21:4; 26:5,15;30:12	<b>change (3)</b> 34:3;55:21;64:7	<b>comments (11)</b> 5:22;6:12,15,16,18; 9:4;14:19;20:7,11,13; 65:14
<b>beginning (2)</b> 18:12;63:15	<b>broken (2)</b> 52:21,21	<b>came (6)</b> 26:2;45:20;49:10, 22,23;50:6	<b>changes (4)</b> 14:20;50:17,20; 63:16	<b>commercial (3)</b> 11:12;12:18;16:23
<b>behalf (1)</b> 6:23	<b>Brooklyn (22)</b> 5:19;7:24,25;8:4,6; 9:15;10:14,16,24; 15:11;31:4,12,16; 39:4,23;40:6,6;42:14; 49:11;60:6;61:19,20	<b>Campbell (10)</b> 25:15,16,19,23,24, 25;26:2;27:20,25; 28:8	<b>changing (1)</b> 64:10	<b>Commission (1)</b> 7:25
<b>behind (1)</b> 61:13	<b>brought (1)</b> 58:13	<b>can (24)</b> 6:8,18;8:6;10:7; 25:7,7;26:8,10;27:9; 28:21;29:17;33:21; 35:7;37:2,11;40:19, 24;41:12;48:9;51:5,9; 60:10,23,24	<b>checked (1)</b> 63:23	<b>commitments (1)</b> 37:21
<b>berries (1)</b> 30:24	<b>budget (1)</b> 46:14	<b>capacity (1)</b> 17:17	<b>checks (2)</b> 37:12,18	<b>communities (4)</b> 58:3;59:5,13;60:2
<b>Beside (1)</b> 45:21	<b>bug (1)</b> 31:8	<b>care (18)</b> 9:9;15:24;16:5,8,9, 22,25;17:7;25:6; 27:10,12,14;34:6; 41:20;43:18;44:19; 52:18,18	<b>child (5)</b> 15:24;16:5,8,9;17:7	<b>Community (38)</b> 8:2;11:13;30:10; 35:14,24;36:19,21; 37:7,11,17,24;38:17, 17;45:7,8;46:22,23; 47:3,14,17;57:17,19, 21;58:11,15;59:10,14, 15,23;60:4,15,16; 61:17,22;63:5,6,9,13
<b>best (3)</b> 18:5;23:21;30:14	<b>build (4)</b> 11:9;40:3;48:23; 61:17	<b>Carey (1)</b> 42:16	<b>children (8)</b> 16:6,17,20;17:2; 46:24;59:11,17;60:14	<b>compact (1)</b> 26:24
<b>better (2)</b> 50:5;64:5	<b>building (33)</b> 27:7;28:13,16,21; 30:21,25,25;32:18; 40:24;41:17,20,24; 42:2,16,17,18;43:2,6, 8,12,21,23;50:21,21, 23;51:10;52:3,7,9; 53:15;54:6,8;59:16	<b>causing (1)</b> 19:8	<b>Children's (2)</b> 16:15,24	<b>Companies (3)</b> 11:6;13:3,8
<b>bicycle (1)</b> 31:6	<b>buildings (4)</b> 18:3;39:24;40:2; 42:23	<b>Cavarene (3)</b> 25:17;28:9,12	<b>citizen (1)</b> 49:9	<b>company (12)</b> 11:7;34:25;35:2; 39:10;47:11,13; 50:18,19;51:7,11; 56:15;63:18
<b>big (1)</b> 29:20	<b>built (3)</b> 27:14,16;37:14	<b>ceiling (1)</b> 48:18	<b>City (11)</b> 7:22,23,24;12:21, 22;16:15,24;19:2,6; 29:24;38:8	<b>compare (1)</b> 31:3
<b>biggest (1)</b> 46:6	<b>Bulletin (1)</b> 15:5	<b>cemetery (1)</b> 26:3	<b>clean (17)</b> 26:24;27:4;28:20; 29:5;30:22,25;40:24; 41:2,18,23;43:2,7,21; 44:11,22;49:21;53:16	<b>compared (1)</b> 64:4
<b>bird (1)</b> 51:2	<b>bunch (1)</b> 47:6	<b>Center (2)</b> 10:14,24	<b>cleaning (1)</b> 27:4	<b>compatible (1)</b> 12:19
<b>bit (2)</b> 10:19;63:4	<b>bus (5)</b> 15:25;17:17,18,19, 21	<b>centers (2)</b> 16:9;17:7	<b>clerks (1)</b> 7:22	<b>competitive (1)</b> 36:3
<b>black (1)</b> 46:24	<b>buses (1)</b> 17:22	<b>certain (2)</b> 12:14;20:25	<b>close (2)</b> 6:16;65:15	<b>complain (3)</b> 39:8;52:10,16
<b>blessed (1)</b> 64:15	<b>business (5)</b> 5:8;6:16;13:23; 36:22;38:19	<b>certainly (1)</b> 58:10	<b>closed (2)</b> 64:13;65:22	<b>complaining (2)</b> 51:25;52:17
<b>blessing (4)</b> 56:17;63:18;64:2,5	<b>businesses (1)</b> 36:21		<b>closer (1)</b> 53:21	<b>complaints (2)</b> 51:24;52:4
<b>block (1)</b> 55:23	<b>button (1)</b> 26:18		<b>closes (1)</b> 12:8	<b>complete (1)</b> 8:2
<b>blocks (1)</b> 55:15	<b>Buzzer (1)</b> 34:12		<b>clutter (2)</b> 31:8,9	<b>completed (2)</b> 12:9;14:11
<b>blood (1)</b> 60:3			<b>code (4)</b> 19:2,6,9,10	<b>completion (1)</b> 18:10
<b>Board (5)</b> 8:2;35:14,24;45:8; 46:22			<b>codified (1)</b> 14:6	<b>compliance (1)</b> 19:9
<b>bodegas (1)</b> 59:4			<b>collection (1)</b> 49:20	<b>comply (1)</b>
<b>Borough (2)</b> 7:24;61:20			<b>collective (1)</b> 16:8	
<b>borrow (1)</b> 44:18			<b>college (1)</b> 58:17	
<b>both (2)</b> 11:2;13:9			<b>combination (2)</b>	
<b>bother (2)</b> 39:8,8				
<b>Boulevard (1)</b> 45:16				
	<b>C</b>			
	<b>C4-2 (1)</b>			

18:25 <b>compressors (1)</b> 19:23 <b>comprised (1)</b> 11:11 <b>concern (1)</b> 36:5 <b>concerned (2)</b> 34:7,23 <b>concerns (1)</b> 37:2 <b>conclude (2)</b> 8:14,16 <b>concludes (1)</b> 15:22 <b>concrete (2)</b> 37:6,22 <b>Conditional (2)</b> 12:25;13:6 <b>conditioning (1)</b> 33:12 <b>conduct (1)</b> 5:9 <b>conducted (2)</b> 19:7,9 <b>Coney (2)</b> 41:15;50:15 <b>conforms (1)</b> 12:17 <b>Conoscenti (5)</b> 6:20;10:4,6,20; 13:17 <b>cons (1)</b> 62:2 <b>Conservation (3)</b> 5:12;14:7;15:4 <b>consider (1)</b> 6:9 <b>consideration (2)</b> 6:13;61:25 <b>considerations (1)</b> 19:17 <b>considered (1)</b> 58:21 <b>consistent (1)</b> 12:12 <b>constantly (1)</b> 27:4 <b>constituting (1)</b> 10:13 <b>construct (1)</b> 12:11 <b>constructed (1)</b> 19:7 <b>construction (15)</b> 11:8;12:7;16:2; 18:2,6,8,14,18,20; 19:4,11,20;32:19; 35:2;47:13 <b>consult (1)</b> 16:14 <b>contact (1)</b> 7:19	<b>container (1)</b> 27:2 <b>continue (1)</b> 59:8 <b>continued (1)</b> 61:3 <b>contract (2)</b> 18:24;37:24 <b>contractor (1)</b> 16:25 <b>contractors (2)</b> 18:25;57:25 <b>contracts (4)</b> 36:23;38:2,19; 57:23 <b>controls (1)</b> 19:11 <b>convenience (1)</b> 7:7 <b>convenient (2)</b> 51:6,9 <b>coordinating (1)</b> 37:10 <b>copies (6)</b> 7:7,18,21;9:13; 15:12;21:12 <b>copy (3)</b> 7:11;8:2;15:9 <b>Corporation (7)</b> 5:7,11;13:12,13,23; 35:23;38:9 <b>correspond (1)</b> 34:11 <b>cost (1)</b> 45:19 <b>co-tenants (1)</b> 31:24 <b>Council (3)</b> 61:11,12;62:5 <b>County (1)</b> 7:22 <b>couple (3)</b> 33:20;36:14;55:14 <b>court (2)</b> 56:5,13 <b>crap (1)</b> 47:17 <b>created (2)</b> 13:13;33:4 <b>Creek (7)</b> 8:3;10:15;15:10; 45:9;46:8,11;47:8 <b>crew (3)</b> 43:4,20;50:24 <b>critters (1)</b> 27:3 <b>crumbs (1)</b> 61:5 <b>Cruz (5)</b> 42:9;44:4,5,6;45:2 <b>current (1)</b> 34:19 <b>cut (1)</b>	49:20 <b>cycle (1)</b> 46:16  <b>D</b>  <b>Daily (3)</b> 5:18;9:14;26:4 <b>dangerous (1)</b> 63:9 <b>daughter (4)</b> 29:21;39:21;51:19; 55:22 <b>day (5)</b> 16:22,25;31:22; 42:3;43:17 <b>days (2)</b> 40:21;52:12 <b>deal (1)</b> 33:21 <b>Debbie (1)</b> 29:11 <b>Debby (1)</b> 25:22 <b>December (1)</b> 30:9 <b>declaration (3)</b> 16:12;18:23;19:14 <b>decrease (1)</b> 18:9 <b>deem (1)</b> 10:3 <b>definitely (5)</b> 10:21;40:5;44:11; 56:18;64:9 <b>DEIS (17)</b> 5:23;6:25;13:25; 14:4,19,22;15:2,3,6,9, 12,18,21;16:11;17:4; 20:3,14 <b>delis (1)</b> 59:4 <b>demand (1)</b> 16:9 <b>density (1)</b> 12:19 <b>Department (2)</b> 15:4;38:9 <b>depending (2)</b> 11:20;18:7 <b>described (3)</b> 14:4;16:11;17:4 <b>describes (1)</b> 55:24 <b>deserve (1)</b> 61:6 <b>design (2)</b> 12:12;19:17 <b>Designation (2)</b> 13:2,6 <b>desk (3)</b> 15:14;20:5,10 <b>desperately (1)</b>	61:19 <b>determinations (1)</b> 6:9 <b>determine (1)</b> 16:16 <b>detriment (1)</b> 32:23 <b>develop (1)</b> 27:6 <b>developed (2)</b> 36:17;45:11 <b>developer (8)</b> 11:9;12:4,8;16:13; 19:15;25:6;38:15,15 <b>developers (3)</b> 38:3;57:18;60:21 <b>Development (36)</b> 5:7,8,10;6:21; 10:10;11:7,11,14; 12:14,16,18,20;13:5, 11,12,23,24;21:17,20, 21;23:23;25:7;26:8; 32:16;33:4;34:23; 35:23,25;36:7;37:2; 39:22;46:25;49:9,15; 57:2,20 <b>Developmental (4)</b> 10:14,24;11:2,4 <b>developments (1)</b> 45:10 <b>devices (1)</b> 19:5 <b>Diaz (3)</b> 63:2,3;64:25 <b>died (1)</b> 30:9 <b>difference (1)</b> 64:14 <b>different (5)</b> 46:21;59:5;60:7; 64:10,11 <b>Director (1)</b> 6:21 <b>directors (1)</b> 9:19 <b>dirty (1)</b> 40:25 <b>Disabilities (3)</b> 11:2,4;37:9 <b>Disability (1)</b> 13:8 <b>disagreements (1)</b> 32:14 <b>discussing (1)</b> 58:25 <b>discussion (1)</b> 61:3 <b>discussions (1)</b> 35:25 <b>disguise (1)</b> 56:17 <b>disrespected (1)</b> 59:8	<b>disrespectful (1)</b> 47:9 <b>distract (1)</b> 60:23 <b>distracted (1)</b> 60:21 <b>document (1)</b> 38:5 <b>documents (3)</b> 5:25;7:19;9:11 <b>doled (1)</b> 35:22 <b>dollars (2)</b> 56:13,14 <b>domain (2)</b> 47:10,13 <b>Domingo (3)</b> 42:9,10,13 <b>done (14)</b> 20:6,23;23:16;24:8; 31:23;34:17,18,22; 40:22;45:18;50:8; 52:20,23;54:2 <b>doors (2)</b> 39:13;40:25 <b>dot (1)</b> 8:9 <b>down (4)</b> 33:14,17;38:7; 42:21 <b>downstairs (1)</b> 39:14 <b>downtown (2)</b> 31:3,12 <b>Draft (13)</b> 5:23;7:9,11,13;8:3, 6:9;7:24;13:24;14:13, 18,21,22 <b>driving (2)</b> 18:10,19 <b>due (1)</b> 36:23 <b>duly (1)</b> 5:5 <b>Dumont (1)</b> 40:15 <b>dump (1)</b> 48:17 <b>durations (1)</b> 18:22 <b>during (7)</b> 14:20;17:11;18:8, 19,20;19:11;43:5
		<b>E</b>		
		<b>EAF (1)</b> 14:11 <b>Eagle (2)</b> 5:19;9:15 <b>earning (1)</b> 11:17 <b>East (6)</b>		

10:15;35:15;37:24, 25;55:16,19 <b>economic (3)</b> 57:16;58:24;60:12 <b>editions (1)</b> 5:18 <b>educational (1)</b> 60:17 <b>Edward (1)</b> 5:4 <b>effective (1)</b> 19:16 <b>effectively (1)</b> 12:2 <b>effects (1)</b> 18:5 <b>eight (7)</b> 54:24;62:15;63:11, 11;65:9,10,14 <b>EIS (7)</b> 7:9,11,14;8:3,6;9:7; 14:13 <b>either (2)</b> 20:13;59:6 <b>Elected (1)</b> 8:13 <b>eligible (4)</b> 16:7,17,22;17:2 <b>eliminate (1)</b> 15:21 <b>eliminated (1)</b> 18:16 <b>Elonka (4)</b> 21:8;22:4,5,11 <b>else (9)</b> 7:2;24:6;31:9; 43:23;44:8;54:18; 62:8;65:3,16 <b>email (1)</b> 20:8 <b>Emerald (2)</b> 32:10;47:16 <b>emissions (1)</b> 19:4 <b>emphasis (1)</b> 37:23 <b>Empire (8)</b> 5:8;10:9;12:13; 13:4,23;35:22,25; 45:6 <b>employed (1)</b> 59:7 <b>employment (1)</b> 37:15 <b>enable (1)</b> 8:19 <b>ENB (1)</b> 15:5 <b>enclosures (1)</b> 19:22 <b>end (2)</b> 31:21;37:7 <b>enforced (1)</b>	37:4 <b>engaged (1)</b> 38:10 <b>English (1)</b> 22:10 <b>enjoy (2)</b> 44:10,21 <b>enjoys (1)</b> 22:21 <b>ensure (1)</b> 8:18 <b>entered (2)</b> 12:24;13:5 <b>entire (1)</b> 55:17 <b>entirely (1)</b> 18:16 <b>entities (1)</b> 13:9 <b>entity (2)</b> 8:24,25 <b>Environmental (13)</b> 5:12,17,23;9:24; 13:25;14:5,7,9,10; 15:4,5;19:3;36:15 <b>equal (1)</b> 16:20 <b>equipment (2)</b> 19:5;33:16 <b>equitable (2)</b> 59:21;60:25 <b>equivalency (1)</b> 12:17 <b>Erskine (1)</b> 12:4 <b>ESD (11)</b> 5:8;6:8,13,23;7:20; 9:18;12:24;13:24; 14:12,16;15:8 <b>ESD's (2)</b> 5:22;7:15 <b>essential (2)</b> 5:24;9:5 <b>establishments (1)</b> 59:9 <b>Estate (1)</b> 6:21 <b>Estates (1)</b> 18:3 <b>et (1)</b> 19:23 <b>even (5)</b> 30:12;32:24;33:9; 34:5;49:17 <b>evening (20)</b> 5:4;10:8;13:21; 14:16;15:13,15;20:7; 21:15;28:11;29:13; 32:8;35:12;38:24; 40:14;44:5;45:5;53:9; 55:12;57:12;63:3 <b>everybody (7)</b> 42:13;43:23;48:14;	55:7;56:18;62:23; 63:8 <b>everyone (13)</b> 6:5;8:10;10:7; 29:14;32:9;35:13; 44:6;45:6;49:7;53:24; 55:13,24;57:13 <b>everyone's (2)</b> 45:18;62:24 <b>everywhere (1)</b> 44:8 <b>evicted (1)</b> 56:13 <b>exact (1)</b> 56:3 <b>Exactly (2)</b> 27:23;41:17 <b>example (1)</b> 30:8 <b>excellent (2)</b> 40:23,23 <b>excited (1)</b> 61:21 <b>excluded (1)</b> 7:18 <b>Excuse (1)</b> 36:9 <b>Executive (2)</b> 7:8,14 <b>Exhibit (3)</b> 9:13,18,23 <b>exhibits (2)</b> 9:12;10:3 <b>existing (1)</b> 36:25 <b>exists (1)</b> 26:10 <b>expected (1)</b> 17:25 <b>experience (7)</b> 28:18;55:25;56:4; 63:5,17;64:6,8 <b>explained (1)</b> 15:6 <b>express (1)</b> 38:13 <b>extend (1)</b> 12:3 <b>extent (1)</b> 18:15 <b>extra (1)</b> 31:8 <b>extremely (1)</b> 59:19	<b>facility (1)</b> 11:13 <b>fact (1)</b> 61:21 <b>fair (3)</b> 6:4;59:22;60:17 <b>fairness (2)</b> 60:13;61:2 <b>fake (1)</b> 34:8 <b>fall (1)</b> 14:10 <b>false (1)</b> 46:3 <b>families (2)</b> 59:11;64:18 <b>family (1)</b> 55:22 <b>fan (1)</b> 26:18 <b>fantastic (4)</b> 59:22,22;61:16,16 <b>far (14)</b> 28:24;32:20;33:9, 19,22;34:6,23;35:18; 37:10,21;39:20; 48:15;49:8,14 <b>fearful (1)</b> 63:15 <b>Fedorkina (8)</b> 49:6;53:7,8,9,14,18, 22,24 <b>feel (6)</b> 34:2;44:11;50:3; 56:3,16;58:8 <b>feet (1)</b> 11:10 <b>felt (1)</b> 50:5 <b>few (5)</b> 32:11;33:19;36:4,8; 55:8 <b>fifteen (2)</b> 24:22;25:2 <b>Fifth (1)</b> 28:13 <b>fight (3)</b> 30:17;59:19;60:9 <b>fighting (3)</b> 37:17;59:20,24 <b>figured (1)</b> 56:6 <b>file (1)</b> 8:3 <b>final (2)</b> 6:9,14 <b>Finally (4)</b> 9:2;17:24;19:25; 44:8 <b>Finance (1)</b> 13:14 <b>financial (1)</b> 56:4	<b>financially (1)</b> 57:21 <b>financing (2)</b> 11:20;12:8 <b>findings (2)</b> 15:2,17 <b>fingerprints (1)</b> 31:2 <b>finish (1)</b> 31:20 <b>First (15)</b> 6:20;21:6,14,18; 23:13;25:23;29:17; 35:10;39:3;40:5;45:7; 46:22;55:10;57:3,15 <b>five (12)</b> 8:13;12:10;18:12; 43:14,16;48:19; 56:13;58:16;62:14, 14;63:7;65:9 <b>fix (6)</b> 40:20;44:18;50:25; 52:11,14;54:2 <b>fixed (2)</b> 33:7;52:13 <b>Flatlands (1)</b> 8:5 <b>floor (3)</b> 11:12;26:24;57:3 <b>floors (1)</b> 49:22 <b>focus (1)</b> 61:2 <b>followed (3)</b> 6:23;14:22;20:22 <b>Following (3)</b> 6:25;9:11;18:10 <b>follows (1)</b> 20:22 <b>Forbell (5)</b> 23:15;26:6;38:25; 47:15;55:13 <b>foregoing (1)</b> 7:19 <b>forever (2)</b> 33:14;56:11 <b>forget (1)</b> 60:22 <b>Form (1)</b> 14:11 <b>forth (1)</b> 19:10 <b>forward (3)</b> 26:11;27:6;56:25 <b>found (1)</b> 6:18 <b>Fountain (8)</b> 6:2;10:23;12:4; 13:2,7,11;14:2;47:15 <b>Fountains (6)</b> 26:6,12,15;27:22; 39:2;47:6 <b>four (10)</b>
		<b>F</b>		
		<b>fabric (1)</b> 19:23 <b>face (1)</b> 50:21 <b>facilities (2)</b> 15:24;16:5		

<p>17:10;21:7;23:15; 25:12;32:24;35:7,10; 42:8;48:19;49:4 <b>fourteen (3)</b> 23:12;25:2;50:16 <b>freezing (1)</b> 33:11 <b>fresh (1)</b> 30:24 <b>Friday (1)</b> 7:17 <b>friend (1)</b> 53:18 <b>front (6)</b> 8:21;20:5;21:7; 25:13;35:8;55:9 <b>full (1)</b> 7:11 <b>fully (2)</b> 17:13,21 <b>Fund (3)</b> 13:9,11,12 <b>fundamental (1)</b> 31:13 <b>funded (3)</b> 15:24;16:5,8 <b>funding (3)</b> 16:19;38:5,8 <b>further (1)</b> 19:16</p>	<p><b>glad (1)</b> 26:9 <b>glass (2)</b> 30:25;49:21 <b>gloves (1)</b> 42:20 <b>God (2)</b> 44:13;64:3 <b>Good (30)</b> 5:3;10:7,8;13:21; 21:15,19;24:6,6; 28:11;29:13;31:23; 32:8,20;34:7,24; 35:12,17;38:24;39:7; 40:14;42:12,23;44:5; 45:5;48:12;53:8; 55:12;57:12;63:3; 64:18 <b>Gordon (4)</b> 35:10;41:7,10,14 <b>governing (1)</b> 16:12 <b>governmental (1)</b> 8:24 <b>GPP (5)</b> 7:8,13;15:6;20:3,14 <b>Gracias (1)</b> 22:15 <b>graffiti (1)</b> 41:23 <b>grandkids (1)</b> 39:21 <b>grass (1)</b> 49:21 <b>Great (7)</b> 10:7;25:6;42:2; 43:3,12;57:14;64:16 <b>greater (3)</b> 11:17;35:15;37:25 <b>greatly (1)</b> 57:7 <b>Green (2)</b> 32:10;47:16 <b>Grisel (3)</b> 42:9;44:4,6 <b>ground (1)</b> 11:12 <b>grounds (3)</b> 41:22;49:24;52:8 <b>growing (3)</b> 59:23;60:6;64:9 <b>grows (2)</b> 60:16,17 <b>growth (4)</b> 57:16,20;58:24; 60:13 <b>guidelines (1)</b> 12:12 <b>guy (2)</b> 34:20;43:13 <b>guys (2)</b> 31:25;56:20</p>	<p style="text-align: center;"><b>H</b></p> <p><b>half (1)</b> 57:15 <b>hand (2)</b> 21:13;31:25 <b>handout (2)</b> 20:9,12 <b>hands (1)</b> 29:2 <b>happen (2)</b> 57:25;61:4 <b>happened (1)</b> 60:5 <b>happening (1)</b> 60:19 <b>happy (10)</b> 22:24;23:9;28:3,4; 40:5;43:10,24;44:10, 15,20 <b>hard (1)</b> 61:12 <b>HDC (1)</b> 38:9 <b>health (2)</b> 42:24;56:19 <b>hear (11)</b> 8:19;10:7;24:13,23; 30:15;37:8;41:12; 51:24;52:16;57:14; 60:19 <b>heard (4)</b> 6:6;34:21;35:18; 47:5 <b>HEARING (69)</b> 5:3,9,14,20;6:3,11, 13;7:5;9:3,12,14,21, 22,24;13:16;20:4,18, 21,23;21:3;22:2,7,18; 23:4,8;24:17;25:10, 17,20;28:7;29:9; 31:19;32:4;35:4;36:9; 38:22;40:10;41:5; 42:6;44:3,25;47:25; 48:6,10;49:2;50:10; 51:13;53:4,12,20,23; 54:11,13,17,21,24; 55:6;57:9;61:8;62:4, 7,11,14,22;64:24; 65:6,9,13,19 <b>heart (1)</b> 31:13 <b>heat (3)</b> 26:18;33:3,5 <b>heating (1)</b> 32:21 <b>held (2)</b> 5:14;14:16 <b>Hello (7)</b> 21:15;24:21;41:9; 48:14;49:7;50:13; 57:12</p>	<p><b>help (8)</b> 22:12;30:19;44:16, 17,21;53:25;63:23,25 <b>helping (1)</b> 43:22 <b>hey (1)</b> 31:18 <b>Heyson (1)</b> 49:9 <b>Hi (8)</b> 22:10;23:11;25:16, 25;38:24;40:14; 51:18;53:8 <b>hires (2)</b> 36:20;37:16 <b>hit (1)</b> 50:5 <b>hitting (1)</b> 42:19 <b>Hobbick (4)</b> 6:24;13:19,20; 20:19 <b>Hold (4)</b> 25:20;54:24;62:13; 65:9 <b>holding (1)</b> 9:21 <b>holidays (1)</b> 7:17 <b>home (1)</b> 46:25 <b>Homeowners (1)</b> 35:15 <b>homes (1)</b> 32:17 <b>honestly (2)</b> 40:19;56:2 <b>hope (2)</b> 45:12;64:20 <b>horrible (4)</b> 30:19;47:9;49:16; 55:20 <b>hour (4)</b> 17:18,19,22,23 <b>hours (3)</b> 7:16;17:12;40:22 <b>house (7)</b> 39:9,10;49:18;50:2; 52:25;63:20,25 <b>household (2)</b> 33:8;39:12 <b>households (1)</b> 11:17 <b>Houses (3)</b> 55:14,23;59:16 <b>housing (18)</b> 11:9,16,22;13:11, 12,14;21:23;23:25; 27:19,20,21;33:6; 37:9,13;58:9,9,22; 61:18 <b>HPD (2)</b> 38:8;55:14</p>	<p><b>html (1)</b> 8:9 <b>hubs (1)</b> 60:7 <b>huge (1)</b> 32:15 <b>hundred (1)</b> 11:16 <b>Hyles (6)</b> 25:22;29:12,13; 31:19,21;32:5</p> <p style="text-align: center;"><b>I</b></p> <p><b>identify (2)</b> 8:24;38:17 <b>II (1)</b> 48:15 <b>ill (1)</b> 56:7 <b>immaculate (1)</b> 30:21 <b>immediately (1)</b> 54:3 <b>Impact (7)</b> 5:23;9:25;13:25; 16:17;17:7,8;36:16 <b>impacts (12)</b> 15:19,21,23;16:2,4; 17:10,12,21;18:2,4, 14,19 <b>impartial (1)</b> 6:4 <b>implement (1)</b> 19:15 <b>implementing (2)</b> 5:13;14:8 <b>important (2)</b> 58:20;59:19 <b>Improvement (2)</b> 6:2;14:2 <b>Inaudible (2)</b> 41:11;53:11 <b>Inc (1)</b> 6:24 <b>incinerator (1)</b> 42:20 <b>include (5)</b> 11:21,24;16:19; 17:19;19:16 <b>included (6)</b> 12:13;20:9;57:20; 58:12;59:21;60:10 <b>including (1)</b> 9:5 <b>inclusion (1)</b> 60:13 <b>income (9)</b> 11:18;27:8;33:6,7, 7;37:3;49:13,14; 63:20 <b>increase (3)</b> 16:10;45:22;47:22</p>
<b>G</b>				
<p><b>garbage (1)</b> 26:25 <b>Garden (1)</b> 49:9 <b>Gardens (3)</b> 42:17;45:9;46:8 <b>Gateway (1)</b> 18:3 <b>gave (1)</b> 34:16 <b>General (6)</b> 5:22;7:8;9:4,20; 12:13;20:14 <b>generally (1)</b> 12:16 <b>generate (1)</b> 16:6 <b>generated (1)</b> 16:18 <b>generators (1)</b> 19:23 <b>gentlemen (1)</b> 5:4 <b>gets (1)</b> 51:3 <b>given (5)</b> 8:15,17;36:23; 57:24;58:18 <b>giving (1)</b> 63:8</p>				

<p><b>incurred (1)</b> 45:23</p> <p><b>indirect (2)</b> 16:4;17:6</p> <p><b>inferior (2)</b> 45:21,21</p> <p><b>information (3)</b> 6:22;7:7;10:5</p> <p><b>input (1)</b> 12:22</p> <p><b>inside (2)</b> 41:23;50:22</p> <p><b>inspect (1)</b> 7:18</p> <p><b>inspected (1)</b> 7:14</p> <p><b>inspection (1)</b> 7:12</p> <p><b>instances (1)</b> 21:3</p> <p><b>instead (1)</b> 6:7</p> <p><b>Instructions (1)</b> 6:17</p> <p><b>insulation (2)</b> 19:23;33:10</p> <p><b>intent (1)</b> 14:13</p> <p><b>interest (2)</b> 13:10;47:2</p> <p><b>interested (2)</b> 26:5;61:21</p> <p><b>interpretation (1)</b> 36:17</p> <p><b>intersections (1)</b> 17:11</p> <p><b>into (12)</b> 6:13;12:24;13:5; 26:11,11;28:21; 31:12;42:16,25; 53:13;61:17,25</p> <p><b>iron (1)</b> 26:17</p> <p><b>Island (2)</b> 41:15;50:15</p> <p><b>issue (3)</b> 35:19;46:6;51:8</p> <p><b>issued (1)</b> 14:12</p> <p><b>issues (8)</b> 23:18;35:20;36:13; 38:14;39:17;51:10; 60:18,24</p>	<p><b>Jersey (1)</b> 8:5</p> <p><b>job (6)</b> 32:2;40:22;43:3,5; 48:13;56:7</p> <p><b>jobs (1)</b> 57:23</p> <p><b>John (1)</b> 39:6</p> <p><b>Jolley (9)</b> 21:9;23:6,7,10,11, 24:24;13,16,18</p> <p><b>Joyce (3)</b> 25:22;32:6,9</p> <p><b>July (1)</b> 29:19</p> <p><b>June (2)</b> 6:17;20:15</p> <p><b>Junior (2)</b> 35:9,11</p> <p><b>justice (1)</b> 61:2</p>	<p><b>lady (2)</b> 34:13;36:24</p> <p><b>Land (3)</b> 6:2;12:8;14:2</p> <p><b>landlord (3)</b> 33:3;47:7;56:12</p> <p><b>landscape (2)</b> 31:10;49:17</p> <p><b>last (2)</b> 14:10;48:9</p> <p><b>latecomers (2)</b> 54:25;62:15</p> <p><b>later (1)</b> 40:22</p> <p><b>Laticha (3)</b> 49:5;50:12,14</p> <p><b>Latin (2)</b> 63:7;64:12</p> <p><b>Laughter (5)</b> 24:12;27:24;51:17; 57:4;65:11</p> <p><b>laundry (2)</b> 31:5;39:14</p> <p><b>law (4)</b> 5:6,12;13:14;14:7</p> <p><b>layout (1)</b> 19:18</p> <p><b>leaking (1)</b> 48:19</p> <p><b>least (1)</b> 37:11</p> <p><b>leave (2)</b> 30:23;49:12</p> <p><b>left (2)</b> 21:8;28:19</p> <p><b>legal (2)</b> 5:15;56:7</p> <p><b>Lesane (9)</b> 49:5,5;50:12,13,14; 51:14,16,18;53:5</p> <p><b>less (2)</b> 37:22,22</p> <p><b>level (1)</b> 38:7</p> <p><b>levels (3)</b> 18:9;19:11,13</p> <p><b>Lewis (1)</b> 55:14</p> <p><b>Library (2)</b> 8:4;15:11</p> <p><b>life (4)</b> 30:20;55:17;56:20; 64:5</p> <p><b>likely (1)</b> 18:17</p> <p><b>Limited (4)</b> 13:2,7;18:4,21</p> <p><b>Linden (1)</b> 45:16</p> <p><b>line (1)</b> 17:18</p> <p><b>lines (2)</b> 17:17,19</p>	<p><b>list (1)</b> 34:16</p> <p><b>listen (1)</b> 61:23</p> <p><b>listening (2)</b> 35:16;52:4</p> <p><b>little (5)</b> 10:19;27:2;53:20; 54:7;63:4</p> <p><b>live (29)</b> 21:16;27:22;28:12; 29:5,6,14,22;30:2; 31:4;32:13,16;38:25; 39:5,21;40:15;41:15; 42:2,13,16;44:14; 46:7,24;50:3;53:9,14; 55:13,21,23;63:22</p> <p><b>lived (4)</b> 23:12;48:17;49:15; 50:15</p> <p><b>lives (2)</b> 22:20,21</p> <p><b>living (12)</b> 29:4;41:16,25;44:7, 8;49:11;50:16;51:20; 58:15;59:11,13;63:15</p> <p><b>local (7)</b> 12:14;21:22;36:19; 37:15,16;38:7;57:22</p> <p><b>located (6)</b> 6:19;7:6,11;8:4; 9:23;30:3</p> <p><b>location (2)</b> 18:7;31:12</p> <p><b>locked (1)</b> 39:13</p> <p><b>long (1)</b> 52:2</p> <p><b>look (3)</b> 26:10;52:8;56:25</p> <p><b>looking (3)</b> 27:5;38:10;48:23</p> <p><b>looks (2)</b> 64:17,18</p> <p><b>Loring (3)</b> 23:13;24:22;25:2</p> <p><b>lose (1)</b> 60:24</p> <p><b>lot (14)</b> 29:25;31:6;33:24; 34:18,22;36:18; 39:24,24,25;50:20; 57:14;60:19;61:19; 63:19</p> <p><b>lots (1)</b> 50:17</p> <p><b>lottery (1)</b> 42:19</p> <p><b>love (9)</b> 39:5,18;40:17,17; 41:2,25;44:9;47:7; 64:7</p> <p><b>Lovely (2)</b> 32:15,22</p>	<p><b>low (1)</b> 33:6</p> <p><b>lower (1)</b> 27:8</p> <p><b>Lowman (4)</b> 42:9;45:4,5;48:2</p> <p><b>Lucas (4)</b> 55:10;57:11,12; 61:9</p> <p><b>luxury (1)</b> 31:4</p>
<b>K</b>				<b>M</b>
	<p><b>keep (6)</b> 8:12;26:23;40:23; 44:24;52:8;53:2</p> <p><b>keeping (1)</b> 43:21</p> <p><b>kept (2)</b> 32:20;33:9</p> <p><b>key (1)</b> 15:16</p> <p><b>kids (6)</b> 44:10;54:7;63:10, 13,25;64:6</p> <p><b>Kimberly (1)</b> 61:11</p> <p><b>kind (2)</b> 61:12;63:15</p> <p><b>kindly (1)</b> 21:13</p> <p><b>kindness (2)</b> 60:21,22</p> <p><b>King (4)</b> 29:14,18;30:2; 31:22</p> <p><b>Kings (1)</b> 7:22</p> <p><b>kitchen (1)</b> 49:25</p> <p><b>knowing (1)</b> 56:21</p> <p><b>known (1)</b> 14:3</p> <p><b>Kramer (1)</b> 5:5</p>			
<b>J</b>		<b>L</b>		
<p><b>jackpot (1)</b> 50:5</p> <p><b>Jamaica (5)</b> 26:2;29:15;30:4; 31:11,13</p> <p><b>Janet (3)</b> 21:9;23:5,11</p>	<p><b>ladies (1)</b> 5:4</p>			

<b>market (1)</b> 10:11	8:21	<b>much (5)</b> 13:15;38:6;40:7; 43:25;64:22	35:7;38:23;40:12; 41:7;42:8,10;44:4; 45:3;48:3;49:4;50:12; 51:15;53:6;57:11; 61:10;62:25	30:4;33:10;51:3; 57:2
<b>masks (1)</b> 42:21	22:8;32:22;33:7,8	<b>must (1)</b> 6:16	26:12;27:10;34:20; 39:6,10,25;40:3,4; 53:25;54:7;64:6	<b>offer (2)</b> 31:7;57:23
<b>master (1)</b> 29:23	11:10;12:5	<b>myself (1)</b> 49:21	<b>nice (11)</b>	<b>offered (1)</b> 30:19
<b>materials (5)</b> 9:19;20:9,13;45:21, 22	30:15;53:19		<b>Nikki (3)</b> 55:10;57:11;61:13	<b>Office (2)</b> 10:25;34:15
<b>matters (1)</b> 9:10	18:15	<b>N</b>	<b>nobody (1)</b> 39:11	<b>OFFICER (49)</b> 5:3;13:16;20:18; 22:2,7,18;23:4,8; 24:17;25:10,17,20; 28:7;29:9;31:19;32:4; 35:4;36:9;38:22; 40:10;41:5;42:6;44:3, 25;47:25;48:6,10; 49:2;50:10;51:13; 53:4,12,20,23;54:11, 13,17,21;55:6;57:9; 61:8;62:4,7,11,22; 64:24;65:6,13,19
<b>Matthews (6)</b> 55:10,11,12;56:24; 57:5,10	<b>minorities (1)</b> 58:5	<b>name (22)</b> 5:4,8;22:21;10,16; 22:8,11;23:2;25:19; 28:12;32:9;35:13; 40:15;41:9,14;42:13; 44:6;48:5,7,9,14; 50:13;53:9	<b>noise (15)</b> 16:2;18:2,6,7,9,14, 18;19:2,4,6,11,13,19, 22,22	<b>offices (2)</b> 7:15;11:3
<b>may (9)</b> 6:15;7:14;8:15; 15:13,19;17:7;20:3,7, 10	<b>minority (1)</b> 36:20	<b>named (1)</b> 22:8	<b>nonprofit (1)</b> 37:11	<b>officials (2)</b> 8:13;20:25
<b>maybe (4)</b> 32:24,25;56:17; 57:2	<b>minutes (5)</b> 8:13,14;28:22; 43:14,16	<b>names (1)</b> 49:8	<b>non-senior (1)</b> 11:24	<b>oftentimes (4)</b> 57:19;58:2,7;59:3
<b>Mayor (1)</b> 7:23	<b>miss (1)</b> 58:7	<b>nature (1)</b> 47:8	<b>normal (1)</b> 38:4	<b>old (4)</b> 26:17;33:19;50:19; 63:12
<b>McCord (5)</b> 35:9;40:13,14,15; 41:6	<b>missed (1)</b> 57:15	<b>necessarily (1)</b> 58:19	<b>North (8)</b> 41:15;42:14,25; 43:9,21;44:7;50:14; 51:21	<b>once (2)</b> 8:16;58:5
<b>MCI (2)</b> 45:22;47:22	<b>mitigated (2)</b> 17:13,21	<b>necessary (2)</b> 37:13;58:8	<b>note (2)</b> 6:10;20:13	<b>One (27)</b> 11:16;13:11;16:14, 19;17:11,18;21:13, 18;25:21;29:23;33:7; 35:21;36:4,10;37:3,9, 14;45:10;46:20; 48:23;50:20;54:4,22; 58:16;62:12;65:7,20
<b>mean (10)</b> 23:24;34:5;47:19, 19;51:24;52:2,3,11, 16,20	<b>modification (1)</b> 17:14	<b>need (20)</b> 23:16;24:4,8;25:3; 31:7,15;33:24;34:7,9, 22;43:13;44:16,16, 18;48:24;57:21; 58:11,14;59:24;60:18	<b>noted (1)</b> 65:23	<b>online (1)</b> 15:8
<b>measures (3)</b> 16:17;17:5;19:12	<b>mom (1)</b> 30:9	<b>needed (3)</b> 23:14;34:17;61:19	<b>Notice (3)</b> 9:14;14:12;15:2	<b>only (5)</b> 31:14;32:17;43:22; 46:7;47:12
<b>median (1)</b> 11:18	<b>moment (1)</b> 25:21	<b>needs (3)</b> 22:23;39:20;60:15	<b>noticed (1)</b> 50:17	<b>open (4)</b> 11:25;54:24;62:14; 65:9
<b>medium (1)</b> 12:19	<b>Monday (1)</b> 7:17	<b>neighborhood (3)</b> 10:15;55:18;64:7	<b>notices (2)</b> 5:15;9:17	<b>opened (1)</b> 42:3
<b>meeting (5)</b> 14:17;15:15;26:10; 65:16,21	<b>money (2)</b> 34:4;59:8	<b>neighboring (1)</b> 18:3	<b>November (1)</b> 14:17	<b>open-hearted (1)</b> 30:8
<b>meetings (1)</b> 28:3	<b>month (2)</b> 52:22,23	<b>neighbors (1)</b> 44:22	<b>number (9)</b> 8:2;16:20,20;36:5; 37:9,14;38:14;59:4; 60:7	<b>operated (1)</b> 19:7
<b>MEMBER (7)</b> 10:18;23:22;24:23; 27:19,23;28:14;53:17	<b>months (3)</b> 32:24,25;52:12	<b>neither (1)</b> 34:25	<b>O</b>	<b>operation (1)</b> 28:22
<b>members (2)</b> 55:23;58:12	<b>mop (1)</b> 49:21	<b>New (43)</b> 5:6,7,10,12,18;7:15, 15,22,23;8:5,6,9;14; 10:15;11:6;13:22; 14:5;15:3;16:15,23; 19:2,6;26:16,19,19; 27:7;29:15,24;31:12; 33:2,15,18;35:15; 37:24,25;38:8;48:23; 50:20;51:23;54:6; 55:16,19;56:25;64:10	<b>objects (1)</b> 33:16	<b>opportunities (6)</b> 37:16;57:24;58:5,6, 25;64:10
<b>Memorandum (2)</b> 12:25;13:5	<b>more (13)</b> 8:12;17:11;21:22; 26:8;27:17;31:15,17; 37:21,22;38:10;55:8; 57:16;61:6	<b>News (4)</b> 5:18;9:15;15:5; 26:4	<b>obtain (1)</b> 7:18	<b>opportunity (18)</b> 5:21;6:6,7,8;11,15, 17;9:4;13:9;14:18,25; 38:13;55:4;58:3,18;
<b>mentioned (1)</b> 36:24	<b>morning (2)</b> 41:21,22	<b>next (25)</b> 13:18;22:4;23:5; 24:19;25:12;28:9; 29:11;32:6;33:17;	<b>occupancy (1)</b> 16:14	
<b>mess (2)</b> 39:11;51:2	<b>most (3)</b> 18:8;28:24;58:20		<b>occupy (2)</b> 16:21;17:3	
<b>metal (1)</b> 26:17	<b>mother (1)</b> 63:12		<b>occur (2)</b> 18:11,21	
<b>methods (1)</b> 19:21	<b>move (4)</b> 26:8;27:9,11;42:25		<b>Ocean (1)</b> 48:15	
<b>mic (4)</b> 28:14,15;53:13,21	<b>moved (4)</b> 42:16;49:14;54:4; 55:14		<b>o'clock (3)</b> 41:21;54:23,24	
<b>Michelle (2)</b> 21:9;24:19	<b>movie (1)</b> 45:15		<b>October (2)</b> 14:11,13	
<b>microphone (1)</b>	<b>moving (2)</b> 26:11;33:24		<b>off (4)</b>	

<p>62:16,19;64:17,19  <b>OPWDD (2)</b>                  11:2,22  <b>oral (1)</b>                  8:12  <b>order (6)</b>                  8:10,18;12:11;21:4;                  54:25;62:15  <b>organization (3)</b>                  8:23,25;21:11  <b>out (19)</b>                  24:3;30:13,13,18;                  33:3;34:3;35:16,22;                  36:23;41:21;43:22;                  44:16,22;45:7;52:11,                  14:56;6:6;61:23  <b>outdated (1)</b>                  32:23  <b>outlets (1)</b>                  59:16  <b>outside (6)</b>                  6:19;7:6,10;9:24;                  48:21;58:14  <b>outstanding (1)</b>                  32:2  <b>over (16)</b>                  33:2;34:14;44:12;                  45:11,13,18;47:2,16;                  48:19;49:24;50:15,                  16;51:21;58:2,7;                  64:11  <b>overlay (1)</b>                  12:18  <b>overnight (1)</b>                  61:4  <b>override (1)</b>                  12:14  <b>overrides (1)</b>                  12:16  <b>own (5)</b>                  33:3,5;44:9;58:15;                  59:2  <b>owned (2)</b>                  11:25;36:21  <b>owners (2)</b>                  33:4;36:25  <b>ownership (1)</b>                  46:10  <b>owning (1)</b>                  59:6</p>	<p><b>park (10)</b>                  30:5;41:15;42:14,                  25;43:9,21;44:7;                  50:14,15;51:20  <b>parking (1)</b>                  11:13  <b>part (3)</b>                  6:14;28:25;47:12  <b>participants (1)</b>                  20:25  <b>partnering (1)</b>                  61:22  <b>partners (2)</b>                  37:8;47:11  <b>Partnership (2)</b>                  13:3,7  <b>partnerships (1)</b>                  38:18  <b>pass (1)</b>                  49:19  <b>past (1)</b>                  51:22  <b>Patricia (3)</b>                  21:8,14,16  <b>pay (5)</b>                  12:5;33:3,4,5;56:5  <b>paying (2)</b>                  45:24;52:25  <b>peak (5)</b>                  17:11,18,18,22,23  <b>pedestrians (1)</b>                  12:3  <b>People (35)</b>                  10:25;11:3;25:12;                  26:13,24;27:8,11,18;                  29:25;32:11,18,22,25;                  33:6,7,18,20;36:2;                  39:9;42:22;47:6;48:8;                  49:18;50:2;51:24;                  52:16;55:19;56:12;                  57:22;58:3,13,15,16;                  59:6,6  <b>per (1)</b>                  33:8  <b>percent (7)</b>                  11:16,18,23;36:19;                  37:14,15,17  <b>percentage (2)</b>                  36:20;37:13  <b>Perimeter (1)</b>                  19:19  <b>period (3)</b>                  14:20;18:8,18  <b>permit (1)</b>                  12:16  <b>person (2)</b>                  56:19;63:7  <b>persons (3)</b>                  63:19;64:11,21  <b>phase (2)</b>                  16:14;18:9  <b>phases (2)</b>                  12:10;18:13</p>	<p><b>phasing (1)</b>                  17:14  <b>pick (1)</b>                  26:25  <b>pile (2)</b>                  18:10,19  <b>Pink (1)</b>                  55:23  <b>piss (1)</b>                  42:22  <b>place (12)</b>                  26:5,22;27:10;                  28:19;44:9;55:20;                  60:6,8;63:22;64:8,9,                  18  <b>places (3)</b>                  33:9;64:4,12  <b>Plan (6)</b>                  5:22;7:8;9:5,20;                  12:13;20:14  <b>Planning (2)</b>                  6:21;7:25  <b>playground (1)</b>                  54:8  <b>Please (14)</b>                  6:10;7:5,19;8:21,                  24;10:19;20:4,13,24;                  21:10;25:12;36:11;                  55:7;62:23  <b>pm (13)</b>                  7:17;17:18,23;                  20:15;54:24;62:14,                  14,15;65:9,9,10,14,23  <b>point (7)</b>                  14:24;30:22;31:15;                  43:6,14;50:24;56:20  <b>poop (1)</b>                  42:22  <b>porter (1)</b>                  30:22  <b>portion (4)</b>                  10:14;16:21;17:3;                  20:21  <b>positive (1)</b>                  50:20  <b>possible (1)</b>                  21:2  <b>potential (4)</b>                  15:18;18:13,17;                  38:2  <b>potentially (1)</b>                  18:20  <b>practicable (3)</b>                  17:6;18:15;19:15  <b>practice (1)</b>                  5:5  <b>practices (1)</b>                  18:5  <b>prayer (1)</b>                  61:24  <b>preference (1)</b>                  11:22  <b>prepare (2)</b></p>	<p>14:13,19  <b>prepared (4)</b>                  13:24;14:4;21:12;                  41:22  <b>present (7)</b>                  6:8,22,24;10:4;                  54:18;62:8;65:3  <b>presentations (2)</b>                  6:25;8:12  <b>presented (3)</b>                  6:12;15:2,17  <b>president (4)</b>                  7:24;32:10;45:9;                  46:9  <b>press (1)</b>                  26:18  <b>pretense (1)</b>                  46:3  <b>prices (1)</b>                  64:3  <b>primarily (1)</b>                  10:12  <b>prime (1)</b>                  30:8  <b>printed (2)</b>                  15:9,12  <b>prior (2)</b>                  16:14;33:20  <b>Private (1)</b>                  13:14  <b>privately (1)</b>                  11:25  <b>probably (2)</b>                  55:20;61:13  <b>problem (8)</b>                  32:19;33:8;39:7,15,                  22;40:20;50:25;51:3  <b>problems (11)</b>                  23:13,16;40:17;                  41:18,20,25;43:18;                  47:7;52:6,10,15  <b>procedures (1)</b>                  20:21  <b>proceedings (2)</b>                  55:3;62:18  <b>process (10)</b>                  14:9,24;35:21,22;                  36:3,7,15;38:4;58:12;                  63:25  <b>program (1)</b>                  61:16  <b>Progressive (26)</b>                  21:19;23:12;24:2;                  25:3,5,8;27:13;28:13,                  17;31:22;32:13;34:2,                  24;38:25;39:16;40:2;                  41:15;49:23;50:7;                  52:5,5,6;53:15;56:8,                  16;63:18  <b>Project (37)</b>                  5:22;6:3,14,22;7:3,                  8,9;9:5,7,20,25;10:5;                  11:20,24;12:7,9,12,</p>	<p>13,21;14:3,3;16:13,                  21;17:3;18:9,12;                  19:18;20:14,25;                  26:14,16;45:13;                  54:19;62:9;64:17;                  65:4,17  <b>projected (3)</b>                  16:21;17:3;37:5  <b>projects (1)</b>                  8:9  <b>promised (1)</b>                  34:20  <b>promises (6)</b>                  36:18,22;37:21,25;                  38:18,19  <b>pronounce (3)</b>                  48:9,11,13  <b>pronounced (1)</b>                  48:4  <b>properly (1)</b>                  32:20  <b>property (6)</b>                  10:13,16,22;34:19;                  40:23;52:18  <b>proposal (1)</b>                  12:23  <b>proposals (1)</b>                  10:10  <b>proposed (23)</b>                  5:24,25;6:14;7:9;                  9:6,7,19;11:9;14:2;                  15:6,19,20,22;16:3,5,                  18;17:9,16,24;18:16;                  20:3,14;65:17  <b>pros (1)</b>                  61:25  <b>Protection (1)</b>                  19:3  <b>protections (1)</b>                  63:16  <b>proud (2)</b>                  31:16;50:4  <b>prove (1)</b>                  17:7  <b>provide (6)</b>                  14:18;20:2,3,6,7,10  <b>provided (4)</b>                  7:21;12:22;15:12;                  20:12  <b>provider (1)</b>                  16:25  <b>providing (1)</b>                  16:23  <b>provisions (2)</b>                  13:13;19:6  <b>public (20)</b>                  5:9;7:17;8:4;9:13,                  21,21;14:12,16,17,20,                  25;15:7,10,11,13;                  20:2,4,20,24;60:18  <b>publication (2)</b>                  9:16,17  <b>publicly (4)</b></p>
<b>P</b>				
<p><b>painted (2)</b>                  46:15,16  <b>parcel (3)</b>                  10:11,12;16:23  <b>parcels (1)</b>                  11:15  <b>parent (1)</b>                  56:19  <b>parents (1)</b>                  58:19</p>				

<p>11:25;15:23;16:4,7  <b>published (3)</b>                      5:15;14:23;15:3  <b>purchase (2)</b>                      5:24;9:6  <b>purpose (3)</b>                      5:20;6:3;9:3  <b>purposes (1)</b>                      9:20  <b>pursuant (6)</b>                      5:9,15;9:19;12:15;                      13:13;14:5  <b>push (1)</b>                      46:12  <b>put (5)</b>                      24:3;26:25;45:24;                      47:19,21</p>	<p><b>ready (1)</b>                      55:7  <b>Real (2)</b>                      6:21;27:3  <b>reality (1)</b>                      64:21  <b>realized (1)</b>                      36:16  <b>really (14)</b>                      22:21;24:2,3;27:18;                      28:4;34:24;39:18;                      43:8;56:24;58:21;                      60:8,11,23,24  <b>reasonable (1)</b>                      26:7  <b>recall (1)</b>                      14:16  <b>received (2)</b>                      6:16;14:19  <b>Recently (1)</b>                      54:4  <b>receptors (1)</b>                      18:6  <b>recess (5)</b>                      55:2,5;62:18,21;                      65:12  <b>recognize (1)</b>                      7:2  <b>recommendation (1)</b>                      63:8  <b>record (6)</b>                      37:20;54:22;55:8;                      62:12;65:7,20  <b>recusals (1)</b>                      63:22  <b>reduce (2)</b>                      15:21;19:13  <b>reflect (4)</b>                      54:22;62:12;65:7,                      20  <b>refrigerator (1)</b>                      26:19  <b>regarding (4)</b>                      54:19;62:9;65:4,17  <b>regards (6)</b>                      36:6,14,14,24;                      37:12;38:14  <b>Regina (1)</b>                      7:19  <b>register (1)</b>                      20:24  <b>registered (2)</b>                      20:5;21:5  <b>registration (3)</b>                      7:6;15:14;20:10  <b>regulations (5)</b>                      5:13;12:15;14:8;                      19:2,10  <b>reiterate (1)</b>                      19:25  <b>related (3)</b>                      15:23;18:2,14  <b>relation (1)</b></p>	<p>51:16  <b>relationship (1)</b>                      36:24  <b>released (1)</b>                      57:7  <b>reliable (1)</b>                      43:19  <b>remain (1)</b>                      18:17  <b>remarks (4)</b>                      8:14,16,20;21:12  <b>remind (1)</b>                      9:2  <b>removal (2)</b>                      43:6;46:13  <b>rent (8)</b>                      26:6;29:24;30:11;                      34:6,8;39:15;56:5;                      63:19  <b>rental (1)</b>                      37:3  <b>rented (1)</b>                      64:3  <b>renters (1)</b>                      59:3  <b>repaired (2)</b>                      33:23,25  <b>repairs (6)</b>                      34:17;46:13;52:3,                      13,20,22  <b>replace (1)</b>                      33:14  <b>replaced (1)</b>                      33:15  <b>replacement (1)</b>                      33:16  <b>representative (2)</b>                      8:23;21:11  <b>request (5)</b>                      7:13;8:11;10:2,10;                      31:14  <b>requests (2)</b>                      55:4;62:19  <b>require (3)</b>                      16:13;18:24;19:14  <b>requirements (1)</b>                      18:25  <b>requiring (1)</b>                      18:24  <b>residences (1)</b>                      11:3  <b>resident (1)</b>                      40:6  <b>Residential (5)</b>                      6:2;11:7,11;12:20;                      14:3  <b>residents (1)</b>                      46:3  <b>respond (1)</b>                      34:15  <b>responding (1)</b>                      43:15  <b>responds (1)</b></p>	<p>22:22  <b>response (8)</b>                      11:5;22:6;28:23;                      54:16,20;62:10;65:5,                      18  <b>responsible (1)</b>                      46:11  <b>responsive (1)</b>                      22:22  <b>rest (1)</b>                      45:25  <b>restrictive (3)</b>                      16:12;18:23;19:14  <b>result (6)</b>                      15:19,22;16:3;17:9,                      16,25  <b>resulting (1)</b>                      12:18  <b>retail (2)</b>                      11:12;58:24  <b>retired (1)</b>                      49:12  <b>Review (4)</b>                      5:17;14:6,9;15:7  <b>reviewed (1)</b>                      15:13  <b>RFP (5)</b>                      11:5;35:22,23;36:2,                      3  <b>Rhonda (2)</b>                      35:9;38:23  <b>right (17)</b>                      6:19;7:6;23:14,17;                      24:8;25:4,13;30:3,4;                      34:17;39:13;40:20;                      48:9;51:5,8;55:9;                      60:20  <b>ripped (1)</b>                      45:20  <b>Rivera (5)</b>                      42:9,10,12,13;44:4  <b>Robbie (1)</b>                      43:11  <b>Rockaway (4)</b>                      48:16;49:8,10,14  <b>Roger (1)</b>                      61:14  <b>room (13)</b>                      6:19;7:6,10;8:21;                      9:24;21:3;26:24;                      30:10;31:5,6;35:8;                      55:9;59:15  <b>Ruby (1)</b>                      22:20  <b>Rufus (5)</b>                      29:14,18;30:2,17;                      31:22  <b>run (2)</b>                      6:3;32:13  <b>running (1)</b>                      27:3</p>	<p style="text-align: center;"><b>S</b></p> <p><b>safe (2)</b>                      44:11;61:20  <b>safety (1)</b>                      60:18  <b>sailing (1)</b>                      55:25  <b>sale (2)</b>                      5:24;9:6  <b>same (6)</b>                      41:17;43:17;51:6;                      56:3;57:24;64:19  <b>sanitized (2)</b>                      43:2,7  <b>Sarah (2)</b>                      49:5;51:15  <b>saved (1)</b>                      50:6  <b>savior (1)</b>                      49:22  <b>saw (2)</b>                      26:3;39:4  <b>saying (2)</b>                      40:4;45:25  <b>Schroeders (2)</b>                      12:2,3  <b>scope (3)</b>                      14:18,21,23  <b>scoping (2)</b>                      14:12,16  <b>Scott (7)</b>                      35:9,11,12,13;                      36:11,13;38:23  <b>screen (2)</b>                      20:8,12  <b>Sea (9)</b>                      41:15;42:14,25;                      43:9,21;44:7;50:14,                      15;51:20  <b>searching (1)</b>                      55:17  <b>seat (1)</b>                      55:7  <b>seats (5)</b>                      21:7;25:13,14;35:8;                      62:23  <b>Seaview (3)</b>                      13:2,7,11  <b>second (1)</b>                      36:10  <b>Section (2)</b>                      5:9;10:16  <b>seem (2)</b>                      23:8;58:7  <b>seems (1)</b>                      36:18  <b>selected (1)</b>                      36:3  <b>selection (3)</b>                      11:23;35:21;36:6  <b>senior (4)</b></p>
<b>Q</b>				
<p><b>Q8 (1)</b>                      17:20  <b>Quality (3)</b>                      5:17;14:6;34:7  <b>qualms (2)</b>                      29:19;30:6  <b>Queens (3)</b>                      31:15,17;48:16  <b>quite (2)</b>                      32:11;55:19  <b>quote (1)</b>                      30:11</p>				
<b>R</b>				
<p><b>R6 (1)</b>                      12:19  <b>R-7A (1)</b>                      12:17  <b>races (1)</b>                      64:11  <b>radiators (2)</b>                      26:16,17  <b>rain (1)</b>                      48:20  <b>raise (1)</b>                      35:20  <b>Ramos (2)</b>                      30:14,15  <b>range (1)</b>                      37:4  <b>ranges (1)</b>                      37:3  <b>rate (1)</b>                      37:18  <b>rather (1)</b>                      38:18  <b>reach (1)</b>                      30:13  <b>reached (2)</b>                      30:13,18  <b>reading (3)</b>                      36:7,15;38:4</p>				

11:22;37:9,13;49:9 <b>seniors (5)</b> 50:4,8;58:10;59:12, 17 <b>sensitive (1)</b> 18:6 <b>SEQRA (3)</b> 5:17;14:6,10 <b>serious (2)</b> 43:18,19 <b>seriously (1)</b> 62:3 <b>serve (1)</b> 17:2 <b>service (5)</b> 15:25;17:19,21; 40:18;44:17 <b>services (3)</b> 16:8,16,24 <b>session (2)</b> 6:7;9:8 <b>set (1)</b> 19:10 <b>settle (1)</b> 61:5 <b>seven (2)</b> 41:21;54:23 <b>several (1)</b> 60:3 <b>shoddy (1)</b> 33:16 <b>shortfall (1)</b> 17:17 <b>shortly (1)</b> 12:7 <b>showed (1)</b> 45:16 <b>showers (1)</b> 45:17 <b>shown (3)</b> 20:8,11;24:2 <b>side (2)</b> 47:13,14 <b>sight (1)</b> 60:24 <b>sign (1)</b> 7:5 <b>signal (1)</b> 17:14 <b>signed (3)</b> 15:14;36:2;54:14 <b>significant (11)</b> 15:18,23;16:4;17:6, 10,12,20,25;18:13,18; 57:24 <b>sign-in (2)</b> 6:18;20:24 <b>simply (1)</b> 57:23 <b>sincere (1)</b> 61:24 <b>single (2)</b> 56:19;63:12	<b>sit (1)</b> 25:14 <b>site (6)</b> 12:5,21;16:13,21; 17:3;38:16 <b>sites (2)</b> 10:11;32:13 <b>sitting (1)</b> 52:4 <b>situation (1)</b> 56:10 <b>six (3)</b> 16:7;32:24;63:7 <b>skip (1)</b> 58:7 <b>skips (1)</b> 58:2 <b>slow (1)</b> 33:23 <b>smell (2)</b> 30:24;42:22 <b>Smith (4)</b> 49:5,7,8;50:11 <b>smooth (1)</b> 55:25 <b>snow (2)</b> 43:5;46:13 <b>someone (4)</b> 49:20;55:3;57:5; 62:19 <b>someplace (1)</b> 29:4 <b>sometimes (2)</b> 32:24;64:13 <b>somewhere (2)</b> 27:12;49:13 <b>soon (2)</b> 21:2;42:24 <b>sort (2)</b> 37:12,23 <b>SOSA (6)</b> 22:12,16,19;23:3,3, 4 <b>sounds (1)</b> 34:12 <b>source (1)</b> 18:8 <b>sources (1)</b> 38:5 <b>space (6)</b> 11:12,13,25;16:23; 31:8;59:14 <b>spaces (1)</b> 59:10 <b>Spanish (1)</b> 22:14 <b>speak (15)</b> 6:5;7:4;8:11,17; 10:19;20:5,22;21:2; 31:23;38:16;53:13, 17;54:14;57:16;63:4 <b>speaker (28)</b> 7:5;8:20;13:18;	21:14;22:4;23:5; 24:19;25:23;28:9; 29:11;32:6;35:10; 38:23;40:12;41:7; 42:11;44:4;45:3;48:3; 50:12;51:15;53:6; 55:10;57:11;61:10; 62:24,25,25 <b>speakers (9)</b> 8:11,14,16;21:4,7; 35:7;42:8;49:4;55:8 <b>speaking (2)</b> 49:17;51:19 <b>speaks (1)</b> 22:14 <b>specializes (1)</b> 11:8 <b>specifically (2)</b> 15:18,25 <b>specifications (1)</b> 18:24 <b>spend (1)</b> 59:8 <b>spoken (1)</b> 54:15 <b>spotless (1)</b> 31:3 <b>Spring (7)</b> 8:3;10:15;15:10; 45:9;46:7,10;47:8 <b>square (1)</b> 11:10 <b>staff (2)</b> 12:22;56:8 <b>stairs (1)</b> 42:21 <b>stakeholders (1)</b> 38:17 <b>standards (1)</b> 19:4 <b>start (1)</b> 22:8 <b>State (20)</b> 5:6,7,8,10,12,16; 8:22,25;10:9;12:13; 13:4,22,24;14:5;15:4; 21:10;35:22,25;38:4, 6 <b>stated (1)</b> 36:19 <b>Statement (11)</b> 5:23;9:25;13:25; 54:19;55:2,4;62:9,16, 20;65:4,17 <b>statements (1)</b> 5:21 <b>States (1)</b> 19:3 <b>stay (2)</b> 47:5;58:18 <b>stenographer (3)</b> 9:11;10:2;21:13 <b>stenographic (1)</b>	6:10 <b>Stephens (1)</b> 7:19 <b>Still (3)</b> 26:7;34:18;55:22 <b>stop (1)</b> 59:25 <b>storage (2)</b> 31:6,7 <b>stores (2)</b> 58:24;59:2 <b>stove (3)</b> 26:19;51:3;54:6 <b>strategies (1)</b> 19:13 <b>Street (7)</b> 12:4;21:17;22:20; 26:6;42:14;44:7; 55:13 <b>students (3)</b> 58:17,18;59:12 <b>studio (1)</b> 37:4 <b>study (2)</b> 16:9;36:16 <b>stuff (5)</b> 24:3;34:8;45:17,20; 47:21 <b>STV (1)</b> 6:24 <b>style (1)</b> 32:17 <b>subject (1)</b> 19:5 <b>submitted (1)</b> 6:15 <b>submitting (1)</b> 6:17 <b>s-u-b-s-i-d-i-a-r-e-s (1)</b> 8:8 <b>suddenly (1)</b> 30:9 <b>sufficient (1)</b> 17:2 <b>suit (1)</b> 49:14 <b>summarize (1)</b> 15:16 <b>summary (3)</b> 6:24;7:9,14 <b>super (8)</b> 25:4;30:13;40:22; 41:20;43:12;44:15; 50:24;51:11 <b>superintendent (1)</b> 22:22 <b>support (1)</b> 60:25 <b>supposed (2)</b> 46:12,16 <b>sure (16)</b> 6:4;7:5;10:20;20:4; 22:18;55:19;57:22;	58:4,8,11;59:21; 60:10,14,16,20;61:2 <b>surplus (1)</b> 10:13 <b>surrounding (1)</b> 12:20 <b>Sutton (1)</b> 30:4 <b>sweat (1)</b> 60:3 <b>system (1)</b> 60:17
<b>T</b>				
			<b>table (5)</b> 6:18;7:6,10,12; 20:24 <b>talked (1)</b> 34:14 <b>talking (4)</b> 24:4;26:14;58:21, 23 <b>Tanay (2)</b> 55:9,11 <b>teach (1)</b> 63:24 <b>tears (1)</b> 60:4 <b>technical (2)</b> 14:21;15:17 <b>temporary (2)</b> 15:25;18:4 <b>ten (7)</b> 36:19;37:14,15; 43:14,16;58:16;63:11 <b>tenancy (1)</b> 45:25 <b>tenant (8)</b> 26:23;29:18;32:10; 45:8,19;46:8,9;56:13 <b>tenants (3)</b> 28:25;33:5;34:11 <b>terms (4)</b> 5:24;9:5;12:6;58:2 <b>terrace (1)</b> 51:2 <b>thankful (1)</b> 56:11 <b>thanks (1)</b> 43:20 <b>theater (1)</b> 45:15 <b>thereof (2)</b> 16:22;17:4 <b>Third (2)</b> 7:15;26:24 <b>though (2)</b> 18:16;27:21 <b>thoughts (1)</b> 38:13 <b>three (10)</b> 8:12;17:17;20:2;	

<p>28:22;32:18,24; 46:16,24;48:24;54:5 <b>throw (1)</b> 26:25 <b>tile (2)</b> 26:20,20 <b>timeline (1)</b> 12:6 <b>timely (3)</b> 34:11,14,16 <b>times (1)</b> 40:24 <b>timing (1)</b> 17:15 <b>tired (2)</b> 36:21;37:25 <b>today (3)</b> 26:10;28:5;35:20 <b>today's (3)</b> 5:9;7:4;20:23 <b>together (2)</b> 24:3;47:11 <b>told (1)</b> 64:7 <b>Tom (3)</b> 6:20;14:4;15:6 <b>tonight (1)</b> 40:2 <b>took (4)</b> 45:11;48:19;49:24; 56:8 <b>Torres (8)</b> 21:8;22:5,5,8,10,11, 14,19 <b>totally (1)</b> 46:21 <b>touch (1)</b> 30:12 <b>track (1)</b> 37:20 <b>traffic (4)</b> 15:24;17:10,13,14 <b>transcript (3)</b> 6:11;8:19;9:12 <b>transfer (2)</b> 26:9;48:24 <b>transferred (1)</b> 23:15 <b>transit (2)</b> 15:24;47:2 <b>translate (2)</b> 22:13,17 <b>transportation (1)</b> 60:7 <b>treat (2)</b> 27:9;47:17 <b>trials (1)</b> 56:22 <b>tribulations (1)</b> 56:22 <b>troubles (2)</b> 56:4,20 <b>true (3)</b></p>	<p>32:12;37:24;38:17 <b>truly (1)</b> 24:5 <b>trust (2)</b> 37:2;39:19 <b>try (2)</b> 6:4;26:23 <b>tubs (1)</b> 45:17 <b>turn (1)</b> 33:10 <b>turning (2)</b> 29:19;31:12 <b>twelve (1)</b> 18:11 <b>twenty (2)</b> 48:18;51:21 <b>two (18)</b> 10:11,11;11:14; 15:12;16:22;29:2,19, 21,22;35:23;36:5; 37:9,14;38:14;54:7; 56:13;63:10,13 <b>type (1)</b> 64:11 <b>types (1)</b> 39:16</p>	<p><b>units (15)</b> 11:15,16,19,21,24; 31:6,15,16,17;32:21, 21,23;33:18;34:3; 61:18 <b>unless (1)</b> 48:20 <b>unlocked (1)</b> 40:25 <b>unquote (1)</b> 30:11 <b>up (23)</b> 10:19;11:23;18:11; 21:9;26:25;30:23; 31:11,16,20;34:5,8; 36:2;39:11,25;44:22; 45:20;49:19;52:8; 53:2,17;54:14;55:23; 60:6 <b>upkeep (1)</b> 52:24 <b>uplift (1)</b> 50:21 <b>Upon (1)</b> 7:13 <b>Urban (3)</b> 5:7,10,13;22 <b>Use (12)</b> 6:2;11:11;14:2; 16:12;18:5;19:22; 23:25;28:14,15;30:9, 10;58:25 <b>used (7)</b> 10:25;33:16;37:5; 42:16,19;49:19;63:12 <b>USEPA (1)</b> 19:4 <b>utilized (1)</b> 10:10</p>	<p>6:8 <b>violation (1)</b> 19:8 <b>violations (1)</b> 33:22 <b>visitors (2)</b> 28:20;44:12 <b>Vivian (2)</b> 49:5,8 <b>vouch (1)</b> 56:2 <b>vouchers (2)</b> 16:20;17:2</p>	<p><b>Wilkinson (6)</b> 25:18;28:10,11,12, 16;29:10 <b>wintertime (1)</b> 43:5 <b>wish (5)</b> 7:4;20:6,22;21:21; 27:17 <b>wishes (2)</b> 6:5;7:2 <b>within (13)</b> 16:23;32:20;33:12, 17;34:21;43:14,16,17, 18;50:17;57:19;58:3, 14 <b>without (2)</b> 19:8;51:4 <b>women (1)</b> 36:20 <b>word (2)</b> 27:21;37:5 <b>work (7)</b> 14:19,21,23;19:9; 27:8;46:25;47:11 <b>worked (1)</b> 56:6 <b>world (1)</b> 55:21 <b>worst (2)</b> 46:13,14 <b>writing (6)</b> 6:15;20:11;37:23; 46:19;47:20,20 <b>written (1)</b> 6:18 <b>wrong (1)</b> 24:8 <b>wwwesdnygov (1)</b> 15:8 <b>wwwesdnygov/subsidiaries (1)</b> 8:7 <b>Wyoming (1)</b> 21:17</p>	
	<b>U</b>			<b>W</b>	
	<p><b>UDC (3)</b> 5:11,16;12:15 <b>unable (1)</b> 8:14 <b>unavoidable (1)</b> 17:8 <b>unbelievable (1)</b> 43:5 <b>under (2)</b> 16:6;46:3 <b>underdeveloped (1)</b> 10:13 <b>underscore (1)</b> 8:8 <b>understood (1)</b> 56:9 <b>undertaken (1)</b> 14:22 <b>undone (1)</b> 28:19 <b>unemployment (1)</b> 37:18 <b>unfair (1)</b> 58:17 <b>Unfortunately (1)</b> 57:15 <b>uniform (1)</b> 30:23 <b>unit (9)</b> 29:18,20;30:3;31:3; 33:2,10,12,15;34:7 <b>United (1)</b> 19:3</p>	<p><b>Use (12)</b> 6:2;11:11;14:2; 16:12;18:5;19:22; 23:25;28:14,15;30:9, 10;58:25 <b>used (7)</b> 10:25;33:16;37:5; 42:16,19;49:19;63:12 <b>USEPA (1)</b> 19:4 <b>utilized (1)</b> 10:10</p>			
		<b>V</b>			
		<p><b>vacant (2)</b> 10:12;61:19 <b>vacate (1)</b> 25:14 <b>vary (1)</b> 18:7 <b>vast (1)</b> 58:14 <b>vested (2)</b> 46:23;47:2 <b>via (1)</b> 20:7 <b>viable (1)</b> 59:15 <b>vice (1)</b> 45:8 <b>View (1)</b> 48:15 <b>viewed (1)</b> 8:7 <b>views (1)</b></p>	<p><b>wait (4)</b> 40:21,21;52:2,12 <b>waiting (1)</b> 32:25 <b>wake (1)</b> 30:23 <b>Walk (3)</b> 12:2;42:21;43:7 <b>walls (1)</b> 41:23 <b>warm (1)</b> 30:8 <b>warranted (1)</b> 14:20 <b>watched (1)</b> 56:12 <b>way (6)</b> 26:10,21;30:14; 34:14;56:3;59:22 <b>ways (1)</b> 20:2 <b>website (1)</b> 15:8 <b>week (2)</b> 34:21;35:23 <b>weekday (2)</b> 30:10,11 <b>weeks (2)</b> 18:12;40:22 <b>welcoming (1)</b> 29:5 <b>West (7)</b> 21:9;24:20,21,25; 25:11;42:14;44:7 <b>what's (5)</b> 28:2;30:16;32:12; 39:18;51:9 <b>whenever (4)</b> 22:23;23:13,16; 24:8 <b>whole (4)</b> 34:16;36:6;47:6; 55:17 <b>who's (1)</b> 56:19 <b>whose (1)</b> 22:8</p>	<p style="text-align: center;"><b>Y</b></p> <p><b>yay (1)</b> 25:8 <b>year (6)</b> 29:19;32:25;33:2, 18;46:16;56:4 <b>years (17)</b> 11:19;21:18,21; 23:12,15;24:22;25:2, 2;40:16;47:2;48:18, 19;50:16;51:21;60:3; 63:7,12 <b>Yekaterina (3)</b> 49:6;53:6,9 <b>yield (1)</b> 11:15 <b>yielded (1)</b> 11:5</p>	

<p><b>York (28)</b> 5:6,7,10,12,18;7:15, 16,23,23;8:6;9:14; 10:15;11:6;13:22; 14:5;15:4;16:15,24; 19:2,6;29:15,24; 35:15;37:25,25;38:8; 55:16,20</p>	<p><b>2010 (1)</b> 39:5 <b>2013 (1)</b> 10:9 <b>2015 (5)</b> 12:24;13:4;14:11, 14,17 <b>2016 (7)</b> 5:18;6:17;9:15,18; 13:9;15:6;20:16</p>	<p><b>6</b></p> <p><b>6 (1)</b> 5:10 <b>60 (1)</b> 11:18 <b>633 (1)</b> 7:15 <b>666 (1)</b> 26:2</p>		
<p><b>Z</b></p>	<p><b>2028 (1)</b> 12:9</p>	<p><b>7</b></p>		
<p><b>zone (1)</b> 12:18 <b>zoned (1)</b> 12:20 <b>zoning (3)</b> 12:14,15,17</p>	<p><b>21 (1)</b> 9:18 <b>212-803-3818 (1)</b> 7:20 <b>22 (2)</b> 5:18;9:15</p>	<p><b>7:30 (1)</b> 62:13 <b>7:45 (1)</b> 65:8 <b>710 (1)</b> 40:15</p>		
<p><b>1</b></p>	<p><b>23 (1)</b> 6:17</p>	<p><b>8</b></p>		
<p><b>1 (1)</b> 9:13 <b>1,169 (1)</b> 11:15 <b>1.268 (1)</b> 11:10 <b>10017 (1)</b> 7:16 <b>1101 (1)</b> 55:13 <b>11207 (1)</b> 8:6 <b>12143 (1)</b> 8:5 <b>1426 (3)</b> 23:13;24:22,25 <b>14819 (1)</b> 28:12 <b>148-19 (1)</b> 29:15 <b>16 (3)</b> 5:10;21:18,20 <b>17 (1)</b> 40:16 <b>173 (1)</b> 16:6 <b>1973 (3)</b> 41:16,17;42:3 <b>1989 (1)</b> 46:8 <b>19-year-old (1)</b> 55:22</p>	<p><b>23rd (1)</b> 20:15 <b>25 (1)</b> 47:2 <b>27th (1)</b> 15:5 <b>28 (1)</b> 53:10 <b>2828 (3)</b> 42:14;44:7;53:14 <b>28th (2)</b> 42:14;44:7 <b>29.6 (1)</b> 37:17</p>	<p><b>8 (2)</b> 5:11;14:6 <b>8:00 (1)</b> 65:23 <b>888 (1)</b> 10:23</p>		
<p><b>3</b></p>	<p><b>3</b></p>	<p><b>9</b></p>		
<p><b>3 (1)</b> 9:23 <b>30 (1)</b> 11:19</p>	<p><b>3 (1)</b> 9:23 <b>30 (1)</b> 11:19</p>	<p><b>9/11 (1)</b> 60:5 <b>9:30 (1)</b> 7:16 <b>90th (1)</b> 29:15 <b>922 (1)</b> 26:6</p>		
<p><b>4</b></p>	<p><b>4</b></p>			
<p><b>4.8 (1)</b> 10:12 <b>472 (1)</b> 22:20</p>	<p><b>4.8 (1)</b> 10:12 <b>472 (1)</b> 22:20</p>			
<p><b>5</b></p>	<p><b>5</b></p>			
<p><b>5 (4)</b> 8:2;35:14;45:8; 46:22 <b>5:00 (1)</b> 7:16 <b>5:30 (1)</b> 20:15 <b>50 (1)</b> 11:19 <b>510 (1)</b> 21:17</p>	<p><b>5 (4)</b> 8:2;35:14;45:8; 46:22 <b>5:00 (1)</b> 7:16 <b>5:30 (1)</b> 20:15 <b>50 (1)</b> 11:19 <b>510 (1)</b> 21:17</p>			
<p><b>2</b></p>	<p><b>2</b></p>			
<p><b>2 (1)</b> 9:18 <b>20 (1)</b> 11:23 <b>200 (1)</b> 11:21 <b>2006 (1)</b> 45:11</p>	<p><b>2 (1)</b> 9:18 <b>20 (1)</b> 11:23 <b>200 (1)</b> 11:21 <b>2006 (1)</b> 45:11</p>			

## Hobbick, Cade W.

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**Subject:** FW: Draft Environmental Impact Statement on the proposed Fountain Avenue Land Use Improvement and Residential Project

**From:** Schreibman, Lisa [<mailto:Lisa.Schreibman@nyct.com>]

**Sent:** Tuesday, May 17, 2016 10:33 AM

**To:** Shatz, Rachel (ESD)

**Cc:** Oliva, Louis; Wiles, Laura; Dougherty, Patrick; Parnes, Jeremy

**Subject:** RE: Draft Environmental Impact Statement on the proposed Fountain Avenue Land Use Improvement and Residential Project

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Dear Ms. Shatz,

MTA-NYCT reviewed the transit topic of the transportation chapter of "Fountain Avenue Land Use Improvement and Residential Project" DEIS for which Empire State Development is the lead agency. At this point it is unclear to us how certain conclusions about bus assignments were made. As a consequence, we cannot yet confirm whether the conclusions about impacts are correct.

1. Please provide all reasoning behind the assignments of customers to particular bus lines. The reasoning should include an explanation of why customers are assigned to different lines in the am and pm peak hours. That is in the am peak, they are distributed fairly evenly among the lines but are heavily loaded in the pm peak on the B83.
2. Please provide all reasoning behind which bus-subway transfers are being made. The analysis in the DEIS appears to route customers past certain subway stations in favor on ones further along the line, which on the surface does not make sense. There may be reasons for these choices that NYCT does not understand, so please clarify.
3. Regarding the design, NYCT recommends ESD to widen the existing sidewalk on Erskine Street at Seaview Avenue, where the B13, B84, and Q8 bus stop is located. The sidewalk should be wide enough to accommodate two bus shelters.

Once the explanations have been provided, MTA-NYCT will be able to analyze if we agree with the reasoning and the conclusions regarding transit impacts outlined in the DEIS.

If you have any questions, do not hesitate to ask.

Lisa Schreibman  
Director of Strategic Planning  
Operations Planning  
2 Broadway A17.62

Ph: 646-252-5953

Ce: 646-879-3737

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**From:** Shatz, Rachel (ESD) [<mailto:Rachel.Shatz@esd.ny.gov>]

**Sent:** Wednesday, April 27, 2016 4:20 PM

**To:** Schreibman, Lisa <[Lisa.Schreibman@nyct.com](mailto:Lisa.Schreibman@nyct.com)>

**Cc:** Wiles, Laura <[LaWiles@mtahq.org](mailto:LaWiles@mtahq.org)>; Oliva, Louis <[LOLIVA@mtahq.org](mailto:LOLIVA@mtahq.org)>

**Subject:** RE: Draft Environmental Impact Statement on the proposed Fountain Avenue Land Use Improvement and Residential Project

Lisa – below is a link (included in the ENB Notice) to the DEIS on our website:

[http://esd.ny.gov/Subsidiaries\\_Projects/FountainAvenue.html](http://esd.ny.gov/Subsidiaries_Projects/FountainAvenue.html)

**Rachel Shatz**

Vice President, Planning & Environmental Review

**Empire State Development**

633 Third Avenue, New York, NY 10017

(212) 803-3252 | [rachel.shatz@esd.ny.gov](mailto:rachel.shatz@esd.ny.gov)

[www.esd.ny.gov](http://www.esd.ny.gov)

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**From:** Schreibman, Lisa [<mailto:Lisa.Schreibman@nyct.com>]

**Sent:** Wednesday, April 27, 2016 2:55 PM

**To:** Shatz, Rachel (ESD)

**Cc:** Wiles, Laura; Oliva, Louis

**Subject:** Draft Environmental Impact Statement on the proposed Fountain Avenue Land Use Improvement and Residential Project

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Hello Ms. Shatz,

New York City Transit tries to vet all environmental reviews – whether there is a significant transit impact or not – within New York City’s boundaries. I see from the Environmental Notice Bulletin that ESD has drafted a DEIS for Brooklyn. Please forward the transit section or if it is online, please provide a link for us to review.

Thank you.

Lisa Schreibman

Director of Strategic Planning

Operations Planning

2 Broadway A17.62

Ph: 646-252-5953

Ce: 646-879-3737

For MTA travel information go to <http://tripplanner.mta.info/>

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## Hobbick, Cade W.

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**From:** Conoscenti, Thomas (ESD) [Thomas.Conoscenti@esd.ny.gov]  
**Sent:** Thursday, June 23, 2016 9:56 PM  
**To:** Hobbick, Cade W.  
**Subject:** Fw: Fountain Avenue Land Use Improvement and Residential project

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**From:** esd.sm.fountainave  
**Sent:** Thursday, June 23, 2016 9:55:43 PM  
**To:** Conoscenti, Thomas (ESD)  
**Subject:** Fw: Fountain Avenue Land Use Improvement and Residential project

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**From:** Henry, Lowana <[henrylo@hra.nyc.gov](mailto:henrylo@hra.nyc.gov)>  
**Sent:** Wednesday, May 25, 2016 1:27:48 PM  
**To:** esd.sm.fountainave  
**Subject:** Fountain Avenue Land Use Improvement and Residential project

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*Good day,*

*My name is Lowana Henry. I am a resident of East New York. I reside at 1426 Loring Avenue 11208. I attended the meeting yesterday evening (5/24/16 3pm -5pm session). However, I was unable to speak because unfortunately I have a terrible cold. I am born and raised in Brooklyn and have resided in several Brooklyn neighborhoods and by far my stay in East New York has been the best! I have been a resident of 1426 Loring Avenue via Progressive management since 2000. I move into my first apartment straight from my mother's home; I have no intent on moving until I am fortunate enough to purchase a home of my own. My two children and I love the apartment complex and the surrounding area. I am a single parent and given the climate of NYC rent hikes and recent rise in homelessness it is definitely a struggle. The tenants and Progressive Staff within my complex are like family. Like any familial relationship, the relationship between Progressive and Myself has its ups and downs. However, the one thing I can say the staff works diligently to resolve all issues and concerns. I have several friends that reside in different buildings managed by Progressive and we all share the same sentiment. I can't imagine a different vendor taking on the task of building on the proposed project; Progressive Management bestows the knowledge and has awareness of the community and its needs. I appreciate for your time and consideration. If you have any further questions I can be reached via email lowanahenry14@aol.com or 347-4324199.*

Thank you

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Thank you.



CITY PLANNING COMMISSION  
CITY OF NEW YORK

June 23, 2016

Howard Zemsky, President and CEO  
Empire State Development  
633 Third Avenue, 34<sup>th</sup> Floor  
New York, NY 10017

Dear Mr. Zemsky,

The City Planning Commission (the "Commission") has reviewed the General Project Plan ("GPP") for the Fountain Avenue Land Use Improvement and Residential Project, issued by New York State Development Corporation d/b/a Empire State Development ("ESD") in April 2016. The GPP is subject to Commission review pursuant to the provisions of Subdivision 3 of Section 16 of the New York State Urban Development Corporation Act which provide that a planning board or commission may recommend approval, disapproval or modification of a general project plan, whenever such plan requires the override of local law or regulation for implementation. The Project proposes the override of the Zoning Resolution and other local law with respect to: use regulations; floor area and open space regulations; height and setback controls; minimum distance between buildings; signage and parking regulations.

The goal of the Project is to dispose and redevelop two unbuilt parcels of land that are part of a larger block occupied by the New York State Office for People with Developmental Disabilities' ("OPWDD") Brooklyn Developmental Center ("BDC") campus to create approximately 1,169 units of affordable housing, as well as ground floor retail and community facility space. Of these, 200 units would be set aside for seniors and 20 percent of the units would be designated for people with intellectual and developmental disabilities. The GPP would require that 100 percent of the units developed as part of the proposed Project be targeted to affordability levels at or below 60 percent of Area Median Income ("AMI").

The block with the two proposed development sites contains two-story buildings used by the BDC for administrative office space for OPWDD in pod-like configuration built in

the early 1970's. OPWDD has reduced its operations at this location and plans to eventually vacate the buildings altogether.

The area surrounding the block containing the BDC consists of the HPD-sponsored Gateway Estates project, an approximately 2,200-unit, predominantly low- to mid-rise, affordable housing development to the north and north-west, Spring Creek park and an auxiliary water pollution control plant by the Department of Environmental Protection to the east, and the Gateway Center shopping mall to the west. The Gateway Estates development, begun in 2010 pursuant to a rezoning and amendment to the Fresh Creek Urban Renewal Plan ("FCURP") approved by the CPC on February 19th, 2009, and adopted by the City Council on April 2nd, 2009, is currently nearing completion. The remainder of the surrounding area to the west includes Gateway Center, a 1.2 million square-foot, destination retail mall and restaurants developed pursuant to the FCURP with large-scale, name-brand, regional retailers of clothing and housewares. Spring Creek Park, a mapped natural park that is not publicly accessible, is located to the east of Fountain Avenue, while other, publicly accessible park is located to the southwest, south of Gateway Drive and the Gateway Center. The Shore Parkway is located just south of the block, and further south is Jamaica Bay and its surroundings, a part of the Gateway National Recreation Area.

Zoning in the surrounding area is R6, a medium density residential zoning district that allows an FAR of up to 2.43 under height factor, and 3.0 under the Optional Quality Housing rules, R6/2-4 on a portion of block frontage on Fountain Avenue north of Vandalia Avenue, which allows local retail uses on the ground floors of buildings at an FAR of up to 2.0, and R7A/C2-4 along Elton Street, a medium-density residential zoning district that allows an FAR of up to 4.0 with local retail stores on the ground floors. The area of the Gateway Center mall is zoned C4-3, a medium density commercial zoning district that allows a commercial FAR of up to 3.4 and a residential FAR equivalent to R6. Density and height for all uses within the urban renewal area is further capped by the controls of the FCURP which limits overall development within the area to no more than 2,200 homes and up to 1,370,000 square feet of local and regional retail. A small one-block area to the north of the FCURP is zoned M1-1, a light manufacturing district that allows an FAR of up to 1.0 and is currently being developed for a FedEx express shipment facility.

The area is served by numerous bus lines including the B13, B83, and B84, as well as the Q8.

The Project proposes three "groups" of buildings on two parcels, parcels A and B. Each group of buildings would comprise adjacent but separate buildings with their own

entrances. Each building would be served by an elevator and would include a cellar, which would contain space dedicated to a laundry room, bicycle storage area, storage room, a community room, garbage compactor room, meter and mechanical rooms, and an office with toilet facilities. Each building would have one unit set aside for the residence of a full-time building maintenance employee.

### Parcel A

The single building group on Parcel A would comprise two buildings with varied masses, and heights of six stories (approximately 65 feet in height), and up to nine stories (approximately 95 feet in height). The building group would be situated approximately at the western and southern lot lines (at the sidewalk of Erskine Street and Seaview Avenue, respectively) with no setback. As currently envisioned, a total of 332 dwelling units would be developed on Parcel A, with a mix of apartment types including: studio apartments, one-bedroom apartments, two-bedroom apartments, and three-bedroom apartments. Commercial (retail and/or office) space would be developed at the ground-floor level of Parcel A buildings along Erskine Street. Parking would be provided in a below grade garage (118 spaces) that would extend throughout the central area of the building group, and approximately 2,200 sf of private open space would be developed atop it, accessible to Parcel A residents from the second floor of each building. Outdoor surface parking for approximately 103 spaces would be provided at the northeastern corner of Parcel A. A decorative privacy fence would be installed along the perimeter of Parcel A, between the proposed parking area and Lot 300.

### Parcel B

The two building groups on Parcel B would comprise buildings with varied masses, and heights of five stories (approximately 50 feet in height), and up to nine stories (approximately 95 feet in height). Both Parcel B building groups would be situated approximately at the Vandalia Avenue lot line to the north, and to the respective lot lines to the west and east (at the sidewalk of Erskine Street and Seaview Avenue, respectively) with no setback.

A total of 837 dwelling units are proposed to be developed on Parcel B, with a mix of apartment types including: studio apartments, one-bedroom apartments, two-bedroom apartments, and three-bedroom apartments. The western building group would include approximately 200 units set aside for seniors. Commercial retail and/or office space would be developed at the ground-floor level of all Parcel B buildings, except for the two easternmost buildings of the eastern building groups. In addition, ground-floor covered parking would be developed centrally within each Parcel B building group (about 127 spaces for each Parcel B building group, or 254 spaces total for Parcel B), and a total of

approximately 7,700 square feet of private open space atop the ground-floor parking areas would be located on Parcel B, which would be accessible to residents from the second floor of each adjacent building. A new publicly accessible landscaped thoroughfare with seating would be constructed along the southern border of Parcel B (e.g., indicated as "Schroeders Walk" on Figure ES-4, "Site Plan"), providing a connection from Erskine Street to the west and Fountain Avenue to the east, as well as between the two building groups, connecting to Vandalia Avenue to the north. The entrance to the enclosed parking of the western building group would be from Erskine Street, and the entrance to the enclosed parking of the eastern building group would be from Fountain Avenue. Schroeders Walk would be separated from Lot 300 by a decorative privacy fence installed along the perimeter lot line (between Lot 300 and Parcel B) as part of the proposed Project.

The proposed Project site is located in an R3-2 zoning district which is a general residence district that allows residential uses up to a Floor Area Ratio of 0.5, and has a maximum building height of 35 feet, maximum lot coverage of 35%, a required front yard of at least 15 feet and a minimum of one parking space per dwelling unit. The following aspects of the proposed Project would not comply with the NYC Zoning Resolution:

- Proposed commercial and community facility uses (Use Groups 1-10 permitted)
- Use of the Quality Housing Program;
- Up to 4.06 FAR;
- Dwelling Unit Factor of 680;
- Up to 100 percent lot coverage, with no yards;
- Up to 95-foot streetwall height, with no setback;
- Parking for 35 percent of the dwelling units (and no parking required for senior-dedicated units), and in parking areas, as designed;
- Public sidewalks at the project site perimeter to be developed with street trees in 10-foot pits, at intervals of 25 feet, but with no planting strip; as well as,
- Permitted illuminated non-flashing signage.

The Commission believes that the proposed Project would be appropriate. The proposed buildings would be in context with the density and general height and setback of buildings developed by the NYC Department of Housing Preservation and Development (HPD) along the nearby Elton Street corridor in the adjoining Gateway Elton affordable

housing development. Fountain Avenue, Seaview Avenue, Vandalia Avenue and Erskine Street are all wide streets where such streetwall heights are appropriate.

The Commission is pleased that the project will provide on-site supportive services for the senior housing and OPWDD units to be developed as part of this project. Services for seniors will include programs such as education and recreation, congregate lunch, social interaction, health management, physical health/exercise, case management and assistance, information and referral, nutrition education and technology. Services for residents with developmental disabilities will include adult services such as vocational services, day habilitation, supported employment services, residential services; clinical services such as physicals and PPDs, psychiatry/ medication management, psychotherapy, and cognitive behavioral therapy; family support services; and Medicaid service coordination.

The Commission appreciates ESD's collaboration with the Department of City Planning to develop an appropriate site plan and building design for this Project. While the Commission supports the Project and the exercise of the ESD's statutory authority, the Commission recommends that the ESD consider and address the following comments on the Project.

#### Affordability

The Commission recommends that ESD seek to maximize the terms of affordability for a significant number of units in order to ensure long-term affordability. The City's new Mandatory Inclusionary Housing program requires that a portion of new housing in areas rezoned for additional housing capacity include permanently affordable housing.

#### Local Preference

The Commission is pleased that non-senior, non-OPWDD affordable units in developments receiving financing through the Department of Housing Preservation and Development (HPD) will adhere to HPD marketing guidelines regarding a preference for local Community Board residents for 50% of the affordable units and encourages ESD to apply this stipulation to all non-senior, non-OPWDD units irrespective of financing source.

#### Ground Floor Design Guidelines

The Commission is pleased to see non-residential uses, such as retail and community facility space, proposed at the ground floors of buildings along Vandalia Avenue, Seaview Avenue, and Erskine Street, which would provide needed services to area

residents. Additional design controls would ensure that these corridors are active and inviting to pedestrians at the street level. The ground floors of the proposed buildings facing public streets should generally comply with the provisions of Section 26-54 of the NYC Zoning Resolution, Minimum Transparency Requirements, which requires that a minimum of 50 percent of the area between 2 and 12 feet above curb level should be transparent, with no blank walls to exceed more than ten feet in width. Additionally, the ground floors of buildings facing public streets should generally comply with the streetscape requirements applicable to “qualifying ground floors” as described in Section 23-662 of the NYC Zoning Resolution.

### Open Space

The Project site plan is proposed to be well integrated with the surrounding street network, including the continuation of Schroeder’s Avenue as Schroeders Walk along the southern portion of Parcel B of the Project site as publicly accessible thoroughfare. The Commission encourages ESD and the project developer to include seating, plantings, lighting and other amenities as part of the Schroeders Walk open space to ensure that it is a welcoming and attractive open space for residents and community members.

### Streets and Sidewalks

Along Seaview Avenue, Vandalia Avenue and Erskine Street a minimum sidewalk width of 15’ with a 10’ wide clear path and a 5’ wide street tree planting and amenity strip should be provided. The City’s standard street tree planting requirements should be adhered to along all street frontages.

ESD and the project developer should coordinate with the relevant property owner and NYC DOT regarding the triangle of space at Seaview Ave and Erskine St south of Parcel A, where a bus stop serving three lines is located. The streetscape controls for Parcel A should ensure pedestrian connectivity to this key node, and the triangle should be landscaped with trees, plantings, sidewalks, seating and other elements to create an attractive green space that is well connected to surrounding properties and enhances access to transit. Additionally, ESD and the project developer should coordinate with Gateway Center and NYC DOT to ensure that there are direct, safe pedestrian connections between the proposed development on Parcel A and the Gateway Center (i.e. sidewalks, crosswalks with appropriate controls). This would support access to a wide range of retail options for Project residents as well as greater foot traffic and stronger commercial viability for the proposed retail at the ground floor of Parcel A.

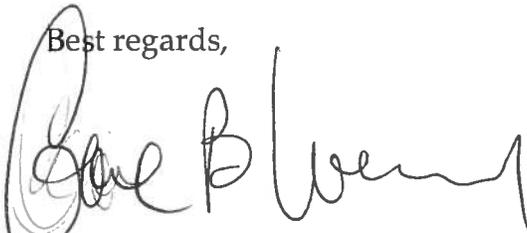
### Building Design

Buildings should be designed to provide variety and visual interest, to break up large masses and frontages, and to differentiate the buildings along the street frontages. This can be accomplished by providing for visual breaks through variation in massing and changes in plane, materials and glazing/fenestration. The building should have clear divisions in the façade design with particular attention to definition and differentiation in treatment at the first and second floors – the ‘lower base’ of the building that most impacts the pedestrian experience – while also providing variation and articulation at the upper portion of the building, e.g., cornice lines and/or articulated parapet details, massing variation and dormers that contribute to the overall streetscape profile of the new development.

Finally, while there is not yet a redevelopment plan for the remainder of the former Brooklyn Developmental Center beyond the two parcels currently proposed for redevelopment as part of this project, the Commission recognizes that this property represents a significant opportunity for redevelopment in the future. At such time that the State considers redevelopment of the remainder of the property, we encourage ESD to develop a holistic proposal for the site. The heights and densities of the proposed Project, appropriate on the perimeter of the property along wide streets, should not be considered a template for future development. A comprehensive plan for the site should include a mix of densities and uses including housing, commercial and job-generating uses, and community facilities as well as thoughtfully designed open space, similar to the City’s comprehensive plan for development at Gateway. This significant site has the potential to help complete the new neighborhood forming here by providing jobs and economic opportunity in addition to housing and community resources.

Overall, the Commission believes this project to be a beneficial use of underutilized property which will provide needed affordable housing, including housing for seniors and people with disabilities, and is pleased to see this development move forward.

Best regards,

A handwritten signature in black ink, appearing to read 'Carl Weisbrod', written in a cursive style.

Carl Weisbrod,