ATLANTIC YARDS COMMUNITY DEVELOPMENT CORPORATION
at the New York City Offices of
Empire State Development
633 Third Avenue – 37th Floor Conference Room
New York, New York 10017

Meeting of the Directors

Wednesday
January 17, 2018 at 3:00 pm

PROPOSED AGENDA

CORPORATE ACTION

1. Approval of the Minutes of the October 17, 2017 Directors’ Meeting

FOR INFORMATION

2. President’s Report – Corporate Update (Oral Report)

3. Public Comments
Item 1
Atlantic Yards Community Development Corporation
Meeting of the Directors
Empire State Development
37th Floor Conference Room
633 Third Avenue
New York, NY 10017

October 17, 2017

MINUTES

In Attendance
Directors: Tamara McCaw – Acting Chair
Shawn V. Austin
Julene Beckford
John Heyer, Jr.
Daniel Kummer
Linda Reardon
Jaime Stein
Barika X. Williams

AYCDC Staff: Elizabeth R. Fine – General Counsel
Tobi Jaiyesimi – AYCDC Director
Marion Phillips, III – President
Debbie Royce – Corporate Secretary

ESD Staff: Lauren Axelrod – Senior Counsel
London Cruz – Legal Assistant
Daniel DaSilva – Director of Subsidiary Finance
Drew Gabriel – Director of Community Relations
Eugene Kwiatkowski – Senior Director of Budgeting
Holly Leicht – EVP, Real Estate Development and Planning
Greg Lynch – Senior Inspector, Atlantic Yards
Rachel Shatz – VP, Planning & Environmental Review

Also Present: Ashley Cotton, Greenland Forest City Partners
Jane Marshall, Greenland Forest City Partners
Scott Solish, Greenland Forest City Partners

Members of the Media
Members of the Public
Prior to calling the meeting to order, Tamara McCaw stated that he would serve as Acting Chair for the meeting. The meeting of the Atlantic Yards Community Development Corporation ("AYCDC") was then called to order at 3:10 p.m. The Directors were reminded that the meeting was being webcast and that they had received the written materials in advance of the meeting and were free to ask questions at any time. She noted for the record the Corporation’s policy which welcomes public comments on Agenda items, and non-Agenda items during the public comment period.

John Heyer was welcomed as the newest addition to the AYCDC Board. Director Heyer was appointed by the Senate President Pro tem replacing Monsignor Harrington.

Acting Chair McCaw asked whether anyone had any potential conflict of interest with respect to any of the items on the proposed Agenda. Hearing none, she moved to the first order of business, approval of minutes for the June 6, 2017 Directors’ meetings.

Hearing no comments or edits from the Directors, upon motion duly made and seconded, the following resolution was unanimously adopted:

**ATLANTIC YARDS COMMUNITY DEVELOPMENT CORPORATION – Approval of Minutes of the June 6, 2017 Meeting of the Directors of the Atlantic Yards Community Development Corporation**

**RESOLVED, that the Minutes of the meeting of the Corporation held on June 6, 2017 is hereby approved and all actions taken by the Directors present at such meeting as set forth in such Minutes, are hereby in all respects ratified and approved as actions of the Corporation.**

* * *
Acting Chair McCaw then asked Marion Phillips to provide the President’s Report as an informational item. He welcomed Director Heyer to the Board and also introduced Holly Leicht, the Corporation’s new Executive Vice President for Real Estate Development and Planning.

Mr. Phillips started the President’s report by giving an overview of the items discussed at the June 2017 meeting of the Directors including the Times Plaza Redesign, community engagement in the Supplemental Environmental Impact Statement (SEIS) process, and the Block 1129 Construction Fence. He noted that Directors wishing to offer suggestions about the SEIS process were encouraged to email ESD staff, who are also available for in-person meetings. He also noted that a few follow-up items from the last Board meeting will be addressed during the Developer’s presentation.

Moving on to the Project’s public commitments, Mr. Phillips spoke about the district wide middle school that will be located in B15; noting that construction for the site is currently stalled due to site access negotiations. He stated the Developer is obligated by the June 2014 Agreement to construct 2,250 units of affordable housing by 2025. He explained that by the Project’s completion the Developer must also provide eight acres of publicly accessible Open Space and further noted that the Open Space design was presented to the AYCDC Directors and approved by the ESD Directors in 2015. He explained that the Memorandum of Environmental Commitments (MEC) requires the Developer to provide parking for the 78th Precinct and that once the garage at 535 Carlton Avenue is open, 24 spaces will be made available to the precinct.
Mr. Phillips advised that the ESD Board of Directors had taken four actions related the Atlantic Yards Project since the AYCDC was established: 1) the HDR contract extension in 2017; 2) the STV contract extension in 2016; 3) approval of the Open Space Design; and 4) the AYCDC By-Laws Amendment in 2015.

Mr. Phillips noted that at the March 2017 meeting, the AYCDC Directors voted to recommend that the ESD Directors extend the HDR contract for one year with a commitment to come back to the Board to request an extension or provide a status update on the RFP. He stated that ESD staff anticipates requesting an additional year extension for the HDR contract in 2018. He explained that since the March meeting there have been no updates on the start of construction activity at the B15, B13 or B12 sites, no updates on Site 5 and B1, but ongoing work at the railyard and B3. Director Kummer asked for the date of expiration for the contract. Ms. Jaiyesimi answered it was May 30, 2018.

Mr. Phillips introduced Drew Gabriel as the new Community Relations Director for the Project. Mr. Gabriel was previously the Governor’s Brooklyn Borough Rep., he also worked for the Council Members Oliver Koppell and Laurie Cumbo. Mr. Gabriel and Ms. Jaiyesimi will work in concert to address community concerns.

Returning to the discussion of the HDR contract extension, Director Stein asked if the extension would be for two years from May 30, 2018 and also about the process for ensuring some public comment on an RFP for the contract. Mr. Phillips responded that in 2018 ESD staff will request an additional year extension for the contract. He added that the scope of work for
the contract is defined by the MEC which has been previously negotiated with the Project Developer. Director Stein suggested possibly renegotiating sections of the MEC in addition to allowing for a public review process. Mr. Phillips responded that he could not commit to renegotiating the MEC, but was open to having conversations about ideas for improved environmental monitoring at the site.

Director Stein then asked about the West Portal and the status of the railyard. Mr. Phillips answered that the railyard will be discussed during the Developer’s presentation. Director Williams asked about the construction fence and whether it will be moved given the stall in construction activity. Director Stein also asked about community concern that parts of the 16 foot construction fence was recently reduced to eight foot. Mr. Phillips explained that the construction fence will be discussed in greater detail during the Developer’s presentation. Ms. Jaiyesimi added that portions of the construction fence were moved laterally from the street to the property line and not reduced from 16 to eight foot.

Moving to the Community Relations Update, Ms. Jaiyesimi noted that there were two Quality of Life meetings since the Board last met. She stated that some of the issues discussed at the meetings included changes to the Block 1129 construction fence, Maintenance and Protection of Traffic (MPT) Plans, Carlton Avenue Citibike Station installation, ongoing infrastructure work and activity at the railyards. She noted a representative for the Barclays Center was present at both meetings to provide updates on arena operations and upcoming events. She stated that outreach to the NYPD and NYC Department of Transportation continues and that Local elected officials’ offices are also invited to the meeting and updated
on Project status. She advised that the next Quality of life meeting is scheduled for November 14, 2017 and that notes on what was discussed at the meeting will be sent to Directors and also posted on the ESD website.

Director Stein asked about the cleanliness and maintenance of the B15 site. Ms. Jaiyesimi explained that at the last Quality of Life meeting there were complaints about rodents as well as overgrown and unkept tree pits. She advised that with no construction team at the B15 site, staff from other sites have been assigned to maintain the area. She noted that at the meeting residents also discussed issues with overall neighborhood cleanliness, trash disposal for businesses and the NYC Pooper Scooper Law.

Director Kummer then asked what the top issues or areas of concern have been in the last few years. Ms. Jaiyesimi responded that construction fences are talked about regularly, as well as changes to the traffic pattern and pedestrian safety. She stated Barclays Center operations and infrastructure work are also common discussion topics.

Director Williams asked about the creation of an informational flier for new residents moving to the area. Ms. Jaiyesimi noted that there is an info sheet that is distributed with contact information for ESD staff and the Developer’s Community Liaison. Director Williams suggested outreach to private developers with new buildings in the area, so they have the necessary contact information.

In response to Director Williams’ questions about the timing for the school, Mr. Phillips
explained that construction is stalled at the B15 site, where the school will be located, due to site access negotiations with neighboring buildings.

Mr. Phillips then turned the meeting over to Ashley Cotton and Jane Marshall of Greenland Forest City Partners for the Developer’s presentation. Ms. Cotton started her report with an update on construction activity at the site. She noted that interior work was still ongoing at 38 Sixth Avenue, with move-in expected in November. She noted the building’s garage with 67 parking spaces will be operated by Park Pro Systems and Methodist Hospital will also have a health care facility in the building.

Ms. Cotton explained that 38 Sixth Avenue, a 100 percent affordable building, received over 90,000 applications for the lottery. She stated the Developer is working with City agencies and community partners to commence move-ins as quickly as possible. Further she noted that at 535 Carlton Avenue, also a 100 percent affordable building, units have gone to open marketing, meaning applications are being considered that were not in the original lottery pool. She advised informational fliers about the units and application process are available for distribution.

Director Reardon asked about the lottery and the screening process for applicants. Ms. Cotton responded that while the building received thousands of applications, applicants were either no longer interested or disqualified for various reasons. She stated that should the log of applicants from the lottery be exhausted and units remain available, applications can be accepted from the general public. Director Reardon followed up and asked about applicants
who have complained about not hearing anything about their application status. Ms. Cotton explained how units in a building are divided according to the various application preferences and Area Median Income (AMI) bands, and the process for notifying and getting applicants approved.

Director Reardon, Director Williams, Ms. Cotton and Ms. Jaiyesimi then had a discussion about the pricing of affordable and market rate units in the area, rent stabilization and the affordable housing policy.

Continuing with her presentation, Ms. Cotton announced that the Open Space at 535 Carlton Avenue is available for public use. She stated the building’s parking garage will also have 24 parking spots reserved for the 78th Precinct. She explained that a Conservancy will be established to maintain the Project’s Open Space and the Conservancy will have directors appointed by the Developer and property owner’s association, local community boards, ESD, and the City’s Park Department. Director Kummer asked if the Conservancy will have fundraising ability. She advised the bylaws allow the Conservancy to raise money, but since there’s an income stream established fundraising is not a must. She further advised that appointment to the Conservancy is also not limited to only condo buildings/owners, that renters can be appointed.

Director Stein asked if it were possible to have a pause in the meeting for a public comment period. Directors voted to have pause for a public comment period on items presented thus far in the President’s Report.
The first public comment came from Gib Veconi. He spoke on the construction fence on Dean Street and challenged the need for a 16-foot fence. Peter Krashes followed and also spoke on the Dean Street construction fence in addition to the RFP for environmental monitoring, and B15 site conditions.

Continuing with the Developer’s presentation, Director Williams asked about the size and location of signage for the Open Space. There was a discussion about advertising the Open Space and informing the public about its availability. Ms. Cotton then spoke on the Dean Street construction fence. She explained that changes were made to the fence when construction trailers were moved to the B13 site. She noted that portions of the fence were moved from the street, back to the property line and parking spaces restored and noted there were no changes to the fence height. She added that the Community Liaison Office (CLO) will be located in a trailer on the B13 site and that the office will be accessible through a gate with a security guard on Dean Street. A few of the Directors asked about the current fence conditions and the restriping of the street. Ms. Cotton then noted that the Open Space around 550 Vanderbilt will be made available in a couple of weeks.

Ms. Cotton stated the construction of a pedestrian safety median is ongoing on Atlantic Avenue between Fort Greene Place and Sixth Avenue and the work is expected to be completed in late December. Discussing the West Portal tunnel at the railyard site, Ms. Cotton announced that track and switch operation work will be done during the weekends of December 2nd and 9th and there will be no commuter service at the Atlantic Terminal station during those weekends. Director Williams asked about the timing of the railyard completion. Ms. Cotton explained that
the work at the railyard is very complicated and it would be difficult to estimate one date for completion. Instead she noted that there are a number of different milestones related to the railyard operations, platform overbuild, and future buildings.

Ms. Cotton then turned the report over to Jane Marshall to provide a presentation on the Times Plaza Redesign. Ms. Marshall described Times Plaza’s unique highly trafficked location, and placed it in context with the surrounding neighborhood and Project site. Per the 2014 Supplemental Environmental Impact Statement (SEIS), she stated that Times Plaza is an offsite open space improvement and the redesign project is owned by NYC Department of Transportation. She explained the redesign includes pedestrian safety measures, a placeholder for a future bike path, seating area and ornamental plantings.

Directors asked about the design’s impact on the traffic pattern, specifically for bus routes and the already established bike lanes. Director Stein asked whether the trees planted on Times Plaza will be included in the count of trees required to be replanted at the Project site. Ms. Marshall stated the plantings at Times Plaza will be separate and above what is required for the Project.

Director Williams asked about the Developer’s proposal to combine the 535 Carlton Avenue and 550 Vanderbilt Avenue parcels for the Affordable New York program. Ms. Cotton responded that with changes to the old 421-a program, a number of alternatives were considered for the Project including a zoning law treatment which could allow for both
buildings to be combined to one parcel for a longer abatement term but that the proposal has not been approved.

Director Stein then asked whether it were common practice for residents to be asked to sign a non-disclosure and litigation agreement before receiving windows. Ms. Cotton responded that she will look into the concern and follow-up accordingly. Mr. Phillips noted that ESD Staff will also follow-up on the matter.

Director Stein also asked for an update on families that were relocated from the site. Ms. Cotton answered that 15 families were relocated off site with an agreement to return, two families have reached private agreements with the Developer and will not return to the site. She stated the displaced families wishing to return to the site, do have to go through the affordable housing lottery application process or apply through open marketing.

Acting Chair McCaw then transitioned the meeting to the public comment period. The first speaker was Peter Krashes. Mr. Krashes spoke on a number of quality of life issues, including the need for street signage for parking regulations, signing an agreement for the noise mitigation program, the completion of the permanent railyard and the Time Plaza Redesign.

Gib Veconi spoke next, he thanked the AYCDC Directors for their service, and raised concerns with the Dean Street construction fence. Mr. Veconi asked that the Board consider the requirement that parcels at the Project site not being used for development, be turned into temporary public Open Space.
After the public comment period, Director Reardon proposed that the Block 1129 construction fence be moved and that if there be no activity a request be made for temporary open space. Mr. Phillips responded that staff will work on the request and follow-up accordingly. Director Stein asked that a copy of the Mitigation Matrix, an appendix to HDR’s quarterly report, be sent to Directors and if possible posted on the ESD site. Mr. Phillips noted that the Matrix will be sent to Directors, and a follow-up conversation is required to determine the feasibility of posting it on the site.

Director Williams asked a follow-up question about the construction timeline for the railyards. Mr. Phillips reiterated Ms. Cotton’s earlier response that while there might be a contractual end date for the railyard work, activity will continue at the site until Project completion. Director Williams also asked about the timeline for B15, noting the importance of preparing for site safety and coordinating having a school near active construction. She commented on having a larger conversation with elected officials about changes to the 421-a program and how it will impact tax revenue for the city.

Hearing no further business, the meeting was adjourned at 4:51 p.m.

Respectfully submitted,

Debbie Royce
Corporate Secretary