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Council's Power To Block BJ's From Bronx Mall Questioned

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A proposal to build a multimillion-dollar mall in a dilapidated area of the Bronx is sparking debate about whether the City Council has the authority to use its land-use power to block certain stores — such as Wal-Mart and the wholesale outlet BJ's — from renting space in the complex.

The developer of the 1 million square feet of retail space, the Related Companies, has said the mall will contain “only businesses and retailers that are already doing business in the five boroughs of New York City,” a statement that some council members interpret to mean as “not Wal-Mart.”

But several council members and community opponents of the project are saying that opening a BJ's, which charges a membership fee and generally does not accept food stamps, in one of the city's poorest neighborhoods is a disservice to the local community. Union leaders are lobbying against the labor practices of Wal-Mart, BJ's, and other big box stores that may be invited into the mall.

Today, a council land-use subcommittee will hear public testimony regarding the \$394 million Gateway Center, which would occupy the site of the current Bronx Terminal Market. The chairman of the subcommittee, Tony Avella, a Democrat of Queens, said yesterday the entire council would vote on the project at a

February 1 meeting.

Mr. Avella said that while council members would likely debate what stores will occupy the mall and the terms of the lease with the city, they must vote on the criteria spelled out in the city's land-use process, like traffic and environmental impacts.

“We are very concerned about big box stores making available food stamps and disenfranchising the very

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poor from getting low prices. How that figures into land use is a gray area,” Mr. Avella said.

Still, he said that, like a jury that hears inadmissible testimony, individual council members are likely to vote on all the evidence presented before them.

Council Member Joel Rivera, a Democrat of the Bronx, said, “I've told everyone that while we may have concerns about companies coming into our neighborhoods, we have to make land-use decisions solely based on

other criteria.”

“Hopefully, they will bring in stores that are friendly to the consumers and friendly to the people that work there,” Mr. Rivera said.

Today, the city, which is leasing city land to the developer, and Related will testify in favor of the project. They say the mall will spur economic growth and bring about 5,000 jobs to a long-neglected area. They cite the 21-2 vote in favor of the project by the local community board.

Related already paid \$42 million to the city for the lease, but the Bloomberg administration has agreed to reimburse the developer if the project falls through or fails to get land-use approval.

A group of opponents of the project, including representatives from organized labor and advocates seeking a better relocation plan for the current tenants of the Bronx Terminal Market, will protest today outside City Hall after giving their public testimony to the council.

An organizer for a grocery workers' union that opposes the project, Patrick Purcell, said yesterday that the council should consider what stores will fill the Gateway Center because of its potential negative socio-economic impact on the community.

“The 800-pound gorilla in the room is Wal-Mart and BJ's. You have to know if they will be there, otherwise it becomes a Trojan horse,” he said.

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