

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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June 21, 2011
Start: 9:44 am
Recess: 10:49 am

HELD AT: Council Chambers
City Hall

B E F O R E:
MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:
Leroy G. Comrie, Jr.
Daniel R. Garodnick
Robert Jackson
Jessica S. Lappin
Diana Reyna
Joel Rivera
Larry B. Seabrook
Albert Vann
Vincent M. Ignizio

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

John Young
Director of Queens Office
NYC Department of City Planning

Tom Smith
Project Manager
NYC Department of City Planning

Jimmy Solomos
General Counsel
Percy's Tavern

Luke Friar
Managing Owner
Betel

Karen Benvenista
Representative
Da Silvano

Derek Sanders
Managing Member
La Esquina

Arthur Goldstein
Attorney
La Esquina

Georgette Fleischer
Concerned Citizen

Joel Fisher
President
J & H Management Corp

Eric Palatnick
Attorney
Solow Center and Woodrow Plaza

Tony Morale
Project Architect
Solow Center

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2 CHAIRPERSON WEPRIN: Alright. Good
3 morning. My name is Mark Weprin. I'm the Chair
4 of the Zoning and Franchises Subcommittee of the
5 Land Use Committee. I am joined by the following
6 members of the Subcommittee: Robert Jackson, Larry
7 Seabrook, Leroy Comrie to my left, Jessica Lappin
8 and Diana Reyna and her son, Diego, and we are
9 also joined by Council Member Jimmy Van Bramer,
10 who represents one of the projects that we're
11 going to be taking up first. We have also been
12 joined by Al Vann from Brooklyn. We're going to
13 go a little out of order here, and we're going to
14 start with Land Use No. 421, 422 and 423—the
15 Sunnyside/Woodside Rezoning. I know we have
16 people from City Planning here to make a
17 presentation. While they get set up, following
18 this we're going to our cafés, just for the
19 record—little informational purposes, so those who
20 are here for those cafés will go next, and then
21 we'll go to the other Land Use items, so you get
22 to stay here a little longer. [long pause]
23 Gentlemen, whenever you're ready, remember, you
24 know the drill. Please state your name for the
25 record, Mr. Young and then you can get started.

1
2 JOHN YOUNG: I think I'm used to
3 the drill. Thank you very much. Good morning,
4 Chair Weprin, Chair Comrie, ladies and gentlemen.
5 My name is John Young, and I'm director of the
6 Queens office for the Department of City Planning.
7 On behalf of City Planning Director Amanda Burden,
8 I'm very pleased to be here this morning to
9 present the Department's efforts to update zoning
10 designations on 130 blocks in western Queens in
11 order to protect the central character of
12 Sunnyside and Woodside. I'm joined by Tom Smith,
13 who will present the details of the rezoning
14 proposal to you.

15 The Sunnyside/Woodside Rezoning
16 proposal that is before you today culminates a
17 three-year effort to work with a broad spectrum of
18 neighborhood residents, elected officials and
19 stakeholders to generally replace 50-year old
20 zoning designations and develop a zoning framework
21 that more closely matches building patterns and
22 provides a more predictable scale for new
23 developments. As Tom will describe for you, the
24 Department's rezoning proposal seeks to prevent
25 tear downs of one and two family houses and curb

1
2 the construction of out of character buildings
3 that disrupt the lower scale built fabric on
4 residential side streets, while directing future
5 housing opportunities to locations along Queens
6 Boulevard, a 200 foot wide thoroughfare well
7 served by transit resources.

8 The proposal includes a zoning text
9 amendment that would provide incentives for new
10 developments along Queens Boulevard to create and
11 preserve permanently affordable housing in
12 Community District 2. This aspect of the rezoning
13 builds upon zoning provisions that were
14 implemented in 2006 on portions of Queens
15 Boulevard further west in Woodside. The rezoning
16 will also update commercial overlay districts to
17 closely reflect land use patterns and it includes
18 a second text amendment to revise sidewalk café
19 regulations on portions of Queens Boulevard and
20 Skillman Avenue to foster a lively streetscape
21 while providing adequate circulation space for
22 pedestrians.

23 The Sunnyside/Woodside rezoning is
24 a fine grain proposal that has been shaped by many
25 participants during its development. I want to

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2 thank the area's passionate residents, civic
3 advocates and elected officials that have taken
4 time to attend numerous outreach meetings and
5 public hearings and provide input into this
6 important zoning initiative, including the United
7 40 Civic Association, Woodside on the Move, the
8 Sunnyside Chamber of Commerce, the Sunnyside
9 Shines Business Improvement District, Community
10 Board 2 and its Land Use Committee and Council
11 Member Jimmy Van Bramer and his staff. Following
12 the February 28th certification of the proposal, we
13 are very pleased with the support the rezoning
14 received from Community Board 2 and Borough
15 President Helen Marshall as voiced in the
16 recommendations for approval of it.

17 The City Planning Commission held
18 its public hearing on May 25th and expedited its
19 review to vote unanimously in favor of the
20 rezoning and related text amendments on June 6th.
21 We hope that you too will support this carefully
22 considered, finally wrought initiative to
23 reinforce the built character and land use
24 patterns of Sunnyside and Woodside, and now Tom
25 will review the details of the proposal for you.

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2 You've been given some written materials which
3 will guide you through as well.

4 TOM SMITH: Good morning. I'm Tom
5 Smith, the project manager for the
6 Sunnyside/Woodside Rezoning. In the packets,
7 you'll find a brief description of the rezoning
8 itself, a map of the existing zoning and land use,
9 a map of the proposed zoning districts, as well as
10 a page showing thumbnails with brief descriptions
11 of the proposed zones and a larger chart with the
12 full breakdown of the zoning districts.

13 The rezoning area covers
14 approximately 130 blocks and 2800 lots in the
15 Sunnyside and Woodside neighborhoods of Community
16 District 2 in Queens. The rezoning area is
17 roughly bounded by the Sunnyside Rail Yard, 37th
18 Avenue with the Brooklyn Queens Expressway, the
19 New York Connecting Railroad, 72nd Street,
20 Woodside, Roosevelt and 48th Avenues and 39th
21 Street. There are existing R4, R-5, R6, R7-1, C4-
22 2, C8-1 and M1-1 zoning districts within the
23 rezoning area. These existing zoning districts do
24 not channel future residential development to the
25 neighbors' major transit rich corridors, nor do

1 they protect the lower density character that
2 exists on the residential side streets. The R6,
3 R7-1 and C4-2 districts in particular do not have
4 set height limits. This allows for the
5 construction of buildings, which are taller than
6 those that surround them. Eight lower density and
7 contextual districts have been proposed to replace
8 the existing zoning. Two R4 districts covering
9 five blocks are proposed for two sections of the
10 Sunnyside Gardens historic district in order to
11 provide a consistent zoning treatment for the
12 entire historic district. Three R4-1 districts
13 covering 16 blocks are proposed for sections of
14 Woodside where one and two family detached and
15 semi-detached houses are prevalent. Five R5-B
16 districts covering 31 blocks are proposed for
17 portions of the rezoning area where two and three
18 story row houses and small apartment buildings are
19 predominant. Five R5-B districts with a maximum
20 building height of 40 feet are proposed for five
21 sections of the rezoning area totaling 45 blocks,
22 where three and four story apartment buildings are
23 prevalent. An R6-A district with a maximum
24 building height of 70 feet is proposed for an area
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1 south of Queens Boulevard totaling 24 blocks,
2 where four to six story apartment buildings are
3 common. Two R7-A districts with a maximum
4 building height of 80 feet are proposed for
5 sections of the area north of Queens Boulevard
6 totaling 27 blocks, where seven and eight story
7 apartment buildings are common. An R7-X district
8 is proposed for block fronts [phonetic] on Queens
9 Boulevard between 39th and 44th Streets through the
10 related inclusionary housing text amendment,
11 developers would have the option to build to a
12 maximum FAR [phonetic] 5.0 as long as they provide
13 20% of the building's floor area for permanently
14 affordable housing. The allowable base height may
15 range between 60 and 85 feet above which a setback
16 is required before achieving a maximum height of
17 125 feet. A C45-X district is proposed for block
18 fronts on Queens Boulevard between 44th and 50th
19 Street. The C45-X district would have the same
20 height and setback requirements as its residential
21 equivalent, R7-X district; however, the C45-X
22 district allows for second floor commercial uses.
23 The inclusionary housing program would also be an
24 option in this district. Commercial overlays
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2 throughout the rezoning area have also been
3 established or modified to reflect existing uses
4 to prevent commercial development on residential
5 side streets and create continuity and overlays
6 along the area's major shopping streets. The
7 associated sidewalk café text amendment will
8 permit small sidewalk cafés along a portion of
9 Queens Boulevard between 39th and 48th Streets where
10 all types of sidewalk cafés are currently
11 prohibited. The text amendment would also allow
12 only small sidewalk cafés along portions of
13 Skillman Avenue, where all types of sidewalk cafés
14 are currently permitted. In both cases, the text
15 amendment would allow businesses the opportunity
16 to provide outdoor seating while ensuring the
17 preservation of adequate pedestrian circulation
18 space. The proposed actions will preserve the
19 built character of the neighborhoods' residential
20 side streets, while channeling future development
21 to the area's major corridors. Thank you.

22 CHAIRPERSON WEPRIN: Thank you very
23 much. Council Member Van Bramer, who represents
24 this area, would like to make a comment and
25 discuss some of the issues.

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2 COUNCIL MEMBER VAN BRAMER: Thank
3 you very much, Mr. Chair. I have worked closely
4 with City Planning on the rezoning of Sunnyside
5 and Woodside. We both believe that this rezoning
6 is a good step towards preserving and growing two
7 of the unique and wonderful neighborhoods in all
8 of New York City, both in the Council District
9 which I serve—District 26. I am very enthusiastic
10 about the zoning changes and I look forward to
11 seeing them implemented and used in the months and
12 years ahead. I want to thank John Young and Tom
13 Smith and the entire City Planning - Queens
14 department, Community Board 2, our chair Joe
15 Conley [phonetic] and Lisa Deller [phonetic], the
16 Chair of our Land Use Committee, all of whom have
17 worked very, very hard and very collaboratively on
18 this effort. Today the Council Subcommittee will
19 vote to modify the Queens Boulevard area of the
20 rezoning. Our modification would change the
21 eastern portion of Queens Boulevard slated for an
22 R7-X zoning as proposed by DCP to an R7-A, and
23 also change the western portion from a C45-X as
24 proposed by DCP to a C44-A. The new base FAR for
25 inclusionary would be 3, 4, 5 and the max would be

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2 4, 6 with height limits of 80 feet. City Planning
3 is aware of my desire to limit the height on
4 Queens Boulevard to 80 feet. Amanda Burden, City
5 Planning Commissioner, knows of my desire to
6 modify the zoning. She agrees that the changes of
7 the R7-X to a R7-A and the C45-X to a C44-A are
8 both within the scope of the proposed zoning. So
9 I want to thank the Commissioner for working with
10 me on this. I want to thank John and Tom and
11 Penny Lee [phonetic] and the entire group and I
12 want to let you know that we are very, very
13 excited about the sidewalk cafés, which are going
14 to be a great, great boom to our neighborhood
15 restaurants. I look forward to a positive outcome
16 here today and tomorrow. Thank you. Thank you
17 very much, Mr. Chair and I look forward to
18 continuing to work with City Planning on working
19 to make sure that the small businesses on the
20 north side of Skillman Avenue that are not
21 included in this action will be able to one day
22 have sidewalk cafés just their sisters and
23 brothers on the south side of Skillman Avenue will
24 be able to as a result of that and I will continue
25 to work with you to make sure that that can

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happen. Thank you.

CHAIRPERSON WEPRIN: Mr. Young, would you comment on the proposed modification that Mr. Van Bramer had? I know you guys have talked about it—just on the record.

JOHN YOUNG: - - explain that we have had discussions about the Councilman's concerns. They began during the rezoning development, but as we went forward, we understood that those concerns were still present and we did understand that this would be the type of change that he would be recommending at this point.

CHAIRPERSON WEPRIN: Okay. Thank you. Anyone else have any comments or questions on this item? Seeing none, okay. Oh okay, sorry. Mr. Comrie.

COUNCIL MEMBER COMRIE: I want to congratulate John and his team for everything that they did—the work with the Woodside/Sunnyside community and Council Member Van Bramer to make sure that that community can continue to drive and be a magnet for tourism—it's got some of the strongest restaurants in Queens in that area and with the addition of the sidewalk cafés, it will

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2 keep those restaurants competitive with the rest
3 of the borough and the rest of the city. Thank
4 you.

5 CHAIRPERSON WEPRIN: Thank you,
6 Chair Comrie. Anybody else? Seeing nobody else,
7 we thank you. We're going to close this item.
8 Gentlemen, thank you very much. Council Member
9 Van Bramer, thank you. Okay, now we're going to
10 go back to the front of the agenda, which is the
11 café items. I just want to state that first one
12 listed, Land Use No. 405 OPM Restaurant and Club
13 in Brooklyn, has been withdrawn, so will not be
14 before us today. We are then going to move on to
15 Land Use No. 406, which is Percy's Tavern in
16 Manhattan in Community Board 3. I've asked the
17 people on behalf of Percy's Tavern to please come
18 up and I believe that is--is it Jimmy Solomos
19 [phonetic]? That's an S at the end? Solomos.
20 Okay. Mr. Solomos? I want you to know I
21 understand the architects, the drawings are one of
22 the best we've seen and that the job that was
23 done. Coming from Pete that's a big compliment
24 'cause he's like a complete café nerd.

25 JIM SOLOMOS: Good afternoon,

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2 Council Members. My name is Jimmy Solomos. I'm
3 general counsel for Percy's Tavern. In front of
4 you today, you have a letter written by the
5 president of the corporation, Steelbar
6 Incorporated doing business as Percy's Tavern,
7 itemizing the hours of operation that have been
8 discussed with the Council Members that were in
9 direct negotiations with the business owner. I
10 would like to have that entered into the record,
11 so we can proceed with the licensing.

12 CHAIRPERSON WEPRIN: Alright. I
13 have a letter here. Do you have a copy of the
14 letter?

15 JIM SOLOMOS: No, would you like me
16 to read it into the record?

17 CHAIRPERSON WEPRIN: Yeah, I could
18 read it into the record--this part, but I also
19 would like you to state once I'm done with that
20 just the tables and chairs--the exact numbers.
21 I'll read this in for you, although the writing is
22 very small.

23 Dear Council Members, I submit this
24 letter to you stating the hours of operation the
25 sidewalk café at Percy's Tavern at 210 Avenue A

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2 shall be as follows Monday through Thursday, 10am
3 to 11pm, Friday and Saturday 10am until midnight
4 and Sundays 11am until midnight and that is from
5 the President of Steelbar, Lawrence Watson
6 [phonetic]?

7

JIM SOLOMOS: That's correct.

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CHAIRPERSON WEPRIN: If you'd just
9 discuss the tables and chairs specifications?

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JIM SOLOMOS: From memory now, I
11 think there's 20 tables altogether. Ten tables.
12 20 customers. I'm sorry.

13

CHAIRPERSON WEPRIN: Ten tables, 20
14 patrons. Okay. Okay. We've confirmed that.
15 Thank you very much. Anyone have any comments or
16 questions on this? We understand that Council
17 Member Mendez, who represents this area, is fine
18 with this café application, so seeing none, thank
19 you very much.

20

JIM SOLOMOS: Thank you very much,
21 Councilman.

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CHAIRPERSON WEPRIN: We're going to
23 close that and move on to the next item, which is
24 Land Use No. 414, La Esquina, Community Board 2 in
25 Council Member Chin's district. I'd like to call

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2 up Derek Sanders [phonetic] on behalf of La
3 Esquina to please come up. Come to the table.
4 Mr. Sanders, I hate to do this to and those who
5 are here on this behalf. We're going to have to
6 hold off on you. We're waiting on a letter on
7 this particular item. Take a seat near the front
8 so you don't have to walk so far next time. We're
9 going to move to the next item for now. Sorry
10 about that. This is Land Use No. 415, Betel in
11 Manhattan Community Board 2. Luke Friar
12 [phonetic]. I believe it is. Luke. Thank you.
13 Whenever you are ready, Mr. Friar.

14 LUKE FRIAR: I'm Luke Friar. I'm
15 the managing owner of Betel on Grove Street, and I
16 have a series of things I'd like to [off mic]. In
17 relation to this application, we will reduce the
18 size of the sidewalk café from 9 tables and 18
19 seats to 9 tables and 16 seats. We will remove
20 the illegal a-frame sign from within the sidewalk
21 café service aisle. There will be no stalls in
22 the sidewalk café area. We will remove the two
23 planters currently located within the sidewalk
24 café area. We will set up the café according to
25 the approved plans.

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2 CHAIRPERSON WEPRIN: This is in
3 Council Member Quinn's district and she is okay
4 with it. I'm getting the head nod from her staff.
5 Anyone have any comments or questions about this?
6 I guess not. Okay. Good. Well, thank you.
7 Thank you very much, Mr. Friar.

8 I now am going to move on to Land
9 Use No. 416, which is Da Silvano and Karen
10 Benvenista [phonetic], welcome. This is Council
11 Member Quinn's district too, I believe.

12 KAREN BENVENISTA: Good morning.

13 CHAIRPERSON WEPRIN: Good morning.
14 Good to see you again, and whenever you are ready,
15 please.

16 KAREN BENVENISTA: Okay, I just
17 wanted to read into the record our agreement.
18 This letter serves as our agreement with the
19 Chair, Council Member Mark Weprin, and the
20 encompassing members of the Subcommittee on Zoning
21 and Franchises that we will commit to the
22 following: There will be no service from the
23 public sidewalk. All service will be from within
24 the café, utilizing the three foot wait service
25 aisle. In response to the community concerns, we

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2 will reduce the size of the café from 27 tables
3 and 57 seats to 23 tables and 49 seats, removing
4 one table and two chairs from the left side of the
5 northern portion of the café and three tables and
6 two chairs from the right side of the northern
7 portion of the café. In the northern portion of
8 the café, the remaining five tables and ten chairs
9 on the left side and remaining three tables and
10 six chairs on the right side will be rotated 90
11 degrees as to allow for easier service from within
12 the café. These changes will be reflected in
13 revised plan submitted to the Department of
14 Consumer Affairs. The three tables and six chairs
15 on the right side of the northern portion of the
16 café will be set up to give the mandatory three
17 feet clearance from the overhead fire escape
18 ladder in accordance with the Department of
19 Building's regulations. We will set up the café
20 according to the approved revised plans. A copy
21 of the approved plans will be posted inside of the
22 restaurant and the daytime manager will ensure
23 that the café is set up appropriately. We will
24 also remove the four planters not indicated on our
25 sidewalk café plan.

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2 CHAIRPERSON WEPRIN: Okay. I'm
3 informed by counsel that you talked about the
4 revised plans—we don't have copies of those. So
5 you can get them to us as soon as possible. Also
6 the permits on your heaters that are in front
7 there. That as well.

8 KAREN BENVENISTA: Okay.

9 CHAIRPERSON WEPRIN: Okay. Can you
10 get both of those items to us afterwards? We
11 appreciate that. Any comments or questions? I
12 know this is also in Speaker Quinn's district and
13 she is fine with it. We haven't had any
14 opposition on this item, so if you can just get us
15 that information, that would be helpful. I don't
16 see any other people who want to comment on this,
17 so thank you very much.

18 KAREN BENVENISTA: Thank you.

19 CHAIRPERSON WEPRIN: They're ready?
20 Alright. Good. Now we're going to go back to La
21 Esquina. - - call you back up. Do you want to...?
22 Good morning. If you could please introduce
23 yourself to the record and your counsel who is
24 with you, if he could introduce himself.

25 DEREK SANDERS: Hi, my name is

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Derek Sanders. I'm the managing member at the restaurant La Esquina.

ARTHUR GOLDSTEIN: Arthur Goldstein with Davidoff, Malito and Hutcher, LLP.

CHAIRPERSON WEPRIN: Okay, good. Could you please describe your application, what you're asking for as specifically as possible?

DEREK SANDERS: Sure. We're asking for a renewal on an outdoor café that we have. The café is on Kenmare Street and also on the sides of Center and Lafayette. In '09 we had negotiated a series of stipulations reducing the seating count from 36 to 26 and with some other requirements and we were just looking for some minor modifications to those stipulations.

CHAIRPERSON WEPRIN: I have a letter here that you signed that we were waiting for. It lists a number of specifications that you've talked about. I'm going to read them out loud. Bear with me. There is a number of them—
Number 1) close sidewalk café at 11pm on Fridays and Saturday nights; 2) Sunday through Thursday nights, the café will have a last seating at 9:15 pm, will remove tables and chairs as patrons

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2 vacate their tables and will close at no later
3 than 10:30pm and will not permit people to remain
4 in the café sidewalk premises after the closure
5 hour; 3) the outdoor takeout window is to be used
6 at all open times by delivery personnel only and
7 closed by 9:30pm; 4), there will be at least one
8 security personnel on duty at all times when the
9 sidewalk café is open; owner shall maintain at
10 least one person present at front of the
11 establishment; number 5) training will take place
12 for security team as well as managerial staff to
13 focus on outdoor activity; 6) windows should be
14 kept closed; 7) reexamine queuing systems to move
15 people off streets as quickly as possible; 8) meet
16 with Friends of Petrosino Park or an organization
17 designated by Community Board 2 to the extent that
18 Community Board 2 decides to participate as needed
19 to discuss issues of operation; 9) garbage will
20 not be placed on sidewalk before 10pm until crowds
21 disperse; 10) continue compliance with existing
22 city restrictions on live music, amplified audio
23 and video usage anywhere on the sidewalk; 11)
24 close restaurant no later than 2am; and 12) the
25 owner agrees that the above conditions will be

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2 maintained throughout the expiration of their
3 sidewalk café permit unless the owner seeks and
4 receives amendments to the permit with the support
5 of the Council Member—that's Council Member Chin—
6 or at the initiation of the Council Member and
7 consultation with the community board. By the
8 letter with my signature below, I hereby agree and
9 comply with all the stipulations and restrictions
10 of this permit, and that is signed by Derek
11 Sanders. That is you, correct?

12 DEREK SANDERS: Correct.

13 CHAIRPERSON WEPRIN: Alright. And
14 you agree to all these stipulations I assume by
15 having your name signed there on the bottom.
16 Okay. Thank you. Mr. Goldstein, did you have
17 something you wanted to add?

18 ARTHUR GOLDSTEIN: Just that you
19 will hear from at least one person who has been a
20 consistent complainer about this restaurant for
21 years. She attends every hearing I've been
22 involved with just the last few years.
23 Personally, I think there's... I'll skip it.

24 CHAIRPERSON WEPRIN: Be nice 'cause
25 she's going to go after you, you know?

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2 ARTHUR GOLDSTEIN: Probably. It
3 doesn't really matter. My client long before I
4 even met him spent over \$7,000 on her apartment
5 and - - look around and see how many apartments
6 are there, I think - - . She brings up issues
7 from years ago, so.

8 CHAIRPERSON WEPRIN: Let's not go
9 off topic too much. Anyone have any comments or
10 questions on this café? Council Member Chin is
11 aware of this. Oh, you want to make a statement,
12 Margaret? Or do you want to wait? That was a No.
13 Diego, do you want to make a statement. Alright.
14 Thank you very much. You might want to stick
15 around. We do have someone who is testifying in
16 opposition to this matter. Alright. The sergeant
17 at arms will take that. I'm going to call up now
18 it's Georgette... is it Fleischer?

19 GEORGETTE FLEISCHER: It's
20 Georgette Fleischer.

21 CHAIRPERSON WEPRIN: Fleischer,
22 yes. Okay. Please have a seat. We're going to
23 give you a three minute clock, if you can try to
24 keep it within the three minutes.

25 GEORGETTE FLEISCHER: I think I

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can.

CHAIRPERSON WEPRIN: Okay. State your name again for the record, even though we've already said it, and...

GEORGETTE FLEISCHER: Georgette Fleischer. I'm the founder of Friends of Petrosino Square, and I'm here to speak on behalf of the community. I'm here to object very strongly to what is happening at this particular meeting here. The private letter agreement that was made between Council Member Chin and the applicant was made without any involvement on the part of the community; indeed, it was made without any knowledge on the part of the community. We found out about this strictly by accident at a State Liquor Authority Licensing Committee at CB2 [phonetic] on Tuesday evening. We didn't know that this hearing was going to happen at all, so we're distressed about that. I want to mention one thing of the items that were read into the record here—the very last stays the same from the copy of the document that was forwarded to the community, which has the effect of marginalizing the community's input on any changes, and indeed,

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2 marginalizing Community Board 2's input on any
3 changes in favor of isolating the applicant and
4 the Council Member as the only parties who would
5 be able to initiate or carry out any changes. I'm
6 one of two community members from our group who
7 was here in October 2009 when former Council
8 Member Gerson called this applicant up at this
9 same Committee—it was a different constitution
10 obviously, and at that time, we presented a great
11 deal of documentary evidence, which is in the file
12 I understand from Pete Anasic [phonetic]. Many of
13 them were violations that came of two March
14 taskforce shutdowns of the establishment in August
15 2007 and March 2008--many, many building fire et
16 cetera violations. We testified that this
17 applicant no sooner got the sidewalk café license
18 than they began to abuse it and to abuse their
19 residential neighbors by turning the sidewalk café
20 into an outdoor sports bar. They mounted
21 amplifiers on the outside of the building. They
22 created sleeves into which they put widescreen
23 televisions. There were other larger extravagant
24 events that involved projecting the results of the
25 presidential election onto the side of a seven

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2 story building, mounting amplifiers on tripods on
3 the street across the way, mounting a projector on
4 top of a ladder in the middle of a New York City
5 sidewalk, where patrons had gathered in order to
6 watch this extravaganza and this sister
7 establishment bringing out two barbecue pits on
8 which they grilled wurst for their patrons. As a
9 result of that hearing, the Committee was ready to
10 revoke the license altogether, so outraged were
11 they by the conduct of this applicant. They were
12 given the opportunity instead to make an agreement
13 with Council Member Gerson, which they did, which
14 is a 13 point agreement, not the 9 point agreement
15 that's been floating around, which I got a hold of
16 actually as a result of a foil request to the DCA.
17 This is a legally binding agreement that was read
18 into the City Council. I was there. Derek
19 Sanders was there. I witnessed this being read
20 into the City Council record and they have not
21 complied with it for one day. The community's
22 feeling is that if an applicant makes a legally
23 binding agreement and does not comply with it,
24 they deserve to have their license revoked, not to
25 have a private agreement made with a Council

1
2 Member that gives them back privileges that they
3 never had and they never complied with.

4 CHAIRPERSON WEPRIN: Thank you.

5 Sit there one second. I know that Council Member
6 Chin is with us today—I also just want to mention
7 that were joined by Council Member Garodnick and
8 Council Member Ignizio. Council Member Chin I
9 know has been working on a lot of these concerns
10 that you have and the community had, so I'm going
11 to let her make a statement on these items.

12 COUNCIL MEMBER CHIN: Thank you,

13 Chair. One of things that we've learned as
14 Council Members, we have to deal with sidewalk
15 cafés and businesses in our district and we try
16 very hard to work with the community. This
17 establishment--we met with them and a lot of the
18 violations that you talked about happened earlier
19 and that's why there were stipulations made. I
20 think that we worked very closely with Community
21 Board 2, and they have the input and that's why
22 were able to draft up another agreement on the
23 renewal. Nothing is perfect, but this is New York
24 City and we have to put everything in balance, so
25 I think by working together we are trying to meet

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the needs of the community and of the business establishment. This is what we worked out along with Community Board 2 and that's why we asked the letter to be read into the record. Thank you.

CHAIRPERSON WEPRIN: Okay. Anybody have any other questions or comments? Mr. Comrie?

COUNCIL MEMBER COMRIE: Um, your letter is saying that they put up outdoor speakers and televisions at the February 17th resolution, and that it was shuttered [phonetic] four times?

GEORGETTE FLEISCHER: Correct.

COUNCIL MEMBER COMRIE: By the City?

GEORGETTE FLEISCHER: Correct.

COUNCIL MEMBER COMRIE: Because of that incident and other incidents like that or—

GEORGETTE FLEISCHER: [Interposing]
The more recent shutterings [phonetic], which are May 2010 had to with the Department of Buildings vacate order for serious Buildings violations. They were shuttered the fourth time in August 2010 by the Department of Health for 64 violation points, and I thank you for mentioning the February 17th, 2011 resolution by Community Board

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2 2, which was voted in unanimously—41 members—that
3 recommends that the renewal be denied.

4 COUNCIL MEMBER COMRIE: But I see
5 here that they approved it on June 3rd or it was
6 approved with conditions by the community board,
7 so I'm confused—

8 GEORGETTE FLEISCHER: [Interposing]
9 I think that was done unilaterally by one person
10 on the community board. I was there for the vote.
11 I can tell you that I attended the Sidewalks
12 Committee of CB2 on February 14th. I testified
13 there with four other community members. We all
14 appeared against the establishment. There were no
15 community members who appeared in support of the
16 establishment. The resolution was written
17 unanimously at the committee level to deny this
18 renewal and I was there on February 17th. I spoke
19 again with a couple other community members--
20 again, no community members speaking in favor, and
21 the vote was unanimous; 41 members present to deny
22 this renewal.

23 COUNCIL MEMBER COMRIE: Okay.
24 Well, there's some confusion here on the record.
25 We'd have to get it looked it.

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GEORGETTE FLEISCHER: Thank you for that.

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CHAIRPERSON WEPRIN: Thank you. Ms. Chin has follow up.

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COUNCIL MEMBER CHIN: Chair, on this, my staff has told me we have over 200 pages of documents relating to this establishment, but when we talk about community board denied, but they made the recommendation that we put these points into the stipulation. So it's not that they deny and say that's it. That's why we have incorporated all these points that the community board recommended into the letter.

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GEORGETTE FLEISCHER: May I make one point?

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CHAIRPERSON WEPRIN: Very briefly. Yeah.

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GEORGETTE FLEISCHER: Which is, since this was passed on February 17th, the establishment has continued to fail to comply with the terms of the stipulation, specifically, with the closing times and the requirement of having at least one security person out at all times to control a particularly rowdy band of nightlife

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2 participants.

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CHAIRPERSON WEPRIN: We know that
4 Council Member Chin has been with the community
5 board in trying to address these concerns. I know
6 that's what the hold up on this letter was. I
7 heard from the owner of the establishment today
8 that he heard the items. I read the items out
9 loud—that they'll have a security person in place
10 to address the concerns that you raise and that
11 Council Member Chin has been trying to get on
12 behalf of the community. I was here in the record
13 in front of me—he knows that this license is
14 dependent on the fact that he is following these
15 rules—these things that the community board wanted
16 and that people in the community wanted and that
17 Council Member Chin has worked very hard in trying
18 to attain, and I'm staring at him as I say this in
19 that these would be items that we would expect you
20 to comply with exactly and strictly, or we'll have
21 a problem in the future.

22

COUNCIL MEMBER COMRIE: Question,
23 of those thirteen items that are pretty extensive
24 and thorough, is there something additional that
25 you wanted—

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GEORGETTE FLEISCHER: [Interposing]

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I do object to the final item, which if you

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compare it to the Gerson 13 point stipulation

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really removes-

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COUNCIL MEMBER COMRIE: I

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understand what you're saying, but from reading

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deeper, the community board did Council Member

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Chin the autonomy to develop the stipulations and

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I don't see how Council Member Chin would not be

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in contact with Community Board 2 regarding this,

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and if this is an area of contention, I'm sure

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that there will be a major monitoring of the

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restaurant by all parties, especially members of

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Community Board 2 and yourself to work with

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Council Member Chin to make sure those

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stipulations are followed. I do not infer that

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Council Member Chin is not working hard on this.

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The record was not clear on the community board's

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position-

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GEORGETTE FLEISCHER: [Interposing]

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I'm sure that she is; however, the community was

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not contacted at all for this negotiation. We

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didn't even know about it.

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COUNCIL MEMBER COMRIE: I sincerely

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2 doubt that Council Member Chin did not reach out
3 to the community board chair to inform her that—

4 GEORGETTE FLEISCHER: [Interposing]
5 Not to the community board, but to the community.
6 The community had no idea that this was happening—

7 CHAIRPERSON WEPRIN: Alright. Does
8 anyone else have any other comments or questions
9 on this matter? Ms. Lappin?

10 COUNCIL MEMBER LAPPIN: I do
11 because I don't like these sort of accusations of
12 these things being done secretly and in private.
13 There was obviously extensive discussion at the
14 community board about this item reflected in the
15 resolution passed by the board. There has been
16 extensive discussion between the Councilwoman and
17 her staff with the community board chair and with
18 the applicant in drafting the letter that she
19 presented today. I think the Council Member has
20 been proven to be particularly engaged. The only
21 reason we're here today is 'cause she called it up
22 in the first place, but she didn't have to do, but
23 she did and she's been elected by your community
24 to represent you in negotiations, which she did in
25 consultation with the chair of the appropriate

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2 community board subcommittee, so I don't like
3 these sort of implications that she is somehow
4 doing something privately 'cause clearly that is
5 not the case.

6 CHAIRPERSON WEPRIN: Mr. Comrie?

7 COUNCIL MEMBER COMRIE: That's what
8 I was saying, so I just want to--

9 [laughter]

10 COUNCIL MEMBER COMRIE: --Jessica
11 said it faster.

12 CHAIRPERSON WEPRIN: Thank you very
13 much, Mr. Comrie. Anyone else have any comments
14 or questions? Thank you, Ms. Fleischer. We
15 appreciate you coming down. We are going to close
16 this hearing and move on to our next item.

17 We're going to move on to Land Use
18 No. 413, which is the 164th street rezoning. Joel
19 Fisher [phonetic] is here. Mr. Fisher, you have
20 some hands outs for the Committee I know, and the
21 sergeant at arms will take those and distribute
22 them. If you please - - seat. Make sure you
23 speak into the microphone. State your name and
24 describe the application.

25 JOEL FISHER: Good morning,

1
2 Chairman, Council Members and Committee Members.
3 My name is Joel Fisher. I'm the president of J &
4 H Management Corp., the applicant for Land Use
5 Application 090347 ZMQ. Our application is to
6 amend the City Zoning Map 14 C to extend an
7 already existing C1-2 overlay which falls
8 partially on our site 6915 164th Street in Queens
9 and it's located mid-block between 69th Avenue and
10 Jewel Avenue on the east side of 164th Street. Our
11 application also includes the adjacent lot, Lot
12 No. 36, which is already being used as a
13 commercial under a grandfathered C of O [phonetic]
14 use. Our proposal is to establish a new C1-2
15 overlay on the section of 6931, Lot 38 and 36,
16 which is presently R3-2 district. It is our
17 intent to develop and construct a new two story
18 building with a total floor area of approximately
19 12,000 square feet. The first floor would be
20 retail. The second floor would be offices. We
21 think that this proposal would be very good for
22 the community. We would get rid of the auto
23 repair business that is located on the site right
24 now under a variance hat was granted in the 1950s.

25 CHAIRPERSON WEPRIN: Council Member

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2 Gennaro, who represents this project, for the
3 record does support it. I do want to ask a
4 question. The community board had expressed some
5 concerns about illuminated lights and the impacts
6 that those lights would have on the residents of
7 the streets in the area, and what plans you have
8 to limit lights or any problems the community
9 might have.

10 JOEL FISHER: We do not plan to put
11 any illuminated lights. If you can see on drawing
12 A-5, which is the front elevation, we have sign
13 boxes. Our leases would be strictly enforced to
14 permit only the installation of a name of who is
15 occupying that space and it would not be
16 illuminated.

17 CHAIRPERSON WEPRIN: You plan on
18 having uniform signage?

19 JOEL FISHER: That's correct. It
20 will be formed into probably the structure as
21 we're building it—the box.

22 CHAIRPERSON WEPRIN: The community
23 board has talked about the idea of frequency of
24 deliveries. Is there any reason you would believe
25 that there would be unusual amount of deliveries?

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2 JOEL FISHER: Our location is
3 really going to be more very small retail
4 businesses. I don't believe that there will be
5 deliveries that would affect the neighbors any
6 more than on 69th Avenue. I think the concern is
7 for the back neighbors, and the access is really
8 not for deliveries. It's really for the parking
9 of cars. It's really not even going to be access
10 for a truck. It will be kind of narrow and
11 difficult for trucks to get in there.

12 CHAIRPERSON WEPRIN: How far is
13 there? How much of a setback is there behind the
14 building for the parking and behind the parking
15 for the residents?

16 JOEL FISHER: The lot is about 95
17 foot deep, and we're dividing the space about
18 equal. They'll be about 47 feet of building and
19 47 for the parking. In addition, there is a ramp
20 that will access in the back left corner shown on
21 A3, which is your fourth page of the hand out,
22 that would allow access to the underground
23 parking. We intend to put in enough parking that
24 would suffice for all of the locations.

25 CHAIRPERSON WEPRIN: Anyone have

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any questions? Mr. Comrie?

COUNCIL MEMBER COMRIE: How many cars are you planning on putting underground?

JOEL FISHER: I think we're in the neighborhood of 35 cars total with most of it being underneath and in the back; we have about 6 or 7 spots.

COUNCIL MEMBER COMRIE: And what's the average size of the stores? Was it 20 by 80?

JOEL FISHER: It will be mostly about 19 by 50 feet. We haven't finalized the exact drawing. This is the illustration that we propose and we're going to try stick by, but we're going to have to fool with the egress [phonetic] a little bit and make sure that there's enough ingress and egress.

COUNCIL MEMBER COMRIE: And you have perspective tenants already? Are all you doing this on spec?

JOEL FISHER: On spec.

COUNCIL MEMBER COMRIE: And are there any underground parking facilities on that street anywhere?

JOEL FISHER: There are not.

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COUNCIL MEMBER COMRIE: Have you done test borings to see how far the water table is?

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JOEL FISHER: It is about 30 feet. We have done borings.

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COUNCIL MEMBER COMRIE: You have done borings.

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JOEL FISHER: Yes.

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COUNCIL MEMBER COMRIE: And do you know if there are any wells in that area? It's a part of the Jamaica Aquifer area, and there's a lot of groundwater issues over in that area.

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JOEL FISHER: All the houses in this area and all the buildings do have basements. We're not going any deeper than the normal basement height. This is not going to be a monster building. This is a small building.

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COUNCIL MEMBER COMRIE: Which gas station is that - - ? What's the name of the gas station?

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JOEL FISHER: It's called T and T's right now. It's an auto repair. The gas has been removed and the site has been cleaned up. It's kind of right in between Union Turnpike and the

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2 Expressway—smack in the middle. It's a great
3 location because it does face - - and you have all
4 the apartment buildings on that west side.

5 COUNCIL MEMBER COMRIE: Are you
6 going to be competing with a lot of stores over
7 there now? Is the bank still there?

8 JOEL FISHER: Yes. The bank is
9 there. I think there's actually a shortage of
10 stores in that area because of all of the
11 apartment buildings. That's why we propose this.

12 COUNCIL MEMBER COMRIE: Okay.
13 Alright. I don't have any further questions. I'd
14 be careful with the parking lot. I know you have
15 to build a certain amount of parking to deal with—
16 but you're going to have to put some major—to do
17 something in case you have to wind up pumping
18 later on with the water table constantly rising
19 and the fact that the City doesn't have a
20 groundwater plan and they're not pumping the
21 water. I think that's something you need to be
22 cognizant of.

23 JOEL FISHER: I grew up in the area
24 about seven blocks away. I actually built a house
25 two blocks away, so I'm very familiar with the

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2 area. There are locations in Queens that that is
3 definitely a problem. I don't think in that
4 particular vicinity there is a problem, and I'm
5 hopeful we don't have that as an issue because the
6 parking is actually the most expensive part of
7 that structure.

8 CHAIRPERSON WEPRIN: Okay. Thank
9 you very much. We're going to close this hearing.
10 Thank you. We're going to move on to our next
11 item. We're going to move on to Land Use No. 417,
12 the Solow Center, Queens Community Board 7. And
13 Eric is here for that, right? Eric, are you here?
14 There he is. Okay. This is in Council Member
15 Koo's district and Council Member Koo is
16 supportive of this particular application. Eric,
17 please state your name for the record and you know
18 the drill.

19 ERIC PALATNICK: Hi, good morning.
20 Eric Palatnick [phonetic], and I'm the attorney
21 for the Solow Center, and with me is Tony Morale
22 [phonetic], who is the project architect. It's
23 good to see everybody here today. We're here for
24 a rezoning in the Flushing area of Queens just two
25 doors down from the RKO Keith's Theatre in

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2 Flushing, where Main Street Ts into Northern
3 Boulevard. The property—you could see it right
4 there; Tony is pointing to it—it's in an M1 zoning
5 district and we seek to rezone it to an R6, C2-2
6 zoning district. The property end just by way of
7 reference is right when you're coming from Shea
8 Stadium or Citi Field now and you come down into
9 Flushing, it's on the left side as you come down
10 the bridge into Flushing. It's right on the
11 corner there. Right now it's Crown Auto Parts,
12 for those who may be very familiar with it, and
13 across the street is a funeral home. To the
14 right, where it says R6, C2-2, is right where the
15 RKO Keith's Theatre is that's been the subject of
16 much discussion in the past few years. In any
17 event, this property is improved upon with a one
18 and two story former stable, which then turned
19 into an auto repair center as well as a retail
20 center for auto repair. Mark Solow owns the
21 property, that's why it's called the Solow Center,
22 and he operates the business at the premises. He
23 intends upon redeveloping the property into a
24 seven story residential building that would have
25 ground floor commercial use. It would have a

1
2 second floor community facility use and it would
3 have residential on the upper floors above. It
4 would include 54 dwelling units and would include
5 parking for 62 cars at the cellar level. It would
6 stand 70 feet in height. In order to do that,
7 we're asking for a rezoning to go from M1 to R6,
8 C2-2, which as you could see from the maps behind
9 me, is exactly what the rest of the block that
10 we're on—I should say 70% of the block we're on is
11 zoned, with the exception of the properties that
12 front Prince Street, and those properties that
13 front Prince Street, they really should be rezoned
14 at some point in the future, and I'm sure they
15 will be. They include mostly local retail type of
16 uses. There is very few if any very true
17 manufacturing uses within that district. I know
18 there's a karaoke place. There's a pool hall and
19 things like that. And there's also a gym. I have
20 never sung karaoke with any Council Member that is
21 on the board right now. Nonetheless, Tony will
22 hold up now the rendering, which will show you
23 what we're seeking to build. As you can see, it's
24 a six story building. Tony is what I consider to
25 be one of the better architects and has taken a

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2 lot of pride in designing not just a square box,
3 but something that takes advantage of the location
4 of the building. Really, the entrance to Flushing
5 is the first thing you see as you do come off of
6 the bridge from Citi Field, and it will be made
7 quite a prominent impact as well as—you can see in
8 the background on the right side, you see where it
9 looks like the movie theater 'cause it's pointing
10 to the RKO Keith, and that's where the tower is
11 going to someday rise for the RKO Keith's Theatre
12 that is going to be built there. The two
13 buildings standing next to each other will be in
14 harmony with one another. The RKO Keith's—I don't
15 know the total height, but it will be taller than
16 what we're proposing. We were supported by
17 Community Board 7. We were also supported by
18 Helen Marshall, and we've also met with Councilman
19 Peter Koo. I have not met with him personally,
20 but it has been represented to me that my clients
21 have met with him and that he has supported it to
22 them. That is our application. It's rather
23 straightforward.

24 CHAIRPERSON WEPRIN: We have heard
25 the Council Member Koo does support the project.

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The parking spots—you said there are 62?

ERIC PALATNICK: At the cellar level.

CHAIRPERSON WEPRIN: I know the community board they overwhelmingly passed it, but I always hate the idea of where the heck anyone parks in that neighborhood. It's impossible to find parking on the street we know. That is adequate parking and the entrance and egress of that parking lot—I just am always afraid that the residents will choose to park on the street instead of the lot.

ERIC PALATNICK: The parking is actually more than is required parking—what we're proposing. I think of the 54 dwelling units, we're only required to have half, right?

ANTHONY MORALE: Hello. My name is Anthony Morale. I'm the architect. Really there are two things that were considered in the zoning. One is to put in a quality housing program, so that would eliminate the height and also, it would create quality housing type of dwelling units. The number of dwelling units even though we're allowed 54, we're going with 34. 34 would require

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2 17 cars parking. Out of the 60 or so cars
3 provided, we also provided an additional loading
4 dock facility for off street deliveries and also
5 parking for the community facility of
6 approximately 17 cars and also parking for the
7 retail component. All that parking would be
8 located - - of the building. Also on a previous
9 rezoning that we were approved about a year ago,
10 on Prince Street was an M1 zone, and we put in a
11 double garage there for an additional 200 cars. I
12 know that in Queens just like you said in Flushing
13 because of the Rockefeller Center, the new
14 proposal-

15 CHAIRPERSON WEPRIN: [Interposing]
16 Flushing Commons.

17 ANTHONY MORALE: --Flushing Commons
18 that's going to be going on, we always want to
19 accommodate even more parking than would be
20 require because of what's going to happen with
21 that municipal lot.

22 CHAIRPERSON WEPRIN: Do you plan on
23 charging residents for the spots?

24 ANTHONY MORALES: No.

25 CHAIRPERSON WEPRIN: Good answer.

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2 Any comments or questions about that? Okay. Thank
3 you very much. I'm going to close this hearing.
4 The next and last item on our agenda are Land Use
5 Nos. 418 and 419, the related application for the
6 Woodrow Plaza rezoning on Staten Island in
7 everyone's favorite Council Member Vincent
8 Ignizio's district. I didn't get unanimous
9 consent on that, but anyway—look who's here. Back
10 again. Eric, please again state your name for the
11 record and also the person who is with you.

12 ERIC PALATNICK: Sure. My name is
13 Eric Palatnick. I'm the attorney for the
14 applicant, and with me is Gino Savo, who is part
15 owner of the property and also architect to the
16 project and did a lot of work in the design of it,
17 which we'll be holding up in a second, and also,
18 we'd like to our favorite councilman for this
19 project, Vincent Ignizio, who really has put a lot
20 of legwork into this application. It's been
21 pending for almost a decade, if you could believe
22 that, and it's really taken quite a bit of work to
23 get it to where it is today, so we want to thank
24 him for sticking by it.

25 I'll start with a little bit of

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2 history. It's an application for a rezoning and
3 the rezoning is seeking to allow a C2-2 overlay in
4 what's an R3-X district on what's now a vacant
5 piece of wooded land, which is depicted right
6 there—if you could just point to it—on Woodrow
7 Road. If you could just point to the bottom part
8 where the vacant and is--it's right there. It
9 rests in front of an existing shopping center and
10 the shopping center was built pursuant to a
11 rezoning about 20 years ago. About 15 years ago,
12 12 years ago, the previous owner of the shopping
13 center applied for a rezoning to do what we want
14 to do right now at the vacant piece, and it was
15 denied. There was some local politics that were
16 going on and there was some conflict within the
17 community level at that point with the developer
18 and with the owner of the shopping center, and the
19 application was denied. We subsequently-- - -
20 Savo, who is with us here today who is Gino's
21 father, purchased the shopping center. He's been
22 operating it for the last twelve years or so, and
23 about eight years, brought this application for
24 the rezoning to once again, ask for a rezoning
25 that the previous applicant had brought but was

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2 denied on. We were met with much more open arms
3 than the previous owner was, and what we propose
4 to do, and I'll go through it right now, if you
5 could hold up the site plan that would be great.
6 What we propose to do—in the back of the property
7 on the top of the page, what you see is an
8 existing shopping center. It's got two buildings
9 in it. Each of those buildings when they're
10 combined with one another, total 53,452 square
11 feet of local retail space. They have currently
12 approximately a number of parking spaces is 185
13 parking spaces. Gino is going to point out how
14 cars currently get in, which is on Rossville
15 Avenue. They can come in through a curb cut over
16 there. They can exit on a curb cut on Alverson.
17 If you pretend that there's nothing down at the
18 bottom and just the top part, that's what's
19 existing right now. The problem is is that the
20 parking lot lay out is horrible for the existing
21 shopping center. There are numerous dead ends as
22 you drive through it. As you may have heard and
23 I'm sure as Council Member Ignizio will tell you,
24 Staten Islanders are quite vigilant about
25 protecting their vehicles and this parking lot is

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2 no stranger to that motto. What you have is
3 literally fisticuffs in the parking lot because
4 people can't get parking spots. They can't get
5 out of the parking spots. They're twisting around
6 in 18 different directions to get in and out, and
7 it's a mess.

8 Mr. Savo has come up with a great
9 plan to build the two new buildings that you see
10 down at the base of the what is now vacant land,
11 which is zoned residential, which is the whole
12 reason we're here—to ask for a C2-2 overlay. If
13 those two buildings are allowed to be constructed,
14 it will have a total square footage of 37,200
15 square feet of floor area for the two new
16 buildings. 18,000 will be the ground floor and
17 that will be local retail and 18,000 will be the
18 second floor, and that will be offices and things
19 like that—sort of like at the foot of the
20 Whitestone Bridge, you see Bay Terrace Shopping
21 Center. It's got the bagel stores downstairs and
22 some offices upstairs. It's the same exact kind
23 of complex actually as that, and as well
24 tastefully designed as that is. Gino will
25 actually hold that up right now—speaking of

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2 tastefully designed. That is looking at the
3 property from all different angles. The back on
4 the lower left is what's existing—the blue. The
5 build buildings are the existing buildings. What
6 you see up at the top two are what they're
7 building at the front and they're going to remodel
8 the back two buildings to match that. They're
9 trying to create a town center kind of feel to it,
10 which is really in character with the
11 neighborhood, which is primarily residential
12 surrounding this shopping center. There is no
13 extension of commercial around it, so this is a
14 shopping center that people in the neighborhood
15 come to and Otto is a neighborhood person and Gino
16 is a neighborhood architect. They've tried to
17 design it, so it looks better than just a shopping
18 center, but actually some architectural integrity
19 to it. To achieve everything that we've been
20 talking about and that I've been talking about I
21 should say—that's five minutes—we need a number of
22 actions from City Planning. We need a text
23 amendment to remove designated open space for
24 those of you who are from Manhattan or from other
25 boroughs and don't know what designated open space

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2 is, it means that there's certain areas in Staten
3 Island that should be left open and undeveloped
4 upon. They've been mapped out by the City
5 Planning Commission years ago. In some instances
6 like now, we believe they no longer apply, so they
7 should take that designation off. That's what
8 we're seeking to do. We're also seeking to allow
9 a certification on a zoning lot that has
10 designated open space and we're asking for a
11 modification of topography and the action for the
12 modification to topography is simply to level the
13 property, so that we could building upon it. But
14 again, in Staten Island unlike other boroughs,
15 there are very specific regulations with the
16 topography and here, we are seeking to modify
17 those regulations. We are also asking for an
18 authorization for a group parking facility.
19 That's again, specific to Staten Island, and we're
20 asking for approval to remove trees—again,
21 specific to Staten Island. Staten Island has a
22 lot of its own regulations. In addition to that
23 we're seeking a city-wide action, which is common
24 in all boroughs, which is a rezoning to rezone
25 from the R3-X to a C2-2 overlay. And the final

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2 thing I'll say is the C2-2 overlay is slightly
3 different than the C1-2 overlay that exists on the
4 shopping center behind it, and the reason why
5 we're asking for two different C overlays is
6 because the C2-2 has a slightly larger spectrum of
7 uses it could include, which would allow for it
8 for trade schools and things like that, which is
9 what the applicant is hoping to put in the second
10 floor. That's our application in a nutshell. I
11 know I spoke quickly...not as quick as Councilwoman
12 Lappin, but Quick.

13 CHAIRPERSON WEPRIN: I'll do to
14 shtick, okay? Mr. Ignizio, you want to comment on
15 this project, which we'll note by the way had
16 unanimous support of the community board and also
17 with the City Planning Commission and the borough
18 president.

19 COUNCIL MEMBER IGNIZIO: Thank you,
20 Mr. Chairman. You're stealing my thunder a little
21 bit. I just wanted to convey to the board that on
22 behalf of the community, this is something which
23 is both welcomed and requested for for many years.
24 The original owner that was denied was quite
25 frankly not a good neighbor and he had a plan that

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2 was not consistent with what the community wanted
3 and literally, I've worked on this project since I
4 was chief of staff to now Senator then Council
5 Member Lanza and my time in the Assembly, and this
6 marked a great compromise that the community
7 wanted to see, and I lend my support to it as has
8 the community board unanimously, borough president
9 and both City Planning members from Staten Island
10 and the entire board, so we just hope it looks
11 really nice. We know it's going to have a much
12 better traffic flow for the current strip mall.
13 The way it works now, it doesn't work very well,
14 and it really is many times when the police are
15 called in to separate people from parking issues.
16 I just look forward to the support that this
17 Zoning Committee will give to it and let you know
18 that I'm in favor of it. Thank you.

19 CHAIRPERSON WEPRIN: Thank you, Mr.
20 Ignizio. I don't see any other comments from the
21 panel, so I want to thank you very much. We'll
22 end on a happy ending there. I'd like to close
23 this hearing, and the only other item that is
24 listed on your agenda, which has been withdrawn,
25 is Land Use No. 420, which was the Linden

1 [phonetic] Boulevard rezoning. So that will sum
2 up what we're doing today.
3

4 We are going to couple the
5 following café items that were before us today:
6 Land Use No. 406 Percy's Tavern, Land Use No. 414
7 La Esquina, Land Use No. 415 Betel, Land Use No.
8 416 Da Silvano, and then the other Land Use
9 applications: Land Use No. 413 the 164th Street
10 rezoning, Land Use 417 the Solow Center, Land Use
11 No. 418 and 419 The Woodrow Plaza rezoning and the
12 last item, which will be recommended to approve
13 with modification is Land Use No. 421, 422 and 423
14 included as Sunnyside/Woodside rezoning. Okay.
15 The two items that I said are going to be
16 withdrawn are Land Use No. 405 and 420. Motion to
17 file with pursuant to a motion for withdrawal. I
18 would recommend and aye vote on all these matters
19 that are now coupled, including the modification.
20 I call on Christian Hilton, our counsel, to call
21 the roll.

22 COUNSEL: Chair Weprin?

23 CHAIRPERSON WEPRIN: Aye.

24 COUNSEL: Council Member Reyna?

25 COUNCIL MEMBER REYNA: Aye.

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COUNSEL: Council Member Rivera?

COUNCIL MEMBER RIVERA: I vote aye.

COUNSEL: Council Member Comrie?

COUNCIL MEMBER COMRIE: Aye.

COUNSEL: Council Member Jackson?

COUNCIL MEMBER JACKSON: Aye on

all.

COUNSEL: Council Member Seabrook?

COUNCIL MEMBER SEABROOK: Aye on

all.

COUNSEL: Council Member Vann?

COUNCIL MEMBER VANN: Aye.

COUNSEL: Council Member Garodnick?

COUNCIL MEMBER GARODNICK: Aye.

COUNSEL: Council Member Lappin?

COUNCIL MEMBER LAPPIN: Aye.

COUNSEL: Council Member Ignizio?

COUNCIL MEMBER IGNIZIO: Aye.

COUNSEL: By a vote of ten in the affirmative, none in the negative, no abstentions, L.U. 406, 415, 414, 413, 416, 417. 418, 419 are approved. L.U. 421, 422 and 423 are approved with modifications. L.U. 405 and 420 are approved motions to file pursuant to withdrawal.

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CHAIRPERSON WEPRIN: Thank you, Mr.

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Hilton. Okay. We're now going to adjourn the

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meeting, and we'll see you all next time. Thank

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you.

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

Kimberley Uhlig

Date

July 2, 2011