

# The New York City Council

*City Hall  
New York, NY 10007*



## Meeting Minutes

**Monday, September 19, 2011**

**9:30 AM**

**Continuation of the September 15, 2011 - Recessed Meeting**

**250 Broadway - Committee Rm, 16th Fl.**

### **Subcommittee on Zoning and Franchises**

*Mark S. Weprin, Chair*

*Members: Leroy G. Comrie, Jr., Daniel R. Garodnick, Robert Jackson,  
Jessica S. Lappin, Diana Reyna, Joel Rivera, Larry B. Seabrook,  
James Vacca, Albert Vann and Vincent M. Ignizio*

Roll Call

**Present:** Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook,  
Vacca, Vann and Ignizio

*Other Council Members Attending: Recchia*

LU 0449-2011

**Application no. 20115607 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Mezzogiorno Associates, to continue to maintain and operate an unenclosed sidewalk café located at 195 Spring Street, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

**Attachments:** Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - Week of September 12 - September 16, 2011, Hearing Testimony - Zoning 9/6/11, Hearing Transcript - Zoning 9-6-11, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - Week of September 12 - September 16, 2011, Hearing Testimony - Zoning 9/6/11, Hearing Transcript - Zoning 9-6-11, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**A motion was made that this Land Use Application be Filed by Subcommittee approved by Roll Call.**

**Affirmative:** 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook,  
Vacca and Vann

LU 0456-2011

**Application no. C 110252 ZMK submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c, Borough of Brooklyn, Council District no. 27.**

**Attachments:** Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - Week of September 12 - September 16, 2011, Hearing Testimony - Zoning 9/6/11, Hearing Transcript - Zoning 9-6-11, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of September 5 - September 9, 2011, Land Use Calendar - Week of September 12 - September 16, 2011, Hearing Testimony - Zoning 9/6/11, Hearing Transcript - Zoning 9-6-11, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative:** 6 -

Weprin, Comrie Jr., Garodnick, Lappin, Rivera and Vacca

LU 0468-2011

**Application no. 20115790 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 183 Condechi Associates LLC. d.b.a. Café Condessa, to establish, maintain and operate an unenclosed sidewalk café located at 183 West 10th Street, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - Week of October 3 - October 7, 2011, Hearing Testimony - Zoning 9/15/11, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - Week of October 3 - October 7, 2011, Hearing Testimony - Zoning 9/15/11, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Laid Over by Subcommittee**

LU 0469-2011

**Application no. C 110047 ZMK submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an M3-1 District to an M1-1 District, Section No. 28a and 28c, Council District no. 47 .**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative:** 6 -

Weprin, Comrie Jr., Garodnick, Lappin, Rivera and Vacca

LU 0470-2011

**Application no. C 110048 ZSK submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment within a proposed 2-story commercial development on property located at 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900), Borough of Brooklyn, Community District 11. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative:** 6 -

Weprin, Comrie Jr., Garodnick, Lappin, Rivera and Vacca

LU 0471-2011      **Application no. C 110049 ZSK submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the height and setback requirements of Section 62-341 (Developments on land and platforms), in connection with a proposed 2-story development on property located at 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900) , Borough of Brooklyn, Community District 11. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative:** 6 -

Weprin, Comrie Jr., Garodnick, Lappin, Rivera and Vacca

**LU 0472-2011**      **Application no. C 110050 ZSK submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744 (c) of the Zoning Resolution to modify the height requirements of Section 42-543 (Height of signs). in connection with a proposed commercial development on property located at 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900), Borough of Brooklyn, Community District 11 This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative:** 6 -

Weprin, Comrie Jr., Garodnick, Lappin, Rivera and Vacca

LU 0473-2011

**Application no. C 110051 ZSK submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 690 spaces within a proposed 3-story parking garage and to permit some of such spaces to be located on the roof of such public parking garage, in connection with a proposed 2-story development on property located at 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900) , Borough of Brooklyn, Community District 11 Large-Scale General Development (Block 7065, Lots 6, 12, 15, 20 & 25), Borough of Brooklyn, Community District 13. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b) (2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative:** 6 -

Weprin, Comrie Jr., Garodnick, Lappin, Rivera and Vacca

**LU 0474-2011**      **Application no. N 110052 ZAK submitted by Thor Shore Parkway Developers, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of an authorization pursuant to Section 62-822 (a) of the Zoning Resolution to modify the design and area requirements of Section 62-56 (Requirements for Upland Connections);, in connection with a proposed 2-story development on property located at 1752 Shore Parkway within a Large-Scale General Development (Block 6491, Lots 207 292 and 8900) , Borough of Brooklyn, Community District 11. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative:** 6 -

Weprin, Comrie Jr., Garodnick, Lappin, Rivera and Vacca

**LU 0475-2011**      **Application no. N 110285 ZRY submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, to create a new zoning district, M1-6D, and to modify related Sections pertaining to the establishment of the new district; and to modify Appendix F to facilitate a new Inclusionary Housing designated area.**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Hearing Held by Committee**



**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative:** 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Vann

LU 0476-2011

**Application no. C 100063 ZMM submitted by 249 W. 28th Street Properties, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d, by changing an M1-5 District to an M1-6D District, Borough of Manhattan, Council District no. 3.**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative:** 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Vann

LU 0477-2011      **Application no. C 110064 ZSM submitted by 249 W. 28th Street Properties, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended Public Parking Garage with maximum capacity of 325 spaces on portions of the ground floor, cellar level and sub-cellar level of a proposed mixed-use development on property located at 241-251 West 28th Street a.k.a. 240-250 West 29th Street (Block 778, Lots 13, 16, 18 & 66), in an M1-6D District), Borough of Manhattan, Community District 5. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - September 19, 2011, Continuation of Recessed Hearings, Committee Report, Resolution, Hearing Testimony - Zoning 9/15/11, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative:** 10 -

Weprin, Comrie Jr., Garodnick, Jackson, Lappin, Reyna, Rivera, Seabrook, Vacca and Vann