

# The New York City Council

*New York City Council  
City Hall  
New York, NY 10007*



## Meeting Minutes

**Wednesday, September 17, 2008**

**10:00 AM**

**Committee Room - City Hall**

### **Committee on Land Use**

*Melinda R. Katz, Chair*

*Members: Maria Del Carmen Arroyo, Tony Avella, Maria Baez, Charles Barron,  
Leroy G. Comrie, Inez E. Dickens, Simcha Felder, Daniel R. Garodnick, Eric N. Gioia,  
Sara M. Gonzalez, Vincent M. Ignizio, Robert Jackson, Jessica S. Lappin, John C. Liu,  
Miguel Martinez, Michael E. McMahon, Rosie Mendez, Annabel Palma, Joel Rivera,  
Larry B. Seabrook, Helen Sears, Albert Vann and James Oddo*

## Roll Call

**Present,**

Katz, Arroyo, Avella, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,**

Baez and Gonzalez

LU 0875-2008

**Application no. 20085694 SCK, a proposed site for a new 330 seat Primary/Intermediate school facility for P.S. 89 to be located at Block 3952, Lots 1, 2, 45 and 47. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.**

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Landmarks 9/16/08, Hearing Transcript - Land Use 9/17/08

**This Land Use Application was Hearing on P-C Item by Comm**

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Landmarks 9/16/08, Hearing Transcript - Land Use 9/17/08

**This Land Use Application was P-C Item Approved by Committee with Companion Resolution**

**Affirmative, 22 -**

Katz, Arroyo, Avella, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent, 2 -**

Baez and Gonzalez

LU 0837-2008

**Application no. N 080406 ZRM submitted by the Whitney Museum of American Art and the Economic Development Corporation pursuant to Section 201 of the New York City Charter for amendment of the Zoning Resolution of the City of New York, concerning Section 74-92, (Use Group 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts) to facilitate the Whitney Museum expansion, Borough of Manhattan, Community District 2.**

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Landmarks 9/16/08, Hearing Transcript - Land Use 9/17/08

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

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Landmarks 9/16/08, Hearing Transcript - Land Use 9/17/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative, 22 -**

Katz, Arroyo, Avella, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent, 2 -**

Baez and Gonzalez

LU 0838-2008

**Application no. C 080407 PCM submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 555 West Street/820 Washington Street (Block 644, Lots 1 and 10) for use as a maintenance and operations facility for the High Line public open space.**

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Landmarks 9/16/08, Hearing Transcript - Land Use 9/17/08

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

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Landmarks 9/16/08, Hearing Transcript - Land Use 9/17/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative, 22 -**

Katz, Arroyo, Avella, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent, 2 -**

Baez and Gonzalez

LU 0839-2008

**Application no. C 080408 PPM submitted by the Department of Citywide Administrative Services and the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for the disposition to the New York City Economic Development Corporation of city-owned property, pursuant to zoning, located at Block 644 Lots 1 and 10, which includes the disposition of easements over portions of Block 644 Lots 1 and 10.**

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Landmarks 9/16/08, Hearing Transcript - Land Use 9/17/08

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

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Landmarks 9/16/08, Hearing Transcript - Land Use 9/17/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 22 -

Katz, Arroyo, Avella, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 2 -

Baez and Gonzalez

**LU 0840-2008**

**Application no. C 080409 ZSM submitted by The Whitney Museum of American Art and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Section 74-921(a) and Section 74-921(b) \* of the Zoning Resolution to modify the requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) for a building containing a museum use in Use Group 3A, on a zoning lot over which the High Line (as defined in Section 98-01) passes; in connection with the proposed development of a 6-story museum building on property located at 555 West Street a.k.a. 820 Washington Street (Block 644, Lots 1 and 10. 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:** Hearing Testimony - 9/16/08, Hearing Transcript - Landmarks 9/16/08, Hearing Transcript - Land Use 9/17/08

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

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Landmarks 9/16/08, Hearing Transcript - Land Use 9/17/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 22 -

Katz, Arroyo, Avella, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 2 -

Baez and Gonzalez

**LU 0864-2008**      **Application no. 20085524 TCM pursuant to Section 20-228 of the Administrative Code of the City of New York, concerning the petition of Raynick Corp. d/b/a Domino's Pizza, to establish, maintain and operate an unenclosed sidewalk café at 205 Allen Street, Borough of Manhattan, Council District no. 1. 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 Section 20-226 (g) of the New York Administrative Code.**

**Attachments:**    Hearing Testimony - 9/2/08, Hearing Transcript - Zoning 9/2/08, Hearing Testimony - 9/16/08, Hearing Transcript - Zoning 9/16/08, Hearing Transcript - Zoning 9/17/08, Hearing Transcript - Land Use 9/17/08

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

**Attachments:**    Hearing Testimony - 9/2/08, Hearing Transcript - Zoning 9/2/08, Hearing Testimony - 9/16/08, Hearing Transcript - Zoning 9/16/08, Hearing Transcript - Zoning 9/17/08, Hearing Transcript - Land Use 9/17/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative, 22 -**

Katz, Arroyo, Avella, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent, 2 -**

Baez and Gonzalez

**LU 0865-2008**      **Application no. 20085414 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Papa Express, Inc. to establish, maintain and operate an unenclosed sidewalk café located at 1732 Second Avenue, Borough of Manhattan, Council District no. 5. 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:**    Hearing Testimony - 9/2/08, Hearing Transcript - Zoning 9/2/08, Hearing Testimony - 9/16/08, Hearing Transcript - Zoning 9/16/08, Hearing Transcript - Zoning 9/17/08, Hearing Transcript - Land Use 9/17/08

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

**Attachments:**    Hearing Testimony - 9/2/08, Hearing Transcript - Zoning 9/2/08, Hearing Testimony - 9/16/08, Hearing Transcript - Zoning 9/16/08, Hearing Transcript - Zoning 9/17/08, Hearing Transcript - Land Use 9/17/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 22 -

Katz, Arroyo, Avella, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 2 -

Baez and Gonzalez

LU 0867-2008

**Uniform land use review procedure application no. C 060466 MMQ, pursuant to Sections 197-c and 197-d of the New York City Charter, changes to the City Map, Borough of Queens, Council District no. 21. This matter is subject to Council Review and action only if appealed to the Council pursuant to §197-d(b)2 of the Charter or called up by a vote of the Council pursuant to §197-d(b)3 of the Charter and Section 11.20 of the Rules of the Council.**

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Zoning 9/16/08, Hearing Transcript - Zoning 9/17/08, Hearing Transcript - Land Use 9/17/08

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

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Zoning 9/16/08, Hearing Transcript - Zoning 9/17/08, Hearing Transcript - Land Use 9/17/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 22 -

Katz, Arroyo, Avella, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 2 -

Baez and Gonzalez

LU 0868-2008

**Uniform Land Use Review Procedure application no. C 060467 ZMQ pursuant to §197-c and §197-d of the New York City Charter, concerning changes to Section 9c of the zoning map, Borough of Queens, Council District no. 21.**

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Zoning 9/16/08, Hearing Transcript - Zoning 9/17/08, Hearing Transcript - Land Use 9/17/08

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

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Zoning 9/16/08, Hearing Transcript - Zoning 9/17/08, Hearing Transcript - Land Use 9/17/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 22 -

Katz, Arroyo, Avella, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 2 -

Baez and Gonzalez

**LU 0869-2008**

**Uniform Land Use Review Procedure application no. C 080457 ZMQ pursuant to §197-c and §197-d of the New York City Charter, concerning changes to Sections 10b, 10c, and 10d of the zoning map, Borough of Queens, Council District no. 20.**

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Zoning 9/16/08, Hearing Transcript - Zoning 9/17/08, Hearing Transcript - Land Use 9/17/08

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

**Attachments:** Hearing Testimony - 9/16/08, Hearing Transcript - Zoning 9/16/08, Hearing Transcript - Zoning 9/17/08, Hearing Transcript - Land Use 9/17/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 22 -

Katz, Arroyo, Avella, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 2 -

Baez and Gonzalez

**LU 0762-2008**

**Application no. 20085536 HAK, an Urban Development Action Area Project known as Van Buren/Greene, located in Community Board 16, Council District no. 42, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.**

**Attachments:** Hearing Transcript - Planning 5/20/08, Hearing Transcript - Planning 6/2/08, Hearing Transcript - Planning 6/17/08, Hearing Testimony 6/17/08, Hearing Transcript - Planning 6/25/08, Hearing Transcript - Planning 7/21/08, Hearing Transcript - Planning 9/2/08, Hearing Testimony - 9/2/08, Hearing Transcript - Planning 9/16/08, Hearing Transcript - Land Use 9/17/08

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

**Attachments:** Hearing Transcript - Planning 5/20/08, Hearing Transcript - Planning 6/2/08, Hearing Transcript - Planning 6/17/08, Hearing Testimony 6/17/08, Hearing Transcript - Planning 6/25/08, Hearing Transcript - Planning 7/21/08, Hearing Transcript - Planning 9/2/08, Hearing Testimony - 9/2/08, Hearing Transcript - Planning 9/16/08, Hearing Transcript - Land Use 9/17/08

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative,** 22 -

Katz, Arroyo, Avella, Barron, Comrie Jr., Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Seabrook, Sears and Vann

**Absent,** 2 -

Baez and Gonzalez