

The New York City Council

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



Meeting Minutes

Monday, April 20, 2009

9:30 AM

250 Broadway - Hearing Room, 16th Fl.

Subcommittee on Zoning and Franchises

Tony Avella, Chair

*Members: Simcha Felder, Eric N. Gioia, Robert Jackson,
Melinda R. Katz, Joel Rivera, Larry B. Seabrook,
Helen Sears and Albert Vann*

Roll Call

Present, Avella, Felder, Gioia, Katz, Seabrook and Sears

Absent, Jackson, Rivera and Vann

LU 1064-2009

Application no. C 090179 ZMK submitted by the Brighton Development LLC. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No.28d, by establishing within an R7-1 district a C2-4 District..

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09, Hearing Testimony - Zoning 4/30/09

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

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09, Hearing Testimony - Zoning 4/30/09

This Land Use Application was P-C Item Laid Over by Comm

LU 1065-2009

Application no. M910478 (E) ZMK submitted by the Brighton Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the modification of Restrictive Declaration D – 131 and its subsequent amendments.

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09, Hearing Testimony - Zoning 4/30/09

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

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09, Hearing Testimony - Zoning 4/30/09

This Land Use Application was P-C Item Laid Over by Comm

LU 1057-2009

Application no. C 090281 ZMQ 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 No. 7d, 11a and 11c.

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Land Use 4/21/09, Hearing Testimony - Zoning 4/20/09

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

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Land Use 4/21/09, Hearing Testimony - Zoning 4/20/09

A motion was made that this Land Use Application be P-C Item Approved by Subcommittee with Companion Resolution approved by Roll Call.

Affirmative, 5 -
Avella, Felder, Katz, Seabrook and Sears

Absent, 3 -
Jackson, Rivera and Vann

LU 1058-2009 Application no. N 090282 ZRY submitted by 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, relating to the creation of an R1-2A Zoning District.

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Land Use 4/21/09, Hearing Testimony - Zoning 4/20/09

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

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Land Use 4/21/09, Hearing Testimony - Zoning 4/20/09

A motion was made that this Land Use Application be P-C Item Approved by Subcommittee with Companion Resolution approved by Roll Call.

Affirmative, 5 -
Avella, Felder, Katz, Seabrook and Sears

Absent, 3 -
Jackson, Rivera and Vann

LU 1056-2009 Application no. N 090239 ZRY submitted by 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, relating to modifications of Article VI, chapter 2 (special Regulations Applying in the Waterfront Area), and various related Sections of the Zoning Resolution.

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Land Use 4/21/09

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

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Land Use 4/21/09

A motion was made that this Land Use Application be P-C Item Approved by Subcommittee with Companion Resolution approved by Roll Call.

Affirmative, 5 -
Avella, Felder, Katz, Seabrook and Sears

Absent, 3 -
Jackson, Rivera and Vann

LU 1038-2009 **Application no.N 090191 ZRY submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendment to the Zoning Resolution of the City of New York concerning the establishment of regulations pertaining to indoor, secure bicycle parking.**

Attachments: Hearing Testimony - Zoning 3/31/09, Hearing Transcript - Zoning 3/31/09,
Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/22/09,
Hearing Transcript - Land Use 4/22/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Zoning 3/31/09, Hearing Transcript - Zoning 3/31/09,
Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/22/09,
Hearing Transcript - Land Use 4/22/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Laid Over by Subcommittee

LU 1040-2009 **Application no. 20095066 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for EAE Corp., d/b/a. Sidewalk Bar & Restaurant, to continue to maintain and operate an unenclosed sidewalk café located at94 Avenue A, Borough of Manhattan, Council District no. 2. 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 Transcript - Zoning 3/31/09, Hearing Transcript - Zoning 4/20/09,
Hearing Transcript - Zoning 4/22/09, Hearing Transcript - Land Use 4/22/09,
Hearing Testimony - Zoning 4/20/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 3/31/09, Hearing Transcript - Zoning 4/20/09,
Hearing Transcript - Zoning 4/22/09, Hearing Transcript - Land Use 4/22/09,
Hearing Testimony - Zoning 4/20/09

This Land Use Application was Laid Over by Subcommittee

LU 1041-2009 **Application no. 20095069 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for Silver Moon Bakery, Inc. to continue to maintain and operate an unenclosed sidewalk café located at 2740 Broadway, Borough of Manhattan, Council District no. 8. 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 Transcript - Zoning 3/31/09, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 3/31/09, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Laid Over by Subcommittee

LU 1042-2009 **Application no. 20095084 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for La Goulue Restaurant, Inc., to continue to maintain and operate an unenclosed sidewalk café located at 746 Madison Avenue, Borough of Manhattan, Council District no. 4. 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 Transcript - Zoning 3/31/09, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Land Use 4/21/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 3/31/09, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Land Use 4/21/09, Hearing Testimony - Zoning 4/20/09

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

Affirmative, 5 -
Avella, Felder, Katz, Seabrook and Sears

Absent, 3 -
Jackson, Rivera and Vann

LU 1047-2009 **Application no. C 080008 ZMM, submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an M1-5 District to a C6-3X District.**

Attachments: Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Hearing Held by Committee

Attachments: Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Laid Over by Subcommittee

LU 1048-2009 **Application no. N 080009 ZRM submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article IX, Chapter 6 (Special Clinton District) Community District 4, in the Borough of Manhattan.**

Attachments: Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Hearing Held by Committee

Attachments: Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Laid Over by Subcommittee

LU 1049-2009 **Application no. C 080010 ZSM submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 (a) of the Zoning Resolution to modify the height and setback regulations of Section 35-24. 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: Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Hearing Held by Committee

Attachments: Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Laid Over by Subcommittee

LU 1050-2009

Application no. C 080011 ZSM submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permits pursuant to Section 74-744 (b) of the Zoning Resolution to allow residential and non-residential uses to be arranged on the third floor level without regard for the regulations in Section 32-42 and Section 74-744 (c) modifying sign regulations of Section 32-67. 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: Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Hearing Held by Committee

Attachments: Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Laid Over by Subcommittee

LU 1051-2009

Application no. C 090132 ZMM, submitted by 150 Amsterdam Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, establishing within an existing R8 District a C2-5 District.

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Land Use 4/21/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Land Use 4/21/09, Hearing Testimony - Zoning 4/20/09

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

Affirmative, 5 -

Avella, Felder, Katz, Seabrook and Sears

Absent, 3 -

Jackson, Rivera and Vann

LU 1052-2009 **Application no. C 070396 ZMK, submitted by ESP Group LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17b, changing from an M1-1 District to an R7A District and establishing within the proposed R7A District a C2-4 District.**

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Land Use 4/21/09,
Hearing Testimony - Zoning 4/20/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Land Use 4/21/09,
Hearing Testimony - Zoning 4/20/09

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

Affirmative, 5 -

Avella, Felder, Katz, Seabrook and Sears

Absent, 3 -

Jackson, Rivera and Vann

LU 1053-2009 **Application no. 20095082 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Plaza Patisserie Inc., to continue to maintain and operate an unenclosed sidewalk café at 29-20 30th Avenue, Borough of Queens, Council District no. 22. 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 Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09,
Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09,
Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09

This Land Use Application was Laid Over by Subcommittee