

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 1, 2010
Start: 10:05 am
Recess: 10:30 am

HELD AT: 250 Broadway
Hearing Room, 16th Floor

B E F O R E:
Mark S. Weprin
Chairperson

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

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

Steve Weigoda
Architect
SWA Architects

Neil Pariser
Senior Vice President
SoBro

1
2 CHAIRPERSON WEPRIN: Okay? Quiet
3 on the set. Good morning everyone. Good morning,
4 my name is Mark Weprin and I am the Chair of the
5 Zoning and Franchises subcommittee. I want to
6 welcome everybody here today. I am joined by my
7 colleagues on the committee, Vinnie Ignizio, on my
8 far right, Larry Seabrook, next to him, Diana
9 Reyna, Jessica Lappin to my left, and on the far
10 left is Robert Jackson. Not the first time on my
11 far left, not the last.

12 We are going to start with the
13 cafes. We are starting with Land Use number 99,
14 Mesa Colloquan [phonetic], that's in Brooklyn, CB
15 1, in council member Reyna's district,
16 20105445TCK. On behalf of the restaurant we're
17 going to have Steve Weigoda [phonetic]? Are you
18 here, Steve? Okay, great. And he's doing the
19 other one as well, okay. One more time. Steve,
20 you're going to be doing the other café as well?
21 Okay. Just one at a time but just want to make
22 sure. Please state your name for the record and
23 discuss the application. There you go.

24 STEVE WEIGODA: Hello. My name is
25 Shlomo Steve Weigoda. I'm the architect

1
2 representing Tres de Mexico, LLC, d/b/a Mesa
3 Colloquian at 372 Graham Avenue in Brooklyn. And,
4 good morning. We have sent a letter to council
5 member Reyna's office, working with her staff
6 members. And the letter states, if I may read it
7 into the record.

8 CHAIRPERSON WEPRIN: Yes, you may.

9 STEVE WEIGODA: Thank you. SWA
10 Architects as an authorized representative of Tres
11 de Mexico, LLC, d/b/a Mesa Colloquian submit this
12 letter as an agreement with the Chair and council
13 member Mark Weprin and the encompassing members of
14 the subcommittee on Zoning and Franchises that we
15 will commit to the following: number 1, a flush
16 metal grating will be installed at the base of the
17 tree in front of the sidewalk café by June 4th.
18 Number 2, this flush metal grating was in fact
19 installed on Friday, May 28th. And see attached
20 photos. If there are any questions please call my
21 office. Thank you. Steve Weigoda. And we
22 submitted the photos for your review.

23 CHAIRPERSON WEPRIN: Ms. Reyna, do
24 you have any comments or questions?

25 COUNCIL MEMBER REYNA: Thank you so

1
2 much. I just wanted to appreciate the work that
3 was done following up the visit and investigating
4 that everything was in fact up to the regulations
5 that we were seeking to achieve and your
6 participation in expediting these changes was very
7 much appreciated. And I hope that there is great
8 success with the restaurant and hope to visit very
9 soon. Thank you.

10 STEVE WEIGODA: Thank you for very
11 much for those kind words.

12 CHAIRPERSON WEPRIN: Anyone else
13 have any comments or questions? Seeing none,
14 we're going to move to close this hearing and move
15 on to the next café. We are joined by council
16 member Dan Garodnick.

17 The next café is Manhattan
18 community board 4, Speaker Quinn's district. Land
19 Use number 100 20105458TCM. It's Brasserie and
20 Finnis [phonetic] and on behalf of the applicant
21 is Shlomo Steve Weigoda. Welcome.

22 STEVE WEIGODA: Thank you very much
23 again. Here again we are submitting a letter.
24 This letter is from--

25 CHAIRPERSON WEPRIN: Just state

1
2 your name again. Even though I did, I know.

3 MR. WEIGODA: My name is Shlomo
4 Steve Weigoda. I'm an architect representing this
5 sidewalk café at 300 West 46th Street Corporation
6 d/b/a Brasserie and Finnis. And this letter, DCA
7 number 1346488, this letter dated May 26th and
8 addressed to the council member Quinn, this is her
9 district.

10 So, Dear Council member Quinn, this
11 letter should serve as our agreement with the
12 Chair council member Mark Weprin and the
13 encompassing members of the subcommittee on Zoning
14 and Franchises that I will commit to the
15 following: number 1, the number of tables shall
16 be four and number of seats shall be nine. Please
17 see enclosed revised drawings. Number 2, the
18 sidewalk café will be closed by 11pm on weekdays
19 and midnight on weekends. Number 3, I will mark
20 the sidewalk to signify the perimeter as per
21 revised plans enclosed. And if there are any
22 questions please call my office. This letter is
23 signed by Sarterios Carmussis [phonetic], one of
24 the owners of the corporation and I'm just reading
25 it on his behalf.

1
2 CHAIRPERSON WEPRIN: For the
3 record, I understand that the Speaker is in favor
4 of this application. Are there any other
5 questions or comments about this application?
6 Seeing none, we're going to close this hearing as
7 well. Thank you very much.

8 MR. WEIGODA: Thank you very much.

9 CHAIRPERSON WEPRIN: Okay. We are
10 now going to, we are going to be laying over Reso.
11 Number 191, the franchise agreement for Mobile
12 Telecommunications Services. There were issues
13 raised by the members of the committee including
14 council member Reyna, council member Vacca,
15 council member Vallone as well as others. And
16 those issues were are waiting to have a response
17 from Dewitt to those issues that were raised and
18 until we get that we will be laying over this
19 item.

20 So, next we are going to move into
21 Land Use number 109, Bronx community board 3,
22 C08157ZMX. This is the Crotona [phonetic] Terrace
23 rezoning and we have Martin Miner, Ariel Aflang
24 [phonetic], and Neil Pathazer [phonetic]. I'm
25 sorry about that. Could you please set up your

1
2 signs and then once you get started please state
3 your name again correctly and we'll start.

4 NEIL PARISER: Good morning. That
5 better? Sorry, thank you for the opportunity to
6 address you here today. My name is Neil Pariser
7 and I'm the Senior Vice President of SoBro, the
8 South Bronx Overall Economic Development
9 Corporation. We're delighted to be here today
10 with you and to present to you for your
11 consideration the rezoning of 1825 Boston Road. A
12 process which will in the end clear the way for
13 construction of Crotona Terrace, a major
14 affordable commercial residential development
15 project located on the northern most border of
16 community board 3 in the mid Bronx community.
17 SoBro together with our development partners, CBC
18 associates, joint construction have been working
19 on this rezoning for the past three years and
20 enjoyed the support of the local community board
21 for this development.

22 As planned, Crotona Terrace
23 involves the construction of a new eight story
24 building on a plus or minus 50,000 square foot
25 vacant lot bordered by Boston Road on the East

1 Crotona Parkway on the West. East 176th Street on
2 the North, and East 175th Street on the South.

3 SoBro is seeking a change in zoning from the
4 current C83 zoning district to an R71 to a C24
5 commercial overlay. Once rezoned the site will
6 have a total buildable floor area of 216,565
7 square feet of space. When completed, this \$57
8 million project will consist of 174 units of
9 rental apartments made affordable to low, moderate
10 and middle income households earning between
11 approximately \$28,000 to \$80,000 annually together
12 with 30,000 square feet of much needed retail
13 space. The project will also provide
14 approximately 100 parking spaces to building
15 residents and commercial shoppers below grade as
16 well as more than 20 commercial spaces at grade.

17
18 This project will serve as an
19 economic and visual anchor for community board 3
20 and is the culmination of a rezoning and planning
21 vision established and supported by local
22 residents, community board 3, local business and
23 elected officials as well as other non-profit
24 organizations and private developers in the mid
25 Bronx area.

2 Financing for this project will
3 ultimately come from several sources including the
4 New York City Housing and Development Corporation,
5 New York City Department of Housing Preservation
6 and Development, low income housing tax credits,
7 and a capital grant from our local borough
8 President Ruben Diaz.

9 Currently in the design stage we
10 are working closely with HPD on finalizing the
11 final loan terms, timing for the project and
12 anticipated construction date in 2011. Finally I
13 would like to thank council member Joel Rivera,
14 our district representative for his support of
15 this project as well as that of council members
16 Weprin and Comrie for their assistance in
17 arranging this hearing. Any questions? This is
18 Ari Afgang representing Hugo Supotofsky
19 [phonetic], the architect for the project.

20 CHAIRPERSON WEPRIN: You mentioned
21 borough President Diaz, Jr., his support I
22 understand had a condition. Do you know what that
23 condition was?

24 MR. PARISER: Essentially, he was
25 looking for affordable ownership. When we began

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2 the project, there were funded at that time to
3 provide for affordable coops. We're still hopeful
4 by the time we close this loan those funds will be
5 back for coop ownership. But we've since spoken
6 to the borough President and really what he's
7 looking for is a green building and the building
8 is green. And maybe if I could just have Ari
9 explain a few of the green elements.

10 CHAIRPERSON WEPRIN: That would be
11 fine. Ari, just state your name for the record.

12 ARIEL AFGANG: My name is Ariel
13 Afgang from Hugo Supotofsky Architects. And I
14 have a couple of points on the design of the
15 project. When we designed this project we wanted
16 to focus on rhythm and proportion, it is an entire
17 block so we attempted to break up the long façade
18 with carrying setbacks and materials. All the
19 apartments will meet or exceed the HPD design
20 standards. As far as amenities there will be an
21 indoor community room that's adjacent to outdoor
22 recreation areas and laundry rooms. As Neil said,
23 the project will be LEED Silver. We're providing
24 light colored high - - roof paving as well as
25 Evergreen green roof modular tray systems,

2 continuous rigid cavity installation, covering the
3 slab edge and all the walls, efficient boilers,
4 native plants and all energy star appliances.

5 CHAIRPERSON WEPRIN: I understand
6 that SoBro and CBC had agreed to an environmental
7 study of some type. What is the status of that?

8 MR. PARISER: Right now, we're
9 actually working with the Mayor's office of
10 Environmental Remediation, OER, Dan Walsh, and we
11 will be going into a Phase II study. We had a
12 Phase I study, it was actually clean, but
13 obviously the investors want to make sure that
14 there is a Phase II done so we will be taking
15 additional Phase II study probably in the next
16 three months.

17 CHAIRPERSON WEPRIN: Any questions
18 here? Ms. Reyna? Council member Reyna?

19 COUNCIL MEMBER REYNA: Thank you
20 Mr. Chair, I just wanted to understand. In the
21 picture you displayed there was a commercial space
22 that had Walgreen's on it.

23 MR. PARISER: Correct.

24 COUNCIL MEMBER REYNA: Am I to
25 understand that that's the actual anchor tenant

1
2 that you-

3 MR. PARISER: No, actually I think
4 discussions are ongoing with Walgreen's. But we
5 just did that just to show perspective for this
6 site. There is no agreement right now with
7 Walgreen's. We do have, we will be building
8 30,000 square feet though of retail.

9 COUNCIL MEMBER REYNA: And what
10 other discussions are occurring, ongoing
11 concerning the commercial space other than a
12 Walgreen's.

13 MR. PARISER: Right. I've actually
14 reached out to several restaurants in the area.
15 We've spoken with the local community board.
16 There is a need. They would like to see more of
17 that. They do want another pharmacy in the area.
18 It's one of the reasons we did put down Walgreen's
19 and our partners at CBC have a relationship with
20 Walgreen's. We are discussing that with them but
21 until such time as we can really get the financing
22 and get into construction next year, marketing is
23 somewhat premature so but we have had the
24 conversations.

25 COUNCIL MEMBER REYNA: So

Walgreen's is the only-

MR. PARISER: I have spoken to two restaurants thus far and I have not had any conversations with Walgreen's. CBC associates who will actually own that particular piece within that building, they have the perfect site for a Walgreen's. Whether it's a Walgreen's or CVS, that's something the community would like to see. So they are working in that direction.

COUNCIL MEMBER REYNA: Okay, I'm just concerned with the anchor tenant being a large pharmaceutical setting because of the top dollar of that franchise paying with the commercial space will then disenfranchise other small businesses that may have potential of seeking such space and won't be able to compete with top dollar.

MR. PARISER: Understood. And like I said, I think what we're just trying to show generically is the type of use that would be good there.

COUNCIL MEMBER REYNA: Thank you very much.

CHAIRPERSON WEPRIN: Other

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2 questions from the panel? Just, I want to clarify
3 in the environmental study. The reason there was
4 concerns raised was there was something on this
5 site, a trolley company. Can you explain that?

6 MR. PARISER: Yes, it's got a great
7 history actually. On the site about a mile and a
8 half south of the Bronx Zoo. It's right at the
9 intersection of Boston Road and the Cross Bronx
10 Expressway which is in a trench at that point.
11 The city took title sometime in the early 1900s
12 and actually they serviced trolleys so there are
13 old tracks and there's a pad that held a building.
14 After that period of time it also became a site
15 used for storage and fixing buses. So when you
16 have automotive uses, this was a C83 zone which
17 was used for garages, you really do require some
18 additional due diligence when soil. So we will be
19 doing soil sampling. I would also note that CDC
20 successfully developed the sister site directly
21 across from 175th Street from our site and they did
22 do the proper due diligence on environmental there
23 and we don't expect any surprises on our end as
24 well.

25 CHAIRPERSON WEPRIN: Okay. Thank

1
2 you. Does anybody have any questions, comments
3 for this panel? I guess not. Well, thank you
4 very much. I guess we're going to move to close
5 this hearing. Alright, well that's it for this
6 agenda. We are going to move to a vote. We are
7 going to couple all of these items. And the Chair
8 will recommend an aye vote on all. And counsel
9 will call the roll.

10 CHRISTIAN HYLTON: Christian
11 Hylton, counsel to the committee. Chair Weprin.

12 CHAIRPERSON WEPRIN: Aye.

13 CHRISTIAN HYLTON: Council member
14 Reyna.

15 COUNCIL MEMBER REYNA: May I please
16 be excused to explain my vote.

17 CHAIRPERSON WEPRIN: Yes, you may.

18 COUNCIL MEMBER REYNA: Thank you so
19 much, I just would be remised if I didn't thank
20 Peter Janosic for all of his work on all the cafes
21 that are opening up in my district. He makes it
22 possible to follow all the regulations to a tee
23 and so I just wanted to appreciate his work. I
24 vote aye on all.

25 CHRISTIAN HYLTON: Council member

Jackson.

COUNCIL MEMBER JACKSON: I vote aye
on all.

CHRISTIAN HYLTON: Council member
Seabrook.

COUNCIL MEMBER SEABROOK: Aye on
all.

CHRISTIAN HYLTON: Council member
Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

CHRISTIAN HYLTON: Council member
Lappin.

COUNCIL MEMBER LAPPIN: Aye.

CHRISTIAN HYLTON: Council member
Ignizio.

COUNCIL MEMBER IGNIZIO: Yes.

CHRISTIAN HYLTON: By a vote of 7
in the affirmative, none in the negative and no
abstentions, LU 99, 100 and 101 are approved to
the full Land Use committee.

CHAIRPERSON WEPRIN: Thank you
counsel. Alright, we are now going to adjourn
this meeting. We will leave the rolls open for 15
minutes to see if anyone shows up who missed it.

1

SUBCOMMITTEE ON ZONING AND FRANCHISES 18

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And with that, the meeting is adjourned. [pause]

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Zoning and Franchise hearing committee of June 1,

4

2010 is now closed.

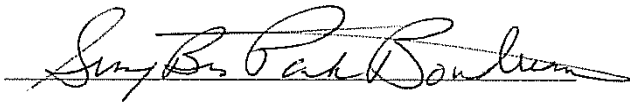
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[gavel bangs]

C E R T I F I C A T E

I, Sung Bin Park-Boudreau 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_____



Date June 10, 2010