

The New York City Council

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



Meeting Minutes

Tuesday, May 12, 2009

9:30 AM

Committee Room - City Hall

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, Jackson, Katz, Rivera, Seabrook and Sears

Absent, Vann

Other Council Members Attending: Brewer, Gerson, Martinez, Barron, Comrie and Reyna

LU 1068-2009

Application no. 20095281 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for BM Café , Inc. to establish, maintain and operate an unenclosed sidewalk café located at 768 Ninth Avenue, 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: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

Affirmative, 8 -

Avella, Felder, Gioia, Jackson, Katz, Rivera, Seabrook and Sears

Absent, 1 -

Vann

LU 1069-2009

Application no. 20095085 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for the Shoreham LLC., to establish, maintain and operate an unenclosed sidewalk café located at 39 West 55th Street, 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 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

Affirmative, 8 -

Avella, Felder, Gioia, Jackson, Katz, Rivera, Seabrook and Sears

Absent, 1 -

Vann

LU 1070-2009

Application no. C 090125 ZMM submitted by the New York City Housing Authority and Phipps Houses and Urban Builders Collaborative, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No.6b, changing from R7A District to a R8A District.

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

Affirmative, 8 -

Avella, Felder, Gioia, Jackson, Katz, Rivera, Seabrook and Sears

Absent, 1 -

Vann

LU 1076-2009

Application no. N 090165 ZRM submitted by Maz Mezcal Restaurant pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article I, Chapter 4 (Sidewalk Café Regulations), relating to Section 14-43 to Application no. N 090165 ZRM submitted by Maz Mezcal Restaurant pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article I, Chapter 4 (Sidewalk Café Regulations), relating to Section 14-43 to permit small sidewalk cafes on the south side of East 86th Street from First Avenue to a line 125 feet east of Second Avenue.

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

Affirmative, 8 -

Avella, Felder, Gioia, Jackson, Katz, Rivera, Seabrook and Sears

Absent, 1 -
Vann

LU 1077-2009 **Application no. C 050260 ZSM submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-33 of the Zoning Resolution to modify the height and setback requirements of Section 23-632, the inner and outer court regulations of Section 23-841, Section 23-843, Section 23-851, Section 23-852, Section 24-63 , Section 24-633, Section 24-652, and Section 23-863,. the minimum distance between buildings on a zoning lot requirements of Section 23-711 and the minimum distance between legally required windows and zoning lot lines requirements of Section 23-861 in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District. 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 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

This Land Use Application was Laid Over by Subcommittee

LU 1078-2009 Application no. C 050269 ZSM submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 68 spaces on portions of the ground floor, cellar, and sub-cellar levels of a proposed mixed use building (Site 4, Garage A) in connection with the proposed expansion of Fordham University, Lincoln Center Campus. 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 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

This Land Use Application was Laid Over by Subcommittee

LU 1079-2009 Application no. C 050271 ZSM submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 137 spaces on portions of the ground floor, cellar, subcellar and 2nd subcellar level of a proposed mixed use building (Site 3a/3, Garage C) in connection with the proposed expansion of Fordham University, Lincoln Center Campus.

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

This Land Use Application was Laid Over by Subcommittee

LU 1080-2009 **Application no. C 090173 ZSM submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 265 spaces on portions of the ground floor and cellar of a proposed mixed use building (Site 5a/5, Garage B) in connection with the proposed expansion of Fordham University, Lincoln Center Campus. 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 5/12/09, Hearing Testimony - Zoning 5/12/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Testimony - Zoning 5/12/09

This Land Use Application was Laid Over by Subcommittee

LU 1081-2009 **Application no. N 090170 ZRM submitted by Fordham University pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, Article VIII, Chapter 2, concerning Section 82-50 (Off-Street Parking and Off-Street Loading Regulations), to modify the requirements for curb cuts on wide streets for off-street loading berths in the Special Lincoln Square District, Borough of Manhattan, Community District 7.**

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

This Land Use Application was Laid Over by Subcommittee

LU 1082-2009 **Application no. N 080253 ZRQ 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, modifying special permit regulations pertaining to the Sunnyside Gardens area in Community District 2, Borough of Queens, and clarifying other regulations in Article X, Chapter 3 (Special Planned Community Preservation District).**

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09,
Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09,
Hearing Transcript - Zoning 6/4/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09,
Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09,
Hearing Transcript - Zoning 6/4/09

This Land Use Application was Laid Over by Subcommittee

LU 1086-2009 **Application no. 20085511 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for 151 Mulberry Street Corp.. d.b.a Il Palazzo to establish, maintain and operate an unenclosed sidewalk café located at 151 Mulberry 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 §20-226(g) of the New York City Administrative Code.**

Attachments: Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Zoning 5/12/09,
Hearing Transcript - Zoning 5/20/09, Hearing Testimony - Zoning 5/12/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Zoning 5/12/09,
Hearing Transcript - Zoning 5/20/09, Hearing Testimony - Zoning 5/12/09

This Land Use Application was Laid Over by Subcommittee

LU 1087-2009 **Application no. 20085608 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Smorgas Chef West Village, LLC, to continue to maintain and operate an unenclosed sidewalk café located at 283 West 12th 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: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

Affirmative, 8 -

Avella, Felder, Gioia, Jackson, Katz, Rivera, Seabrook and Sears

Absent, 1 -

Vann

LU 1088-2009 **Application no. 20095337 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of NYCMF Inc., to establish, maintain and operate an unenclosed sidewalk café located at 10 Downing 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: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09, Hearing Testimony - Zoning 5/12/09

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

Affirmative, 8 -

Avella, Felder, Gioia, Jackson, Katz, Rivera, Seabrook and Sears

Absent, 1 -

Vann

LU 1103-2009 **Uniform Land Use Review Procedure application no. M 090312 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning modification to a restrictive declaration for property located at 783 Eldert Land, Borough of Brooklyn, Council District no. 42**

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09,
Hearing Testimony - Zoning 5/12/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Land Use 5/14/09,
Hearing Testimony - Zoning 5/12/09

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

Affirmative, 8 -

Avella, Felder, Gioia, Jackson, Katz, Rivera, Seabrook and Sears

Absent, 1 -

Vann