

The New York City Council

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



Meeting Minutes

Tuesday, August 15, 2006

10:00 AM

Council Committee Room - City Hall

Committee on Land Use

Melinda R. Katz, Chair

Members: Maria Del Carmen Arroyo, Tony Avella, Maria Baez, Charles Barron, Yvette D. Clarke, Leroy G. Comrie, Inez E. Dickens, Erik Martin Dilan, Simcha Felder, Daniel R. Garodnick, Eric N. Gioia, 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, Andrew J. Lanza and James Oddo

Roll Call

Present,

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

Absent,

Dickens

LU 0222-2006

Application no. 20065552 SCX, a proposed site for a 550-seat primary/intermediate school facility generally located at the southeast corner of Van Nest Street and Bronxdale Avenue in Community Board 11, Borough of the Bronx. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Attachments: Hearing Transcript - Landmarks 8/14/06, Hearing Transcript - Landmarks 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Attachments: Hearing Transcript - Landmarks 8/14/06, Hearing Transcript - Landmarks 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

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

Absent, 1 -

Dickens

LU 0223-2006

Application no. 20065559 HKR (N 060552 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 376, LP-2190) by the Landmarks Preservation Commission of the Mark W. Allen House located at 665 Clove Road, Council District no. 49

Attachments: Hearing Transcript - Landmarks 8/14/06, Hearing Transcript - Landmarks 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Attachments: Hearing Transcript - Landmarks 8/14/06, Hearing Transcript - Landmarks 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

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

Absent, 1 -
Dickens

LU 0224-2006 **Application no. 20065560 HKM (N 060547 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 375, LP-2198) by the Landmarks Preservation Commission of the Claremont Theater Building located at 3320-3338 Broadway, aka 536-540 West 135th Street, Council District no. 7.**

Attachments: Hearing Transcript - Landmarks 8/14/06, Hearing Transcript - Landmarks 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Attachments: Hearing Transcript - Landmarks 8/14/06, Hearing Transcript - Landmarks 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -
Katz, Arroyo, Avella, Baez, Barron, Clarke, Comrie Jr., Dilan, Felder, Garodnick, Gioia, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Palma, Rivera, Seabrook, Sears, Vann, Lanza and Oddo

Absent, 1 -
Dickens

LU 0137-2006 **Uniform Land Use Review Procedure application no. C 060323 ZMQ pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment of the zoning map, Section 9b, Borough of Queens, Council District no. 26.**

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06, Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -
Katz, Arroyo, Avella, Baez, Barron, Clarke, Comrie Jr., Dilan, Felder, Garodnick, Gioia, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Palma, Rivera, Seabrook, Sears, Vann, Lanza and Oddo

Absent, 1 -
Dickens

LU 0138-2006 Zoning resolution amendment application no. N 060324 ZRQ, pursuant to §§197-d and 200 of the New York City Charter, respecting changes in the text of the Zoning Resolution, Sections 123-90 to create a mixed use district and 123-40 to permit an accessory sign.

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06,
Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06,
Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

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

Absent, 1 -

Dickens

LU 0139-2006 Uniform land use review procedure application no. C 060325 ZSQ, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit pursuant to Section 13-561 of the Zoning Resolution in connection with a proposed mixed-use development, Borough of Queens, Council District no. 26. 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 Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06,
Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06,
Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

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

Absent, 1 -

Dickens

LU 0140-2006 Uniform land use review procedure application no. C 060326 ZSQ, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit pursuant to Section 62-736 of the Zoning Resolution in connection with a proposed mixed-use development, Borough of Queens, Council District no. 26. 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 Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06, Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

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

Absent, 1 -

Dickens

LU 0141-2006 Uniform land use review procedure application no. C 060327 ZSQ, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit pursuant to Section 123-40 of the Zoning Resolution in connection with a proposed mixed-use development, Borough of Queens, Council District no. 26. 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 Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06, Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

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

Absent, 1 -
Dickens

LU 0142-2006 **Uniform land use review procedure application no. C 050375 MMQ, pursuant to §§197-c and 197-d of the New York City Charter, changes to the City Map, Borough of Queens, Council District no. 26. 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 Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06,
Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06,
Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -
Katz, Arroyo, Avella, Baez, Barron, Clarke, Comrie Jr., Dilan, Felder, Garodnick, Gioia, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Palma, Rivera, Seabrook, Sears, Vann, Lanza and Oddo

Absent, 1 -
Dickens

LU 0154-2006 **Uniform Land Use Review Procedure application no. C 060411 ZMQ pursuant to §197-c and §197-d of the New York City Charter, concerning an amendment to the zoning map, Section 13-d, Borough of Queens, Council District no. 30.**

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06,
Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06,
Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -
Katz, Arroyo, Avella, Baez, Barron, Clarke, Comrie Jr., Dilan, Felder, Garodnick, Gioia, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Palma, Rivera, Seabrook, Sears, Vann, Lanza and Oddo

Absent, 1 -
Dickens

LU 0184-2006 **Application no. 20065520 HKX (N 060511 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.374, LP-2195) by the Landmarks Preservation Commission of the Estey Piano Company Factory located at 112-128 Lincoln Avenue, Council District no. 17.**

Attachments: Hearing Transcript - Landmarks 8/14/06, Hearing Transcript - Landmarks 8/15/06, Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 8/14/06, Hearing Transcript - Landmarks 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

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

Absent, 1 -

Dickens

LU 0185-2006 **Application no. 20065521 HKR (N 060512 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.374, LP-2192) by the Landmarks Preservation Commission of the Theodore F. and Elizabeth J. De Hart House, located at 134 Main Street, Council District no. 51.**

Attachments: Hearing Transcript - Landmarks 8/14/06, Hearing Transcript - Landmarks 8/15/06, Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 8/14/06, Hearing Transcript - Landmarks 8/15/06, Hearing Transcript - Land Use 8/15/06

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, Baez, Clarke, Comrie Jr., Dilan, Felder, Garodnick, Gioia, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Rivera, Seabrook, Sears, Vann, Lanza and Oddo

Negative, 2 -

Barron and Palma

Absent, 1 -

Dickens

LU 0186-2006 **Application no. 20065522 HKX (N 060510 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.374, LP-2193) by the Landmarks Preservation Commission of the Loew's Paradise Theater Interior located at 2045-2419 Grand Concourse, Council District no. 14.**

Attachments: Hearing Transcript - Landmarks 8/14/06, Hearing Transcript - Landmarks 8/15/06, Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 8/14/06, Hearing Transcript - Landmarks 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

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

Absent, 1 -

Dickens

LU 0216-2006 **Uniform land use review procedure application no. C 060457 HAK, an Urban Development Action Area Designation and Project, located at 2341-49 Atlantic Avenue; 1874, 1870 and 2335 Eastern Parkway; 20-30 Sherlock Place, and the disposition of such property, Borough of Brooklyn, Council District no. 37. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

Attachments: Hearing Transcript - Planning 8/14/06, Hearing Transcript - Planning 8/15/06, Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Planning 8/14/06, Hearing Transcript - Planning 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

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

Absent, 1 -

Dickens

LU 0217-2006 Application no. N 060096 NPM, pursuant to Section 197-a and Section 197-d of the New York City Charter concerning The Manhattan Community Board 8 197-a Plan for the Queensboro Bridge Area in Council Districts no. 4 and 5.

Attachments: Hearing Transcript - Planning 8/15/06, Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Planning 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

Katz, Arroyo, Avella, Baez, Barron, Clarke, Comrie Jr., Dilan, Felder, Garodnick, Gioia, Jackson, Lappin, Liu, Martinez, McMahan, Mendez, Palma, Rivera, Seabrook, Sears, Vann, Lanza and Oddo

Absent, 1 -

Dickens

LU 0218-2006 Zoning resolution amendment application no. N 060504 ZRQ, pursuant to Section 201 of the New York City Charter, for an amendment relating to Section 23-90 (Inclusionary Housing).

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06, Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

Katz, Arroyo, Avella, Baez, Barron, Clarke, Comrie Jr., Dilan, Felder, Garodnick, Gioia, Jackson, Lappin, Liu, Martinez, McMahan, Mendez, Palma, Rivera, Seabrook, Sears, Vann, Lanza and Oddo

Absent, 1 -

Dickens

LU 0219-2006 **Application no. 20065509 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition LADL LLC, d/d/a Jack, to establish, maintain and operate an unenclosed sidewalk café located at 80 University Place, 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 8/14/06, Hearing Transcript - Zoning 8/15/06,
Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 8/14/06, Hearing Transcript - Zoning 8/15/06,
Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

Katz, Arroyo, Avella, Baez, Barron, Clarke, Comrie Jr., Dilan, Felder, Garodnick, Gioia, Jackson, Lappin, Liu, Martinez, McMahan, Mendez, Palma, Rivera, Seabrook, Sears, Vann, Lanza and Oddo

Absent, 1 -

Dickens

LU 0208-2006 **Application no. 20065428 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 7th & Barrow LLC, d/b/a Sushi Samba, to continue to maintain and operate an unenclosed sidewalk café located at 87 Seventh 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 8/15/06, Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

Katz, Arroyo, Avella, Baez, Barron, Clarke, Comrie Jr., Dilan, Felder, Garodnick, Gioia, Jackson, Lappin, Liu, Martinez, McMahan, Mendez, Palma, Rivera, Seabrook, Sears, Vann, Lanza and Oddo

Absent, 1 -

Dickens

LU 0128-2006 Application no. 20065399 HAK, an Urban Development Action Area Project located at 395 Saratoga Avenue, Council District no. 41, 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 6/1/06, Hearing Transcript - Planning 7/17/06, Hearing Transcript - Planning 8/14/06, Hearing Transcript - Planning 8/15/06, Hearing Transcript - Land Use 8/15/06

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Planning 6/1/06, Hearing Transcript - Planning 7/17/06, Hearing Transcript - Planning 8/14/06, Hearing Transcript - Planning 8/15/06, Hearing Transcript - Land Use 8/15/06

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

Affirmative, 24 -

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

Absent, 1 -

Dickens