

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 5, 2012
Start: 10:09 a.m.
Recess: 11:12 a.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
MARK S. WEPRIN
Chairperson

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

APPEARANCES [CONTINUED)

Michael Kelly
Representative
Monument Lane Café

Robert Schuster
Representative/Architect

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CHAIRPERSON WEPRIN: Good morning.
Good morning. Everybody, settle down. I know we're all excited for a new day and our company. Good morning, everyone. My name is Mark Weprin. I'm chair of the Zoning and Franchises Subcommittee of the Land Use Committee, and I'm delighted this morning to be joined by the following members of the Committee: Joel Rivera, Jimmy Vacca, Vincent Ignizio, the chair of the Land Use Committee, Leroy Comrie, and Council Member Dan Garodnick and his son, Asher [phonetic], who is here with us today.

Today we have a very interesting agenda. We have two cafes and I'd like to start with the first café, which is Land Use No. 615 called Monument Lane, and I'd like to call on Michael Kelly [phonetic], who has already appeared at the table to make a presentation on this café's application.

MICHAEL KELLY: Good morning, Chairman, members of the Council. My name is Michael Kelly. I'm representing 103 GW 12LLC doing business as Monument Lane. We've come to an agreement with Speaker Quinn on the application,

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and I'd like to read it into the record.

CHAIRPERSON WEPRIN: Please do.

MICHAEL KELLY: This letter serves as our agreement with the Chair, Council Member Weprin and the encompassing members of the Subcommittee on Zoning and Franchises that we will commit to the following: We will remove the two tables and four chairs on either side of the overhead fire escape in accordance with New York City Fire Department regulations, a three foot sidewalk clearance 360 degrees around the fire escape will be maintained at all times. One table and two chairs will be added to the west of the Greenwich Avenue restaurant entrance. The size of the café will remain at 7 tables and 14 seats. The single table and two chairs on West 12th Street will be moved against the façade. The waiter service aisle will be located on the outside of that table and the appropriate clearances to the fire hydrant will be maintained. We will remove the six planters currently located on the corner of Greenwich Avenue and West 12th Street as they have not been indicated on plans approved by the New York City Department of Consumer Affairs. We

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2 will remove the sandwich board currently located
3 within the sidewalk café's zone. We will remove
4 the bench currently located within the sidewalk
5 café zone as it has not been indicated on plans
6 approved by the New York City Department of
7 Consumer Affairs, and the aforementioned changes
8 will be reflected in the revised plans submitted
9 to the New York City Department of Consumer
10 Affairs. Thank you.

11 CHAIRPERSON WEPRIN: And you got to
12 copies to us as well.

13 MICHAEL KELLY: Yes.

14 CHAIRPERSON WEPRIN: Great, and
15 from what I understand according to Speaker
16 Quinn's staff person, - - Sanchez, we are all okay
17 with her. Speaker Quinn has helped negotiate this
18 agreement. Do any members of the panel have any
19 questions? Asher? No, okay. None. Seeing none,
20 Mr. Kelly, thank you very much. We're going to
21 close that hearing, and we are going to move on to
22 our next item—right around the corner as a matter
23 of fact, I think—to a restaurant called the Tea
24 Set [phonetic, Land Use number 616, and as luck
25 would have it, we have Michael Kelly here

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2 representing the Tea Seat. Mr. Kelly?

3 MICHAEL KELLY: Good morning. My
4 name is Michael Kelly. I'm representing Franco-
5 American Investment Group Inc. doing business as
6 The Tea Set. We also made an agreement with
7 Speaker Quinn's Office. I'd like to read into the
8 record.

9 This letter serves as our agreement
10 with the Chair, Council Member Weprin and the
11 encompassing members of the Subcommittee on Zoning
12 and Franchises that we will commit to the
13 following: We will reduce the size of the café
14 from three tables and six chairs to two tables and
15 four chairs. Specifically we will remove the
16 table and two chairs to the north of the overhead
17 fire escape ladder in accordance with the New York
18 City Fire Department regulations, a 3 foot
19 sidewalk café clearance 360 degrees around the
20 fire escape will be maintained at all times. The
21 aforementioned changes will be reflected in the
22 revised plan submitted to the New York City
23 Department of Consumer Affairs. There will be no
24 service from the basement stairway adjacent to the
25 restaurant entrance. Service will only occur from

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2 the approved service aisle and sandwich boards or
3 other signage will not be used on the public
4 sidewalk. Thank you.

5 CHAIRPERSON WEPRIN: Thank you,
6 sir. And we're good—Speaker Quinn's office
7 informs me that they are fine with the agreement
8 on this café, so again, I look to the panel, see
9 if anyone has any questions regarding The Tea Set.
10 Okay, well, with that in mind. We thank and we
11 will close this hearing as well, and we will move
12 on to the Land Use applications on the agenda.
13 I'd like to move on to Land Use No. 613 and 614,
14 the Highland Boulevard project on Staten Island,
15 and I'd like to call up Robert Schuster [phonetic]
16 and Mr. John Kim [phonetic], who have a
17 presentation for us. This matter is in Council
18 Member Ignizio's district, and I'm sure he will
19 have things to say about it as well. Mr. Schuster
20 and Mr. Kim, whenever you are ready, you can
21 start. Please make sure to state your name for
22 the record so that the record can properly reflect
23 who is talking. Thank you.

24 ROBERT SCHUSTER: Good morning,
25 Chairman Weprin and members of the City Council,

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2 my name is Robert Schuster. I am a partner with
3 the firm - - and Schuster Architects located on
4 Staten Island. I represent Mr. Kim as the
5 project's architect before these proceedings this
6 morning. We come before you today to respectfully
7 request your favorable determination for two
8 actions. One is for an amendment of the zoning
9 map 33-C and the second is for an amendment to the
10 zoning resolution relation to the modification of
11 the arterial setback requirements in the special
12 South Richmond Development District. After much
13 discussion and interaction with the Staten Island
14 borough president James Molinero and his staff,
15 Councilman Vincent Ignizio and his staff,
16 Community Board No. 3 and of course, the New York
17 City Planning, we represent to your Committee what
18 we believe is a well-planned and sensitive
19 solution for the development of the property in
20 question. As I am sure that you are aware, the
21 property in question is located in the Great Kills
22 Section of Staten Island. It consists of 11
23 individual tax lots, all owned by Mr. Kim. After
24 the demolition of three vacant residences and one
25 vacant commercial building, Mr. Kim wishes the

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2 construct a one story commercial building with an
3 accessory drive through and parking for 46 cars.
4 The reason for our request for the Zoning Map
5 change is to facilitate the use of the rear
6 portion of the property for accessory parking,
7 which is currently zoned R3-A. In addition to
8 requesting a zone change of the portion of the
9 property fronting Hylan Boulevard from C2-1 to C2-
10 2, easing the parking requirement for one car for
11 every 150 square feet of floor area to one care
12 for every 300 feet of square feet of floor area.
13 Although additional parking would be a nice
14 improvement the size of that parking if we were to
15 maintain the parking requirements under the C2-1
16 district would be totally out of scale and out of
17 character with this particular neighborhood. With
18 regard to the modification of the atrial setback,
19 most if not all adjoining buildings along the
20 commercial corridor of Hylan Boulevard are
21 situated along the street wall of Hylan Boulevard.
22 Requirement for a 20 foot front yard setback along
23 Hylan Boulevard would interrupt the continuity of
24 the streetscape and require that the proposed
25 building be located closer to the residential

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2 properties along Russell Street. That concludes
3 my remarks, Council Members, this morning, and I
4 am available to answer any questions that you may
5 have.

6 CHAIRPERSON WEPRIN: Thank you, Mr.
7 Schuster. I'd like to call on Council Member
8 Ignizio, who'd like to make some comments.

9 COUNCIL MEMBER IGNIZIO: Yes, and I
10 just want to inform the committee that this is
11 long been a plan to make commercial this entire
12 area. My only concern to you, Mr. Kim is that
13 you respect the streetscape of Russell Street,
14 that you make sure there is excessive plantings in
15 that area to screen yourself from the residential
16 community, which you have told me you agree to do
17 and to ensure safe passage—I still have a concern
18 about Hylan Boulevard and that exit through the
19 pedestrian sidewalk there and your commitment
20 remains that you will ensure that that is both
21 protected and we will monitor that as we go along.
22 Originally we were talking about gates or
23 something in that area, but I think that's going
24 to require some excessive monitoring by you and
25 our office, the borough president and the

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2 community board. I have not been asked--no one has
3 come to me in opposition for this application and
4 I think it's one that will continue the commercial
5 revitalization of the Great Kills area. Thank
6 you.

7 CHAIRPERSON WEPRIN: Thank you, Mr.
8 Ignizio. Any other people on the panel have any
9 comments or questions? Mr. Comrie would like to
10 ask a question.

11 COUNCIL MEMBER COMRIE: How big
12 will the commercial building be, and what is the
13 proposed use of the commercial building?

14 MR. KIM: Let me introduce myself.
15 Thank you, Chairman, honorable Council Member - -
16 and all Council Members. It is my great honor to
17 be seen be for you honorable Councilmen and - -
18 about create 110 construction job and 100
19 permanent jobs right at this location. For each
20 employee - - food on the table, five members of
21 the family, that means that 500 people depend upon
22 this location. They are not only supporting their
23 family, but also the opportunity of dreams and
24 hope to become somebody such as nurses, doctors,
25 lawyers, - - like my - - architects. Whatever

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2 they want to be. Maybe someday one of them will
3 become City Councilmen, honorable Council Members
4 like you sitting over there and listening to
5 somebody like me today. As a boy, I was born into
6 one of the most powerful and affluent family - -
7 in Korea. It was after the - - of Korean War, all
8 the land and assets my family once owned was
9 seized by the government and from that day on, we
10 had to struggle to survive. I was only sixteen
11 years old then at the time. I remember being
12 hungry and for many, many days. At the time the
13 difference between simply being hungry and not
14 knowing whether there would be food on the table
15 to eat. In this circumstance, I realized that I
16 have got to find a job in order to keep the food
17 on my family's table. Being 16 years old in a war
18 torn nation, it wasn't easy, but I was more than
19 happy and willing to do anything - - for me.
20 Sometimes at the time, I look up into the sky and
21 daydream of the one day of going to American to
22 achieve the American Dream. - - that dream in
23 unrealistic as it seems at the time, that gave me
24 hope. It was that hope that gave me strength.
25 That strength enabled me to face insurmountable

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2 obstacles and overcome them. It's not easy to
3 success as you know. When I achieve American
4 dream, I want to create more jobs for others.
5 When I start this procedure with the zoning
6 change, most of my acquaintance and friends they
7 thought I was totally crazy. They wonder how I
8 could go through with this - - and grilling
9 procedure both mentally and financially, but I
10 glad I started anyway because I believe in this
11 system. I want to thank Committee Board 3 and
12 City Planning board, - - borough president - -
13 that really help me every step of the way to guide
14 - - to creating more jobs. I believe in the
15 comment "what goes around, comes around." Thank
16 you, and God bless everybody. And what was the
17 question?

18 CHAIRPERSON WEPRIN: That was John
19 Kim [phonetic], Master John Kim, who was speaking--
20 I just for the record want to make sure they
21 reflect it, so when you were announced for mayor
22 next year and you'll have my support, I want to
23 make sure every knows it was your speech, and
24 thank you for your inspiring story. Did you want
25 to add something?

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2 ROBERT SCHUSTER: Yes, to respond
3 to Council Member Comrie's question, the square
4 footage of the building would be 12,5010 square
5 feet, a one story building.

6 COUNCIL MEMBER COMRIE: And what do
7 you project the use to be?

8 ROBERT SCHUSTER: Any use is
9 permitted within that particular zoning district.
10 There is some discussion along various potential
11 tenants at this point. Nothing has been
12 finalized.

13 MR. KIM: All the places over
14 Staten Island - - rented and lease, it's hard to
15 find the - - tenant, but I think the - - and there
16 are a lot of the national tenants, I'm approaching
17 them, and - - the paper, but - - Bank and
18 Starbucks and many other companies. - - .
19 Creating not only jobs, but we pay a lot of - - to
20 the government. - - . Let me explain something
21 that I feel-

22 CHAIRPERSON WERPIN: Mr. Kim, - -
23 blow it from here on in. I just want to warn you.
24 No, it's alright. Thank you. Do you have any
25 more questions. Thank you so much, gentlemen.

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2 Any other questions on the panel? I see none, so
3 we thank you very much, sir. It's an honor to
4 have you and we appreciate you coming down. I'm
5 going to move to close this hearing, and we are
6 going to move to a vote. Thank you. We're going
7 to close this hearing and move to a vote on all
8 the items we heard today. Thank you, gentlemen.
9 We are going to remember, we're going to vote on
10 Land Use No. 615—that is the café from Monument
11 Lane, Land Use No. 616, The Tea Set and the two
12 items related on a Hylan Boulevard project that we
13 just heard about, Land Use No. 613 and 614. We
14 are going to couple all of those items and move to
15 a vote. I'm going to ask Christian Hilton to
16 please call the roll.

17 COUNSEL: Chair Weprin?

18 CHAIRPERSON WEPRIN: I vote aye.

19 COUNSEL: Council Member Rivera?

20 COUNCIL MEMBER RIVERA: I vote aye.

21 COUNSEL: Council Member Comrie?

22 COUNCIL MEMBER COMRIE: I vote aye.

23 COUNSEL: Council Member Vann?

24 COUNCIL MEMBER VANN: Aye, aye.

25 COUNSEL: Council Member Garodnick?

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2 COUNCIL MEMBER GARODNICK: We vote
3 aye.

4 COUNSEL: Council Member Ignizio?

5 COUNCIL MEMBER IGNIZIO: Aye.

6 COUNSEL: by a vote of six in the
7 affirmative with none in the negative and no
8 abstentions, L.U. 613, 614, 615, 616 are approved
9 and referred to the full Land Use Committee.

10 MALE VOICE: Thank you so much,
11 Sir.

12 CHAIRPERSON WEPRIN: Alright.
13 We're going to leave the rolls open for 15 minutes
14 waiting for a couple people who had another
15 appointment, but we'll leave those rolls open and
16 then they'll get to vote. Thank you all very much
17 and with that, the meeting is adjourned.

18 COUNSEL: Council Member Lappin?

19 COUNCIL MEMBER LAPPIN: Aye.

20 COUNSEL: The vote now stands at 7
21 in the affirmative, none in the negative and no
22 abstentions.

23 COUNSEL: Council Member Vacca?

24 COUNCIL MEMBER VACCA: I vote aye
25 on all.

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COUNSEL: Council Member Jackson?

COUNCIL MEMBER JACKSON: I vote aye
on all.

COUNSEL: By a vote of nine in the
affirmative, none in the negative and no
abstentions, all items L.U. 613, 614, 615, 616
are approved and referred to the full Land Use
Committee.

COUNCIL MEMBER JACKSON: This
Zoning Committee meeting—

COUNSEL: Council Member Reyna?

COUNCIL MEMBER REYNA: I vote aye
on all.

COUNSEL: Final vote of the
subcommittee on Zoning and Franchises for June 5th,
2012's L.U. 613, 614, 615, 616 are approved by a
vote of ten in the affirmative, none in the
negative and no abstentions.

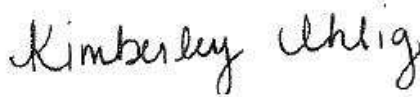
COUNCIL MEMBER REYNA: This
Subcommittee on Zoning and Franchises/Land Use is
adjourned.

[gavel]

C E R T I F I C A T E

I, Kimberley Uhlig 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 _____

6/22/12