

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

LAND USE SUBCOMMITTEE ON ZONING AND FRANCHISES

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September 17, 2008  
Start: 9:45am  
Recess: N/A

HELD AT: Council Chambers  
City Hall

B E F O R E:  
TONY AVELLA  
Chairperson

COUNCIL MEMBERS:  
Simcha Felder  
Robert Jackson  
Melinda R. Katz  
Michael E. McMahon  
Larry B. Seabrook  
Helen Sears

CHAIRPERSON AVELLA: Good morning everyone, I'd like to reconvene the meeting of the Zoning and Franchises Subcommittee. Joining me this morning are members of the Committee, Council Member Simcha Felder, Mike McMahon, Larry Seabrook, Helen Sears and Robert Jackson.

Yesterday we had the public hearing on all the items, and today we will have the vote. The item on the Hospital for Special Surgery, although we had the public hearing yesterday, is going to be-- the vote on that will be laid over until October 2nd. So the items we will be voting on are the Mole Sidewalk Café, Papa John's Pizza Sidewalk Café, the 88th Street rezoning and the Waldheim rezoning. Now, the Chair will recommend approval on all items. I just want to make a quick comment about the Waldheim rezoning. I'm a little bit concerned about some of the things that came up at yesterday's hearing, with the way the Community Board's testimony was given. But, regarding one aspect of the rezoning for the Armenian Home Block, but one has to look at, as we've discussed on a number of occasions, one has to look at the totality of the application and it is something

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2 that the Community has been after for a long, long  
3 time. And I know Councilmember Liu does support  
4 the application in its present form. And I see  
5 we've also been joined by Councilmember Katz. So  
6 Chair would recommend approval of all items.  
7 Sure. Councilmember Sears.

8 HELEN SEARS: My question is, is  
9 that we hear from time to time in this Committee  
10 when people are distressed about things are  
11 particularly not going their way from the  
12 community. And then accusations are made. And  
13 that happened yesterday at well. I think they're  
14 inappropriate at the Committee level, I really do.  
15 Now I don't know if that's something we need to  
16 look at because when they're accusatorial, it's  
17 saying that we need to check into that. And  
18 that's not our role to do that. So I think maybe  
19 the Committee might want to look at how we address  
20 that. I recognize the frustration of those who  
21 testified, but at the same time it doesn't place  
22 the Committee Members, at least for myself, in  
23 being so defiant when we know we're going to vote  
24 yes, when they're implying, not implying but  
25 saying that something wasn't right, it was

1  
2 illegal. And I think we need to take some kind of  
3 a policy for the Committee. I don't, know, but I  
4 felt like I needed to raise that.

5 CHAIRPERSON AVELLA: Well, I'm glad  
6 you did because I thought I had made an attempt to  
7 resolve it with the testimony of the Community  
8 Board. As it turns out, the testimony of the  
9 Community Board I consider to be inappropriate  
10 because it's almost like one of our  
11 representatives going out to a meeting and stating  
12 that they don't appreciate our position on a  
13 meeting when they're supposed to be representing  
14 us. So it really was a peculiar situation, but  
15 it's something that we have to take a look at. I  
16 would also mention that as you will recall, I had  
17 asked the representative of the 88th Street  
18 Rezoning whether or not they would commit to the  
19 Community Board's suggestions about lighting and  
20 fencing, and they did present me with a letter  
21 here and they also gave a copy to Councilmember  
22 Katz, that they will fulfill the requirements,  
23 requests of the Community Board in terms of that  
24 application. So we did receive that information.  
25 So with that, seeing no other concerns, comments,

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2 chair will ask Council to call the vote. Again,  
3 Chair recommends approval.

4 MALE VOICE: Chairman Avella?

5 CHAIRPERSON AVELLA: Aye.

6 MALE VOICE: Councilmember Felder?

7 SIMCHA FELDER: Yes.

8 MALE VOICE: Councilmember Jackson.

9 ROBERT JACKSON: Mr. Chair, may I  
10 be excused to explain my vote?

11 CHAIRPERSON AVELLA: Sure.

12 ROBERT JACKSON: Thank you. First  
13 I'd like to thank you and the Committee for  
14 yesterday's public hearing and listening to all of  
15 the individuals that were interesting in the  
16 rezoning of Waldheim in Flushing, for giving me  
17 and members of this community an opportunity to  
18 hear all sides of the story. And also listening  
19 to my colleagues John Liu, and Helen Sears and  
20 Simcha Felder and others ask questions and make  
21 comments concerning the Waldheim Rezoning. All  
22 things considered, I do think though that the  
23 individuals involved, especially the people in the  
24 area that were here objecting to the rezoning, I  
25 think they had an opportunity to be heard by this

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2 Committee fully. And all things considered, I  
3 don't see how I cannot move forward with this  
4 rezoning; especially knowing that initially the  
5 Committee at the Community Board level basically  
6 almost unanimously approved it. I think there may  
7 have been one vote against and one abstention.  
8 And even though a decision was made at the  
9 Community Board level to carve out that one  
10 particular area, and subsequently the full  
11 rezoning was approved by the Borough President of  
12 Queens, Helen Marshall and subsequently by the  
13 City Planning Commission. All things considered  
14 in totality, I would have to say that I approve  
15 the rezoning, based on everything that I know  
16 about it, which as you know, I was here until the  
17 end of the hearing and heard all of the testimony.  
18 So with that, I vote aye on all matters.

19 MALE VOICE: Councilmember Katz?

20 MELINDA R. KATZ: I vote aye.

21 We've gotten contacted by several folks, you know,  
22 the Board Members regarding the Waldheim rezoning.  
23 I think it's a good thing. I understand and I was  
24 not in the room yesterday, that there was  
25 controversy, and I was briefed on that. But I

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2 think that on the substance, this is a good  
3 project, the Councilmember approves of it and  
4 there's been a lot of community involvement in it  
5 over the years. So I vote aye on all.

6 MALE VOICE: Councilmember McMahon?

7 MICHAEL E. MCMAHON: Yo, that's  
8 Yiddish for yes. Ja [phonetic]. Ja. Ja.

9 MALE VOICE: Councilmember  
10 Seabrook?

11 MICHAEL E. MCMAHON: I'm learning  
12 Yiddish. I'm sorry, yes.

13 MALE VOICE: Councilmember  
14 Seabrook.

15 LARRY B. SEABROOK: Yes.

16 MALE VOICE: Councilmember Sears?

17 [Break in Audio]

18 MALE VOICE: Councilmember Sears?

19 HELEN SEARS: - -

20 MALE VOICE: By a vote of seven in  
21 the affirmative, none in the negative, no  
22 abstentions, all items LU 864, 865, 867, 868 and  
23 869 are referred to the full land use committee.

24 CHAIRPERSON AVELLA: Thank you,  
25 everyone. This closes this meeting of the

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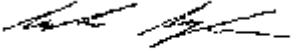
Subcommittee on Zoning and Franchises.

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C E R T I F I C A T E

I, Erika Swyler 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 September 28, 2008 \_\_\_\_\_