

The New York City Council

Council Agenda

Stated Meeting

October 14, 2009

1:30 PM

Council Chambers - City Hall

1. Roll Call

2. Invocation

Delivered by: Rev. Jacques Andre DeGraff, Senior Advisor, New York Theological Seminary, 475 Riverside Dr. Ste. 500, New York, NY 10115.

Motion to spread the invocation in full upon the record by Council Member Dickens.

3. Adoption of Minutes

Motion that the Minutes of the Stated Meetings of July 29 and August 20, 2009 be adopted as printed by Council Member Jackson.

4. Messages & Papers from the Mayor

None

5. Communications from City, County & Borough Offices

None

6. Petitions and Communications

None

7. Land Use Call-Ups

**M 1628-2009 Zoning, Eldert Lane Residential Development, Ltd, Brooklyn
(C090308ZMK)**

By the Chair of the Land Use Committee Council Member
Katz:

Pursuant to Rule 11.20(c) of the Council and Section 197-d
(b)(3) of the New York City Charter, the Council hereby
resolves that the action of the City Planning Commission on
Uniform Land Use Procedure Application nos. C 090307
MMK and shall be subject to Council review. These items are
related Uniform Land Use Procedure Application no. C
090308 ZMK.

8. Communication from the Speaker

9. Discussion of General Orders

10. Reports of Special Committees

None

11. Reports of Standing Committees

Report of the Committee on Education

Int 0396-2006-A Department of Education to report on the implementation of Billy's Law.

A Local Law to amend the New York city charter in relation to requiring the New York city Department of Education to report on the implementation of Billy's Law.

Amended and Coupled on GO

Report of the Committee on Health

Int 0433-2006-A Regulation of tobacco products.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the regulation of tobacco products.

Amended and Coupled on GO

Report of the Committee on Housing and Buildings

Int 1015-2009-A Safety and security of construction sites at which permitted work has been suspended.

A Local Law to amend the administrative code of the city of New York, in relation to the safety and security of construction sites at which permitted work has been suspended.

Amended and Coupled on GO

Report of the Committee on Land Use

Res 2223-2009 LU 1207 - ULURP, 640 Broadway, Brooklyn (C090379HAK)

Uniform land use review procedure application no. C 090379 HAK, an Urban Development Action Area Designation and Project, located at 640 Broadway and the disposition of such property, Borough of Brooklyn, Council District no. 33. 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.

Coupled on GO

Res 2224-2009 LU 1213 - ULURP, Briarwood Organization LLC, Queens (C060551ZMQ)

Application no. C 060551 ZMQ, submitted by Briarwood Organization LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 11a., by establishing within an existing R4 District a C2-2 District..

Coupled on GO

Res 2225-2009 LU 1217 - Sidewalk Cafe, 114 Kenmare Associates LLC , Manhattan (20095244TCM)

Application no. 20095244 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 114 Kenmare Associates LLC d/b/a Corner Deli, to continue to maintain and operate an unenclosed sidewalk café at 106 Kenmare 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.

Coupled on GO

Res 2226-2009 LU 1218 - Sidewalk Cafe, Fabrizio Cavallacci, Manhattan (20085246TCM)

Application no. 20085246 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Fabrizio Cavallacci d/b/a Café Reggio, to continue to maintain and operate an unenclosed sidewalk café at 119 Macdougall 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.
Coupled on GO

LU 1219-2009 **ULURP, W2005/Hines West Fifty-Third Realty, LLC,
Manhattan (C09043ZSM)**

Application no. C 090431 ZSM, submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Sections 81-212 and 74-79 of the Zoning Resolution to allow the transfer of 136,000 square feet of floor area to facilitate the development of an 85-story mixed use building in Council District 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.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

LU 1220-2009 **ULURP, W2005/Hines West Fifty-Third Realty, LLC,
Manhattan (C090432ZSM)**

Application no. C 090432 ZSM, submitted by W2005/Hines West Fifty-Third Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Sections 74-711 and 81-277 of the Zoning Resolution to facilitate the development of an 85-story mixed use building on property located at 53 West 53rd Street (Block 1269, Lots 5,6,7,8,9,11,12, 13,14, 20, 30, 58,66, 69 and 165). 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.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

**Res 2227-2009 LU 1222 - UDAAP, 46-48 East 129th Street, Manhattan
(20105059HAM)**

Application no. 20105059 HAM, an Urban Development Action Area Project located at 46-48 East 129th Street, Council District no. 9 Borough of Manhattan. 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 577 of the Private Housing Finance Law for an exemption from real property taxes.

Coupled on GO

**Res 2228-2009 LU 1224 - ULURP, College Point Corporate Park, Queens
(C090470PPQ)**

Uniform land use review procedure application no. C 090470 PPQ, pursuant to §197-c and §197-d of the New York City Charter concerning the disposition of one city-owned property, located in the College Point Corporate Park, Borough of Queens, Council District no. 19. 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.

Coupled on GO

**Res 2229-2009 LU 1233 - ULURP, MCM Realty Associates, Queens
(C030129ZMQ)**

Application no. C 030129 ZMQ, submitted by MCM Realty Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map of the City of New York, Section No 11d, by changing from an R3-2 District to an R6A District.

Coupled on GO

Res 2230-2009 LU 1234 - ULURP, City Island Estates, LLC, Bronx

(C060288ZMX)

Application no. C 060288 ZMX, submitted by City Island Estates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map of the City of New York, Section No 4d, by changing from an M1-1 District to an R3A District.

Coupled on GO

Res 2231-2009**LU 1235 - ULURP, City Island Estates, LLC, Bronx
(C060289ZMX)**

Application no. C 060289 ZSX, submitted by City Island Estates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Sections 112-103 (Special height and setback regulations) and Section 23-631 (Maximum Height of Walls and Required Setbacks) of the Zoning Resolution to facilitate a 43 unit development on property located at 226 Fordham Place (Block 5643, Lot 235). 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.

Coupled on GO

Res 2232-2009**LU 1237 - ULURP, G&R 11th Avenue Associates, LLC,
Manhattan (N090243ZRM)**

Application no. N 090243 ZRM, submitted by G&R 11th Avenue Associates, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District).

Coupled on GO

Res 2233-2009**LU 1238 - Landmark, St. George's Syrian Catholic Church,
Manhattan (20105028HKM)**

Application no. 20105028 HKM (N 100028 HKM), pursuant to §3020 of the Charter of the City of New York, concerning

the designation (List No.416, LP-2167) by the Landmarks Preservation Commission of the (Former) St. George's Syrian Catholic Church located at 103 Washington Street (Block 53, Lot3) as an historic landmark, Council District no. 1.

Coupled on GO

Res 2234-2009

LU 1239 - Landmark, 460-466 West End Avenue, Manhattan (20105029HKM)

Application no. 20105029 HKM (N 100027 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.416, LP-2318) by the Landmarks Preservation Commission of Grammar School 9 located at 460-466 West End Avenue (Block 1230, Lot 1) as an historic landmark, Council District no.6.

Coupled on GO

12. General Orders Calendar

T2006-0001

Commissioner of Deeds

Commissioner of Deeds

Coupled on GO

Coupled on General Order Calendar

Education

Int 0396-2006-A

Department of Education to report on the implementation of Billy's Law.

A and GO

Health

Int 0433-2006-A

Regulation of tobacco products.

A and GO

Housing and Buildings

Int 1015-2009-A **Safety and security of construction sites at which permitted work has been suspended.**
A and GO

Land Use

Res 2223-2009 **LU 1207 - ULURP, 640 Broadway, Brooklyn (C090379HAK)**
GO

Res 2224-2009 **LU 1213 - ULURP, Briarwood Organization LLC, Queens (C060551ZMQ)**
GO

Res 2225-2009 **LU 1217 - Sidewalk Cafe, 114 Kenmare Associates LLC , Manhattan (20095244TCM)**
GO

Res 2226-2009 **LU 1218 - Sidewalk Cafe, Fabrizio Cavallacci, Manhattan (20085246TCM)**
GO

Res 2227-2009 **LU 1222 - UDAAP, 46-48 East 129th Street, Manhattan (20105059HAM)**
GO

Res 2228-2009 **LU 1224 - ULURP, College Point Corporate Park, Queens (C090470PPQ)**
GO

Res 2229-2009 **LU 1233 - ULURP, MCM Realty Associates, Queens (C030129ZMQ)**
GO

- Res 2230-2009** **LU 1234 - ULURP, City Island Estates, LLC, Bronx
(C060288ZMX)
GO**
- Res 2231-2009** **LU 1235 - ULURP, City Island Estates, LLC, Bronx
(C060289ZMX)
GO**
- Res 2232-2009** **LU 1237 - ULURP, G&R 11th Avenue Associates, LLC,
Manhattan (N090243ZRM)
GO**
- Res 2233-2009** **LU 1238 - Landmark, St. George's Syrian Catholic Church,
Manhattan (20105028HKM)
GO**
- Res 2234-2009** **LU 1239 - Landmark, 460-466 West End Avenue, Manhattan
(20105029HKM)
GO**

General Order Calendar

- T2006-0001** **Commissioner of Deeds
GO**

13. Introduction & Reading of Bills

See Attached

14. Discussion of Resolutions

15. Resolutons

None

16. General Discussion

17. Extension of Remarks

INTRODUCTION AND READING OF BILLS

Int 1090-2009 *By Council Members Crowley, James, de Blasio and The Speaker (Speaker Quinn)*

A Local Law to amend the administrative code of the city of New York, in relation to notices of violation issued by the department of sanitation for illegal postings.

Sanitation and Solid Waste Management

Int 1091-2009 *By Council Member Felder*

A Local Law to amend the administrative code of the city of New York, in relation to trash receptacles placed out for collection by the department of sanitation.

Sanitation and Solid Waste Management

Int 1092-2009 *By Council Member Mark-Viverito*

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting persons receiving public funds or subsidies to be placed in buildings with a history of tenant harassment.

Housing and Buildings

Res 2218-2009 *By Council Member Mark-Viverito*

Resolution calling upon the New York State Legislature to introduce, and the Governor to sign, legislation which would provide tax incentives for food-service businesses to use environmentally-friendly alternatives to disposable food ware made from Styrofoam and other non-recyclable or non-biodegradable materials.

Sanitation and Solid Waste Management

Res 2219-2009 *By Council Member Mark-Viverito*

Resolution urging the United States Congress to pass and the President to sign the Protect Citizens and Residents from Unlawful Detention Act and the Strong Safe Treatment, Avoiding Needless Deaths, and Abuse Reduction in the Detention System (STANDARDS) Act, two bills that will reform the U.S. immigration detention system.

Immigration**Res 2220-2009** *By Council Member Nelson*

Resolution calling upon the New York State Legislature to pass S.1574/A.2656, The Caregiver's Assistance Act.

Aging**Res 2221-2009** *By Council Member Vallone Jr.*

Resolution calling upon the New York State Legislature to amend section 6-134 of the New York State Election Law in order to extend from three to seven business days a candidate's time to cure any violations on submitted petitions, and to allow voters to sign multiple petitions without consequence of disqualification.

Governmental Operations**Res 2222-2009** *By Council Member Weprin*

Resolution calling on the States of New York and New Jersey to enact legislation that dissolves the Waterfront Commission of New York Harbor and calling on the United States Congress to grant its consent.

Waterfronts**LU 1243-2009** *By Council Member Weprin*

228 West 17th Street Manhattan, Community District No. 4,
Council District No. 3.

Finance

LU 1244-2009 *By Council Member Katz*

Application no. N 090412 ZRY by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution relating to Article VI, Chapter 3, concerning provisions related to the establishment of FRESH Food Stores.

Zoning and Franchises**LU 1245-2009** *By Council Member Katz*

Application no. C 090462 ZMK submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 16a and 16c.

Zoning and Franchises**LU 1246-2009** *By Council Member Katz*

Application no. C 090308 ZMK submitted by the Eldert Lane Residential Development, Ltd. and the Department of Parks and Recreation pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 18a to rezone two city blocks from R5 to R6A.

Zoning and Franchises**LU 1247-2009** *By Council Member Katz*

Application no. C 090307 MMK submitted by the Eldert Lane Residential Development, Ltd and the Department of Parks and Recreation pursuant to §197-c and 199 of the New York City Charter and Section 5-430 of the Administrative Code an amendment of the City Map, Community Board 5, Borough of Brooklyn .

Zoning and Franchises**LU 1248-2009** *By Council Member Katz*

Application no. 20095703 SCX, a proposed site for a new approximately 380 seat Primary School Facility, to be located at 2126 Barnes Avenue (Block 4293, Lot 31), Council

District No. 13, Borough of The Bronx. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.
Landmarks, Public Siting and Maritime Use