

The New York City Council

*City Hall
New York, NY 10007*



Meeting Minutes

Wednesday, October 14, 2009

1:30 PM

Council Chambers - City Hall

City Council

Christine C. Quinn, Speaker

Members: Maria Del Carmen Arroyo, Tony Avella, Maria Baez, Charles Barron, Gale A. Brewer, Leroy G. Comrie, Jr., Elizabeth Crowley, Bill de Blasio, Inez E. Dickens, Erik Martin Dilan, Mathieu Eugene, Simcha Felder, Julissa Ferreras, Lewis A. Fidler, Helen D. Foster, Daniel R. Garodnick, James F. Gennaro, Vincent J. Gentile, Alan J. Gerson, Eric N. Gioia, Sara M. Gonzalez, Vincent M. Ignizio, Robert Jackson, Letitia James, Melinda R. Katz, G. Oliver Koppell, Jessica S. Lappin, John C. Liu, Melissa Mark-Viverito, Darlene Mealy, Rosie Mendez, Kenneth C. Mitchell, Michael C. Nelson, James S. Oddo, Annabel Palma, Domenic M. Recchia, Jr., Diana Reyna, Joel Rivera, James Sanders, Jr., Larry B. Seabrook, Helen Sears, Kendall B. Stewart, Eric A. Ulrich, James Vacca, Peter F. Vallone, Jr., Albert Vann, David I. Weprin, Thomas White, Jr. and David Yassky

The President Pro Tempore (Council Member Rivera).

1. Roll Call

Present,

Arroyo, Avella, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin and Yassky

Excused,

Baez, Ferreras, White Jr. and Gotbaum

The presence of a quorum was announced by The President Pro Tempore (Council Member Rivera).

There is presently one vacant Council seat (10th Council District, Manhattan).

2. Invocation

The Invocation was delivered by: Rev. Jacques Andre DeGraff, Senior Advisor, New York Theological Seminary, 475 Riverside Drive Suite 500, New York, N.Y. 10115.

Council Member Dickens moved to spread the Invocation in full upon the Record.

3. Adoption of Minutes

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

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

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such motion which was decided in the affirmative by the following vote:

M 1628-2009 **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.**

A motion was made that this Land Use Call-Up be Approved, by Council approved by Roll Call.

Affirmative, 47 -

Arroyo, Avella, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin and Yassky

Excused, 3 -

Baez, Ferreras and White Jr.

At this point, the President Pro Tempore (Council Member Rivera) declared that the aforementioned item was adopted and referred to the Committee on Land Use and to the appropriate Land Use Subcommittee.

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 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.**

Attachments: Int. No. 396 - 7/19/06, Committee Report 11/2/06, Hearing Transcript 11/2/06, Status Update Letter - CM Gentile and CM Jackson, Committee Report 10/13/09

A motion was made that this Introduction be Approved by Council approved by Consent Roll Call.

Report of the Committee on Health

Int 0433-2006 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.

Attachments: Proposed Int. No. 433-A - 5/21/09, Int. No. 433 - 9/13/06, Committee Report 10/19/06, Hearing Transcript 10/19/06, Committee Report 5/21/09, Hearing Transcript 5/21/09, Hearing Testimony 5/21/09, Committee Report 10/13/09

A motion was made that this Introduction be Approved by Council approved by Roll Call.

Affirmative, 46 -

Arroyo, Avella, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin and Yassky

Negative, 1 -

Fidler

Excused, 3 -

Baez, Ferreras and White Jr.

Report of the Committee on Housing and Buildings

Int 1015-2009 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.

Attachments: Int. No. 1015 - 6/10/09, Committee Report 9/21/09, Hearing Transcript 9/21/09, Committee Report 10/14/09, Committee Report - Stated Meeting 10/14/09

A motion was made that this Introduction be Approved by Council approved by Consent Roll Call.

Report of the Committee on Land Use

LU 1207-2009 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.

Attachments: Land Use Calendar - Week of September 21 - September 25, 2009, Land Use Calendar - Week of October 5 - October 9, 2009, Hearing Transcript - Planning 9/22/09

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

Affirmative, 46 -

Arroyo, Avella, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin and Yassky

Negative, 1 -

Reyna

Excused, 3 -

Baez, Ferreras and White Jr.

Res 2223-2009 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.

A motion was made that this Resolution be Approved, by Council approved by Roll Call.

Affirmative, 46 -

Arroyo, Avella, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin and Yassky

Negative, 1 -

Reyna

Excused, 3 -

Baez, Ferreras and White Jr.

LU 1213-2009 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..

Attachments: Land Use Calendar - Week of September 21 - September 25, 2009, Land Use Calendar - Week of October 5 - October 9, 2009, Hearing Transcript - Zoning 9/22/09, Hearing Transcript - Zoning 9/24/09, Reconvening of the Recessed Subcommittee Meeting

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

Res 2224-2009 **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..**

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

LU 1217-2009 **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.**

Attachments: Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

Res 2225-2009 **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.**

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

LU 1218-2009 **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.**

Attachments: Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

Res 2226-2009 **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.**

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

LU 1219-2009 **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.**

Attachments: Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

This Land Use Application was Approved with Modification and Referred pursuant to Rule 11.20(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

LU 1220-2009 **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.**

Attachments: Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

This Land Use Application was Approved with Modification and Referred pursuant to Rule 11.20(b) of the Rules of the Council and Section 197-(d) of the New York City Charter. to the City Planning Commission

LU 1222-2009 **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.**

Attachments: Land Use Calendar - Week of September 21 - September 25, 2009, Land Use Calendar - Week of October 5 - October 9, 2009, Hearing Transcript - Planning 9/22/09

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

Res 2227-2009 **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.**

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

LU 1224-2009 **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.**

Attachments: Land Use Calendar - Week of October 5 - October 9, 2009

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

Affirmative, 46 -

Arroyo, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin and Yassky

Negative, 1 -

Avella

Excused, 3 -

Baez, Ferreras and White Jr.

Res 2228-2009 **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.**

A motion was made that this Resolution be Approved, by Council approved by Roll Call.

Affirmative, 46 -

Arroyo, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin and Yassky

Negative, 1 -

Avella

Excused, 4 -

Baez, Ferreras, White Jr. and Gotbaum

LU 1233-2009 **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.**

Attachments: Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

Res 2229-2009 **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.**

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

LU 1234-2009 **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.**

Attachments: Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

Res 2230-2009 **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.**

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

LU 1235-2009 **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.**

Attachments: Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

Res 2231-2009 **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.**

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

LU 1237-2009 **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).**

Attachments: Land Use Calendar - Week of October 5 - October 9, 2009, Reconvening of the Recessed Subcommittee Meeting

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

Res 2232-2009 **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).**

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

LU 1238-2009 **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.**

Attachments: Land Use Calendar - Week of October 5 - October 9, 2009

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

Res 2233-2009 **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.**

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

LU 1239-2009 **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.**

Attachments: Land Use Calendar - Week of October 5 - October 9, 2009

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

Res 2234-2009 **Application no. 20105029 HKM (N 10027 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.**

A motion was made that this Resolution be Approved, by Council approved by Consent Roll Call.

12. General Orders Calendar

T2006-0001

Commissioner of Deeds

Attachments: Hearing Transcript - Charter Meeting 1/4/06, Hearing Transcript - Stated Meeting 1/18/06, Hearing Transcript - Stated Meeting 2/1/06, Hearing Transcript - Stated Meeting 2/15/06, Hearing Transcript - Stated Meeting 3/1/06, Hearing Transcript - Stated Meeting 3/22/06, Hearing Transcript - Stated Meeting 4/5/06, Hearing Transcript - Stated Meeting 4/26/06, Hearing Transcript - Stated Meeting 5/10/06, Hearing Transcript - Stated Meeting 5/24/06, Hearing Transcript - Stated Meeting 6/13/06, Hearing Transcript - Stated Meeting 6/20/06, Hearing Transcript - Stated Meeting 6/29/06, Hearing Transcript - Stated Meeting 7/19/06, Hearing Transcript - Stated Meeting 8/16/06, Hearing Transcript - Stated Meeting 9/13/06, Hearing Transcript - Stated Meeting 9/27/06, Hearing Transcript - Stated Meeting 10/11/06, Hearing Transcript - Stated Meeting 10/25/06, Hearing Transcript - Stated Meeting 11/15/06, Hearing Transcript - Stated Meeting 11/29/06, Hearing Transcript - Stated Meeting 12/6/06, Hearing Transcript - Stated Meeting 12/20/06, Hearing Transcript - Stated Meeting 1/3/07, Hearing Transcript - Stated Meeting 1/9/07, Hearing Transcript - Stated Meeting 2/1/07, Hearing Transcript - Stated Meeting 2/28/07, Hearing Transcript - Stated Meeting 3/14/07, Hearing Transcript - Stated Meeting 3/28/07, Hearing Transcript - Stated Meeting 4/12/07, Hearing Transcript - Stated Meeting 4/23/07, Hearing Transcript - Stated Meeting 5/9/07, Hearing Transcript - Stated Meeting 5/30/07, Hearing Transcript - Stated Meeting 6/5/07, Hearing Transcript - Stated Meeting 6/15/07, Hearing Transcript - Stated Meeting 6/27/07, Hearing Transcript - Stated Meeting 7/25/07, Hearing Transcript - Stated Meeting 8/6/07, Hearing Transcript - Stated Meeting 8/22/07, Hearing Transcript - Stated Meeting 9/10/07, Hearing Transcript - Stated Meeting 9/25/07, Hearing Transcript - Stated Meeting 10/17/07, Hearing Transcript - Stated Meeting 10/23/07, Hearing Transcript - Stated Meeting 10/29/07, Hearing Transcript - Stated Meeting 11/15/07, Hearing Transcript - Stated Meeting 11/28/07, Hearing Transcript - Stated Meeting 12/11/07, Hearing Transcript - Stated Meeting 12/19/07, Hearing Transcript - Charter Meeting 1/9/08, Hearing Transcript - Stated Meeting 1/30/08, Hearing Transcript - Stated Meeting 2/13/08, Hearing Transcript - Stated Meeting 2/27/08, Hearing Transcript - Stated Meeting 3/12/08, Hearing Transcript - Stated Meeting 3/26/08, Hearing Transcript - Stated Meeting 3/31/08, Hearing Transcript - Stated Meeting 4/16/08, Hearing Transcript - Stated Meeting 4/30/08, Hearing Transcript - Stated Meeting 5/14/08, Hearing Transcript - Stated Meeting 5/28/08, Hearing Transcript - Recessed Stated Meeting 5/28/08, Hearing Transcript - Stated Meeting 6/12/08, Hearing Transcript - Recessed Stated Meeting 6-23-08, Hearing Transcript - Stated Meeting 6/29/08, Hearing Transcript - Stated Meeting 7/23/08, Hearing Transcript - Stated Meeting 8/14/08, Hearing Transcript - Stated Meeting 9/4/08, Hearing Transcript - Stated Meeting 9/24/08, Hearing Transcript - Stated Meeting 10/7/08, Hearing Transcript - Stated Meeting 10/23/08, Hearing Transcript - Stated Meeting 11/13/08, Hearing Transcript - Stated Meeting 11/19/08, Hearing Transcript - Stated Meeting 12/9/08, Hearing Transcript - Stated Meeting 12/18/08, Hearing Transcript - Charter Meeting 1/7/09, Hearing Transcript - Stated Meeting 1/28/09, Hearing Transcript - Stated Meeting 2/11/09, Hearing Transcript - Stated Meeting 3/11/09, Hearing Transcript - Stated Meeting 3/24/09, Hearing Transcript - Stated Meeting 4/2/09, Hearing Transcript - Stated Meeting 4/22/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing

Transcript - Stated Meeting 5/20/09, Hearing Transcript - Stated Meeting 6/10/09, Hearing Transcript - Stated Meeting 6/19/09, Hearing Transcript - Stated Meeting 6/30/09, Hearing Transcript - Stated Meeting 7/29/09, Hearing Transcript - Stated Meeting 8/20/09, Hearing Transcript - Stated Meeting 9/17/09, Hearing Transcript - Stated Meeting 9/30/09

A motion was made that this Commissioner of Deeds be Approved, by Council approved by Consent Roll Call.

Coupled on General Order Calendar

Education

Int 0396-2006 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.

Attachments: Int. No. 396 - 7/19/06, Committee Report 11/2/06, Hearing Transcript 11/2/06, Status Update Letter - CM Gentile and CM Jackson, Committee Report 10/13/09

Health

Int 0433-2006 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.

Attachments: Proposed Int. No. 433-A - 5/21/09, Int. No. 433 - 9/13/06, Committee Report 10/19/06, Hearing Transcript 10/19/06, Committee Report 5/21/09, Hearing Transcript 5/21/09, Hearing Testimony 5/21/09, Committee Report 10/13/09

Housing and Buildings

Int 1015-2009 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.

Attachments: Int. No. 1015 - 6/10/09, Committee Report 9/21/09, Hearing Transcript 9/21/09, Committee Report 10/14/09, Committee Report - Stated Meeting 10/14/09

Land Use

Res 2223-2009 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.

- Res 2224-2009** 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..
- Res 2225-2009** 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.
- Res 2226-2009** 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.
- Res 2227-2009** 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.

- Res 2228-2009** 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.
- Res 2229-2009** 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.
- Res 2230-2009** 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.
- Res 2231-2009** 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.
- Res 2232-2009** 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).

Res 2233-2009 **Application no. 20105028 HKM (N 10028 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.**

Res 2234-2009 **Application no. 20105029 HKM (N 10027 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.**

General Order Calendar

T2006-0001

Commissioner of Deeds

Attachments: Hearing Transcript - Charter Meeting 1/4/06, Hearing Transcript - Stated Meeting 1/18/06, Hearing Transcript - Stated Meeting 2/1/06, Hearing Transcript - Stated Meeting 2/15/06, Hearing Transcript - Stated Meeting 3/1/06, Hearing Transcript - Stated Meeting 3/22/06, Hearing Transcript - Stated Meeting 4/5/06, Hearing Transcript - Stated Meeting 4/26/06, Hearing Transcript - Stated Meeting 5/10/06, Hearing Transcript - Stated Meeting 5/24/06, Hearing Transcript - Stated Meeting 6/13/06, Hearing Transcript - Stated Meeting 6/20/06, Hearing Transcript - Stated Meeting 6/29/06, Hearing Transcript - Stated Meeting 7/19/06, Hearing Transcript - Stated Meeting 8/16/06, Hearing Transcript - Stated Meeting 9/13/06, Hearing Transcript - Stated Meeting 9/27/06, Hearing Transcript - Stated Meeting 10/11/06, Hearing Transcript - Stated Meeting 10/25/06, Hearing Transcript - Stated Meeting 11/15/06, Hearing Transcript - Stated Meeting 11/29/06, Hearing Transcript - Stated Meeting 12/6/06, Hearing Transcript - Stated Meeting 12/20/06, Hearing Transcript - Stated Meeting 1/3/07, Hearing Transcript - Stated Meeting 1/9/07, Hearing Transcript - Stated Meeting 2/1/07, Hearing Transcript - Stated Meeting 2/28/07, Hearing Transcript - Stated Meeting 3/14/07, Hearing Transcript - Stated Meeting 3/28/07, Hearing Transcript - Stated Meeting 4/12/07, Hearing Transcript - Stated Meeting 4/23/07, Hearing Transcript - Stated Meeting 5/9/07, Hearing Transcript - Stated Meeting 5/30/07, Hearing Transcript - Stated Meeting 6/5/07, Hearing Transcript - Stated Meeting 6/15/07, Hearing Transcript - Stated Meeting 6/27/07, Hearing Transcript - Stated Meeting 7/25/07, Hearing Transcript - Stated Meeting 8/6/07, Hearing Transcript - Stated Meeting 8/22/07, Hearing Transcript - Stated Meeting 9/10/07, Hearing Transcript - Stated Meeting 9/25/07, Hearing Transcript - Stated Meeting 10/17/07, Hearing Transcript - Stated Meeting 10/23/07, Hearing Transcript - Stated Meeting 10/29/07, Hearing Transcript - Stated Meeting 11/15/07, Hearing Transcript - Stated Meeting 11/28/07, Hearing Transcript - Stated Meeting 12/11/07, Hearing Transcript - Stated Meeting 12/19/07, Hearing Transcript - Charter Meeting 1/9/08, Hearing Transcript - Stated Meeting 1/30/08, Hearing Transcript - Stated Meeting 2/13/08, Hearing Transcript - Stated Meeting 2/27/08, Hearing Transcript - Stated Meeting 3/12/08, Hearing Transcript - Stated Meeting 3/26/08, Hearing Transcript - Stated Meeting 3/31/08, Hearing Transcript - Stated Meeting 4/16/08, Hearing Transcript - Stated Meeting 4/30/08, Hearing Transcript - Stated Meeting 5/14/08, Hearing Transcript - Stated Meeting 5/28/08, Hearing Transcript - Recessed Stated Meeting 5/28/08, Hearing Transcript - Stated Meeting 6/12/08, Hearing Transcript - Recessed Stated Meeting 6-23-08, Hearing Transcript - Stated Meeting 6/29/08, Hearing Transcript - Stated Meeting 7/23/08, Hearing Transcript - Stated Meeting 8/14/08, Hearing Transcript - Stated Meeting 9/4/08, Hearing Transcript - Stated Meeting 9/24/08, Hearing Transcript - Stated Meeting 10/7/08, Hearing Transcript - Stated Meeting 10/23/08, Hearing Transcript - Stated Meeting 11/13/08, Hearing Transcript - Stated Meeting 11/19/08, Hearing Transcript - Stated Meeting 12/9/08, Hearing Transcript - Stated Meeting 12/18/08, Hearing Transcript - Charter Meeting 1/7/09, Hearing Transcript - Stated Meeting 1/28/09, Hearing Transcript - Stated Meeting 2/11/09, Hearing Transcript - Stated Meeting 3/11/09, Hearing Transcript - Stated Meeting 3/24/09, Hearing Transcript - Stated Meeting 4/2/09, Hearing Transcript - Stated Meeting 4/22/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing

Transcript - Stated Meeting 5/20/09, Hearing Transcript - Stated Meeting 6/10/09, Hearing Transcript - Stated Meeting 6/19/09, Hearing Transcript - Stated Meeting 6/30/09, Hearing Transcript - Stated Meeting 7/29/09, Hearing Transcript - Stated Meeting 8/20/09, Hearing Transcript - Stated Meeting 9/17/09, Hearing Transcript - Stated Meeting 9/30/09

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports, which were decided in the affirmative by the following vote:

Passed The Consent Agenda

A motion was made that these files be approved by consent vote.

Affirmative, 47 -

Arroyo, Avella, Barron, Brewer, Comrie Jr., Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Fidler, Foster, Garodnick, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Ignizio, Jackson, James, Katz, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Oddo, Palma, Speaker Quinn, Recchia Jr., Reyna, Rivera, Sanders Jr., Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin and Yassky

Excused, 3 -

Baez, Ferreras and White Jr.

The following files were removed from the General Order Calendar and voted separately:

Int No. 433-A, 46-1-0

LU No. 1207 & Res No. 2223, 46-1-0

LU No. 1224 & Res No. 2228, 46-1-0

See files for individual votes.

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 **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.**

Sponsors: By Council Members Crowley, James, de Blasio and The Speaker (Speaker Quinn)

This Introduction was Referred to Comm by Council to the Committee on Sanitation and Solid Waste Management

Int 1091-2009 **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.**

Sponsors: By Council Member Felder

This Introduction was Referred to Comm by Council to the Committee on Sanitation and Solid Waste Management

Int 1092-2009 **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.**

Sponsors: By Council Member Mark-Viverito

This Introduction was Referred to Comm by Council to the Committee on Housing and Buildings

Res 2218-2009 **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.**

Sponsors: By Council Member Mark-Viverito

This Resolution was Referred to Comm by Council to the Committee on Sanitation and Solid Waste Management

Res 2219-2009 **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.**

Sponsors: By Council Member Mark-Viverito

This Resolution was Referred to Comm by Council to the Committee on Immigration

Res 2220-2009 **Resolution calling upon the New York State Legislature to pass S.1574/A.2656, The Caregiver's Assistance Act.**

Sponsors: By Council Member Nelson

This Resolution was Referred to Comm by Council to the Committee on Aging

Res 2221-2009 **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.**

Sponsors: By Council Member Vallone Jr.

This Resolution was Referred to Comm by Council to the Committee on Governmental Operations

Res 2222-2009 **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.**

Sponsors: By Council Member Weprin

This Resolution was Referred to Comm by Council to the Committee on Waterfronts

LU 1243-2009 **228 West 17th Street Manhattan, Community District No. 4, Council District No. 3.**

Sponsors: By Council Member Weprin

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

- LU 1244-2009** **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.**
- Sponsors:** By Council Member Katz
- This Land Use Application was Referred to Comm by Council to the Committee on Land Use**
- This Land Use Application was Referred to Comm by Council to the Subcommittee on Zoning and Franchises**
-
- LU 1245-2009** **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.**
- Sponsors:** By Council Member Katz
- This Land Use Application was Referred to Comm by Council to the Committee on Land Use**
- This Land Use Application was Referred to Comm by Council to the Subcommittee on Zoning and Franchises**
-
- LU 1246-2009** **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.**
- Sponsors:** By Council Member Katz
- This Land Use Application was Referred to Comm by Council to the Committee on Land Use**
- This Land Use Application was Referred to Comm by Council to the Subcommittee on Zoning and Franchises**
-
- LU 1247-2009** **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 .**
- Sponsors:** By Council Member Katz
- This Land Use Application was Referred to Comm by Council to the Committee on Land Use**

This Land Use Application was Referred to Comm by Council to the Subcommittee on Zoning and Franchises

LU 1248-2009

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.

Sponsors: By Council Member Katz

This Land Use Application was Referred to Comm by Council to the Committee on Land Use

This Land Use Application was Referred to Comm by Council to the Subcommittee on Landmarks, Public Siting and Maritime Uses

At this point the Speaker (Council Member Quinn) made the following announcements:

Whereupon on motion of the Speaker (Council Member Quinn), the Clerk of the Council adjourned to meet again on October 28, 2009.

*MICHAEL McSWEENEY, City Clerk
Clerk of the Council*