

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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December 13, 2012  
Start: 10:22 a.m.  
Recess: 11:08 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

## A P P E A R A N C E S (CONTINUED)

Kevin Killarney  
Representative  
McCoy

Amel Stivkov  
Representative  
Olio

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2 CHAIRPERSON WEPRIN: Good morning,  
3 everyone. This is Zoning and Franchises  
4 Subcommittee of the Land Use Committee. I am  
5 Mark Weprin. I am joined by the following members  
6 of the subcommittee: Council Member Al Vann,  
7 Council Member Leroy Comrie, Council Member Joel  
8 Rivera, Council Member Dan Garodnick and Council  
9 Member Vincent Ignizio. We have three cafes on  
10 the agenda, and we are going to get started with  
11 those three sidewalk café applications.

12 The first one as luck would have  
13 it, 742 is being withdrawn pursuant to a motion to  
14 withdraw. Double Seven is going to be taken off  
15 the agenda.

16 The next item on our agenda is Land  
17 Use No. 743, which is called McCoy in Council  
18 Member Quinn's district. I'd like to call on  
19 Kevin Killarney. Kevin, are you here? There he  
20 is. Okay. Kevin, would you come up to this mic?  
21 We will switch over. Take your name tag with you  
22 otherwise they will think Mr. Killarney is you,  
23 and that would be confusing. Okay. Mr.  
24 Killarney, sit down, state your name for the  
25 record. Push the microphone. That button should

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do it. One more time. Now speak.

KEVIN KILLARNEY: Kevin Killarney.

CHAIRPERSON WEPRIN: There you go.

A little closer to the mic, and we're good. And then just explain what it is you are asking for.

KEVIN KILLARNEY: Dear Council Members, this letter serves as an agreement--do I just read the letter?

CHAIRPERSON WEPRIN: That's fine.

KEVIN KILLARNEY: --letter serves an agreement with the Chair, Council Member Mark Weprin and the encompassing members of the Subcommittee on Zoning and Franchises that we will commit to the following: we will reduce the sidewalk café size from 17 tables and 34 seats to 14 tables and 28 seats, and we will remove 3 two-top tables to provide clearance--a 15 feet clearance from a drop ladder and electrical transformer - - . These changes we will reflect in revised plans that we have already submitted to the New York City Department of Consumer Affairs.

CHAIRPERSON WEPRIN: Thank you, Mr. Killarney. And Sean [phonetic] is your brother?

KEVIN KILLARNEY: That is my son.

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CHAIRPERSON WEPRIN: Your son.

Okay. I see it was signed by Sean Killarney, your son. Great. And this is in Council Member Speaker Quinn's district, and may have been discussing this issue with them and the community, and they are okay with these changes. I'd like to turn to the panel now, and ask does anyone have any questions for this gentleman, so we can send them back to work. Okay. Well, thank you, Mr. Killarney. We appreciate you coming down, and we are sorry for the delay.

KEVIN KILLARNEY: No problem. You guys have a great day.

CHAIRPERSON WEPRIN: Thank you, and to you. Great. The next item on our agenda is Land Use No. 744. It is called Olio. It is also in Speaker Quinn's district at 3 Greenwich Avenue, and I'd like to call up Eric--Amel [phonetic]. Alright, come up Amel. You will say your name on the record 'cause I can't even read the name. Sorry. I know you are stepping in for your attorney who had to leave, but you have a letter you'd like to read, but please state your full name for the record.

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2 AMEL STIVKOV: My name is Amel  
3 Stivkov [phonetic]. This letter serves as our  
4 agreement with the Chair, Council Member Mark  
5 Weprin and encompassing members of the  
6 Subcommittee on Zoning and Franchises that we will  
7 commit to the following. We will reduce the  
8 sidewalk café size from 28 tables and 58 seats to  
9 21 tables and 46 seats. We will remove 7 top  
10 tables from the street facing outer perimeter of  
11 the café to ensure waiter service occurs - -  
12 within the sidewalk café. These changes will be  
13 reflected in the revised plans submitted to the  
14 New York City Department of Consumer Affairs. We  
15 will allot a third seat to the outmost two-top  
16 tables along the street facing outer perimeter.  
17 We will arrange our sidewalk café tables and  
18 chairs according to the plans on file with the New  
19 York City Department of Consumer Affairs, and we  
20 will not occupy more than half of the sidewalk or  
21 12 feet and 5 inches as set forth in the New York  
22 City Department of Consumer Affairs sidewalk café  
23 regulations. We will remove all vegetation, which  
24 is higher than 30 inches from within the sidewalk  
25 café. We will arrange the existing planters in

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2 accordance to the plans on file with the New York  
3 City Department of Consumer Affairs, which shows  
4 16 planters as barriers. We will ensure that all  
5 sidewalk café furniture is stored nightly along  
6 the façade of the building after café closing.  
7 The use of sandwich boards will be terminated.  
8 That would be all. Thank you.

9 CHAIRPERSON WEPRIN: Thank you. I  
10 can call you Amel?

11 AMEL STIVKOV: Yes.

12 CHAIRPERSON WEPRIN: I thank you.  
13 I have a copy of the letter you just read in front  
14 of me signed by you. Also in Speaker Quinn's  
15 district. This has been negotiated, and they are  
16 okay with this agreement and helped facilitate  
17 this agreement. Anybody on the panel have any  
18 questions for this gentleman? I see none. Thank  
19 you very much, sir. I appreciate your patience,  
20 and we wish you good luck and a very happy holiday  
21 season.

22 AMEL STIVKOV: Thank you. I wish  
23 you the same, and thank you for your time.

24 CHAIRPERSON WEPRIN: Thank you.  
25 Thank you. What a joyful group we are. Well,

1  
2 okay. So we are ready to take a vote on our  
3 limited agenda here today. I will reiterate the  
4 items. Land Use No. 742, which was the Double  
5 Seven is taken off the agenda pursuant to a motion  
6 to withdraw. Land Use No. 743 McCoy is going to  
7 be recommended to approve, and it will be couple  
8 all three items with Land Use No. 744 Olio, which  
9 we just heard about. These are all in Speaker  
10 Quinn's district, and have been negotiated with  
11 her office. With that in mind I will call on  
12 counsel to please call the roll.

13 COUNSEL: Chair Weprin?

14 CHAIRPERSON WEPRIN: Aye.

15 COUNSEL: Council Member Rivera?

16 COUNCIL MEMBER RIVERA: I vote aye.

17 COUNSEL: Council Member Comrie?

18 COUNCIL MEMBER COMRIE: Aye.

19 COUNSEL: Council Member Vann?

20 COUNCIL MEMBER VANN: Aye.

21 COUNSEL: Council Member Garodnick?

22 COUNCIL MEMBER GARODNICK: Aye.

23 COUNSEL: Council Member Ignizio?

24 COUNCIL MEMBER IGNIZIO: Aye.

25 COUNSEL: By a vote of six in the

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2 affirmative, zero in the negative and zero  
3 abstentions, Land Use 742, motion to withdraw  
4 pursuant to application withdrawal is approved and  
5 Land Use 743 and 744 are approved and referred to  
6 the full Land Use Committee.

7 CHAIRPERSON WEPRIN: Thank you very  
8 much. We will hold the rolls open for until the  
9 Landmarks meeting, which starts in a little while  
10 in this very room—so hopefully the two people  
11 across the street who had another meeting at City  
12 Hall can get here in time to vote. With that in  
13 mind, with the rolls open until then, we will  
14 adjourn this meeting. Thank you. I don't have my  
15 gavel, but consider the meeting adjourned. Thank  
16 you.

17 [background conversation]

18 COUNSEL: Council Member Jackson on  
19 Land Use 742, 743 and 744?

20 COUNCIL MEMBER JACKSON: I vote aye  
21 on all.

22 COUNSEL: The vote now stands seven  
23 in the affirmative, zero in the negative, zero  
24 abstentions.

25 [pause]

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COUNSEL: Council Member Lappin?

COUNCIL MEMBER LAPPIN: Aye.

COUNSEL: The vote now stands eight in the affirmative, zero in the negative, zero abstentions.

[pause]

COUNSEL: Council Member Reyna?

COUNCIL MEMBER REYNA: Aye on all.

COUNSEL: The vote now stands nine in the affirmative, none in the negative and zero abstentions, Land Use items 742, motion to file is approved and Land Use items 743 and 744 are approved and referred to the full Land Use Committee.

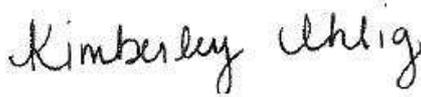
[gavel]

COUNCIL MEMBER REYNA: Meeting adjourned.

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 \_\_\_\_\_ December 26, 2012 \_\_\_\_\_