

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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September 9, 2009

Start: 9:30am

Recess: N/A

HELD AT: Committee Room  
City Hall

B E F O R E: TONY AVELLA  
Chairperson

COUNCIL MEMBERS:  
Simcha Felder  
Robert Jackson  
Larry B. Seabrook  
Albert Vann  
Gale Brewer

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

Carol Samol  
Director, Bronx Borough Office  
Department of City Planning

Ryan Singer  
Deputy Director, Bronx Borough Office  
Department of City Planning

Andrea Olstein  
Vice President  
Strohmayer Real Estate Corp.

Gary Goodman  
Executive Director  
161st Street BID

Michael Kelly  
RRBV Associates, LLC  
A & A Food Enterprises, LLC

Kathleen Stratopoulos  
Attorney  
The Greek Kitchen

1  
2                   CHAIRPERSON AVELLA: Good morning  
3 everyone. I'd like to call this meeting of  
4 Subcommittee of Zoning and Franchises to order.  
5 Joining me are Committee Members Al Vann, Robert  
6 Jackson, Larry Seabrook and Simcha Felder. We  
7 have a very short agenda today and I'd like to  
8 start with City Planning for what is commonly  
9 referred to as the 161st Street Rezoning.

10                   CAROL SAMOL: Good morning, Council  
11 Members. My name is Carol Samol, and I'm director  
12 of the Bronx Borough Office of the Department of  
13 City Planning and I'm joined today by Ryan Singer,  
14 he's the Deputy Director of the Bronx Office.  
15 161st Street is the civic heart of the Bronx. It  
16 is a lively corridor that has received a great  
17 amount of public investment in recent years. It  
18 has the new Bronx Hall of Justice, Yankee Stadium,  
19 Boriqua Village at 3rd Avenue, including a new  
20 college campus, as well as major improvements to  
21 the parks and roadways, especially the Grand  
22 Concourse. The 161st St. rezoning proposal seeks  
23 to capitalize on these investments and attract  
24 private investment to the area. The proposal is  
25 intended to unify the corridor, knit together the

1  
2 look, feel and uses along 161st Street and revive  
3 it with new commercial and residential development  
4 in strategic locations. The proposal is a major  
5 component of Mayor Bloomberg's South Bronx  
6 initiative. The rezoning is the product of more  
7 than four years of outreach and study and seeks to  
8 meet particular needs expressed by Community Board  
9 4, tenant and business groups as well as the new  
10 161st Street BID, Council Member Arroyo and  
11 Council Member Foster as well as Bronx Borough  
12 President Diaz. Some of the needs the rezoning  
13 aims to address are the need for affordable  
14 housing for both low and moderate income families,  
15 the need for a wider variety of retail options in  
16 the area, a desire to support existing small  
17 businesses by increasing foot traffic, the need  
18 for additional jobs right there in the community,  
19 the need for additional office space and the  
20 desire to see fewer seasonal uses that are  
21 oriented only to baseball fans and not the wider  
22 community. These are prevalent today along River  
23 Avenue, an area that has some of the best transit  
24 access in the borough. So through this very  
25 targeted proposal, it covers only one full block

1  
2 and eight partial blocks, we aim to strengthen the  
3 corridor as a whole and prepare 161st Street for  
4 the next level of its development. Now Ryan  
5 Singer will walk you through a brief presentation  
6 on the proposal.

7 RYAN SINGER: Good morning. Just  
8 moving on from the first page of the presentation,  
9 you can see our study area in blue and the two  
10 City Council districts that it straddles, 16 and  
11 17. This is located in the South Bronx area of  
12 the borough. You can see where Yankee Stadium is  
13 and the Harlem River. The goals of the rezoning  
14 really were distilled from what we heard from the  
15 community during our years of outreach--revive the  
16 Bronx Civics Center; what's the next step in the  
17 development of this important corridor;  
18 strengthening the businesses by increasing office  
19 and retail opportunities, we have underutilized  
20 sites in this area that you'll see; and create  
21 jobs. We also want to incentivise affordable  
22 housing and target the growth that's going to  
23 occur near transit. So in that vein, the actions  
24 that are proposed, are to rezone one full block  
25 and eight partial blocks, will create a new

1  
2 district to address some of the issues in this  
3 area and apply inclusionary housing. This slide,  
4 slide 5, shows the rich transit access in the  
5 corridor, the B the D and the 4, bus service,  
6 Metro North, and then also the east-west  
7 connections, of which 161st Street is a major  
8 east-west connection in the borough. Moving on to  
9 slide 6, the public and private investments in the  
10 area, many of which actually came through for some  
11 approvals, notably the Melrose Commons and Boriqua  
12 Village, which are under construction, and then  
13 the Joyce Kilmer Park reconstruction and the Grand  
14 Concourse reconstruction as well. The next slide,  
15 slide 7, shows land use. The important thing here  
16 to note is the blue, which are the community  
17 facilities. The existing zoning, many of these  
18 districts have been in place since 1961--very out  
19 of date. The next slide, slide 9, shows the areas  
20 that are built up and then the areas that are  
21 available.

22 COUNCIL MEMBER JACKSON: You're  
23 saying slide 9. I don't see a page number, so.

24 CAROL SAMOL: On the upper right  
25 corner.

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2

RYAN SINGER: Upper right corner.

3

I can...

4

CAROL SAMOL: It's kind of--

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COUNCIL MEMBER JACKSON:

6

[Interposing] Sorry.

7

CAROL SAMOL: --tiny.

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RYAN SINGER: Yeah, sorry about

9

that.

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COUNCIL MEMBER JACKSON: Somebody

11

show me where.

12

RYAN SINGER: Yeah, this one is

13

marked.

14

COUNCIL MEMBER JACKSON: Okay,

15

yeah. I have to have my magnifying glass.

16

RYAN SINGER: Okay.

17

COUNCIL MEMBER JACKSON: Okay.

18

Page 9 though you're on right now?

19

RYAN SINGER: Yeah.

20

COUNCIL MEMBER JACKSON: Because--

21

I'm sorry.

22

CAROL SAMOL: Yes.

23

COUNCIL MEMBER JACKSON: I know

24

that we started late, but the bottom line is I

25

have to be able to follow you.

1

RYAN SINGER: Yes.

2

3

COUNCIL MEMBER JACKSON: Okay. So  
you're on page 9 right now?

4

5

RYAN SINGER: Yes.

6

COUNCIL MEMBER JACKSON: Okay.

7

Thank you. Go ahead.

8

RYAN SINGER: Yeah. It shows the

9

areas that are built up and those where

10

development can occur in the future. We drew our

11

zoning lines basically based on that. On the next

12

slide you can see that, on page 10. And then we

13

named those areas the Residential Node, the Civic

14

Node and the Transit Node, just to help identify

15

them, and we have goals that go along with those.

16

Moving on to the Residential Node, this is slide

17

12, it's one full block, mid-density zoning.

18

There's no height limits and no incentive for

19

affordable housing here. The block has some. On

20

slide 13 you can see an aerial photo that shows

21

some of the apartment buildings that are there,

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but then also some of the under built or under,

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just vacant sites that are on the block. The next

24

slide there's a break in commercial activity on

25

161st Street because there's no commercial overlay



1  
2 there. This is the gateway to Melrose Commons and  
3 there's under built or under utilized sites and a  
4 need for affordable housing in this area. Our  
5 proposal for this block, on slide 15, is to rezone  
6 the full block to an R8-1, with a commercial  
7 overlay. On three of the streets we would have  
8 affordable housing incentivised through  
9 inclusionary housing, and the commercial overlays  
10 would allow commercial development on the ground  
11 floor. The next slide, on slide 16, you can see  
12 what could be built there with our proposal, six  
13 to eight-story building with a height limit of 120  
14 feet. Moving on to the Civic Node on slide 17;  
15 the existing zoning, again out of date zoning, one  
16 of the districts, ER8, doesn't allow commercial  
17 development; the other two are really geared  
18 towards different types of development, either  
19 auto-related or community facility uses. On slide  
20 18 the aerial photograph there shows one of the  
21 blocks, or actually all of the blocks and their  
22 development. We had highlighted the parking lot  
23 for the mall site that sort of is right in the  
24 middle of this block between two office buildings.  
25 It creates a big break in the development; it's

1 really out of character to the rest of the  
2 corridor. And again we have a zoning mismatch  
3 between the things that we like to see, primarily  
4 in this area office development and more retail  
5 variety, and what's allowed there, and then the  
6 out of character development. So our proposal on  
7 slide 20 is to rezone parts of three blocks to a  
8 C6-2. This more closely matches the zoning to our  
9 desired uses, at 6.0 FAR for office and  
10 commercial. And there's some flexibility in the  
11 building layout, which I'll describe on the next  
12 slide. On slide 21 you can see the massing there  
13 that allows a building to be built on the parking  
14 lot of the mall, but still allowing access to the  
15 mall. And we think that they would actually  
16 rethink how the mall would function as part of  
17 this development, but it--just from a pure massing  
18 standpoint, this is what they could achieve.  
19 Moving on to the Transit Node, again we have the  
20 existing zoning; out of date zoning districts, the  
21 C8-3 auto related and then the R8 was a  
22 residential district. We have some very  
23 interesting issues on this portion. The elevated  
24 train on River Avenue, you can see on slide 23, is  
25

1 very close to the buildings that are surrounding  
2 it. You can actually reach out and touch them as  
3 you're walking on one portion of the platform, and  
4 a sidewalk that is 18 feet in width, but because  
5 of the stanchions is really about 15 feet. This  
6 picture was taken not during a Yankee game. On  
7 the next slide you'll see a photo of what those  
8 sidewalks are like during Yankee games or before  
9 and after, and it's much different, very, very  
10 heavy pedestrian congestion. That's an issue we  
11 have here. We also have a need for affordable  
12 housing, a need for commercial and office and this  
13 is right on top of transit. Because of the  
14 transit we have an elevated train, very unique  
15 situation, in this part of the City, and the  
16 seasonal uses on River Avenue, which are closed  
17 during most of the year. So the proposal is to  
18 rezone five parts of blocks to this new C6-3D,  
19 which is a high-density district designed to be  
20 used near elevated trains, and this more carefully  
21 matches our desired uses to what's allowed. We  
22 have incentive for affordable housing and special  
23 setback requirements as well. You can see the  
24 FARs that are listed on slide 25. On slide 26 you

1  
2 can see the three different types of buildings  
3 that would be allowed in the new C6-3D. The thing  
4 to note here is that there would be mandatory  
5 sidewalk widening on all three of these portions.  
6 On corners the subway entrances would have to be  
7 relocated, and then also the buildings would have  
8 to be set back from the corners, which is a good  
9 pedestrian reservoir. On the next slide you can  
10 see, on slide 27, what could be built on one of  
11 the lots in the area. Currently they could do a  
12 12 story building with residential above  
13 commercial. Under our proposal they could do 18  
14 stories, but they could do a variety of uses; it  
15 could be office, it could be commercial, it could  
16 be residential. We are proposing inclusionary  
17 housing into the areas here. This is the same as  
18 we've proposed in other parts of the City, the  
19 permanently affordable housing tied to a bonus to  
20 the buildings. We would apply the inclusionary  
21 housing in the Transit Node and the Residential  
22 Node. The Civic Node, we would not apply it there  
23 because we think that's an area where office and  
24 retail is more appropriate. So the proposed  
25 benefits, on slide 30, we are projecting 900 new

1 dwelling units, 150 of those affordable, 650,000  
2 square feet of commercial and office and the jobs  
3 that would be generated along with those. This  
4 development would be located in strategic  
5 locations next to transit, and the subway  
6 entrances and sidewalk widening would be part of  
7 the development.  
8

9 [Pause]

10 CHAIRPERSON AVELLA: Thank you.  
11 Any questions from my colleagues? Council Member  
12 Arroyo has indicated her support for the project.  
13 Council Member Seabrook?

14 COUNCIL MEMBER SEABROOK: A couple  
15 of questions. One is out of all of this rezoning  
16 that is going to take place, and I think it's  
17 certainly needed, how much of this land is owned  
18 by the City of New York?

19 CAROL SAMOL: None of it is. It's  
20 all private ownership.

21 COUNCIL MEMBER SEABROOK: So all of  
22 this is privately owned. So how much of this--and  
23 how can we be assured that there will be  
24 affordable housing?

25 CAROL SAMOL: Through the

1  
2 inclusionary housing program. We've found that  
3 it's a strong incentive to attract developers to  
4 include affordable housing in their developments.  
5 And actually in parts of this proposal I would  
6 expect the entire building to be affordable. We  
7 just haven't seen a lot of market rate housing  
8 developed in this area.

9 COUNCIL MEMBER SEABROOK: There's a  
10 level of creeping gentrification that's taking  
11 place. It doesn't necessarily mean because of the  
12 poor folks that's there today they will be there  
13 tomorrow; and I'm just trying to see how do we  
14 ensure that the people who are there today won't  
15 be removed and replaced. There was a time that if  
16 you just decided to take a five-minute ride to the  
17 Port Morris area, nobody would even want to live  
18 there but the derelicts, and now it's the most  
19 upscale place--it's almost comparable to some of  
20 the places in Manhattan. So what I'm saying is  
21 that how is this level of assurance that there's  
22 going to be affordability? Because when you look  
23 at the projected map of what is going to take  
24 place, there's going to be hotels there and the  
25 New Yankee Stadium--people don't just put these

1 things--and train stations that are just  
2 specifically built for that purpose. So obviously  
3 there are going to be some other folks that have  
4 got some money. And so how--that's my concern--

6 CAROL SAMOL: [Interposing] Sure.

7 COUNCIL MEMBER SEABROOK: --of what  
8 happens with this relocation of people that have  
9 been there--and I understand the need to do this,  
10 but there has to be some level of how we talk  
11 about this question of affordability when the  
12 people are actually there.

13 CAROL SAMOL: I would say a couple  
14 of things in response. One is, again, I would  
15 point back to the inclusionary housing program,  
16 which is a strong incentive for developers to  
17 provide affordable housing in their developments.  
18 In particular, along the River Avenue corridor, in  
19 some of those lots without affordable housing they  
20 can basically have the same rights that they have  
21 today at a little more. So the incentive there  
22 really is to get up for affordable housing.  
23 That's the only kind of way for them to have any  
24 kind of bump in the FAR, and the development  
25 potential on a lot of those lots. And then the

1  
2 inclusionary housing program, yeah--so the  
3 inclusionary housing program would ensure that a  
4 portion of it is at least affordable housing. The  
5 second thing is I would say what we had to study  
6 doing the environmental review was to understand,  
7 well, what would be the impacts of this rezoning  
8 proposal on the area. And we found that it's  
9 actually a very small area that's affected; it's  
10 only eight partial blocks and one full block, and  
11 that it actually would increase the population by  
12 only a very small margin. So with the affordable  
13 housing and the small amount of housing, it's only  
14 three percent of the units in the area--would be a  
15 three percent increase, we just don't believe that  
16 it will change, have a substantial impact, have a  
17 significant impact, on changing the character of  
18 the neighborhood. So between those two things,  
19 what we found and then also we wrote in to this  
20 program, the inclusionary housing--or rezoning--  
21 the inclusionary housing program to ensure that  
22 the developers have an incentive, a strong  
23 incentive for providing affordable housing here.

24 CHAIRPERSON AVELLA: You're  
25 welcome. Any other questions? Yes.



1  
2 COUNCIL MEMBER JACKSON: Council  
3 Member Jackson. Good morning. I've listened to  
4 the rezoning proposal. Assuming that everything  
5 went through as planned, how long would it take  
6 for the area to be built out the way it's laid out  
7 here?

8 CAROL SAMOL: Yeah. Well we don't-  
9 -when we study it we look at like a ten-year  
10 timeframe.

11 COUNCIL MEMBER JACKSON: Okay.

12 CAROL SAMOL: Of course the economy  
13 today affects everything in the City and it would  
14 definitely affect things here. But we've  
15 projected about 900 units would be developed in  
16 the next ten years. That's a long enough time  
17 span it would even out the economic ups and downs,  
18 so we project about that. So it wouldn't be a  
19 full build-out, but we would think about 900 units  
20 in the next ten years.

21 COUNCIL MEMBER JACKSON: And you  
22 indicated, I believe, that the Community Board  
23 approved this process.

24 CAROL SAMOL: Correct.

25 COUNCIL MEMBER JACKSON: And how

1  
2 was the vote on that by the Community Board, and  
3 what was their primary issues or concerns, and  
4 were they resolved prior to coming here today?

5 CAROL SAMOL: Well they didn't have  
6 any conditions or comments even on the vote. I  
7 don't remember the exact breakdown of the vote.  
8 We worked well with the Community Board. I think  
9 that we spent a lot of time with them,  
10 understanding what their concerns were and a lot  
11 of their issues. And I think most of those had to  
12 do with things that were not really related  
13 directly to zoning itself. We tried to get at  
14 some of their needs for, you know, they expressed  
15 a need for affordable housing; they expressed a  
16 need for a variety of greater increase in the  
17 variety of retail. They wanted to see greater  
18 foot traffic for the existing businesses. They  
19 wanted to see--they liked the sidewalk widening.  
20 Then they also had concerns that were not, like I  
21 said, not related to zoning that--so we were less  
22 able to get directly at those. But what we could  
23 get at I think we've kind of spelled out in the  
24 rezoning proposal itself, in the presentation.

25 COUNCIL MEMBER JACKSON: Okay,

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thank you. Thank you, Mr. Chair.

COUNCIL MEMBER VANN: Any further questions from my colleagues? Thank you very much.

CAROL SAMOL: Thank you.

[Pause]

COUNCIL MEMBER VANN: Thank you. Chair would like to call Dr. Gary Goodman [phonetic] and also Andrea Olstein. Is that correct? Please be seated.

[Pause]

COUNCIL MEMBER VANN: Please identify yourself when speak. You may begin. And push the button to be heard. Thank you.

ANDREA OLSTEIN: Good morning. My name is Andrea Olstein and I am a Vice President of Strohmayer Real Estate Corp. We are the owners of 810 River Avenue, which is located on River Avenue between 157th and 158th Street. The property is currently occupied by Ballpark Lanes. This property has been in our family for many years, actually since about 1945. This parcel is the largest property in the proposed rezoning district. I'm here today to express our whole-

1  
2 hearted support for the 161st Street rezoning. I  
3 have carefully followed this process over the past  
4 year. As an urban planner and a real estate  
5 professional, I believe that the zoning changes  
6 the City Planning Department has proposed will  
7 bring significant improvements to this  
8 neighborhood by providing both new housing and  
9 neighborhood retail activity in the future. Thank  
10 you.

11 COUNCIL MEMBER VANN: You may  
12 proceed, sir.

13 GARY GOODMAN: Good morning, Mr.  
14 Chairman. I'd like to say good morning to Council  
15 Member Jackson, with whom I've had a wonderful  
16 working relationship with over the years and  
17 Council Member Seabrook and a happy New Year to  
18 Council Member Felder as well. It's great to be  
19 back at the City Council. I'm here today, Council  
20 Member Vann, you may remember me from Hilberto  
21 Herrero Valentine's [phonetic] days, when we were  
22 together in the Bronx. Anyway, I'm here today as  
23 the new Executive Director of the 161st Street  
24 Business Improvement District at Yankee Stadium.  
25 And I'm here to testify in favor of the rezoning.

1 I'm not a city planner or urban planner; I'm a  
2 sociologist. So my remarks are going to be more  
3 towards the theme that I think will be created, if  
4 and when this zoning goes through. Baseball is  
5 the American religion; it's the national pastime  
6 and Yankee Stadium is its shrine. And I'm so  
7 distraught that New York City as a whole, and I  
8 don't think the Bronx yet, has embraced Yankee  
9 Stadium enough as a national icon, as a national  
10 symbol. And I think it behooves us to think about  
11 the entire area around Yankee Stadium, which  
12 includes this zoning proposal, as a sort of a  
13 baseball district, just like there's a Jazz  
14 District in New Orleans, where you know when you  
15 go into that community, into that neighborhood,  
16 there's going to be a certain sense of life and a  
17 certain joyfulness out of the music of that  
18 culture. And I would like to see the entire  
19 district around Yankee Stadium take on a tenor of  
20 a fitness and health and wellbeing. We'd like to  
21 see the rezoning, which is now going to provide  
22 for professional office spaces, be a place where  
23 medical researchers and doctors from all over the  
24 world come to learn about sports medicine and  
25

1 sports injuries. And I'd like to see the district  
2 include a library, a New York City public library,  
3 dedicated to sports and fitness and wellness and  
4 health. Just like there's a performing arts  
5 library at Lincoln Center to take advantage of  
6 that great resource, we need a public library that  
7 helps the people of the Bronx understand how to  
8 overcome the tremendous physical and health issues  
9 that they face. I'd like to see that baseball  
10 district become a place where we have a broadcast  
11 booth connected to a high school for sports and  
12 careers. I'd love to be able--just like the CBS  
13 morning show and I guess it's Al Roker who come  
14 out and talk to crowds around their broadcast  
15 stations, I'd like to see a place where people who  
16 are sports fans could come and see different  
17 broadcasts from ESPN or from the Fox network or  
18 from the Yankee network. And it would be  
19 integrated into the community, just like in the  
20 past when the players actually lived in the  
21 neighborhood at the Concourse Plaza Hotel. I  
22 might add, by the way, that my new office is in  
23 that hotel and so I'm working right alongside the  
24 ghosts of Babe Ruth and Lou Gherig and Joe  
25

1  
2 DiMaggio, all of whom stayed there. Finally I  
3 guess I'd like to say that creating this rezoning  
4 and seeing this area as a baseball district could  
5 have a tremendous value in advancing a whole sense  
6 of wellbeing for the people of the Bronx, and for  
7 that reason I urge you to vote in favor of it.

8 Thank you.

9 COUNCIL MEMBER VANN: Any questions  
10 for--Council Member Seabrook?

11 COUNCIL MEMBER SEABROOK: Yeah.  
12 Thank you. Thank you very much. I just also want  
13 Dr. Goodman to realize and know that it wasn't  
14 only the ballplayers that played baseball that  
15 lived there but the African American players that  
16 played for the New York Giants that stayed there  
17 as well, Spider Lockhart--

18 GARY GOODMAN: [Interposing] Thank  
19 you very much for that.

20 COUNCIL MEMBER SEABROOK: A  
21 question and a concern that I have from the both  
22 of you is that that congressional district is the  
23 poorest congressional district in America. The  
24 unemployment rate has always been double digits,  
25 so it might even be in the 20th percentile rate

1  
2 now. With this development, what type of  
3 community benefit plan that you would have a  
4 vision or have some thought about--that people who  
5 live in that district could participate in the  
6 development and the working within those  
7 developments that's actually going to take place?  
8 Because if we're going to do all of this  
9 development and housing and everything else and it  
10 still remains the poorest and there's no uplifting  
11 of people who actually live there, is there a  
12 thought of what you have in mind or what needs to  
13 be done there?

14 GARY GOODMAN: First of all, I  
15 couldn't agree with you more, Council Member  
16 Seabrook. Thank you for those remarks. It's been  
17 the poorest congressional district since I started  
18 working there in 1976, unfortunately, under  
19 Congressman Garcia, and then you know, under  
20 Council Member Serrano, it has remained the  
21 poorest congressional district in the United  
22 States. So we need a whole new way of thinking  
23 about that area. And I believe we need to start  
24 thinking of it as a continuum, right from the  
25 beginning. Are young people in that neighborhood



1  
2 going to be educated in a way that they can come  
3 out and step into careers in sports in no matter  
4 what direction it might be, medicine, science,  
5 journalism, education. There are a wide variety--  
6 so I'd like to see the New York City Department of  
7 Education establish a school for sports careers  
8 right in that district, and then that would track  
9 into a whole series of opportunities, some of  
10 which I mentioned in Library Sciences, in a  
11 variety of other fields. So we absolutely have an  
12 obligation to see this as a jobs program, as well  
13 as, you know, a health initiative. I might add,  
14 to the joblessness rates and the economic indices  
15 that you mentioned, that the South Bronx also has  
16 some of the worst obesity and asthma rates of any  
17 congressional district in the country. And that's  
18 why I tried to emphasize in my remarks the idea  
19 that we need to have world class nutrition  
20 education, physical education, opportunities and  
21 information and without that, you're absolutely  
22 right, we'd have to be looking almost exclusively  
23 of that district as a gentrified sort of almost  
24 gated community in there. Thank you.

25 ANDREA OLSTEIN: As I said earlier,

1  
2 our property is the largest one in this rezoning  
3 district. And if you look at page 26, I'll just  
4 hold it up; you can see that quite a number of the  
5 buildings in this district will have very  
6 significant bases. And it is possible that the  
7 activity in those bases will include local retail,  
8 which will provide retail jobs for community  
9 residents. This base, one of these bases in one  
10 of these buildings, most likely ours because ours  
11 is a lot that's 100 by 200, could also be a  
12 school, a community facility, maybe the kind of  
13 library that Dr. Goodman is talking about, or  
14 possibly a sports facility that's partially funded  
15 by the Yankees; maybe a place for kids to have  
16 some recreational activities after school, early  
17 childhood. So I think that the zoning will  
18 provide quite a number of opportunities for  
19 different types of development in the bases of the  
20 buildings in this rezoning district.

21 [Off Mic]

22 ANDREA OLSTEIN: Well Strohmayer  
23 Real Estate Corp is a property owner, and so I  
24 really can't--I can't speak to any of that. That  
25 would be up to people in the Office of Economic

1  
2 Development or possibly the Community Board, maybe  
3 working in conjunction with the Business  
4 Improvement District. But as a private landowner,  
5 that's not something that we have jurisdiction  
6 over.

7 GARY GOODMAN: Well I would just  
8 say in that regard, Council Member, as the  
9 Executive Director of the BID, our role is to sort  
10 of cross-inform all the various stakeholders in  
11 the area of their responsibilities in that regard.  
12 So rest assured that we'll be doing that.

13 [Pause]

14 GARY GOODMAN: Good morning,  
15 Council Member Brewer.

16 COUNCIL MEMBER BREWER: Good  
17 morning, Gary Goodman.

18 GARY GOODMAN: We are neighbors and  
19 of course have been colleagues and friends for  
20 three decades or something like that?

21 COUNCIL MEMBER VANN: Well I'm glad  
22 to hear that.

23 GARY GOODMAN: Four? Oh.

24 COUNCIL MEMBER VANN: Anything  
25 else? No? Okay. Council Member Gale Brewer, do

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you have any comments you want to speak to?

[Off Mic]

COUNCIL MEMBER VANN: Should we take a vote without the chairman? No, he'd be missing for his own vote. We have others? No one else? We'll stand at ease for two minutes. No? We've got something else? Oh, we have other people. Okay. I'm sorry about that. On to the next item? Thank you very much. We appreciate your testimony. We're moving to the next item. What is it? LU 1194. And I'm going to ask Mr. Michael Kelly to come forward and give testimony. You may begin at will, Mr. Kelly.

MICHAEL KELLY: Good morning, Chairman, members of the Counsel. My name is Michael Kelly and I'm representing RRBV Associates, LLC. Pursuant to an agreement with Speaker Quinn's Office, I'd like to read this letter into the record. This letter should serve as confirmation that the alteration to our liquor license has been approved by Community Board 2. This was the only stipulation for the approval of our sidewalk café license. That's it.

COUNCIL MEMBER VANN: What did you

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say?

MICHAEL KELLY: Should I do it again? It was short.

COUNCIL MEMBER VANN: Okay. Anyone else on 1195? Because I know you're also going speak on 1196 I believe.

MICHAEL KELLY: I represent A & A Food Enterprises, LLC, which is located at 107-02 70th Road, Forest Hills. We have applied for--

COUNCIL MEMBER VANN: [Interposing] A brief interruption.

MICHAEL KELLY: I'm sorry.

COUNCIL MEMBER VANN: This is 1195. Any questions on 1195? Hearing none, we'll close that item, and we'll open up 1196. No? Okay, we're closing 1194. We're opening 1195.

[Pause]

COUNCIL MEMBER VANN: Would you like to speak on 1195?

MICHAEL KELLY: 1195, yes. I represent A & A Food Enterprises, LLC, which is located at 107-02 70th Road, Forest Hills, New York. We have applied for a sidewalk café license for 13 tables and 28 seats and were approved by

1  
2 the Community Board.

3 COUNCIL MEMBER VANN: Okay. I  
4 gather Council Member Katz is in support of this  
5 issue.

6 MICHAEL KELLY: Yes.

7 COUNCIL MEMBER VANN: Now what is  
8 this one? Okay. Any comments or questions on  
9 1195? Hearing none, thank you very much.

10 MICHAEL KELLY: Thank you,  
11 gentlemen.

12 COUNCIL MEMBER VANN: We'll close  
13 out on this issue and we will proceed to the next  
14 issue, which is 1196. You don't want to speak on  
15 that, Mr. Kelly? I'm just kidding. Right, this  
16 is in Council Member Brewer's district and she  
17 arrived prior to that. Kathleen Stratopoulos  
18 [phonetic].

19 KATHLEEN STRATOPOULOS: Well that  
20 was pretty close. Stratopoulos.

21 COUNCIL MEMBER VANN: Stratopoulos.  
22 It's where you put the emphasis. Esquire, all  
23 right. You may proceed.

24 KATHLEEN STRATOPOULOS: Thank you.  
25 I am the attorney for The Greek Kitchen, which is

1 a restaurant located at 885 10th Avenue here in  
2 Manhattan on the southwest corner of 58th Street  
3 and 10th Avenue. We have applied for an enclosed  
4 sidewalk café containing 12 tables of two seats  
5 each, which would make it 24 seats altogether.  
6 And there were several concerns, which I believe  
7 we addressed in letters, one to Council Member  
8 Brewer's office and the other we sent to the Land  
9 Use division regarding, basically the letters were  
10 addressing the issue of bicycle racks, which will  
11 be removed if there are any presently there, and  
12 all bicycles will be kept in the basement, and the  
13 other issue was the windows of the enclosed café  
14 will be soundproof and they will be closed at  
15 10:00 p.m. every evening. The last issue, which  
16 was raised yesterday, had to do with a fire drop  
17 ladder, a fire escape drop ladder, that hung over  
18 the center of the café. As is seen on the plans  
19 that have been approved, that fire extension drop  
20 ladder will be extended beyond the café to come  
21 down to some location after the café. So we will  
22 adhere to all the Department of Buildings and New  
23 York City Fire Department regulations regarding  
24 that--the whole construction of this enclosed  
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café.

COUNCIL MEMBER VANN: Council Member Gale Brewer.

COUNCIL MEMBER BREWER: Thank you very much and thank you. I know you've been in touch with Jesse Bodean [phonetic]--

KATHLEEN STRATOPOULOS: [Interposing] I have, yes, yes.

COUNCIL MEMBER BREWER: In our office, and I appreciate that. You have quite a large group of people in that area. You've got a growing John Jay College, as I know a professor from John Jay is a colleague here, and you have obviously new housing going up and so on. Why-- because it's a small area, and I know that it's legal, but it's still going to create, you know, some passageway issues. Why is it that the café needs the extended space? Is it a small kitchen? Explain it.

KATHLEEN STRATOPOULOS: Well it's a very small café itself. The seating area in that café--

COUNCIL MEMBER BREWER: [Interposing] I've been in it, so I know.



1  
2 KATHLEEN STRATOPOULOS: Yeah. It's  
3 not large, and he does have people waiting  
4 constantly for tables. So if we were to do an  
5 unenclosed café, which would really take up the  
6 same amount of space in terms of we're still  
7 leaving the same area with an enclosed café, then  
8 that would only alleviate the problem for the good  
9 months of the year for weather purposes. So he's  
10 looking to open up the café to suffice for more  
11 people to come in to the café. And we are leaving  
12 the requisite area. And you know, when we went  
13 before the community board it was pointed out by  
14 the community board members that the area where he  
15 is located, which is the southwest corner, is  
16 really not as traveled upon--at this point and I  
17 know that can change in the future--but it's not  
18 as traveled upon as the other areas on the other  
19 sides of the street. And, you know, we did want  
20 to raise that. The other issue that they seem to  
21 be really very concerned about is people have this  
22 concept of these enclosed cafes as these really  
23 very permanent structures and they--

24 COUNCIL MEMBER BREWER:

25 [Interposing] I was going to ask you about That.

1  
2 Can you explain what kind of structure? And since  
3 I've been to 100 enclosed café meetings in my  
4 life, maybe 400, the question is, are you going to  
5 change what you have now, which is a very nice  
6 frontage?

7 KATHLEEN STRATOPOULOS: Right.

8 COUNCIL MEMBER BREWER: Because we  
9 like to see the frontages stay and then an  
10 extension of an enclosed café--because you do have  
11 a very nice frontage now. How will that be--

12 KATHLEEN STRATOPOULOS:

13 [Interposing] Yeah. The frontage, what would be  
14 on 10th Avenue, would really remain the same.  
15 There would be a change to the frontage that runs  
16 along 58th Street, which to be honest, is not as  
17 aesthetically as nice as what's on 10th Avenue.  
18 But in terms of the structure itself, people tend  
19 to think that this is this permanent structure  
20 that's soldered into the sidewalk. The truth of  
21 the matter is that this is a structure that goes  
22 up in one day.

23 COUNCIL MEMBER BREWER: Okay.

24 KATHLEEN STRATOPOULOS: And can  
25 come down in one day.

1  
2 COUNCIL MEMBER BREWER: Okay. So  
3 it's like Artie's Deli on 84th Street and  
4 Broadway. Okay. So in other words you're not  
5 going to be changing the façade that much of 10th  
6 Avenue--

7 KATHLEEN STRATOPOULOS:  
8 [Interposing] No, we will not.

9 COUNCIL MEMBER BREWER: Which is  
10 quite unique to your restaurant.

11 KATHLEEN STRATOPOULOS: Exactly.

12 COUNCIL MEMBER BREWER: And do you  
13 own the building? Does the owner own the  
14 building?

15 KATHLEEN STRATOPOULOS: No, he does  
16 not.

17 COUNCIL MEMBER BREWER: So he has  
18 to get permission to change the fire escape? How  
19 will that be worked out?

20 KATHLEEN STRATOPOULOS: Well he has  
21 gotten it. Before we undertook this somewhat  
22 expensive procedure, he did get his landlord's  
23 okay for all of this, to do this, because he  
24 wouldn't have undertaken this.

25 COUNCIL MEMBER BREWER: And

1 including the fire escape.

2  
3 KATHLEEN STRATOPOULOS: The fire  
4 escape as well, which is as shown on the plans.  
5 And I do have a copy of the plans if anybody needs  
6 to see them.

7 COUNCIL MEMBER BREWER: Okay.

8 KATHLEEN STRATOPOULOS: It's  
9 extending--the fire escape will be extending  
10 further west.

11 COUNCIL MEMBER BREWER: Okay. All  
12 right. Thank you, Mr. Chair.

13 COUNCIL MEMBER VANN: Any further  
14 comment, Council Members? Felder?

15 COUNCIL MEMBER FELDER: Yes, thank  
16 you, Mr. Chairman. I just wanted to ask, on the  
17 material that the Land Use have prepared, it shows  
18 that the community board denied the application.  
19 It says here that they don't want any enclosed  
20 sidewalk cafés in this special Clinton district at  
21 all. And then it says, if approved, and I'm not  
22 sure what that means, I just want to understand  
23 that. It says to remove the bike racks that you  
24 addressed and would then park--they would be  
25 parking their bikes in the basement and that the

1  
2 windows must be soundproofed. So does that mean--  
3 are you aware or maybe Council Member Brewer can  
4 clarify it, whether the community board approves  
5 this with those conditions or they don't want it  
6 anyway, no matter what--just that if it's going to  
7 happen anyway we should make sure that those two  
8 things happen? Can you clarify that?

9 KATHLEEN STRATOPOULOS: Well I can  
10 just--I really can't speak for the community board  
11 but I can address--I was at both meetings for the  
12 community board, the specialized meeting for this  
13 particular division as well as the full meeting.  
14 And they expressed that really--some of them  
15 expressed that if they didn't have this somewhat  
16 moratorium against these enclosed cafés that they  
17 would have approved ours. But they take a total  
18 approach against not having enclosed cafés,  
19 because they are concerned about congestion in  
20 their area. But they said knowing that we were  
21 abiding by the rules and regulations of the  
22 Department of Consumer Affairs, if they café was  
23 approved, they did want these stipulations met,  
24 which we agreed to, actually, at the community  
25 board meeting--and then we furthered with a letter

1  
2 on September 3rd to Councilman Brewer's office,  
3 which indicated that we will comply with those  
4 requirements. So, yes, they do deny it in a  
5 general focus, but at the same time they are  
6 allowing it with these stipulations.

7 COUNCIL MEMBER FELDER: The staff  
8 here just showed me what was sent by Community  
9 Board 4.

10 KATHLEEN STRATOPOULOS: Okay.

11 COUNCIL MEMBER FELDER: And I  
12 didn't read it carefully enough. It would just  
13 seem to me from the language that they don't want  
14 it at all, in general. They just don't want these  
15 things, period. No matter how beautiful they are  
16 and how wonderful, no matter what you do, they  
17 don't want it.

18 KATHLEEN STRATOPOULOS: I think  
19 that's probably true.

20 COUNCIL MEMBER FELDER: So I would  
21 just say is that I don't know what the Council  
22 Member's position is, and I would defer to her  
23 because she knows her neighborhood and well beyond  
24 that very, very well. But it would be clear that  
25 any position that the Council Member wants to

1  
2 take, if she decides to do anything, it would mean  
3 in my mind, it would mean that she's extending  
4 herself in some way to sort of make an exception,  
5 I think, that if that were the case then obviously  
6 the obligation an responsibility to try to address  
7 those concerns becomes even more important than it  
8 normally would.

9 KATHLEEN STRATOPOULOS: I  
10 understand.

11 COUNCIL MEMBER BREWER: I  
12 appreciate that. The issue is both Community  
13 Board 7 and Community Board 4, and I share it, we  
14 really do not like enclosed cafés. I will say  
15 that we're all trying to support small business.  
16 This is a small business, well known in the  
17 neighborhood, always had a good track record.  
18 They are very clear that they will abide by every  
19 request made. So I think in the effort to support  
20 small business that's what I'm saying. But we  
21 would prefer, to be honest with you, an open,  
22 unenclosed café, which is--on your particular  
23 street there's already an enclosed one, one block  
24 north in the coffee shop, and then there's an  
25 unenclosed one at Jakes, which we all live at,

1  
2 with all due respect. But the fact of the matter  
3 is, Jake's is more exciting because it's outdoors.  
4 Right, Mr. Professor?

5 [Off Mic]

6 COUNCIL MEMBER BREWER: But the  
7 fact of the matter is we're trying to be  
8 supportive of the small business in this city. We  
9 do hope that the issue that we want to be careful  
10 of--if the Greek shop should disappear, god  
11 forbid, we want to make sure that that enclosed  
12 café goes also.

13 KATHLEEN STRATOPOULOS: Right.

14 COUNCIL MEMBER BREWER: That's why  
15 it's really important to have a structure that can  
16 come down. What are your thoughts on that issue?  
17 In other words we don't want an empty structure  
18 sitting there for seven years, which has been the  
19 situation elsewhere.

20 KATHLEEN STRATOPOULOS: Yeah. I  
21 really do think that that's something that maybe  
22 people need to be more education in. The  
23 Department of Consumer Affairs has really very  
24 strict requirements for how these structures can  
25 go. I mean they cannot be permanent structures.



1  
2 They have to be made of certain material. And as  
3 I indicated earlier, as quickly as they can go up,  
4 they can come down.

5 COUNCIL MEMBER BREWER: Okay.

6 KATHLEEN STRATOPOULOS: So, you  
7 know, when this renewal comes up in two years,  
8 which it will come up in every two years, if this  
9 is not approved, this structure will be removed in  
10 the same amount of time it went up.

11 COUNCIL MEMBER BREWER: Okay.

12 That's quite important. And maybe we could keep,  
13 for the record, the fact that we would like to  
14 have as a provision that if--I mean what's  
15 supposed to happen doesn't mean it does happen.

16 KATHLEEN STRATOPOULOS: Right.

17 That's right.

18 COUNCIL MEMBER BREWER: So if in  
19 fact something should happen to the Greek Kitchen,  
20 which we hope it never does, that the structure  
21 would be taken down when the restaurant no longer  
22 exists. If the restaurant goes on forever, we  
23 hope you do well.

24 KATHLEEN STRATOPOULOS: Thank you.

25 Thank you for your support.

1  
2 COUNCIL MEMBER BREWER: I would  
3 like to have that provision as part of whatever is  
4 passing though, that the structure goes when the  
5 restaurant goes.

6 KATHLEEN STRATOPOULOS: That would  
7 be fine.

8 COUNCIL MEMBER BREWER: Okay.

9 KATHLEEN STRATOPOULOS: That's not  
10 a problem. We would definitely stipulate to that.

11 COUNCIL MEMBER BREWER: Okay.  
12 Thank you.

13 COUNCIL MEMBER VANN: No further  
14 questions or comments? Thank you very much for  
15 your testimony.

16 KATHLEEN STRATOPOULOS: Thank you  
17 very much, Councilman.

18 [Pause]

19 COUNCIL MEMBER VANN: We will vote  
20 in just a moment. In one moment we'll take the  
21 vote. Hold up, Larry. It's only going to be a  
22 minute. Hold up, bro. One minute. We'll get  
23 there. That's a beautiful outfit you've got on  
24 there too. When I grow up I want to get me one of  
25 them bad boys.

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[Pause]

CHAIRPERSON AVELLA: First of all, I'd like to thank Council Member Vann for temporarily chairing the meeting. Having gone through all the items, Chair recommends approval and I'll ask Counsel to call the vote.

CHRISTIAN HYLTON: Christian Hylton, Counsel to the Committee. Council Chair Avella?

CHAIRPERSON AVELLA: Aye.

CHRISTIAN HYLTON: Council Member Felder?

COUNCIL MEMBER FELDER: Yes.

CHRISTIAN HYLTON: Council Member Jackson?

COUNCIL MEMBER JACKSON: I vote Aye on all.

CHRISTIAN HYLTON: Council Member Seabrook?

COUNCIL MEMBER SEABROOK: Aye on all.

CHRISTIAN HYLTON: Council Member Vann.

COUNCIL MEMBER VANN: Aye on all.

1  
2 CHRISTIAN HYLTON: By a vote of  
3 five in the affirmative, none in the negative, no  
4 abstentions, preconsidered LU 090364,  
5 preconsidered LU 090365, LU 1194 and 1195 and 1196  
6 are approved and referred to the full Land Use  
7 Committee. All other items are laid over.

8 CHAIRPERSON AVELLA: Thank you  
9 everyone. This closes this meeting of the  
10 Subcommittee on Zoning and Franchises.

11 COUNCIL MEMBER VANN: Council  
12 Member James, what can we do for you?

13 COUNCIL MEMBER JAMES: Prospect  
14 Heights landmarking--

15 [Pause]

16 COUNCIL MEMBER VANN: Aye, aye.

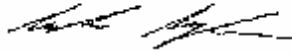
17 [Pause]

18 COUNCIL MEMBER VANN: I will not  
19 tell your constituents you came to the wrong  
20 meeting.

21

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 October 1, 2009 \_\_\_\_\_