

The New York City Council

*New York City Council
City Hall
New York, NY 10007*



Meeting Minutes

Wednesday, April 1, 2009

10:00 AM

250 Broadway - Hearing Room, 16th Fl.

Committee on Land Use

Melinda R. Katz, Chair

*Members: Maria Del Carmen Arroyo, Tony Avella, Maria Baez, Charles Barron,
Leroy G. Comrie, Elizabeth Crowley, Inez E. Dickens, Simcha Felder, Daniel R.
Garodnick,*

*Eric N. Gioia, Sara M. Gonzalez, Vincent M. Ignizio, Robert Jackson, Jessica S. Lappin,
John C. Liu, Miguel Martinez, Rosie Mendez, Annabel Palma, Joel Rivera,
Larry B. Seabrook, Helen Sears and Albert Vann*

Roll Call

Present,

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent,

Gonzalez and Lappin

LU 1009-2009

Application no. C 090078 HUK submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the third amendment to the Fresh Creek Urban Renewal Plan, Borough of Brooklyn, Community District 5.

Attachments: Hearing Testimony - Planning 3/4/09, Hearing Transcript - Planning 3/4/09, Hearing Testimony - Planning 3/18/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Planning 3/4/09, Hearing Transcript - Planning 3/4/09, Hearing Testimony - Planning 3/18/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1010-2009

Application no. C 090079 ZMK submitted by the Department of Housing Preservation and Development. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d.

Attachments: Hearing Testimony - Planning 3/4/09, Hearing Transcript - Planning 3/4/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Planning 3/4/09, Hearing Transcript - Planning 3/4/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1011-2009

Application no. C 090081 ZSK submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744 (c) of the Zoning Resolution to modify the regulations of Section 32-64, Section 32-65 and Section 33-66. 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: Hearing Testimony - Planning 3/4/09, Hearing Transcript - Planning 3/4/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Planning 3/4/09, Hearing Transcript - Planning 3/4/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1012-2009 **Application no. C 090082 HAK submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the designation and disposition of property to facilitate the development of a new mixed use community, Borough of Brooklyn, Community District 5. This matter is subject to council Review and action pursuant to § 197-d of the New York city Charter and Article 16 of the General Municipal Law.**

Attachments: Hearing Testimony - Planning 3/4/09, Hearing Transcript - Planning 3/4/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Planning 3/4/09, Hearing Transcript - Planning 3/4/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1013-2009 **Application no. C 080089 MMK pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et. seq. of the New York City Administrative Code by the Gateway Center Properties Phase II, LLC, the Department of Housing, Preservation and Development, the Department of Parks and Recreation, and the Nehemiah Housing Development fund Corporation for an amendment to the City Map.**

Attachments: Hearing Testimony - Planning 3/4/09, Hearing Transcript - Planning 3/4/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Planning 3/4/09, Hearing Transcript - Planning 3/4/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1016-2009

Uniform land use review procedure application no. C 090145 HAM, an Urban Development Action Area Designation and Project, located at 213 East 99th Street and the disposition of such property, Borough of Manhattan, Council District no. 8. 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: Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1026-2009

Uniform land use review procedure application no. C 090141 HAK, an Urban Development Action Area Designation and Project, located at 1598, 1600 and 1602 Fulton Street and the disposition of such property, Borough of Brooklyn, Council District no. 36. 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: Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1027-2009

Uniform land use review procedure application no. C 090142 HAK, an Urban Development Action Area Designation and Project, located at 1560, 1562, 1564, 1566, 1568, 1570, 1572, 1574 and 1576 Fulton Street and 43 Albany Street, and the disposition of the city-owned property, Borough of Brooklyn, Council District no. 36. 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: Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1028-2009

Application no. N 090252 HAM, an Urban Development Action Area Designation and Project, located at 400-402 East 8th Street; 103, 101, 97-99 Avenue D; 281 and 279 East 7th Street, Borough of Manhattan, Council District no. 2. 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: Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1032-2009

Application no. 20095299 HKM (N 090290 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 409/LP- 2286) by the Landmarks Preservation Commission of 275 Madison Avenue a.k.a. 273-277 Madison Avenue, 22-26 East 40th Street (Block 869, Lot 54), as a historic landmark, Council District no. 4.

Attachments: Hearing Transcript - Landmarks 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1033-2009

Application no. 20095303 HKM (N 090288 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 409/LP- 2304) by the Landmarks Preservation Commission of the New York Public Library George Bruce Branch located at 518 West 125th Street a.k.a. 518-520 Dr. Martin Luther King Jr. Boulevard (Block 1980, Lot 22), as a historic landmark, Council District no. 7 .

Attachments: Hearing Transcript - Landmarks 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1034-2009

Application no. 20095304 HKM (N 090289 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 409/LP- 2305) by the Landmarks Preservation Commission of the New York Public Library 125th street Branch located at 224 East 125th Street (Block 1789, Lot 37), as a historic landmark, Council District no. 8 .

Attachments: Hearing Transcript - Landmarks 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1035-2009

Application no. 20095305 HKR (N 090291 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 409/LP- 2305) by the Landmarks Preservation Commission of the John H. and Elizabeth J. Elsworth House located at 90 Bayview Avenue (Block 6751, Lot 310), as a historic landmark, Council District no. 51 .

Attachments: Hearing Transcript - Landmarks 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1036-2009 **Application no. 20095306 HKK (N 090292 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 409/LP- 2292) by the Landmarks Preservation Commission of the Hubbard House located at 2138 McDonald Avenue (Block 7087, Lot 30), as a historic landmark, Council District no. 47 .**

Attachments: Hearing Transcript - Landmarks 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1037-2009 **Uniform land use review procedure application no. C 070305 ZSM, pursuant to Section 197-c and 201 of the Charter of the City of New York for the grant of a special permit pursuant to Sections 96-111 and 13-561 of the Zoning Resolution in the Borough of Manhattan, Council District no. 3 to allow an unattended accessory off-street parking garage with a maximum capacity of 37 spaces located at 405-427 West 53rd Street (Block 1063, Lot 17). 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: Hearing Testimony - Zoning 3/31/09, Hearing Transcript - Zoning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Zoning 3/31/09, Hearing Transcript - Zoning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 1039-2009 **Application no.N 090211 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York relating to Sections 93-514 (a), 93-71, 93-81 and 93-82.**

Attachments: Hearing Testimony - Zoning 3/31/09, Hearing Transcript - Zoning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Zoning 3/31/09, Hearing Transcript - Zoning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 0938-2008 **Application no. 20095197 HAQ, an Urban Development Action Area Project located at 111-17 103rd Avenue, Council District no. 32, Borough of Queens. 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.**

Attachments: Hearing Testimony - Planning 12/2/08, Hearing Transcript - Planning 12/2/08, Hearing Transcript - Planning 12/15/08, Hearing Transcript - Planning 12/18/08, Hearing Testimony - Planning 12/15/08, Hearing Testimony - Planning 1/26/09, Hearing Transcript - Planning 1/26/09, Hearing Testimony - Planning 2/9/09, Hearing Transcript - Planning 2/9/09, Hearing Transcript - Planning 2/10/09, Hearing Testimony - Planning 2/23/09, Hearing Transcript - Planning 2/23/09, Hearing Transcript - Planning 3/4/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Planning 12/2/08, Hearing Transcript - Planning 12/2/08, Hearing Transcript - Planning 12/15/08, Hearing Transcript - Planning 12/18/08, Hearing Testimony - Planning 12/15/08, Hearing Testimony - Planning 1/26/09, Hearing Transcript - Planning 1/26/09, Hearing Testimony - Planning 2/9/09, Hearing Transcript - Planning 2/9/09, Hearing Transcript - Planning 2/10/09, Hearing Testimony - Planning 2/23/09, Hearing Transcript - Planning 2/23/09, Hearing Transcript - Planning 3/4/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin

LU 0940-2008

Application no. 20095199 HAM, an Urban Development Action Area Project located at 1801-05 7th Avenue, 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 a partial tax exemption.

Attachments: Hearing Testimony - Planning 12/2/08, Hearing Transcript - Planning 12/2/08, Hearing Transcript - Planning 12/15/08, Hearing Transcript - Planning 12/18/08, Hearing Testimony - Planning 12/15/08, Hearing Testimony - Planning 1/26/09, Hearing Transcript - Planning 1/26/09, Hearing Testimony - Planning 2/9/09, Hearing Transcript - Planning 2/9/09, Hearing Transcript - Planning 2/10/09, Hearing Testimony - Planning 2/23/09, Hearing Transcript - Planning 2/23/09, Hearing Transcript - Planning 3/4/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Testimony - Planning 12/2/08, Hearing Transcript - Planning 12/2/08, Hearing Transcript - Planning 12/15/08, Hearing Transcript - Planning 12/18/08, Hearing Testimony - Planning 12/15/08, Hearing Testimony - Planning 1/26/09, Hearing Transcript - Planning 1/26/09, Hearing Testimony - Planning 2/9/09, Hearing Transcript - Planning 2/9/09, Hearing Transcript - Planning 2/10/09, Hearing Testimony - Planning 2/23/09, Hearing Transcript - Planning 2/23/09, Hearing Transcript - Planning 3/4/09, Hearing Transcript - Planning 3/18/09, Hearing Testimony - Planning 3/31/09, Hearing Transcript - Planning 3/31/09

A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Barron, Comrie Jr., Crowley, Dickens, Felder, Garodnick, Gioia, Ignizio, Jackson, Liu, Martinez, Mendez, Palma, Rivera, Seabrook, Sears and Vann

Absent, 2 -

Gonzalez and Lappin