

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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October 20, 2008

Start: 9:45am

Recess: N/A

HELD AT: Committee Room
City Hall

B E F O R E:
TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Joel Rivera
Simcha Felder
Robert Jackson
Melinda R. Katz
Michael E. McMahon
Larry B. Seabrook
Helen Sears

CHAIRPERSON AVELLA: Good morning, everyone. I'd like to reconvene this meeting of the Subcommittee on Zoning and Franchises. As you may recall, we had laid over the vote on the Delano Café Lounge, 20095159TCQ, which was an application to operate an unenclosed sidewalk café at 2902-A Francis Lewis Boulevard. And as my Committee Members will remember, this is in my Council district. I just want to make a quick comment and then I'm going to recommend that the application be denied. When I first received this application by Café Delano to operate at Francis Lewis Boulevard, I was extremely concerned about the application. While cafes are permitted by the zoning text, it is not based on a knowledge of how this street operates, but rather on its broad characteristics as a wide commercial street. As Council Member and a longtime resident, I am well aware of the particular operation of this street. For years this portion of Francis Lewis Boulevard has been known by police and feared by residents as a well-known drag racing strip. Concerted efforts by the police, neighborhood efforts and my office have lead to a significant decrease in this

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2 problem. However, any decrease in police presence
3 would allow the drag racing to proliferate once
4 again. Because of these concerns, I visited the
5 site and discovered that the plan submitted by the
6 applicant did not comport with the actual
7 conditions of the site. This heightened my
8 concern, as it was no longer merely the number of
9 tables and chairs on the sidewalk at a dangerous
10 location that could prove hazardous, but whether
11 the applicant would be a trustworthy steward and
12 adhere strictly to any safety conditions we might
13 require. When notified of the discrepancy, the
14 applicant submitted new plans with the same
15 discrepancies. And I would add to that that the
16 third set of plans also have the same type of
17 discrepancies. The Community Board has
18 recommended that this application be denied. The
19 Auburndale Civic Association has recommended that
20 it be denied. My office has received a petition
21 with over 30 signatures from local residents. And
22 I would also advise my colleagues that on the same
23 block as this café are one-family homes. I would
24 ask that this Committee deny the application. And
25 I'll ask Counsel to call the vote.

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WILLIAM MARTIN: Chair Avella.

CHAIRPERSON AVELLA: Yes to deny.

WILLIAM MARTIN: Council Member
Rivera, this and previous items.

COUNCIL MEMBER RIVERA: Pardon me?

WILLIAM MARTIN: On this item?

COUNCIL MEMBER RIVERA: Yes to
deny.

WILLIAM MARTIN: On previous items
voted?

COUNCIL MEMBER RIVERA: Yes.

WILLIAM MARTIN: Council Member
Felder.

COUNCIL MEMBER FELDER: Is this a
prayer? You have to say yes to deny? Or you can
just say yes?

CHAIRPERSON AVELLA: You can just
say yes.

COUNCIL MEMBER FELDER: Yes.

WILLIAM MARTIN: And to previous
items, Council Member Felder?

COUNCIL MEMBER FELDER: Yes.

WILLIAM MARTIN: Council Member
Jackson?

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COUNCIL MEMBER JACKSON: Yes.

WILLIAM MARTIN: On all previous items?

COUNCIL MEMBER JACKSON: And on all previous items.

WILLIAM MARTIN: Council Member Katz.

COUNCIL MEMBER KATZ: Just to explain for one minute, if I can?

CHAIRPERSON AVELLA: Yes.

[Laughter]

CHAIRPERSON AVELLA: We sort of gave you that look.

COUNCIL MEMBER KATZ: Right on time. I just want to make one quick comment for those of you that were at the Subcommittee hearing last week. I do believe that in this particular case the Councilman has tried to work with the applicant. And as many of you know that I've said on the record several times, I think a sidewalk café is extremely local. The Council Member, whose district it is knows their district, knows what type of problems or not a café is giving in a community. And we do tend to listen to the

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2 Council Member whose district it is in. So I just
3 want to vote yes. And also, when they were
4 testifying I thought that they were extremely
5 aggressive in their accusations and I think that
6 just for the record, folks should really be
7 careful on how they discuss things on the record
8 and try to work things out. So I want to vote yes
9 on all. Is that the only item?

10 CHAIRPERSON AVELLA: Yes.

11 COUNCIL MEMBER KATZ: Aye on all.

12 WILLIAM MARTIN: Council Member
13 McMahon.

14 COUNCIL MEMBER MCMAHON: Aye.

15 WILLIAM MARTIN: Council Member
16 Seabrook.

17 COUNCIL MEMBER SEABROOK: Aye.

18 WILLIAM MARTIN: Council Member
19 Sears.

20 COUNCIL MEMBER SEARS: No.

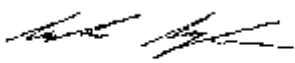
21 WILLIAM MARTIN: By a vote of nine
22 in the affirmative, none in the negative, no
23 abstentions, all items are referred to the full
24 Land Use Committee except LU 911, which is
25 approved and referred to the full Land Use

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2 Committee by a vote of seven in the affirmative,
3 one in the negative, no abstentions.

4 CHAIRPERSON AVELLA: Thank you,
5 everyone. This closes this meeting on the
6 Subcommittee on Zoning and Franchises. And we
7 move to Land Use.
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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 24, 2008 _____