

The New York City Council

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



Meeting Minutes

Monday, September 10, 2007

10:00 AM

Continuation of the September 5th and 6th Recessed Meetings

Committee Room - City Hall

Committee on Land Use

Melinda R. Katz, Chair

*Members: Maria Del Carmen Arroyo, Tony Avella, Maria Baez, Charles Barron,
Leroy G. Comrie, 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, Michael E. McMahon, Rosie Mendez, Annabel Palma, Joel Rivera,
Larry B. Seabrook, Helen Sears, Kendall Stewart, Albert Vann and James Oddo*

Roll Call

Present,

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

LU 0462-2007

Uniform land use review procedure application no. C 070404 HAX, an Urban Development Action Area Designation and Project, located at 544 East 134th Street, and the disposition of such property, Borough of the Bronx, 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 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Transcript - Land Use 9/6/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07, Hearing Transcript - Land Use 9/17/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Planning 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Transcript - Land Use 9/6/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07, Hearing Transcript - Land Use 9/17/07

This Land Use Application was Laid Over by Committee

LU 0463-2007

Uniform land use review procedure application no. C 070408 HAK, an Urban Development Action Area Designation and Project, located at 37-43 Herbert Street, and the disposition of such property, Borough of Brooklyn, Council District no. 34. 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 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Transcript - Land Use 9/6/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Planning 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Transcript - Land Use 9/6/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

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

Affirmative, 25 -

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

LU 0517-2007 Application no. 20075538 HKM (N 070487 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 392, LP-2256) by the Landmarks Preservation Commission of the Manhattan Avenue Historic District located in Community Board 7, Council District no. 8.

Attachments: Hearing Transcript - Landmarks 9/5/07, Hearing Testimony - Landmarks 9/5/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Landmarks 9/10/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 9/5/07, Hearing Testimony - Landmarks 9/5/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Landmarks 9/10/07, Hearing Transcript - Land Use 9/10/07

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

Affirmative, 25 -

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

LU 0518-2007 Application no. 20075539 HKX (N 070488 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 392, LP-2213) by the Landmarks Preservation Commission of the 63 Nassau Street Building, Council District no. 1.

Attachments: Hearing Transcript - Landmarks 9/5/07, Hearing Testimony - Landmarks 9/5/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Landmarks 9/10/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 9/5/07, Hearing Testimony - Landmarks 9/5/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Landmarks 9/10/07, Hearing Transcript - Land Use 9/10/07

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

Affirmative, 25 -

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

LU 0519-2007 **Application no. 20075540 HKR (N 070487 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 370, LP-2138) by the Landmarks Preservation Commission of the Nathaniel J and Ann C. Wyeth House located at 190 Meisner Avenue, Council District no. 50.**

Attachments: Hearing Transcript - Landmarks 9/5/07, Hearing Testimony - Landmarks 9/5/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Landmarks 9/10/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 9/5/07, Hearing Testimony - Landmarks 9/5/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Landmarks 9/10/07, Hearing Transcript - Land Use 9/10/07

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

Affirmative, 25 -

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

LU 0524-2007 **Uniform land use review procedure application no. C 070008 PSX, pursuant to §197-c and §197-d of the New York City Charter concerning the site selection of property located at Ryawa Avenue, Borough of the Bronx, Council District no. 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 Transcript - Landmarks 9/5/07, Hearing Testimony - Landmarks 9/5/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Landmarks 9/10/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 9/5/07, Hearing Testimony - Landmarks 9/5/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Landmarks 9/10/07, Hearing Transcript - Land Use 9/10/07

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, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Stewart and Vann

LU 0525-2007 **Uniform land use review procedure application no. C 070009 MMX, pursuant to Sections 197-c and 197-d of the New York City Charter, changes to the City Map, Map No. 13117, Borough of the Bronx, Council District no. 17. This matter is subject to Council Review and action only if appealed to the Council pursuant to §197-d(b)2 of the Charter or called up by a vote of the Council pursuant to §197-d(b)3 of the Charter and Section 11.20 of the Rules of the Council.**

Attachments: Hearing Transcript - Landmarks 9/5/07, Hearing Testimony - Landmarks 9/5/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Landmarks 9/10/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 9/5/07, Hearing Testimony - Landmarks 9/5/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Landmarks 9/10/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Approved by Committee with Companion Resolution

Affirmative, 21 -

Katz, Arroyo, Avella, Baez, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Stewart and Vann

LU 0526-2007 **Uniform land use review procedure application no. C 070010 MMX, pursuant to Sections 197-c and 197-d of the New York City Charter, changes to the City Map, Map No. 13118, Borough of the Bronx, Council District no. 17. This matter is subject to Council Review and action only if appealed to the Council pursuant to §197-d(b)2 of the Charter or called up by a vote of the Council pursuant to §197-d(b)3 of the Charter and Section 11.20 of the Rules of the Council.**

Attachments: Hearing Transcript - Landmarks 9/5/07, Hearing Testimony - Landmarks 9/5/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Landmarks 9/10/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Landmarks 9/5/07, Hearing Testimony - Landmarks 9/5/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Landmarks 9/10/07, Hearing Transcript - Land Use 9/10/07

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, Comrie Jr., Dickens, Felder, Garodnick, Gonzalez, Ignizio, Jackson, Lappin, Liu, Martinez, McMahon, Mendez, Oddo, Palma, Rivera, Stewart and Vann

LU 0531-2007 Uniform Land Use Review Procedure application no. C 070432 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Section 13b, Borough of Brooklyn, Council District no. 34.

Attachments: Hearing Transcript - Planning 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Planning 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

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

Affirmative, 25 -

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

LU 0532-2007 Uniform land use review procedure application no. C 070433 HAK, an Urban Development Action Area Designation and Project, located at 34, 40, 42, 46 Varet Street and 25, 23, 21, 19, 13, 5 Cook Street, and the disposition of the city-owned property, Borough of Brooklyn, Council District no. 34. 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 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Planning 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

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

Affirmative, 25 -

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

LU 0533-2007 **Uniform land use review procedure application no. C 070434 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 34 to facilitate construction of a public parking garage. 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 Transcript - Planning 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Planning 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

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

Affirmative, 25 -

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

LU 0539-2007 **Application no. 20075440 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Tanti Baci Caffè LLC, to establish, maintain and operate an unenclosed sidewalk café located at 135 ½ Seventh Avenue South, 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: Hearing Transcript - Zoning 9/5/07, Hearing Testimony - Zoning 9/5/07, Hearing Transcript - Zoning 9/6/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 9/5/07, Hearing Testimony - Zoning 9/5/07, Hearing Transcript - Zoning 9/6/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

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

Affirmative, 25 -

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

LU 0540-2007

Application no. 20075497 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of KMG Group LLC to establish, maintain and operate an unenclosed sidewalk café located at 1641 Second Avenue, Borough of Manhattan, Council District no. 5. 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: Hearing Transcript - Zoning 9/5/07, Hearing Testimony - Zoning 9/5/07, Hearing Transcript - Zoning 9/6/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Zoning 9/5/07, Hearing Testimony - Zoning 9/5/07, Hearing Transcript - Zoning 9/6/07, Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

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

Affirmative, 25 -

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

LU 0542-2007

Application no. 20085047 PPO, pursuant to Section 72(h) of the General Municipal Law concerning the disposition of city-owned property known as the Brewster Water Waste Treatment Plant to the Village of Brewster, located in Putnam County.

Attachments: Hearing Transcript - Planning 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Planning 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Testimony - Land Use 9/6/07, Hearing Transcript - Land Use 9/6/07, Hearing Transcript - Land Use 9/10/07

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

Affirmative, 25 -

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

LU 0439-2007

Application no. 20075380 HAK, an Urban Development Action Area Project located at 178 Milford Street, Council District no. 37, Borough of Brooklyn. 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 696 of the General Municipal Law for an exemption from real property taxes.

Attachments: Hearing Transcript - Planning 5/1/07, Hearing Transcript - Planning 5/15/07, Hearing Testimony - Planning 5/15/07, Hearing Transcript - Planning 6/7/07, Hearing Transcript - Planning 6/19/07, Hearing Transcript - Land Use & Planning 6/25/07, Hearing Transcript - Planning 7/23/07, Hearing Testimony - Planning 7/23/07, Hearing Transcript - Planning 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Transcript - Planning 8/20/07, Hearing Testimony - Planning 8/20/07, Hearing Transcript - Land Use 9/10/07

This Land Use Application was Hearing Held by Committee

Attachments: Hearing Transcript - Planning 5/1/07, Hearing Transcript - Planning 5/15/07, Hearing Testimony - Planning 5/15/07, Hearing Transcript - Planning 6/7/07, Hearing Transcript - Planning 6/19/07, Hearing Transcript - Land Use & Planning 6/25/07, Hearing Transcript - Planning 7/23/07, Hearing Testimony - Planning 7/23/07, Hearing Transcript - Planning 9/5/07, Hearing Transcript - Planning 9/6/07, Hearing Testimony - Planning 9/6/07, Hearing Testimony - Planning 9/6/07 (Cont), Hearing Transcript - Planning 8/20/07, Hearing Testimony - Planning 8/20/07, Hearing Transcript - Land Use 9/10/07

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

Affirmative, 25 -

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