

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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May 4, 2010  
Start: 10:10am  
Recess: 10:25am

HELD AT: Council Chambers  
City Hall

B E F O R E:  
MARK S. WEPRIN  
Chairperson

COUNCIL MEMBERS:  
Leroy G. Comrie, Jr.  
Vincent Ignizio  
Robert Jackson  
Jessica S. Lappin  
Diana Reyna  
Joel Rivera  
Larry B. Seabrook  
James Vacca  
Albert Vann

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

Robert Bookman  
Attorney  
Pesetsky & Bookman

Christian Hylton  
Counsel to Committee  
NYC City Council

CHAIRPERSON WEPRIN: Good morning again, now this is Mark Weprin, I am the Chair of the Zoning and Franchises Subcommittee, and I'm delighted to be joined this morning by members of the Committee, starting on my far right, Larry Seabrook, next to him is Jessica Lappin, yes, good, I'm glad. We're delighted you're delighted. Jimmy Vacca, Joel Rivera, and Diana Reyna, and someone else. Oh, Vincent Ignizio in the back there. Today we have two items, two sidewalk café items, one which is going to be put over to a future meeting, that's LU 86-20105442 TCK, Willburg Café, that's going to be put over, Ms. Reyna. And we now will move on to Land Use #80-20105301 TCM, the Irish Rogue in Speaker Quinn's district, notwithstanding the name. Of course, Speaker Quinn has nothing to do with this restaurant. Here to testify is Robert Bookman, and we're joined by Al Vann. There was a joke in there somewhere, but it went flat.

COUNCIL MEMBER VANN: Boom.

CHAIRPERSON WEPRIN: Thank you.

MR. BOOKMAN: Good morning, my name is Robert Bookman of the law firm of Pesetsky and

1  
2 Bookman, we are the counsel to the licensee, 356  
3 W. 44<sup>th</sup> Street Restaurant Inc. It's an Irish pub  
4 restaurant on 44<sup>th</sup> Street between 8<sup>th</sup> and 9<sup>th</sup>  
5 Avenues, and it has a sidewalk café for, a small  
6 one of three tables and seven chairs. We, due to  
7 a communication error on our part my client  
8 unfortunately had missed the community board  
9 meeting. Therefore it was called up by Council  
10 Member Quinn's office. As a result of that we had  
11 meetings, the licensee had meetings with Council  
12 Quinn's excellent staff. There was only one  
13 particular issue concerning the community board,  
14 and we've addressed that in a letter of agreement  
15 between you, Mr. Chairman, Council Member Quinn  
16 and the other members of this Committee, other  
17 than and in addition to that, we were at a made-up  
18 meeting of the community board, so we've now  
19 attended and they were satisfied that it's still  
20 the same owners and operators.

21 CHAIRPERSON WEPRIN: Do you want to  
22 read this for the record? Read it into the  
23 record. Do you have that letter with you?

24 MR. BOOKMAN: I do.

25 CHAIRPERSON WEPRIN: Okay, do you

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want to read it into the record?

MR. BOOKMAN: Sure.

CHAIRPERSON WEPRIN: Great, we're joined by Council Member Comrie, the Chair of the Land Use Committee.

MR. BOOKMAN: I have a few other copies of it, I gave two originals up this morning. "Dear Council Member Quinn: This letter should serve as our agreement with the Chair, Council Member Mark Weprin, and the accompanying members of the Subcommittee on Zoning and Franchises, that we will commit to the following:  
1. The licensee agrees to comply with all the applicable sections of the New York City noise code; 2. We will insure that all doors and windows are closed by 10:00 p.m. on weekdays, and by 11:00 p.m. on weekends. If there are any questions, feel free to call my office." And it's signed by the owner, John Hayes. This is what we were asked to do by the community board, and we were happy to agree.

CHAIRPERSON WEPRIN: So help me God.

MR. BOOKMAN: Absolutely.

CHAIRPERSON WEPRIN: Thank you.

Well, any questions from the panel? We're also joined by Annabel Palma, who is auditing the Committee today. All right, well we're going to move on, I'm going to close the hearing, and we're going to move to a vote. The Chair will recommend an aye vote, and the counsel will read the roll.

MR. HYLTON: Christian Hylton, counsel to the Committee. Chair Weprin.

CHAIRPERSON WEPRIN: Aye.

MR. HYLTON: Council Member Rivera.

COUNCIL MEMBER RIVERA: I vote aye.

MR. HYLTON: Council Member Reyna.

COUNCIL MEMBER REYNA: I vote aye.

MR. HYLTON: Council Member Comrie.

COUNCIL MEMBER COMRIE: Aye.

MR. HYLTON: Council Member Jackson.

(no response)

MR. HYLTON: Council Member Seabrook.

COUNCIL MEMBER SEABROOK: Aye.

MR. HYLTON: Council Member Lappin.

COUNCIL MEMBER LAPPIN: Aye.

MR. HYLTON: Council Member Vacca.

COUNCIL MEMBER VACCA: Aye.

MR. HYLTON: Council Member  
Ignizio.

COUNCIL MEMBER IGNIZIO: Yes.

MR. HYLTON: Council Member  
Jackson.

COUNCIL MEMBER JACKSON: Aye.

MR. HYLTON: Votes ten, nine  
affirmative, LU 80 is approved and referred to the  
full Land Use Committee, the vote stands nine in  
the affirmative, none in the negative, no  
abstentions. Council Member Vann.

COUNCIL MEMBER VANN: Aye.

MR. HYLTON: The vote now stands  
ten in the affirmative, none in the negative, no  
abstentions.

CHAIRPERSON WEPRIN: As you can  
tell by the vote, Council Member Jackson has  
joined us. The motion passed, so we are going to  
now move to adjourn. And does anyone else have  
any comments before I adjourn? Okay, we're now  
going to adjourn this Subcommittee, we will leave  
the rolls open for fifteen minutes, and the

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meeting is now adjourned. Here we go. All right,

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the Chair recognizes Council Member Julissa

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Ferreras.

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MALE VOICE: Say yes.

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COUNCIL MEMBER FERRERAS: Yes,

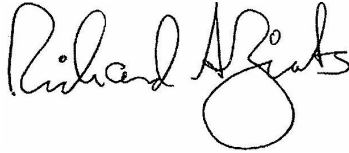
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thank you. All right.



C E R T I F I C A T E

I, Richard A. Ziats, 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 May 13, 2010