

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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February 8, 2011

Start: 10:02am

Recess: 10:20am

HELD AT: Committee Room  
250 Broadway, 16th Floor

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

COUNCIL MEMBERS:

Leroy G. Comrie, Jr.  
Daniel R. Garodnick  
Robert Jackson  
Jessica S. Lappin  
Diana Reyna  
Joel Rivera  
Larry B. Seabrook  
James Vacca  
Albert Vann  
Vincent M. Ignizio

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

Costas Marlouetes  
Owner  
C and O Coffee Shop

Kenneth Feldman  
Marketing Director  
Applebee's Neighborhood Grill and Bar

CHAIRPERSON WEPRIN: Okay, good morning everyone. My name is Mark Weprin. I'm the Chair of the Zoning and Franchises Subcommittee. And I am delighted this morning to be joined by the following members of the Subcommittee: on my far left, Jessica Lappin; next to her is Dan Garodnick, new father, Dan Garodnick; next to him is Leroy Comrie, old father, Leroy Comrie; to my far right, not so old father, Joel Rivera; and Al Vann, I'd never call him old, is with us today as well. I think that's it. And next to me is Carol Shine, Council to the Land Use Committee. Did I miss anyone? No. And we're going to get started.

We have four sidewalk café applications today. We are going to start with Land Use No. 288, which is La Bonbonniere, Balle [phonetic]. How do I pronounce that? It's in Speaker Quinn's District. Who do we have here? Costas Marlouetes [phonetic]. Come on Costas. Come on up to the front. I apologize to use your first name; it's just easier for me to say. Have a seat and just describe—say your name again for the record. Hopefully properly, unlike the way I

2 said it. And just describe what you're asking  
3 for.

4 COSTAS MARLOUETES: Okay. My name  
5 is Costas Marlouetes, the owner of C and O Coffee  
6 Shop, 28 Eighth Avenue, New York, New York 10014.  
7 The Council Member Quinn--this letter shall serve  
8 as our agreement with the Chair, Council Member  
9 Mark Weprin and the passing members of the  
10 Subcommittee on Zoning and Franchises that will be  
11 commit to the following: the sidewalk café shall  
12 not be set up and operate before 12 noon on  
13 Sundays and number two, management will ensure  
14 that there are only two chairs per table at all  
15 times. If there are any questions, please call my  
16 office. Thank you very much.

17 CHAIRPERSON WEPRIN: Thank you, Mr.  
18 Marlouetes. Thank you. I understand Council  
19 Member Quinn is okay with this and the letter--we  
20 have a copy of the letter you just read. I just  
21 want to ask any of the members of the Committee  
22 have a question about this establishment on Eighth  
23 Avenue and seeing none, we thank you. That wasn't  
24 too bad and you can get back to work if you want.

25 COSTAS MARLOUETES: Thank you very

1  
2 much.

3 CHAIRPERSON WEPRIN: Alright.

4 Thank you. Okay. Thank you. We've also been  
5 joined by Council Member Jimmy Vacca, Council  
6 Member Diana Reyna has been here all morning; I  
7 missed her the first time, and Council Member  
8 Vincent Ignizio from Richmond County.

9 We're now going to... Is Pepe [off  
10 mic]? Should we call [off mic]? Land Use 289 is  
11 20105632, Pepe Giallo; is someone here from that?  
12 I don't think so. I do have a letter though,  
13 which Carol Shine is now holding and you can trade  
14 this for something else. I got a lot of letters  
15 from La Bonbonniere. Hold on one second. Here's  
16 our letter [off mic]. Okay, I think I have it  
17 here. Okay. I'm going to read this into the  
18 record.

19 Dear Council Member Quinn, this  
20 letter shall serve as an agreement with the Chair,  
21 Council Member Mark Weprin; that's me, and the  
22 encompassing members of the Subcommittee; that's  
23 them, on the Zoning and Franchises, and we will  
24 commit to the following: one, decrease our number  
25 of tables and chairs from six tables and 12 chairs

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2 to five tables and ten chairs. We are decreasing  
3 the number of tables and chairs to have clearance  
4 around the fire escape ladder as requested by  
5 Committee Board 4. Two, move all tables and  
6 chairs in case of an emergency. Three, the hours  
7 of operation for the sidewalk café will be 11am to  
8 11pm on all days except Sunday. The café will  
9 operate from 12 noon to 11pm on Sunday. That is  
10 from Michael Kelly [phonetic] on behalf of Sonny  
11 Lou Inc., and they do business as Pepe Giallo.  
12 Are there any questions about this? I understand  
13 Council Member Quinn, who represents the area is  
14 okay with this. I don't see any questions or  
15 comments, so we are going to move on to the next  
16 item.

17 Number 290, Land Use No. 290,  
18 20115286, Canz Bar [phonetic] in Council Member  
19 Vallone's District, they are not here today, but  
20 we understand we do have an agreement on  
21 everything. Council Member Vallone is okay with  
22 that as well as the owner have agreement on this.  
23 Anyone have a question or comment? Seeing none.

24 We're going to move over to our  
25 final item on our agenda, Land Use No. 303,

2 20115323, Applebee's Neighborhood Bar and Grill in  
3 Council Member Dickens' office. See, I've already  
4 lost your piece, but come on up. [laughter]

5 [pause]

6 CHAIRPERSON WEPRIN: Alright. This  
7 is Ken Feldman, why don't you go up to the desk  
8 and give us a second?

9 [background conversation]

10 CHAIRPERSON WEPRIN: Mr. Feldman,  
11 you'll have to repeat your name for the record  
12 when you put the mic on, but hold on one second.

13 [pause]

14 [background conversation]

15 [pause]

16 CHAIRPERSON WEPRIN: Okay, you may  
17 start. Please state your name for the record and  
18 describe the application.

19 KENNETH FELDMAN: My name is  
20 Kenneth Feldman. I'm representing Applebee's  
21 Neighborhood Grill and Bar. And we're making  
22 application for a sidewalk café. To Whom It May  
23 Concern, it has come to our attention that the  
24 application for a sidewalk café must be modified  
25 due to a draft text amendment, which will come

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2 into effect March of 2011, changing the current  
3 regulations allowing for size of outdoor sidewalk  
4 cafés. We will comply with requirements allowing  
5 for a small café defined by the use of a single  
6 row of tables within the outdoor café space.

7 Should you have any questions or require  
8 additional information related to our application,  
9 please let me know.

10 CHAIRPERSON WEPRIN: Okay, Ethan,  
11 that sounds pretty good, right? I know Council  
12 Member Dickens' office has been in contact with  
13 you to make sure we agree to just one row of  
14 tables according with the Zoning and that sounds  
15 acceptable to Council Member Dickens and to you  
16 guys, so we'll stick with one row, not beyond that  
17 and you've agreed to that. Does anyone have any  
18 comments or questions? Yes? No? I see none.  
19 Alright, well, thank you very much.

20 KENNETH FELDMAN: Thank you.

21 CHAIRPERSON WEPRIN: Alright, we're  
22 going to now move to couple each of these items,  
23 once again that's Land Use 288—Sir, talk to Nick;  
24 be gentle, Nick—Land Use No. 288, Land Use No.  
25 289, Land Use No. 290 and finally Land Use No.



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303. These four cafés will be coupled. The Chair will recommend an aye vote, and I'd like to call on Carol Shine, the Counsel to the Land Use Committee, to please read the roll.

CAROL SHINE: Chair Weprin?

CHAIRPERSON WEPRIN: Aye.

CAROL SHINE: Council Member Rivera?

COUNCIL MEMBER RIVERA: I vote aye.

CAROL SHINE: Council Member Reyna?

COUNCIL MEMBER REYNA: I vote aye.

CAROL SHINE: Council Member Comrie?

COUNCIL MEMBER COMRIE: Aye.

CAROL SHINE: Council Member Jackson?

Ah. He left.

CHAIRPERSON WEPRIN: Council Member Jackson...?

[background conversation]

CAROL SHINE: Council Member Vann?

COUNCIL MEMBER VANN: Aye.

CAROL SHINE: Council Member Garodnick?

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COUNCIL MEMBER GARODNICK: Aye.

CAROL SHINE: Council Member  
Lappin?

COUNCIL MEMBER LAPPIN: Aye.

CAROL SHINE: Council Member Vacca?

COUNCIL MEMBER VACCA: Aye.

CAROL SHINE: Council Member  
Ignizio?

COUNCIL MEMBER IGNIZIO: Yes.

CAROL SHINE: By vote of ten in the  
affirmative, none in the negative and no  
abstentions, the aforementioned items are approved  
and referred to the full committee.

CHAIRPERSON WEPRIN: Okay.

Alright, well, we're going to keep the rolls open  
for about ten minutes for any late arriving  
council members. Wow, and with that in mind, the  
meeting is now adjourned.

CAROL SHINE: Council Member  
Seabrook?

COUNCIL MEMBER SEABROOK: Aye on  
all.

CAROL SHINE: The final vote is 11  
in the affirmative, none in the negative and no

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abstentions. The aforementioned items are referred to the Land Use Committee.

COUNCIL MEMBER IGNIZIO: And this is Councilman Ignizio. With that, we adjourn the meeting.

C E R T I F I C A T E

I, Kimberley Uhlig 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

February 2, 2011