

**The New York  
City Council  
Council Agenda**

**Stated Meeting**

**September 10, 2007**

**1:30 PM**

**Council Chambers - City Hall**

**1. Roll Call**

**2. Invocation**

*Delivered by: Rev. Kenneth Bogan, Pastor, Greater Restoration Baptist Church, 1156 Saint John's Place, Brooklyn, NY 11213.*

*Motion to spread the invocation in full upon the record by Council Member James.*

**3. Adoption of Minutes**

*Motion that the Minutes of the Stated Meetings of June 27 and July 25, 2007 be adopted as printed by Council Member Gentile.*

**4. Messages & Papers from the Mayor**

*None*

**5. Communications from City, County & Borough**

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## Offices

**M 0792-2007**      **Submitting Third Party Transfer Program Bronx, In Rem Action No. 49, Community Districts No. 6, 12, Council Districts No. 12, 15.**

Communication from the Department of Finance - Submitting Third Party Transfer Program Bronx, In Rem Action No. 49, Community Districts No. 6, 12, Council Districts No. 12, 15.  
*Housing and Buildings*

**M 0793-2007**      **Submitting Third Party Transfer Program Bronx, In Rem Action No. 49, Community Districts No. 3, 6, 9, 12 Council Districts No. 11, 15, 16, 18.**

Communication from the Department of Finance - Submitting Third Party Transfer Program Bronx, In Rem Action No. 49, Community Districts No. 3, 6, 9, 12 Council Districts No. 11, 15, 16, 18.  
*Housing and Buildings*

## 6. Petitions and Communications

*None*

## 7. Land Use Call-Ups

**M 0794-2007**      **Sidewalk Cafe, 1650 Broadway Associates Inc., Manhattan (20075564TCM)**

By The Speaker (Council Member Quinn):  
Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 1650 Broadway Community Board 5 Application 20075564 TCM shall be subject to review by the Council.  
*Coupled on Call – Up Vote*

**M 0795-2007      ULURP, Kings Material, Brooklyn (C040162ZSK)**

By the Chair of the Land Use Committee Council Member  
Katz:

Pursuant to Rule 11.20(c) of the Council and Section  
197-d(b)(3) of the New York City Charter, the Council hereby  
resolves that the action of the City Planning Commission on  
Uniform Land Use Procedure Application no. C 040162 ZSK,  
a special permit, shall be subject to Council review.

*Coupled on Call – Up Vote*

**8.      Communication from the Speaker****9.      Discussion of General Orders****10.     Reports of Special Committees**

*None*

**11.     Reports of Standing Committees****Report of the Committee on Land Use****Res 1037-2007      LU 439 - UDDAP, 178 Milford Street, CD #37, Brooklyn.  
(20075380HAK)**

Resolution approving an Urban Development Action Area  
Project located at Block 4008/Lot 30, Brooklyn, and waiving  
the urban development action area designation requirement  
and the Uniform Land Use Review Procedure, pursuant to  
Sections 693 and 694 of the General Municipal Law (L.U. No.  
439; 20075380 HAK).

*Coupled on GO*

**Res 1038-2007      LU 463 - ULURP, 37-43 Herbert Street, Brooklyn  
(C070408HAK)**

Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 070408 HAK, approving the designation of property located at 37-43 Herbert Street (Block 2827, Lot 36), Brooklyn, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the Department of Housing Preservation and Development (L.U. No. 463; C 070408 HAK).

*Coupled on GO*

**Res 1039-2007**

**LU 517 - Landmark, Manhattan Avenue Historic District, Manhattan (20075538HKM)**

Resolution affirming the designation by the Landmarks Preservation Commission of the Manhattan Avenue Historic District in the Borough of Manhattan, Designation List No. 392, LP-2256 (L.U. No. 517; 20075538 HKM; N 070487 HKM).

*Coupled on GO*

**Res 1040-2007**

**LU 518 - Landmark, 63 Nassau Street Building, Bronx (20075539HKX)**

Resolution affirming the designation by the Landmarks Preservation Commission of the 63 Nassau Street Building, located at 63 Nassau Street (Block 65, Lot 2), Borough of Manhattan, Designation List No. 392, LP-2213 (L.U. No. 518; 20075539 HKM (N 070488 HKM).

*Coupled on GO*

**Res 1041-2007**

**LU 519 - Landmark, 190 Meisner Avenue, Staten Island (20075540HKR)**

Resolution affirming the designation by the Landmarks Preservation Commission of the Nathaniel J. and Ann C. Wyeth House, located at 190 Meisner Avenue (Block 2268, Lot 180), Borough of Staten Island, Designation List No. 392,

LP-2253 (L.U. No. 519; 20075540 HKR (N 070489 HKR)).  
*Coupled on GO*

**Res 1042-2007 LU 524 - ULURP, Ryawa Avenue, Bronx (C070008PSX)**

Resolution approving the decision of the City Planning Commission on ULURP No. C 070008 PSX (L.U. No. 524), for site selection of property located at Ryawa Avenue (Block 2777, Lots 100, 105, and 600), Borough of the Bronx, to facilitate the upgrade and expansion on an existing water pollution control plant.

*Coupled on GO*

**Res 1043-2007 LU 525 - ULURP, Hunts Point WPCP Phase III, Bronx (C070009MMX)**

Resolution approving the decision of the City Planning Commission on ULURP No. C 070009 MMX, an amendment to the City Map (L.U. No. 525).

*Coupled on GO*

**Res 1044-2007 LU 526 - ULURP, Hunts Point WPCP Phase III, Bronx (C070010MMX)**

Resolution approving the decision of the City Planning Commission on ULURP No. C 070010 MMX, an amendment to the City Map (L.U. No. 526).

*Coupled on GO*

**Res 1045-2007 LU 531 - ULURP, Cook Street Housing/Rezoning, Brooklyn (C070432ZMK)**

Resolution approving the decision of the City Planning Commission on ULURP No. C 070432 ZMK, a Zoning Map change (L.U. No. 531).

*Coupled on GO*

**Res 1046-2007 LU 532 - UDAAP, 34, 40, 42, 46 Varet St. & 25, 23, 21, 19, 13, 5 Cook St., Brooklyn (C070433HAK)**

Resolution approving the decision of the City Planning

Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 070433 HAK, approving the designation of property located at 34, 40, 42, and 46 Varet Street (Block 3113, Lots 9, 11, 13, and 15); 25, 23, 21, 19, 13, and 5 Cook Street (Block 3113, Lots 26-29, 32, and 33), Brooklyn, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of property located at 34, 40, 42, and 46 Varet Street (Block 3113, Lots 9, 11, 13, and 15); and 25, 23, 21, and 19 Cook Street (Block 3113, Lots 26-29) to a developer selected by the Department of Housing Preservation and Development (L.U. No. 532; C 070433 HAK).

*Coupled on GO*

**Res 1047-2007**

**LU 533 - ULURP, Cook Street Housing/Rezoning, Brooklyn (C070434ZSK)**

Resolution approving the decision of the City Planning Commission on ULURP No. C 070434 ZSK (L.U. No. 533), for the grant of a special permit pursuant to Section 74-511 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 94 spaces on the ground floor of a proposed mixed-use development on property located at 34-46 Varet Street, a.k.a. 19-25 Cook Street (Block 3113, Lots 9, 11, 13, 15, 26, 27, 28 & 29), in an R7A/C1-4 District, Borough of Brooklyn.

*Coupled on GO*

**Res 1048-2007**

**LU 539 - Sidewalk Cafe, Tanti Baci Caffè LLC, Manhattan (20075440TCM)**

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 135 ½ Seventh Avenue South, Borough of Manhattan (20075440 TCM; L.U. No. 539).

*Coupled on GO*

**Res 1049-2007 LU 540 - Sidewalk Cafe, KMG Group LLC, Manhattan  
(20075497TCM)**

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 1641 Second Avenue, Borough of Manhattan (20075497 TCM; L.U. No. 540).

*Coupled on GO*

**Res 1050-2007 LU 542 - ULURP, Brewster Water Waste Treatment Plant,  
Outside City Limits (20085047PPO)**

Resolution approving the disposition of the Brewster Waste Water Treatment Plant (“Brewster WWTP”) and the parcel of land underlying it to the Village of Brewster, located in Putnam County (20085047 PPO; L.U. No. 542).

*Coupled on GO*

## **Report of the Committee on Public Safety**

**Int 0351-2006-A Allowing schoolchildren to carry cellular phones to and from school for safety purposes.**

A Local Law to amend the administrative code of the city of New York, in relation to allowing schoolchildren to carry cellular phones to and from school.

*Coupled on GO*

**M 0758-2007 Mayor's Veto of Int. No. 351-A - Allowing schoolchildren to carry cellular phones to and from school for safety purposes.**

Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 351-A, in relation to allowing schoolchildren to carry cellular phones to and from school.

*Coupled to be Filed*

## **Report of the Committee on Sanitation and Solid Waste Mangement**

**Int 0548-2007-A      Limiting the issuance of notices of violations during certain times.**

A Local Law to amend the administrative code of the city of New York, in relation to limiting the issuance of notices of violations during certain times.

*Amended and Coupled on GO with Message of Necessity*

## **12.      General Orders Calendar**

**Res 1051-2007      LU 498 - ULURP, The Jamaica Plan, Queens (C070314(A)ZMQ)**

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 070314 (A) ZMQ, a Zoning Map change and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure (L.U. No. 498).

*Coupled on GO*

**Res 1052-2007      LU 499 - ULURP, The Jamaica Plan, Queens (C070315(A)ZRQ)**

Resolution approving with modifications the decision of the City Planning Commission on modified Application No. N 070315 (A) ZRQ, an amendment to the text of the Zoning Resolution of the City of New York, concerning Article XI, Chapter 5 (Special Downtown Jamaica District), establishing a special district and modifying related regulations (L.U. No. 499).

*Coupled on GO*

**Res 1053-2007      LU 500 - ULURP, The Jamaica Plan, Queens (C070316HUQ)**

Resolution approving the Jamaica Gateway Urban Renewal Plan, for the Jamaica Gateway Urban Renewal Area, approving the designation of the area and approving the decision of the City Planning Commission on ULURP No. C 070316 HUQ (L.U. No. 500).

***Coupled on GO***

- Res 1054-2007**      **LU 501 - ULURP, The Jamaica Plan, Queens (N070317HGQ)**  
Resolution approving the designation of the Jamaica Gateway Urban Renewal Area (N 070317 HGQ; L.U. No. 501).

***Coupled on GO***

- Res 1055-2007**      **LU 502 - ULURP, The Jamaica Plan, Queens (C070322HDQ)**  
Resolution approving the decision of the City Planning Commission on ULURP No. C 070322 HDQ, for the disposition of city-owned properties located within the Jamaica Gateway Urban Renewal Area consisting of Block 9999/Lots 1, 9, 10, 11, 13, 15; Block 9998 South/Lots 1, 2, 16, 19, 22, 25, 42, 43, 47, 48, 144; Block 9998 North/Lots 83, 86, 87, 88, 89, 90, 91, 93, 94, 95, 101, 109, 110, 119, 124, 127; Block 9993/Lots 1, 3, 18, 20, 22, 23, 24, 25, 27, 28, 29; 148th Street between 94th and 95th Avenues and all mapped and/or built streets within the Project Boundary, Queens (L.U. No. 502).

***Coupled on GO***

- Res 1056-2007**      **LU 520 - ULURP, 148th Street Demapping, Queens (C070158MMQ)**  
Resolution approving the decision of the City Planning Commission on ULURP No. C 070158 MMQ, an amendment to the City Map (L.U. No. 520).

***Coupled on GO***

- Res 1057-2007**      **LU 521 - ULURP, The Jamaica Plan, Queens (C070318PPQ)**  
Resolution approving the decision of the City Planning Commission on ULURP No. C 070318 PPQ, for the disposition of one (1) city-owned property located on the east side of 168th Street between Jamaica and Archer Avenues (Block 10209, Lot 115), Queens (L.U. No. 521).

***Coupled on GO***

**T2006-0001**      **Commissioner of Deeds**  
  
Commissioner of Deeds  
*Coupled on GO*

## **Coupled on General Order Calendar**

### **Land Use**

**Res 1037-2007**      **LU 439 - UDDAP, 178 Milford Street, CD #37, Brooklyn.**  
**(20075380HAK)**  
***GO***

**Res 1038-2007**      **LU 463 - ULURP, 37-43 Herbert Street, Brooklyn**  
**(C070408HAK)**  
***GO***

**Res 1039-2007**      **LU 517 - Landmark, Manhattan Avenue Historic District,**  
**Manhattan (20075538HKM)**  
***GO***

**Res 1040-2007**      **LU 518 - Landmark, 63 Nassau Street Building, Bronx**  
**(20075539HKX)**  
***GO***

**Res 1041-2007**      **LU 519 - Landmark, 190 Meisner Avenue, Staten Island**  
**(20075540HKR)**  
***GO***

**Res 1042-2007**      **LU 524 - ULURP, Ryawa Avenue, Bronx (C070008PSX)**  
***GO***

**Res 1043-2007**      **LU 525 - ULURP, Hunts Point WPCP Phase III, Bronx**  
**(C070009MMX)**  
***GO***

**Res 1044-2007**      **LU 526 - ULURP, Hunts Point WPCP Phase III, Bronx**

**(C070010MMX)**

***GO***

**Res 1045-2007 LU 531 - ULURP, Cook Street Housing/Rezoning, Brooklyn  
(C070432ZMK)**

***GO***

**Res 1046-2007 LU 532 - UDAAP, 34, 40, 42, 46 Varet St. & 25, 23, 21, 19, 13,  
5 Cook St., Brooklyn (C070433HAK)**

***GO***

**Res 1047-2007 LU 533 - ULURP, Cook Street Housing/Rezoning, Brooklyn  
(C070434ZSK)**

***GO***

**Res 1048-2007 LU 539 - Sidewalk Cafe, Tanti Baci Caffè LLC, Manhattan  
(20075440TCM)**

***GO***

**Res 1049-2007 LU 540 - Sidewalk Cafe, KMG Group LLC, Manhattan  
(20075497TCM)**

***GO***

**Res 1050-2007 LU 542 - ULURP, Brewster Water Waste Treatment Plant,  
Outside City Limits (20085047PPO)**

***GO***

## **Public Safety**

**Int 0351-2006-A Allowing schoolchildren to carry cellular phones to and from  
school for safety purposes.**

***GO***

**M 0758-2007 Mayor's Veto of Int. No. 351-A - Allowing schoolchildren to  
carry cellular phones to and from school for safety purposes.**

***Filed***

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## Sanitation and Solid Waste Management

- Int 0548-2007-A**      **Limiting the issuance of notices of violations during certain times.**  
*A and GO with M/N*

### General Order Calendar

- Res 1051-2007**      **LU 498 - ULURP, The Jamaica Plan, Queens (C070314(A)ZMQ)**  
*GO*
- Res 1052-2007**      **LU 499 - ULURP, The Jamaica Plan, Queens (C070315(A)ZRQ)**  
*GO*
- Res 1053-2007**      **LU 500 - ULURP, The Jamaica Plan, Queens (C070316HUQ)**  
*GO*
- Res 1054-2007**      **LU 501 - ULURP, The Jamaica Plan, Queens (N070317HGQ)**  
*GO*
- Res 1055-2007**      **LU 502 - ULURP, The Jamaica Plan, Queens (C070322HDQ)**  
*GO*
- Res 1056-2007**      **LU 520 - ULURP, 148th Street Demapping, Queens (C070158MMQ)**  
*GO*
- Res 1057-2007**      **LU 521 - ULURP, The Jamaica Plan, Queens (C070318PPQ)**  
*GO*
- T2006-0001**          **Commissioner of Deeds**  
*GO*

## 13. Introduction & Reading of Bills

## See Attached

### 14. Discussion of Resolutions

### 15. Resolutons

*None*

### 16. General Discussion

### 17. Extension of Remarks

## INTRODUCTION AND READING OF BILLS

**Res 1032-2007** *By Council Members Brewer, Fidler, Gennaro, James, Liu, Palma, Recchia Jr., Sanders Jr., Weprin and Gerson*

Resolution calling upon the New York State Legislature to amend the Civil Service Law to allow candidates for employment who are veterans to use military credit points multiple times on more than one eligible list.

***Civil Service and Labor***

**Int 0618-2007** *By Council Members Brewer, James, Koppell, Liu, Palma, Gonzalez, de Blasio and Gerson*

A Local Law to amend the administrative code of the city of New York, in relation to façade inspections and air conditioners.

***Housing and Buildings***

**Res 1033-2007** *By Council Members Foster, Brewer, James, Koppell, Mark-Viverito, Mealy, Palma, Sanders Jr., Gonzalez and Jackson*

Resolution calling upon the Mayor of the City of New York to preserve the existing Green Thumb Community Gardens and

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to set aside more parkland, open space and vacant lots to be developed as permanent Green Thumb Community Gardens.

***Parks and Recreation***

**Res 1034-2007** *By Council Members Foster, Brewer, James, Koppell, Mark-Viverito, Mealy and Recchia Jr.*

Resolution calling upon the U.S. Congress to pass H.R. 2236, also known as the Breastfeeding Promotion Act of 2007.

***Health***

**Res 1035-2007** *By Council Members Foster, Brewer, James, Mark-Viverito, Palma and Sanders Jr.*

Resolution calling upon the Office of Court Administration to stop selling information from landlord/tenant proceedings in the Housing Part of the New York City Civil Court.

***Housing and Buildings***

**Int 0619-2007** *By Council Members Gentile, Recchia Jr., Brewer, Fidler, James, Liu, Mark-Viverito, Palma, Weprin, Gonzalez, Reyna, Stewart, de Blasio and Oddo*

A Local Law to amend the administrative code of the city of New York, in relation to eliminating professional certification of plans submitted to the department of buildings regarding curb cuts and requiring the notification of community boards and council members upon the receipt by the department of buildings of an application for a curb cut.

***Housing and Buildings***

**Int 0620-2007** *By Council Members Gentile, Recchia Jr., Brewer, Fidler, James, Liu, Sanders Jr., Weprin, Gonzalez, Reyna, Stewart, de Blasio, Avella, Seabrook, Garodnick and Oddo*

A Local Law to amend the administrative code of the city of New York, in relation to requiring the illegally created curb cuts to be restored, making those who maintain illegally created curb cuts liable for penalties, requiring the department of transportation to restore illegally created curb cuts and

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providing for the reimbursement to the department for the cost for such work.

***Transportation***

**Res 1036-2007**

*By Council Members Gerson, Brewer, Dickens, Jackson, James, Koppell, Lappin, Mark-Viverito, Palma, Recchia Jr., Sanders Jr., Weprin and Gonzalez*

Resolution calling upon the New York State Legislature to pass and the Governor to sign S.5948 to amend the private housing finance law, or in the alternative, to authorize the City to enact a local law that would provide tenants a right of first refusal in the event that their Mitchell-Lama or project-based Section 8 buildings are sold, in order to preserve affordable housing in New York City.

***Housing and Buildings***

**Int 0621-2007**

*By Council Members Brewer, Fidler, James, Koppell, Lappin, Liu, Mark-Viverito, Palma, Recchia Jr., Sanders Jr., Weprin, Gonzalez and Gerson*

A Local Law to amend the administrative code of the city of New York, in relation to protection of trees during construction.

***Housing and Buildings***

**LU 0543-2007**

*By Council Member Katz*

Uniform land use review procedure application no. C 070506 HAX, an Urban Development Action Area Designation and Project, located at 3100, 3120 Third Avenue; 747 Elton Avenue; 507 East 158th Street, and the disposition of such property, Borough of the Bronx, Council District no. 17. 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.

***Planning, Dispositions and Concessions***

**LU 0544-2007**

*By Council Member Katz*

Uniform land use review procedure application no. C 070507 ZSX, 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 the Bronx, Council District no. 17 to facilitate construction of an eight-story mixed use building. 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.

***Planning, Dispositions and Concessions***

**LU 0545-2007**

*By Council Member Katz*

Uniform Land Use Review Procedure application no. C 080002 ZMX pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Section 6c, Borough of the Bronx, Council District no. 17.

***Planning, Dispositions and Concessions***

**LU 0546-2007**

*By Council Member Katz*

Uniform Land Use Review Procedure application no. C 040161 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Section 22c, Borough of Brooklyn, Council District no. 39.

***Zoning and Franchises***

**LU 0547-2007**

*By Council Member Katz*

Uniform land use review procedure application no. C 040162 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. 39 to facilitate construction of a six-story residential development. 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.

***Zoning and Franchises***

**LU 0548-2007**

*By Council Member Katz*

Application no. 20075564 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 1650 Broadway Associates Inc., to establish, maintain and operate an unenclosed sidewalk café located at 1650 Broadway, 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.

***Zoning and Franchises***

**LU 0549-2007**

*By Council Member Katz*

Uniform Land Use Review Procedure application no. C 050317 ZMK, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 28c.

***Zoning and Franchises***

**LU 0550-2007**

*By Council Member Katz*

Application no. N 080035 PXM, a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 55 Broadway (Block 20, Lot 16) (New York City Police Department), Manhattan.

***Landmarks, Public Siting and Maritime Uses***

**LU 0551-2007**

*By Council Member Katz*

Application no. 20085012 HKX (N 080006 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.393, LP-2232) by the Landmarks Preservation Commission of Crotona Play Center (exterior), Council District no. 15.

***Landmarks, Public Siting and Maritime Uses***

**LU 0552-2007**      *By Council Member Katz*

Application no. 20085030 HKX (N 080007 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.393, LP-2233) by the Landmarks Preservation Commission of Crotona Play Center Bath House (interior), Council District no.15.

***Landmarks, Public Siting and Maritime Uses***

**LU 0553-2007**      *By Council Member Katz*

Application no. 20085013 HKQ (N 080005 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.389, LP-2155-A) by the Landmarks Preservation Commission of the Sunnyside Gardens Historic District as a historic district, Council District no. 26.

***Landmarks, Public Siting and Maritime Uses***