

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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July 27, 2010
Start: 09:53am
Recess: 11:00am

HELD AT: Council Chambers
City Hall

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

COUNCIL MEMBERS:
Margaret Chin
Leroy G. Comrie, Jr.
Daniel R. Garodnick
Vincent Ignizio
Robert Jackson
Peter Koo
Jessica S. Lappin
Diana Reyna
Larry B. Seabrook
James Vacca

A P P E A R A N C E S

Joseph Morsellino
Representative
C&G Empire Realty

Anthony Morali
Architect
Morali Architects

Jeffrey A. Chester
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John Conaty
Partner
Standard Architects

Karen Benvenisti
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Michael Kelly Inc.

Steve Wygoda
Architect
SWA Architects and Planners

Arthur Goldstein
Partner
Davidoff Malito & Hutcher

Oliver Strumm
Owner
Café Select

1
2 CHAIRPERSON WEPRIN: Just give me
3 the cue there. There it goes, all right. Good
4 morning everyone, my name is Mark Weprin, I am the
5 Chair of the Subcommittee on Zoning and
6 Franchises. Welcome everybody here today, I'm
7 joined by members of the Committee, to my right,
8 Diana Reyna, Vincent Ignizio, our counsel, to my
9 left, Leroy Comrie, Jimmy Vacca and Dan Garodnick,
10 and the other members are on their way, I know, in
11 the vicinity. As I mentioned earlier, the
12 Flushing Commons items and the Macedonia Church
13 item has been laid over to our next meeting, which
14 will be sometime probably in the next 48 hours.
15 So we will move on to Land Use Item #149, the 35th
16 Avenue rezoning, and I'd like to call up Joe
17 Morsellino and Anthony Morali. Please come up to
18 the table. If you can, Mr. Morsellino, just state
19 your name and discuss your application. Thank
20 you.

21 MR. MORSELLINO: This is an
22 application before City Planning Commission to
23 bring the R6 C2-2 district adjacent to the site,
24 to cover the subject site. This subject site and
25 the adjoining lots to the east are in an M1-1

1 district. The subject site is developed with a
2 plumbing distribution center, which is owned by
3 the applicant, and is going to be moved into the
4 industrial park area within the Flushing area.
5 The reason for the change in zone is that there
6 has been a significant change in the character of
7 this northern part of Flushing. This area was
8 originally a manufacturing district. There's very
9 little manufacturing left. In fact, the M1 zone
10 north of this and the M2 zone is largely developed
11 with residential area. The rest of this block is
12 about 65% non-conforming residential development.
13 The trend of this north side has been toward
14 residential development and commercial
15 development. The property next door to this site
16 is an old warehouse which has lost its use as a
17 warehouse and is now a nightclub. Most of the
18 industrial buildings within the area have either
19 changed to commercial uses or are being used for
20 either nightclubs or the type of uses that are not
21 consistent with the residential character that is
22 being developed on the north side. The proposed
23 project has been on the boards at City Planning
24 for about six years to seven years. We have been
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1
2 working with the community all of that time, and
3 have helped design the layout of the rooms, the
4 type of rooms that we're offering, and the general
5 character of the development. The one use that
6 they asked for was to include a community facility
7 at an affordable rate, in other words, to be
8 subsidized by the landlord, for senior citizens.
9 The self-help association had lost its
10 accommodations about a year ago and was in a
11 temporary building which is not adequate for their
12 needs. The owner-developer has agreed to provide
13 the necessary space for them. So we've allocated
14 14,000 square feet with a separate elevator,
15 separate entrance and their own parking facilities
16 for the senior citizen association. In addition,
17 the owner has agreed to outfit the kitchen with
18 the proper cooking facilities, so that the
19 association can provide meals. The senior
20 citizens group that's being accommodated here will
21 have a very separate entrance in a rear building
22 on the second floor. The architect will go over
23 all of these facts with you. We've also provided
24 for commercial facilities on the ground floor and
25 we've provided approximately 100 units in the

1 residential component. The parking far exceeds
2 the required parking, one space per residential
3 unit has been accommodated. The parking for the
4 commercial and the community facilities has been
5 accommodated with separate entrances for the
6 residential use and separate entrances for the
7 commercial and community facility uses. The
8 parking is accommodated on two levels below grade.
9 In fact, if there is a requirement for even more
10 parking, there is a whole area that can be tapped
11 for that use. So the parking far exceeds the
12 required, and was a major concern of the
13 community, and has more than exceeded their
14 expectations. The building itself, I'll have Tony
15 Morali, who is the architect of record, and will
16 describe the different components of it, which
17 include a certain amount of green area, and
18 recreation facilities on the roof of the
19 commercial lower buildings.
20

21 MR. MORALI: Good morning, my name
22 is Tony Morali, I'm the architect for the rezoning
23 and for the project. And I'll just go through it
24 quickly. I showed you the zoning map while he was
25 speaking, and basically this is the R6, this is

1 the rezoning area right here. And that's the
2 rezoned area right there, so I pointed that out
3 while Joe was explaining things, (inaudible). And
4 there is existing housing here. All right, I'm
5 okay. All right, so anyway over here there was
6 existing residential here back in the 1900's and
7 then after that they made it into an M2 zone,
8 which doesn't allow any residential, and now we're
9 basically going back to what, a little bit about
10 what the history was of the zoning. I'll just get
11 into the architecture real quick. This is the
12 site plan that we developed, and this is the
13 location of the building. And the reason why we
14 have an eleven-story building, we can't really go
15 up any higher, because of the FAA regulations and
16 approach angles to the airport. So there are
17 certain restrictions beyond zoning, even though
18 the R6 zone would allow for a 20-story building,
19 we had to keep it at around eleven stories, just
20 so that, you know, you respect their approach
21 angles to the airport and all that stuff. And
22 over here the base would be all commercial, and
23 this is the location. This is the location of the
24 community center, which we spoke to was in need,
25

1
2 so they're providing on the second floor a 14,000
3 square foot senior center. And that would be
4 located in this section with its own parking down
5 below, and with a private elevator. Also, the way
6 the parking is designed on the property, it's kind
7 of rare in New York to have different entrances.
8 We have our residential entrance to services and
9 parking from here to go below grade. We have our
10 commercial coming from this side, and also I have
11 an area in between the two buildings for service.
12 So basically all the services are off the street
13 and we've allocated areas for loading and
14 unloading and parking, which Joe explained, it was
15 100%. Also we have some green areas, we created a
16 plaza, and we're also providing access for the
17 tenants onto these roofs, with a green roof and
18 pavers, which later on - we started this six years
19 ago - became local law, I believe 84 of '09. And
20 it gets pretty specific in the local law that, you
21 know, it gives you the details on how to build a
22 green roof and the pavers and all that. And my
23 other company from Tony Morali Architect, is
24 called Renewable Energy Development, which I
25 started years ago, an integration of solar systems

1 and these kind of LEED-type items even before LEED
2 existed, we started getting into that kind of
3 design. So in here you have various LEED
4 components that we've established in the building,
5 and now it's great that there is a local law that
6 is coming across with the tax incentives and the
7 tax abatements that we're starting to move ahead,
8 which I'm happy to see the city doing. So, this
9 again just shows the below-grade parking
10 allocation for residential, commercial, with
11 elevators and access. And then we also have a
12 sub-cellar, and this is just additional, in case
13 it would be necessary to have more parking, you
14 could expand into this area. Here you see the
15 elevation and the perspective. Basically we're
16 using insulated glass windows, the energy ... it
17 will meet the energy code of the state. We'll try
18 to incorporate some, you know, there's other
19 features like LED lighting systems and there's
20 various rooftop systems that we can use that I've
21 ... we're exploring right now, as far as vacuum tube
22 solar, which hasn't been used in the city yet, but
23 we'd like to introduce some sophisticated solar
24 things. So anyway, that's basically the
25

2 presentation: eleven stories, the materials and if
3 you have any questions.

4 CHAIRPERSON WEPRIN: Okay, before
5 we move on to any questions, I just want to
6 acknowledge the presence of Council Member Jessica
7 Lappin and Council Member Larry Seabrook, who has
8 arrived. I do want to mention that Council Member
9 Peter Koo, who represents this area, does support
10 this project, and that it passed through the
11 community board and the borough president's
12 office. The community board's one condition was
13 the senior center that you mentioned earlier. So,
14 Mr. Garodnick I think had a question.

15 COUNCIL MEMBER GARODNICK: Just
16 one, and if you could pull out the map which has
17 the zoning designations, existing and proposed.
18 Great. The area just to the right on the proposed
19 zoning, which is left, I believe, as M2-1, now go
20 up ... no, to the right, over there. That, yeah,
21 that rectangular box. That stays as ... is that M1-
22 1, or is that M2-1?

23 MR. MORALI: M1-1.

24 COUNCIL MEMBER GARODNICK: And what
25 is currently there?

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2 MR. MORSELLINO: It's a mix, it's
3 got both some residential development, some
4 commercial. Whatever industrial is there has been
5 in a changed stage, and being used either as
6 commercial or being renovated. But this whole
7 area is on the agenda for the City Planning
8 Commission in the future, and that could be, as we
9 know, any time. But it's on their agenda to
10 restudy it, and possibly rezone it to some
11 residential district.

12 COUNCIL MEMBER GARODNICK: Got it,
13 so it's something that City Planning may take a
14 look at down the line, but for purposes of today,
15 it's a private application just for the specific
16 lot that you identified.

17 MR. MORSELLINO: Yes.

18 COUNCIL MEMBER GARODNICK: Which
19 now you have the big R6.

20 MR. MORSELLINO: It's the block,
21 it's our lot, which is on the left, and the lot on
22 the right, which is a warehouse being used as a
23 nightclub. That's being rezoned as well, and the
24 community hopes that that will be a stimulant to
25 have the nightclub removed, and developed with

1
2 some residential facilities.

3 COUNCIL MEMBER GARODNICK: So
4 there's an existing nightclub, and the other half
5 of the block.

6 MR. MORSELLINO: Is ours, which is
7 the plumbing distribution center.

8 COUNCIL MEMBER GARODNICK: And the
9 existing properties that are on the bottom half of
10 your chart in either case, what's there today?

11 MR. MORSELLINO: Most of it is
12 residential, but there's the RKO Keith theater,
13 which, as you know, was given additional bulk, to
14 a 17-story residential building by the Board of
15 Standards and Appeals, has not started development
16 yet, but that takes up a great part of that area.

17 COUNCIL MEMBER GARODNICK: And the
18 existence of the nightclub has been an issue for
19 the residents who are down in the bottom portion
20 of the drawing there? And also, I guess, on the-

21 -

22 MR. MORSELLINO: (Interposing)
23 Well, in the community in general, because they
24 wanted to see this north side really be developed
25 with the proper amenities and proper support

1
2 system, such as the parking, etc. They felt that
3 the private sector, in developing these
4 properties, could act as a catalyst to the proper
5 development of the entire north side, because it's
6 a really clean slate. You have existing
7 residential to the east, where it says R6, you've
8 got ten-story buildings in a complex there.
9 You've got other buildings across Northern Blvd.,
10 but this area is really kind of virgin land for
11 the proper type of development. Many of the
12 residential buildings here are older buildings.
13 You have some small apartment houses across in
14 that R6 district that are small, multiple-dwelling
15 buildings, and some to the west, across the
16 street, even though it's zoned M1, you do have
17 some residential multiple dwellings there as well.
18 But they're older buildings, and they don't
19 provide the amenities that the community would
20 like to see, like 100% parking, because they feel
21 that the north side is more oriented towards the
22 automobile than the south. The south has plenty
23 of mass transportation, but the north has less.
24 It has some bus routes, and, yes, you can walk
25 down to the Long Island Railroad and to the

2 subways, but it's more automobile-oriented. So
3 they wanted to see at least the required number of
4 parking. We went beyond that, and set a precedent
5 with the one per unit parking.

6 COUNCIL MEMBER GARODNICK: Thank
7 you, I'm going to support your application. I
8 also would note that it seems like it is ripe for
9 City Planning to take a fresh look at the zoning
10 rules here, rather than doing it piecemeal, but I
11 think you've identified an area where the change
12 is appropriate and warranted. Congratulations.

13 MR. MORSELLINO: Thank you.

14 CHAIRPERSON WEPRIN: Vincent
15 Ignizio has a question?

16 COUNCIL MEMBER IGNIZIO: Thank you
17 very much. The little I do know about Flushing
18 from my friend, Peter Koo, is in regard to
19 parking. So do you have sufficient parking
20 regarding the senior center utilization?

21 MR. MORSELLINO: Yes, and it's been
22 designated as a separate parking area for them.
23 They have their own parking area with their own
24 elevator bringing them up to the second floor.

25 COUNCIL MEMBER IGNIZIO: Okay, but

1
2 there's enough, you believe, to service, you know,
3 however many residents that are designed into the
4 occupancy of this senior center and whatever
5 formula that ... I recognize that all seniors don't
6 drive, and they all don't have cars, but there is
7 sufficient enough that there's going to be
8 sufficient parking for the utilization of the
9 site?

10 MR. MORSELLINO: Yes, and if they
11 need more parking, as we said, we have that whole
12 huge storage area, which we can accommodate 50% or
13 more parking spaces if needed.

14 COUNCIL MEMBER IGNIZIO: Yeah, I
15 would get your paint ready, because I think that's
16 going to be a parking lot sooner rather than
17 later.

18 MR. MORSELLINO: Well, I'll tell
19 you, for example, the senior citizens, they have a
20 shuttle service.

21 COUNCIL MEMBER IGNIZIO: Right.

22 MR. MORSELLINO: Which serves a lot
23 of their senior citizens, and other senior
24 citizens prefer not to drive. So one doesn't know
25 exactly, you know, what type of demand you're

going to have.

COUNCIL MEMBER IGNIZIO: Yeah, that's true. I just wanted to know that you had parking for them as well, I just wanted to be clear on that.

MR. MORSELLINO: Oh, absolutely.

COUNCIL MEMBER IGNIZIO: All right, thank you very much.

CHAIRPERSON WEPRIN: We are joined by Council Member Peter Koo, who represents this site. Diana Reyna has questions, and then, Mr. Koo, if you'd like to say a word or two, we'd be happy to let you do that. But Diana, why don't you go with your question first?

COUNCIL MEMBER REYNA: Thank you so much. I just wanted to take a moment to understand, your application is referred to by the borough president's office to a call for affordable housing. How is the affordable housing accommodated in this project?

MR. MORSELLINO: The borough raised the question in her hearing, and we agreed to look into it, if the project is approved, to see whether we can accommodate affordable housing or

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2 not. The center itself, at 14,000 square feet and
3 with all the amenities that they required, is
4 going to be a source of subsidation (sic) by the
5 owner/developer. The community itself never asked
6 us or raised the question of affordable housing.
7 They wanted this huge 14,000 square foot facility
8 for the community. We agreed with the borough
9 president that when and if this approved, that we
10 would sit down with her representative and look
11 into the possibility of accommodating some
12 affordable housing, or somehow providing it, if
13 economically feasible.

14 COUNCIL MEMBER REYNA: The senior
15 center is an existing senior center that's going
16 to be moved into this facility?

17 MR. MORSELLINO: It's an existing
18 senior facility, yes. They lost their original
19 space, they're in a temporary space that is on
20 more than one floor, they have to go up and down
21 stairs, etc., and they're very unhappy with the
22 facility. They've given us a letter of intent,
23 saying that they would accommodate and run their
24 facility from this accommodation.

25 COUNCIL MEMBER REYNA: Who gave you

1
2 a letter of intent? The City of New York?

3 MR. MORSELLINO: No. It's ... Self-
4 help is the name of the association that runs the
5 senior facility in Flushing. They gave the letter
6 to the community board.

7 COUNCIL MEMBER REYNA: Uh huh. And
8 the affordable housing would be accommodated after
9 the project is approved, but how would you know ...
10 what would be the difference between knowing
11 whether or not that's feasible today, as opposed
12 to after the project has been approved?

13 MR. MORSELLINO: Well, it's taken
14 us seven years to get to this point, so we really
15 couldn't foresee what the construction costs or
16 anything else would be until we know the project
17 was a go.

18 COUNCIL MEMBER REYNA: But I'm sure
19 you would have a cost analysis as to what the
20 project construction is now, wouldn't you?

21 MR. MORSELLINO: Not necessarily,
22 because, as I said, we have been on the books for
23 seven years, so it changed annually, and whenever-
24 -

25 COUNCIL MEMBER REYNA:

(Interposing) And you revised that annually?

MR. MORSELLINO: I don't believe that they did. I don't believe the developer did.

COUNCIL MEMBER REYNA: So you have original costs of construction from seven years ago?

MR. MORSELLINO: No, I think that they, you know, kept up somehow with the additional costs over the years and the additional ... but also you have a difference in the demand on purchase and the demands on rentals, etc., so at this point in time it's difficult to say whether it's going to be a rental or a condo, it's difficult to say what will be financed by the banks until we know that we have the approval and we can go to get our financing.

COUNCIL MEMBER REYNA: So you would find the opportunity, if feasible, with the project, to have a conversation with HPD. Has any conversation taken place with HPD, to participate in any programs that they may offer to make the moderate affordable housing request feasible?

MR. MORSELLINO: We have not met with them, as I said, the first time that was

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2 approached, or brought up, was at the public
3 hearing of the borough president.

4 COUNCIL MEMBER REYNA: Back in
5 April.

6 MR. MORSELLINO: Yes. And the
7 request that they made of us was to study it if we
8 get approved, and work with their office and HPD
9 to see whether it can be accommodated.

10 COUNCIL MEMBER REYNA: And my last
11 question is concerning small businesses. Are
12 there any small businesses that are going to be
13 displaced from this project?

14 MR. MORSELLINO: No. The only
15 business is the applicant's, and he's not being
16 displaced, he's being moved.

17 COUNCIL MEMBER REYNA: And that's
18 the plumbing company?

19 MR. MORSELLINO: Yes.

20 COUNCIL MEMBER REYNA: And it's
21 being moved into space that he already owns, or
22 just an elimination of that company?

23 MR. MORSELLINO: Yes, they already
24 own other property in Flushing, they have several
25 properties in Flushing.

2 COUNCIL MEMBER REYNA: Okay, thank
3 you very much.

4 CHAIRPERSON WEPRIN: Council Member
5 Koo would like to say a few words.

6 COUNCIL MEMBER KOO: Thank you to
7 Chairman Weprin. Thank you for the opportunity
8 for me to speak here. The developer came to our
9 office a few months ago and proposed this project
10 to us. And they agreed to have 14,000 square feet
11 as a community center, at a rate that the senior
12 center can afford to pay. So whatever the rate
13 that they pay, they have to accept. So this is a
14 very good condition on the current market. So I
15 support this project wholeheartedly. And during
16 this economy, in bad times, we should have this
17 opportunity to create jobs, in construction and in
18 retail, and also the city will receive tax
19 revenues from all these retail spaces. So this is
20 a very good project. Thank you.

21 CHAIRPERSON WEPRIN: Thank you,
22 Council Member Koo. I just have one question.
23 There is retail space? I'm sorry, I know you
24 mentioned it.

25 MR. MORSELLINO: Yes.

2 CHAIRPERSON WEPRIN: How much
3 retail space?

4 MR. MORSELLINO: About 14,000
5 square feet.

6 CHAIRPERSON WEPRIN: And do you
7 know how that's going to be divided up? Into how
8 many stores are we talking? And what kind of
9 stores? Any idea?

10 MR. MORALI: I had it broken up
11 into about four stores, four or five stores. And
12 it's on the ground level, because on the second
13 floor would be the community center.

14 CHAIRPERSON WEPRIN: Right.

15 MR. MORALI: So, and it's all on
16 the street. There is access there for retail
17 shops that would support and be accessory to the
18 residential up above.

19 MR. MORSELLINO: And we project
20 that at least one of them will be a small café
21 type of a ... not a full restaurant, but a café type
22 of place which might utilize some of the outdoor
23 space that is there. Some of the stores that have
24 indicated interest have included some boutique
25 stores and some small business types.

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2 CHAIRPERSON WEPRIN: And the
3 parking that will be at the buildings, people who
4 use those stores can use the parking as well?

5 MR. MORSELLINO: Yes.

6 CHAIRPERSON WEPRIN: And it's going
7 to be, they're going to be charged for that
8 parking, or is it going to be free parking?

9 MR. MORSELLINO: We haven't gotten
10 into that point, we just allocated the commercial,
11 and I assume that it will be the typical, you
12 know, they pay for it, but they get a markup at
13 the store where they can ... I forget what they call
14 that, where you get your ticket validated.

15 CHAIRPERSON WEPRIN: Right, with
16 validation, yes. Parking validation. We've just
17 heard some discussion about that in this area.
18 All right, and Mr. Koo, if I could ask you, so
19 you're comfortable with the parking situation on
20 this project, they claim to have more than
21 adequate amount of parking for this development.
22 Has that been an issue?

23 COUNCIL MEMBER KOO: Yes
24 (inaudible).

25 CHAIRPERSON WEPRIN: Uh huh.

1
2 COUNCIL MEMBER KOO: I'm very
3 comfortable with their proposed parking situation.

4 CHAIRPERSON WEPRIN: Okay, great.
5 Does anyone else have any questions? All right
6 gentlemen, thank you very much.

7 MR. MORSELLINO: Thank you.

8 MR. MORALI: Thank you.

9 CHAIRPERSON WEPRIN: I appreciate
10 you coming. And I'm now going to call up Land Use
11 #150, the 94th Street Corona Avenue rezoning. I
12 know Attorney Jeffrey Chester is here. And Jeff,
13 who's with you? Okay, John ... all right, John
14 Conaty is the architect on the project. And Mr.
15 Chester, if you could just make sure to state your
16 name for the record when you start, and anyone who
17 speaks, please state their name. And as soon as
18 you're set up, you can start. Okay, Mr. Chester,
19 whenever you're ready.

20 MR. CHESTER: Yes, good morning,
21 Chairman Weprin, Council members. I'm here
22 representing the co-applicants on this project,
23 94th Street LLC, 91st Place LLC, on a proposed
24 rezoning in the Corona area that has been a long
25 time in the offing here. Let me tell you a little

1
2 bit about my client, Anthony Argento is here, and
3 he's the owner and the principal of both entities.
4 Mr. Argento was born and raised in western Queens
5 and he ... excuse me, owns commercial properties all
6 over the borough and has been developing for about
7 a quarter of a century. As an aside, and I know a
8 lot of people don't know this, his main business
9 is Broadway Stages, which is the second largest
10 commercial TV and film studio in the City of New
11 York. They have, or they will have shortly, over
12 500,000 square feet of soundstage space, 24
13 soundstages employing up to 3,200 people, mostly
14 those are well-paid union jobs. Not a lot of
15 people are aware that we have a fairly strong
16 little film and TV industry going on in Brooklyn
17 and Queens, and Mr. Argento is a big part of that,
18 although that is not directly part of this
19 project. To get into the project a little bit.
20 The property is bound by the Long Island Railroad
21 tracks on the north, by 91st Place on the west, and
22 94th Street on the east, and Corona Ave., which is
23 the main commercial thoroughfare. It encompasses
24 most of tax block 1600, lots 61, 80, 86, 99, 110,
25 120. It's a total of 253,000 square feet in the

1 project. It is currently zoned M1-1. As you'll
2 note, it's M1-1, a manufacturing zone - take this
3 mic with me - it's a manufacturing zone in a sea
4 of residential. When we started with this project
5 back in about 2005, the basic idea of the project
6 was, we were going to attempt to redevelop the
7 building on lot 110, which had been the Art
8 Leather Building. Art Leather was a ... they made
9 high-end photo albums, and they had been there for
10 many years, and they had exited the site, they
11 moved all their manufacturing facilities to
12 Mexico, and they had a little bit of
13 administrative office space when my client first
14 bought the building, and subsequent to that they
15 even moved the administrative offices to San
16 Diego, California. Our original intention had
17 been to develop, attempt to develop, what had been
18 the Art Leather Building, which is the biggest
19 building on the rezoning site. But shortly after
20 we started the process, School Construction
21 approached us and said, this is the most crowded
22 school district in the city, CD24, at least I was
23 told that that was the case. Councilman
24 Garodnick, I wouldn't want to ... okay. No need for
25

1
2 that. And we negotiated a long-term ground lease
3 with School Construction and very, very quickly,
4 much quicker than we were able to get this project
5 through ULURP, I can tell you that. They were
6 able to develop what became the Elmhurst
7 Educational Campus, I've got a picture of that.
8 It's four separate high schools on the lot, and
9 School Construction, I'd say, did a really nice
10 job of putting this project together. And they
11 have a long-term lease with several options that
12 go out for many decades on the project. So, that
13 was the development on lot 110, which was handled
14 by School Construction, and now, as I indicated,
15 four high schools run by DOE, which left us our
16 main lot, which is lot 130. Before we get into
17 the development, I want to show what surrounds the
18 project, if I could. Over here you have the
19 schools, as we indicated. Now, this is Corona
20 Avenue, you have a used car lot. Thank you. You
21 have a used car lot on the corner of 94th. We have
22 a Hindu temple, which will continue to stay there.
23 We have this manufacturing and shipping building,
24 which frankly looks better in the picture than it
25 does in real life. It's quit graffiti-scarred and

1
2 not very attractive. There's another car lot,
3 another shipping facility, another automotive-
4 related use. That's what you see when you drive
5 down Corona Avenue right now. What ... let's go
6 back to the ... what we hope to do, and the
7 remaining development lot is lot 110, and it's a
8 very odd-shaped lot. It has limited frontage
9 along Corona Avenue, the lot goes back deep along
10 the Long Island Railroad tracks and has some
11 limited frontage along 91st Place. We originally
12 hoped to put up three separate buildings, one
13 building along Corona Avenue, this much larger
14 building back here, building #2, and then the
15 third building on 91st Place. As the project
16 worked its way through the development process, an
17 issue came up concerning emergency vehicle access
18 and fire truck access. And that became an issue,
19 because we were going to use behind the schools a
20 fire lane. And after discussing the issue with
21 City Planning and the FDNY we decided we'd have to
22 eliminate the proposed building here, so we could
23 get emergency access to the larger building here.
24 So right now on the remaining development lot,
25 which is lot 130, we have two proposed buildings,

1 a total of 112 dwelling units, 114,000 square feet
2 of residential development, and 6,000 square feet
3 of retail along Corona Avenue. We have how many
4 parking spaces there? At the, yeah, at the
5 request of both the community board and the
6 borough president, we added some additional spaces
7 to our original plan. I think we were in the
8 60's, and we went up to 75 parking spaces, mostly
9 below grade, parking spaces. There is going to be
10 an affordable housing component, we've committed
11 to doing 421-A benefits, so at least 20% of the
12 units are going to be affordable, as defined by
13 HPD. Do we have any other graphics here? Here's
14 a rendering of what we propose. We've got the
15 school building here, the Elmhurst Educational
16 Campus, with the four high schools, as I stated
17 earlier. We have a proposed seven-story, 70 foot
18 high building here, and we have a proposed seven-
19 story, 70 foot high building here. I don't think
20 I actually talked about the proposed zoning
21 designation, going from ... what we proposed to go
22 from M1-1 to R7B with a C23 overlay along Corona
23 Avenue, which would continue to allow commercial
24 uses. We don't own every ... we don't own or
25

1 control every lot in the rezoning area. The
2 existing businesses, the ones I pointed out, the
3 automotive-related uses and certainly the Hindu
4 temple, will continue to be able to operate,
5 they're all grandfathered. At some point if those
6 uses become abandoned, it would revert to whatever
7 would be permitted in a C2 commercial zone.
8 That's basically the project.

9
10 CHAIRPERSON WEPRIN: Okay, great.
11 Before we move on, I just want to acknowledge
12 Council Member Robert Jackson who joined us, and I
13 do want to also mention that I've been in contact
14 with Council Member Julissa Ferreras, who
15 represents this area, and she is supportive of the
16 project, as well as a shutout at the community
17 board, borough president, and the City Planning.
18 Mr. Vacca has a question.

19 COUNCIL MEMBER VACCA: A couple of
20 questions, really one or two, basically. I wanted
21 to ask you, in an R7, the parking requirements are
22 very good from your perspective. What type of
23 parking are you going to offer?

24 MR. CHESTER: John, do you want to
25 address that?

2 MR. CONATY: Hi, my name is John
3 Conaty from Standard Architects. We are proposing
4 to supply ... do you want to go back one? We are
5 proposing to supply 25 parking spaces on the rear
6 of the building here on ground, and then coming
7 back around, you enter down below the bigger
8 building, and we propose 50 spots below that
9 building, for the use of the residents.

10 COUNCIL MEMBER VACCA: And this
11 would not be for the use of those utilizing the
12 commercial stores?

13 MR. CONATY: Mainly the 25 would be
14 for the residential, not for the commercial
15 portion of it. We wouldn't require it for the ...
16 depending on what we do with the commercial, we
17 wouldn't require very much for the parking.

18 MR. CHESTER: No, we don't have any
19 dedicated for the proposed retail units. I mean,
20 it's along Corona Avenue, it's a busy retail
21 thoroughfare, there is, I believe there is street
22 parking. I'm not sure whether it's metered at
23 this point, but we don't have ... whatever spaces we
24 have are dedicated to the proposed residential
25 units.

2 COUNCIL MEMBER VACCA: And how many
3 units in total?

4 MR. CHESTER: A total of 112.

5 COUNCIL MEMBER VACCA: So one could
6 say that the parking is not really going to be
7 sufficient. It's going to be half a space per
8 unit, basically?

9 MR. CHESTER: No, it's more than
10 that, with 112 units, 75 spaces.

11 COUNCIL MEMBER VACCA: 75 spots,
12 and you're saying none would be for the commercial
13 users?

14 MR. CHESTER: That's correct. As
15 the project stands now, we hadn't intended to use
16 any commercial use. A lot ... that neighborhood is
17 pretty well served by public transportation, both
18 buses and subways, and we would anticipate that a
19 lot of the retail traffic would be from local
20 neighborhood, either walking or coming by. I
21 don't- -

22 COUNCIL MEMBER VACCA:
23 (Interposing) But I would also think that if you
24 have four high schools in such close proximity,
25 that many of those parking spaces that are not

1
2 metered are taken up by teachers and the staff of
3 the four high schools.

4 MR. CONATY: There's adequate
5 parking actually supplied along this back
6 thoroughfare here for the use of ... well, actually
7 it's back here along this area for the teachers.

8 MR. CHESTER: Yeah.

9 MR. CONATY: The front is all
10 playground area.

11 MR. CHESTER: That's a tremendous
12 lot, lot 130, and there's a lot of excess space
13 beyond what the physical plant of the high school
14 takes up. You can see that's in the shaded area,
15 you can see the rest of the size of the lot, it's
16 a tremendously large lot.

17 COUNCIL MEMBER VACCA: Well, you
18 know, I'm not opposed to this project, and I
19 certainly realize that the Councilpersons and all
20 are in favor. I do have to caution and say
21 something generically, and that is, today as we
22 sit here, we are taking three applications before
23 us where we are getting rid of the M1
24 designations, and we're changing M1's to R's and
25 sometimes C's. I only have to caution that we're

1
2 seeing the disappearance of manufacturing
3 districts in the city. I think that this Council
4 has to do a cumulative analysis as to how many
5 M1's and M3's we've gotten rid of. Because
6 although I know technology has required that we
7 look at manufacturing zones again with a new eye,
8 I do have to say that manufacturing facilities
9 mean jobs. And I worry about that. It does not
10 relate to your project specifically, it relates as
11 I said generically to what we're doing here,
12 because no project should be taken into account in
13 a vacuum. So I worry, I worry about the
14 disappearance of manufacturing designations in our
15 city, and what that means for people and jobs.
16 But with that in mind, I don't necessarily have a
17 problem with your project, so.

18 MR. CHESTER: I acknowledge that
19 concern, Councilman Vacca. This was a situation
20 where you had a factory building that had been a
21 factory building since the early 1900's, it had
22 originally been the Durkee Spice Building, which
23 was a pretty famous spice company. And after
24 that, it maybe had some other incarnations, I'm
25 not sure. But then it was Art Leather and, you

1
2 know, you have a situation where you have a
3 monstrously large building that my client
4 purchased, the factory moved out, they moved to
5 Mexico, for presumably more favorable labor
6 conditions. Whatever other administrative offices
7 they had, they moved to California. And trying to
8 fill that with manufacturing uses would have been
9 impossible.

10 COUNCIL MEMBER VACCA: You speak to
11 the problem I raised. This is the concern I have.
12 We've lost whatever manufacturing possibilities we
13 did have to other states, because their tax
14 incentives are better, or their opportunities are
15 better. So whatever manufacturing we have, we've
16 lost for certain tax reasons or environment
17 reasons and so much as how do you conduct
18 business, and then on the other hand, we see a
19 drive toward technology. But the bottom line is,
20 many New Yorkers don't have jobs in the
21 manufacturing sector, and many of them have
22 trouble transitioning into other jobs. So I
23 understand your point, I have people with
24 manufacturing property in my own district with the
25 same difficulty. The M1 zones are ... if you can't

1 ... the M1 zone is basically a clean manufacturing.

2 MR. CHESTER: Right.

3 COUNCIL MEMBER VACCA: It's a
4 closed manufacturing use. You know, the M3's you
5 get into junkyards and all, which are allowed in
6 the M3's, and if you're a resident, you don't want
7 to look at them. I understand that. But here and
8 in the other cases we're talking about M1's, so.

9 MR. CHESTER: Right, I, without
10 getting too far afield, I know that the city has
11 recognized this in certain areas. I'm aware that
12 they have designated these certain industrial- -

13 COUNCIL MEMBER VACCA:
14 (Interposing) IBZ's.

15 MR. CHESTER: Yes. With which to
16 try to retain (crosstalk) to hold on, and those I
17 don't think rezoning or variances are looked on
18 very favorably in those zones. So I think those
19 are- -

20 COUNCIL MEMBER VACCA:
21 (Interposing) Right, I understand. Thank you.

22 CHAIRPERSON WEPRIN: Thank you, Mr.
23 Vacca. Diana Reyna has a question or two.

24 COUNCIL MEMBER REYNA: Thank you
25

1
2 very much. I just wanted to commend Council
3 Member Vacca for sharing exactly what I was having
4 a conversation on the sidelines with Council
5 Member Seabrook. I too am concerned with the loss
6 of cumulative rezoning, changing manufacturing
7 zones to residential and commercial zones. And
8 the loss, you know, we have to redefine how we see
9 manufacturing zones. It's not just about the
10 production similar to what we had in 1930's, but
11 rather new-age industries that we are at a loss of
12 attracting, because we're taking away all the
13 necessary space. And we're not trying to apply
14 new programs and incentives to attract them. So
15 that I hope that we can start having those
16 conversations in order to request that the city
17 does conduct a cumulative analysis of the loss of
18 manufacturing zones. The IBZ's, as great as they
19 are, we just had them compromised at the state
20 level, because they've legalized loft units that
21 were going to include all 16 IBZ's, and they were
22 able to successfully exclude thirteen, of which
23 the three, two of which were in my district, are
24 completely going to in perhaps three years be
25 abolished. And so I want to just, you know, go on

1
2 record stating that not in particular to this one
3 project, but just in the general conversation of
4 making sure that, you know, we understand the
5 ramifications here. We may not feel it today, but
6 ten years from now we will. And having said that,
7 I want to just ask, as far as the 110 units, you
8 had mentioned affordable housing, I wanted to
9 understand the number of units, in relationship to
10 the 110 units, what is affordable?

11 MR. CHESTER: Are you asking me for
12 the definition of affordable, or are you asking me
13 for how many units fall within that definition?

14 COUNCIL MEMBER REYNA: How many
15 units?

16 MR. CHESTER: Okay, I think it
17 would be ... we have to do at least 20%, I don't
18 think we've come up with any hard number, but 20%,
19 if I do my math right, 20% of 112 would be
20 approximately 24 units.

21 COUNCIL MEMBER REYNA: So it's 112
22 units, not 110 units?

23 MR. CHESTER: It's 112, right.

24 COUNCIL MEMBER REYNA: Okay, so
25 that's 24 affordable units minimum, because you're

going to be participating in the 421A program.

MR. CHESTER: Yes.

COUNCIL MEMBER REYNA: And the negotiations are to provide the minimum requirement, but does not exclude you from going beyond the 24 units.

MR. CHESTER: That's correct.

COUNCIL MEMBER REYNA: If the project is feasible.

MR. CHESTER: That's correct.

COUNCIL MEMBER REYNA: To do so. And did you explore more than minimum requirement?

MR. CHESTER: Well, we haven't but to be honest, the ... it's our intention at this point, given what the market is, that this is going to be a rental building. I would say that this is ... you know, this is not a high-income neighborhood, it's a moderate-income neighborhood. I think the rentals would reflect that.

COUNCIL MEMBER REYNA: So the 24 units would reflect a lower category of affordable units.

MR. CHESTER: Correct.

COUNCIL MEMBER REYNA: And is there

any displacement of businesses?

MR. CHESTER: No.

COUNCIL MEMBER REYNA: Due to this-

-

MR. CHESTER: (Interposing) Well, no, that's not accurate. There's one company, when their lease is up, they would be displaced, which is a Hapi Shipping, H-A-P-I Shipping. But I will say that my client, Mr. Argento, owns multiple commercial properties throughout the borough of Queens, and could, if they wish, could easily locate them to one of the other ... one of his other properties.

COUNCIL MEMBER REYNA: Well, has that accommodation been discussed?

MR. CHESTER: I don't believe it's been discussed yet, it's a little premature. Like I said, you know, we started talking about this thing in 2005. I think we ... 2004, I think we formally filed ULURP in 2005. Here we are five years later in front of you. The market has seen a lot of ups and downs since then. So when it becomes a reality, and then when we go out into the marketplace and seek financing and see where

1
2 we are in terms of the demand, that's ... at that
3 point we will seriously see what we can do or not
4 do. It's premature at this point, because I'm not
5 sure that this project is going to get built right
6 away, depending on economic conditions, the
7 availability of financing and everything else.

8 COUNCIL MEMBER REYNA: Well, I'm
9 happy to hear you say that, I want to understand,
10 five years ago this was projected to cost how
11 much?

12 MR. CHESTER: I don't recall the
13 numbers, I'd have to- -

14 COUNCIL MEMBER REYNA:
15 (Interposing) And Chair, I just, you know, I'm
16 getting a little tired with the answers I'm
17 receiving concerning project costs. I have 52
18 stalled sites in my district, my district alone.
19 And it's hard to imagine that we have developers
20 coming to us for a vote, and they don't come
21 prepared with figures, as to how much they
22 projected their construction would cost, and a
23 revised, you know, cost analysis five years later,
24 or seven years later, or whatever. By the time
25 the ULURP ... and by all means I understand the

1
2 process is, you know, very cumbersome, and it
3 takes too long, far too long, for my taste. I
4 wish we could do better. But nevertheless, coming
5 here prepared is very important as well, because
6 we don't know what we're voting out, if we don't
7 know what cost projection you're estimating, in
8 comparison to when you first started, but by the
9 time this gets voted, and by the time there's a
10 realistic timeline when this starts construction.

11 MR. CHESTER: Right, I don't know
12 if that would change anything in terms of the
13 percentages of affordable units, etc. I mean,
14 we've made the commitment, we made the commitment-
15 -

16 COUNCIL MEMBER REYNA:
17 (Interposing) It's not just the ... it's not the
18 affordable housing alone. The 52 projects I'm
19 talking about are all market rates, in my
20 district, of which are all stalled, abandoned
21 property.

22 MR. CHESTER: I assume that's a
23 reflection of- -

24 COUNCIL MEMBER REYNA:
25 (Interposing) The market.

1
2 MR. CHESTER: ... an inability to
3 finance, or- -

4 COUNCIL MEMBER REYNA:
5 (Interposing) Over costs.

6 MR. CHESTER: Right.

7 COUNCIL MEMBER REYNA: And so these
8 estimations are all reflected in what you are
9 sharing with us, and if you're not sharing with
10 us, then how do we know that these projects are
11 viable?

12 MR. CHESTER: Well, my client has a
13 long history of successful development, both
14 residential real estate projects and commercial
15 projects. As I said, he's got the second most
16 amount of TV and film studio space in the City of
17 New York. He's not going to go into a project
18 without realizing it's viable. If it's not viable
19 as of today, it will be viable at some point over
20 the next couple of years, and when the demand
21 catches up with what we need, we've seen these
22 cycles before, we anticipate we will emerge from
23 this crisis that we're in right now, and financing
24 will become better, demand will become better.
25 This project may have to wait that economic

1
2 reality.

3 COUNCIL MEMBER REYNA: And I just
4 want to make sure that we do better, because this
5 is the second application today that is giving us
6 less information, as opposed to more. And it's
7 important that we are able to receive these
8 answers, because we're holding accountable these
9 applications to provide what would be an amenity
10 to our community, not an eyesore, not more further
11 abandonment, not more criminal sites where, you
12 know, developers are not doing what they intended
13 on doing.

14 MR. CHESTER: I understand. This
15 project will not be started unless it can be
16 completed.

17 COUNCIL MEMBER REYNA: I'm sure
18 that the 52 developers in my district said the
19 same thing. Thank you.

20 CHAIRPERSON WEPRIN: Thank you, Ms.
21 Reyna. Obviously some of these issues are not
22 necessarily related to the actual zoning or the
23 changing of the zoning, but obviously duly noted.
24 Any other questions? Okay, we're going to move
25 on, gentlemen, thank you very much. We have three

1
2 cafes on the agenda. I know that people have a
3 busy day, we're going to try to do this very
4 quickly. We're going to start actually, there's
5 three cafes, we're going to skip to the second
6 one, which is Land Use #154, which is Picante, and
7 we're going to call on Karen Benvenisti up here,
8 by yourself, right? Come up, please state your
9 name and discuss the application. This is in
10 Council Member Jackson's district.

11 MS. BENVENISTI: Good morning,
12 Chairman Weprin and members of the Council, my
13 name is Karen Benvenisti, I work for Michael Kelly
14 Inc. and we are representing Picante Inc., who is
15 applying for a sidewalk café license at 3424
16 Broadway in Manhattan. We have come to an
17 agreement with Council Member Jackson, I'm sorry,
18 Jackson's office, and we would like to read it
19 into the record.

20 CHAIRPERSON WEPRIN: Thank you, go
21 ahead.

22 MS. BENVENISTI: "Michael Kelly
23 Inc., as an authorized representative of Picante
24 Inc., in connection with their application for an
25 unenclosed sidewalk café, and on behalf of Picante

1
2 Inc., hereby commits to the City Council and the
3 Zoning and Franchises Committee, that in light of
4 the concerns of the surrounding community, Picante
5 Inc. shall close the café and take in the tables
6 and chairs by 10:00 p.m. on Sunday through
7 Thursday, and at 12:00 midnight on Friday and
8 Saturday. Closed means that there will be no
9 customers or guests in the café, and the café will
10 not be used for any kind of activity. We will
11 submit new plans to the New York City Department
12 of Consumer Affairs showing all tables and chairs
13 are at least three feet away from where the fire
14 escape ladder comes in contact with the sidewalk,
15 post signs in both English and Spanish saying,
16 'Please respect our neighbors at all times',
17 remove all planters in front of the restaurant,
18 not install gas or other heaters in the café, not
19 mount loudspeakers to or at the exterior wall of
20 the restaurant, or use any other sound
21 amplification devices in the café. In addition,
22 all speakers mounted inside the restaurant shall
23 be pointed away from the outdoor café. Picante
24 Inc. will participate in ongoing meetings and
25 community representatives to discuss any ongoing

2 concerns or problems as they arise with the intent
3 of developing satisfactory solutions." And just
4 in addition to this, this letter will be amended
5 to include the correct amount of tables and
6 chairs, which should be thirteen tables and 28
7 chairs.

8 CHAIRPERSON WEPRIN: Thank you, Ms.
9 Benvenisti. Mr. Jackson, did you have any other
10 comments on this? No? Okay, good. Well, thank
11 you very much. Any questions or comments before ...
12 ? Thank you very much for coming. We are now
13 going to go to Land Use #135, Mamajuana, also in
14 Council Member Jackson's district. And Steve
15 Wygoda, please come up, state your name and
16 discuss the application.

17 MR. WYGODA: Good morning, my name
18 is Shlomo Steve Wygoda, this is an application for
19 Mamajuana, Vida Café Inc. at 247 Dyckman Street,
20 and we have a letter that we have prepared in
21 conjunction with Council Member Jackson's office,
22 and Council Member, and if I can I'll read it into
23 the record as well. "SWA Architects is an
24 authorized representative of Vida Café Inc., in
25 connection with their application for an

unenclosed sidewalk café, and on behalf of Vida Café Inc., hereby commits to the City Council and the Zoning and Franchises Committee that in light of the concerns of the surrounding community with respect to noise, congestion and loitering on and around Dyckman Street, Vida Café shall: 1. Close the café at 10:00 p.m. on Sunday through Thursday, and 12:00 midnight on Friday and Saturday, closed means that there will be no customers or guests in the café or will not be used for any kind of activity, 2. Remove all tables and chairs from Seaman Avenue, 3. Provide security personnel to be present in and around the café, 4. Post signs in both English and Spanish saying, 'Please respect our neighbors at all times by keeping the noise down', and 5. Clearly indicating the time that it closes, and not install gas or other heaters in the café, 6. Not mount loudspeakers to or around the exterior wall of the restaurant, or use any other sound amplification devices in the café. In addition, all speakers mounted inside the restaurant shall be pointed away from the outdoor café and only background music will be played in the restaurant during the operation of the café.

2 The speakers will also be tuned to reduce the bass
3 woofer volume, and 7. Follow all applicable laws
4 and regulations with respect to the operation of
5 the café, 8. Provide clearance of all fire escape
6 drop ladders, 9. Vida Café Inc. will participate
7 in ongoing meetings with community representatives
8 to discuss the ongoing concerns or problems as
9 they may arise, with the intent of developing
10 satisfactory solutions. The seat count has been
11 reduced to 94 seats, and the table count has been
12 reduced to 46. We will amend this letter to
13 reflect that."

14 CHAIRPERSON WEPRIN: Thank you, Mr.
15 Wygoda. Mr. Jackson, any comments? Okay, no
16 comments from Mr. Jackson. Okay, I've been asked
17 to state for the record, Mr. Wygoda, that in the
18 future all fire escape operations should be part
19 of the application, pursuant to DCA. The ladder
20 has to be shown.

21 MR. WYGODA: Understood.

22 CHAIRPERSON WEPRIN: Understood.

23 MR. WYGODA: And I apologize for
24 it, I know that that was- -

25 CHAIRPERSON WEPRIN: (Interposing)

1
2 Thank you very much, Mr. Wygoda. Anybody have any
3 questions? Okay, thank you very much. We're now
4 going to move on to our last item on the agenda,
5 which is in Council Member Chin's district. And
6 she joins us here today. It's Café Select, and we
7 have a number of people here on behalf of them,
8 Arthur Goldstein, from Davidoff Malito, Oliver
9 Strumm, I believe the owner of the restaurant, is
10 also here, and also Steve Wygoda is here on this
11 item as well. Gentlemen, when you're ready.

12 MR. GOLDSTEIN: Good morning, Mr.
13 Chairman and Council members, my name is Arthur
14 Goldstein from Davidoff Malito & Hutcher, I'm here
15 with the owner and the architect. Café Select has
16 applied for three tables and twelve chairs. There
17 was a question raised by the Council and its
18 staff. We've had several discussions on it and I
19 believe the question has been answered to the
20 Council member's satisfaction, with the help of
21 the Department of Consumer Affairs. So, as I
22 understand it, there aren't any issues.

23 CHAIRPERSON WEPRIN: Thank you, Mr.
24 Goldstein. Council Member Chin has questions or
25 comments.

1
2 COUNCIL MEMBER CHIN: Well, my
3 office spent quite a bit of time on this thing,
4 and I think the problem lies with DCA, because we
5 got an email last night, they said they are fine,
6 and that everything doesn't violate any clearance
7 stuff, and we did have issues about the fire
8 escape close to the table and the three ... there's
9 supposed to be three feet aisle for service. I
10 mean, all these rules, Chairman Weprin, I think we
11 probably need to call the agency and really find
12 out exactly what kind of regulation they go by and
13 to make sure that we're updated on how they view
14 this thing. Because I don't think it's really
15 right for the Council member's office to have to
16 spend so much time on a sidewalk café. I know DCA
17 wants to generate a lot of revenue, and they just,
18 you know, do it, but if they change their rules or
19 their interpretation, they should inform the
20 Council. So that we don't have to waste our time,
21 or get involved in so-called lawsuits. All right?
22 So right now I'm not going to fight it, but I
23 really urge the Chairman to call the agency in,
24 and there ought to be coordination with other city
25 agencies, because, you know, when they come and do

1
2 the inspection, I just hope they all have the same
3 interpretation. Thank you.

4 CHAIRPERSON WEPRIN: I'm actually
5 curious, is anyone from DCA here in the room? No.
6 We did request them to be here, they're not here.
7 We have a number of issues, Council Member Chin,
8 with DCA lately, so we probably will be having a
9 meeting in the near future to try to work out some
10 of these issues as we go forward. Any other
11 questions from this panel? Mr. Comrie.

12 COUNCIL MEMBER COMRIE, JR.: We
13 hear you and this is another reason why we don't
14 want to give DCA hearing authority. They tend to
15 get a little out of control with their obligations
16 as an administrative body, so and I'm curious to
17 know what your specific issues were, but I'll ask
18 you after the meeting. Thank you.

19 CHAIRPERSON WEPRIN: Mr. Wygoda, do
20 you have a comment?

21 MR. WYGODA: Yes. I just,
22 separately from this, as a representative ... as an
23 architect and professional, I would also like
24 clarity on future projects. We've done a lot of
25 these, and we concur with the Council member that

we would also like clarity on the rules.

CHAIRPERSON WEPRIN: Yes, as I mentioned, we have a number of issues. Peter here, who is Mr. Sidewalk Café, has got some concerns with some of the things DCA has been doing. So we may hopefully have a meeting soon, otherwise we might have to have an oversight hearing on these topics, because this is an issue that has come up on numerous occasions. Any other questions from the panel? No, we're good? Okay, thank you very much, gentlemen.

MR. GOLDSTEIN: Thank you.

CHAIRPERSON WEPRIN: And we are now going to move to close these hearings. Right, good? Close these hearings and move to a vote.

COUNCIL MEMBER JACKSON: Thank you.

CHAIRPERSON WEPRIN: Thank you, Mr. Jackson. The Chair is recommending an aye vote on all these items. We are coupling, let me just read the numbers that we're coupling. Again, Flushing Commons is not on this agenda. We are coupling ... coupling Land Use #149, the 35th Avenue rezoning, the Land Use #150, which is the 94th Street Corona Avenue rezoning, and then the three

cafes, Land Use #135, Mamajuana, Land Use #154, Picante, Land Use ... I said Mamajuana. Land Use #154, Picante, and Land Use #155, Café Select. Again, the recommendation is an aye vote, and the counsel will read the roll.

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

CHAIRPERSON WEPRIN: Aye.

MR. HYLTON: Council Member Reyna.

(no response)

MR. HYLTON: Council Member Comrie.

COUNCIL MEMBER COMRIE, JR.: Aye on all, and I think that we need to work on addressing some of the issues that should be brought up in a meeting regarding zoning and rezoning, and focus on making sure the Committee is focused on those issues. And it's kind of an insult to a person that has the most non-issues is not here when the vote is starting. I will address that later ... really quickly.

MR. HYLTON: Council Member Jackson

COUNCIL MEMBER JACKSON: Aye on all, aye on all.

MR. HYLTON: Council Member

Seabrook.

COUNCIL MEMBER SEABROOK: Aye on
all.

MR. HYLTON: Council Member
Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

MR. HYLTON: Council Member Lappin.

COUNCIL MEMBER LAPPIN: Aye on all.

MR. HYLTON: Council Member
Ignizio.

COUNCIL MEMBER IGNIZIO: Aye.

MR. HYLTON: Council Member Vacca.

COUNCIL MEMBER VACCA: Aye.

MR. HYLTON: Council Member Reyna.

COUNCIL MEMBER REYNA: Aye.

MR. HYLTON: By a vote of nine in
the affirmative, none in the negative and no
abstentions, LU 149, 150, 154, 135 and 155 are
approved and referred to the full Land Use
Committee.

CHAIRPERSON WEPRIN: Okay, the
meeting will now be recessed until tomorrow at
9:45, and we will just stay tuned on that, okay?
Thank you very much, the meeting is now adjourned.

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Recessed, sorry. The meeting is now recessed.

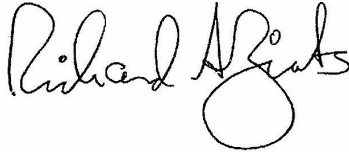
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Can I still use the gavel? Yes. Thank you.

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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 August 4, 2010