

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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August 15, 2011
Start: 9:50am
Recess: 10:35m

HELD AT: Council Chambers
City Hall

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

COUNCIL MEMBERS:
Leroy G. Comrie, Jr.
Daniel R. Garodnick
Robert Jackson
Jessica S. Lappin
Joel Rivera
James Vacca
Albert Vann
Vincent M. Ignizio

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

Eric Blinderman
Managing Member
Grillade LLC

Robert Callahan
Representative of Moulinas LLC
Michael Kelley Inc.

Robert Paris
District Manager
Brooklyn Community Board 2

Carol Clark
Assistant Commissioner
NYC Department of Housing Preservation and Development

Thebia Walters
Director of Manhattan Planning
NYC Department of Housing Preservation and Development

Tel Metsker
Representative
L + M Development Partners

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2 CHAIRPERSON WEPRIN: Good morning,
3 everyone. My name is Mark Weprin. I am chair of
4 the Zoning and Franchises Subcommittee of Land Use
5 Committee. I want to welcome everyone here today,
6 and let you know which members of the Committee
7 are here. On my far left is Council Member Al
8 Vann, next to him is the chair of the Land Use
9 Committee Leroy Comrie, to my left is Dan
10 Garodnick, to my right, far right is Joel Rivera
11 of the Bronx and Jimmy Vacca of the Bronx, sitting
12 next to me is Christian Hilton the counsel to the
13 Committee, and without further ado, we will get
14 started.

15 We have a number of cafes on the
16 agenda—two actually; the third one 444 Lodge is
17 actually laid over to another meeting. We'll
18 start with the first one, Land Use No. 441 in
19 Speaker Quinn's district. I think it's Grillade
20 Restaurant on 7th Avenue South. Is Eric here for
21 this? Eric Blinderman [phonetic] Eric? Yeah?
22 Okay. Come on up to the microphone. I know
23 there's been some discussion with Speaker Quinn's
24 office and this morning I got a letter to that
25 effect, and I saw the head nod that we have an

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2 agreement with Speaker Quinn's office, but if you
3 could please give your name for the record and
4 describe the application for the café. Just push
5 the button.

6 ERIC BLINDERMAN: Thanks. My name
7 is Eric Blinderman, and I'm the managing member of
8 Grillade LLC. We filed an application for a
9 sidewalk café for a restaurant we're going to be
10 opening on 28 7th Avenue South. The original
11 application had 40 seats, but after discussions
12 with Speaker Quinn's office we've agreed to reduce
13 the seats to 36, and I have a letter to that
14 effect that I would like to read into the record
15 with everyone's permission.

16 CHAIRPERSON WEPRIN: Please go
17 ahead.

18 ERIC BLINDERMAN: Thank you. Dear
19 Council Member Quinn, this letter serves as our
20 agreement with the Chair, Council Member Mark
21 Weprin, and the encompassing members of the
22 Subcommittee on Zoning and Franchises that we will
23 commit to the following: We will reduce the size
24 of the sidewalk café from 20 tables and 40 seats
25 to 18 tables and 36 seats, specifically removing

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2 two tables and four chairs from the top middle
3 section of the café. The remaining four tables
4 and eight chairs in the top middle section will be
5 centered between the two adjacent doorways. This
6 will prevent the doors from being blocked during
7 the café's operation hours. These changes will be
8 reflected in revised plans submitted to New York
9 City's Department of Consumer Affairs. If you
10 have any questions, please let me know.

11 CHAIRPERSON WEPRIN: Thank you, Mr.
12 Blinderman. This is a new establishment. You
13 haven't opened yet?

14 ERIC BLINDERMAN: We have not
15 opened, but I am a current restaurant operator. I
16 built, owned and founded a restaurant in
17 Manhattan's West Village right around the corner
18 named Moss Farmhouse, so this is our sister
19 restaurant.

20 CHAIRPERSON WEPRIN: And this is on
21 7th Avenue South and what cross street?

22 ERIC BLINDERMAN: Between Bedford
23 and Leroy.

24 CHAIRPERSON WEPRIN: Okay.

25 ERIC BLINDERMAN: One block north

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2 from Little Branch, a couple blocks north of
3 Houston.

4 CHAIRPERSON WEPRIN: Okay. I know
5 where it is. - - used to be a fishing themed
6 place right off there, right?

7 ERIC BLINDERMAN: There was and-

8 CHAIRPERSON WEPRIN: [Interposing]
9 Angler's and Riders or something?

10 ERIC BLINDERMAN: Yeah, it was a
11 nightclub called Movida that had gone bankrupt in
12 2006. The place has remained vacant since then
13 and we charitably have destroyed and gutted and
14 renovated the place to turn it into our new fine
15 dining restaurant.

16 CHAIRPERSON WEPRIN: Okay. - -
17 give yourself a commercial here too. Okay, I
18 understand Speaker Quinn is fine with it. She has
19 this letter and has agreed to this letter. Does
20 anyone have any comments or questions about this
21 café now that we have an agreement with the
22 Council Member? Seeing none, we thank you very
23 much. We wish you good luck with the restaurant.
24 May you have many fruitful years ahead.

25 ERIC BLINDERMAN: Thank you.

CHAIRPERSON WEPRIN: Thank you.

Okay. We're going to move on to our second item. We've been joined by Council Member Vincent Ignizio, who is with us, and right on cue, Council Member Steve Levin, who represents the area for our next item, Land Use No. 443, Bar Tabac on Smith Street. I'd like to call up Robert Callahan [phonetic]. Okay. Mr. Callahan, sorry, please come up, state your name for the record and you can describe the application and you can discuss any discussions with Mr. Levin.

ROBERT CALLAHAN: I have a letter..

Good morning. My name is Robert Callahan of Michael Kelley Inc. [phonetic]. We're here today representing Moulinas LLC, doing business as Bar Tabac. This is a renewal of enclosed sidewalk café containing 14 tables and 28 seats. We're aware of several concerns of the residents and of Community Board 2 during this renewal process, so we've drafted a letter, which is an agreement between the restaurant, Council Member Levin's office and Community Board 2, which I'd like to read into the record.

CHAIRPERSON WEPRIN: Please go

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ahead.

ROBERT CALLAHAN: Dear Council Member Levin, this letter should serve as our agreement with the City Council and Community Board 2 that we will commit to the following: Removal of the outdoor waiter station. We will use 18 inch tables. We will submit new plans showing the correct location of the waiter aisle and the change from 24 inch to 18 inch tables. We will remove the bench and the foosball table. We will have 14 tables and 28 seats in the café. We will not put out more tables and chairs than is stated on our sidewalk café permit. We will meet with the representatives of Council Member Levin's office, Community Board 2 and the 84th Precinct to discuss the implementation and stipulations and other matters of concern. We will ensure that the doors between Bar Tabac and the sidewalk café on the Dean Street side of the building shall be self-closing and be kept closed to mitigate noise. If there are any questions, please contact my representative, Michael Kelley, at (914) 632-6036. Sincerely, Georges Forgeois Managing Member.

CHAIRPERSON WEPRIN: Thank you, Mr.

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2 Callahan. Mr. Levin, did you want to comment on
3 your discussions?

4 COUNCIL MEMBER LEVIN: Sure. Thank
5 you, Mr. Chair. Thank you, Mr. Callahan. I just
6 want to thank you for your willingness to have an
7 open dialogue and to work with the community,
8 community members, your neighbors, the community
9 board, the 8th Precinct and my office and making
10 sure that we were able to come to a satisfactory
11 compromise in all of this.

12 ROBERT CALLAHAN: And we thank you
13 for your assistance also.

14 COUNCIL MEMBER LEVIN: Thank you,
15 Mr. Chairman.

16 CHAIRPERSON WEPRIN: Any comments
17 on questions from the panel about this? Seeing
18 none, thank you Mr. Callahan. We do have one
19 other person to testify in favor of this—Mr.
20 Robert Paris [phonetic], district manager for
21 Community Board 2. Am I right about that, Mr.
22 Paris? Okay good. Thank you. Please sit down.
23 It's unusual I'm right is my point. State your
24 name again for the record.

25 ROBERT PARIS: My name is Robert

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2 Paris and I am the district manager for Brooklyn
3 Community Board 2. I'm here to testify on the
4 matter before the Committee. In light of the
5 testimony that was just received by the
6 applicant's representative, I will dispense with
7 reading the actual testimony. I do ask it be
8 entered into the record, so we have a record of a
9 history of problems with this establishment. I
10 thank Council Member Levin for calling up this
11 item, and I look forward to an improved condition
12 at the corner of Smith and Dean Streets.

13 CHAIRPERSON WEPRIN: Sergeant at
14 Arms, could you just take a copy of that letter so
15 we could add it to the record—make sure it gets
16 added to the record? We actually have it there.
17 Okay. Well, give him a copy anyway. Now that I
18 made him get up, you know. Alright, thank you,
19 Mr. Paris. That was certainly easy enough. Okay.
20 Anyone else? Comments or questions? Nope. Okay.
21 Thank you, Mr. Paris. We're going to close that
22 hearing. We are joined by Council Member Robert
23 Jackson as well.

24 We are now going to move to—again,
25 Land Use 444, the Lodge Restaurant, in Council

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2 Member Reyna's district has been laid over until
3 another meeting, and we will now move on to our
4 Land Use items. The next item a Land Use on West
5 116th and 117th Street. There's a proposed zoning
6 map amendment. Joining us today is Carol Clark as
7 well as Thebia Walters and Tel [phonetic] Metsker
8 [phonetic]. All please state your name for the
9 record.

10 CAROL CLARK: Good morning, Mr.
11 Chairman and members of the Committee. My name is
12 Carol Clark. I'm assistant commissioner of Land
13 Use and Governmental Affairs at the Department of
14 Housing Preservation and Development. I am joined
15 by Thebia Walters, who is the director of
16 Manhattan planning at HPD and Tel Metsker of L + M
17 Development. We're very pleased to be here this
18 morning to speak in favor of the pre-considered
19 Land Use item on the rezoning of East 116th and
20 117th Street and Thebia is going to give our
21 testimony from HPD on this private rezoning
22 application.

23 THEBIA WALTERS: Hi, my name is
24 Thebia Walters. I'm director of Manhattan
25 planning for HPD. This rezoning presents an

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2 excellent opportunity to create affordable housing
3 in the Harlem community on privately owned land
4 that will be affordable to those earning annual
5 incomes in some of the lowest bands that our
6 agency's programs can target. Specifically this
7 rezoning will facilitate the creation of 100 units
8 of rental housing for individuals and families
9 making up to 60% of AMI, which amounts to
10 somewhere between 20,000 to \$49,000 a year,
11 depending on family size. HPD has been working
12 closely with L + M the proposed developer and
13 applicant for the rezoning and we have been in
14 consultation with Council Member Dickens. It is
15 important to note that the creation of these units
16 will help fulfill the city's affordable housing
17 commitment to the Harlem community following the
18 125th Street rezoning--a matter of great importance
19 to the Council Member and to HPD. We look forward
20 to assisting with next steps once the revised
21 zoning is in place to bring the new building to
22 the groundbreaking stage of development. Now I
23 would like to introduce Tel Metsker of L + M
24 Development, who will offer additional comments,
25 and then we will then be pleased to take any

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2 questions from the Committee members.

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TEL METSKER: Good morning,

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Chairperson and Council Members. Thank you very

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much for having us here this morning. My name is

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Tel Metsker, and as introduced, I do represent L +

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M Development Partners, which is a company that's

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been in business for about 25 years, has built

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almost 10,000 of housing in New York City. They

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continue to manage about 5,000 units around the 5

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boroughs. Our primary business is in affordable

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housing. What we do propose to build here is a

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100 unit affordable rental building and about a

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100 unit market rate condominium building on this

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one same site. We are asking for a rezoning from

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R7-2 to a C4-5x, which would be a more contextual

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zoning. It would limit the height of the building

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on the site and would permit us to build more

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housing there. I'm happy to take any questions,

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so I open it up to any of you.

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CHAIRPERSON WEPRIN: Thank you very

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much. I see we've been joined by Council Member

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Dickens with an unusual show and tell item.

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Council Member Dickens [off mic]? Well, take your

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time. Just give us a second. We're going to

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2 allow the Council Member who represents this area
3 to speak on this as soon as she settles in.

4 [laughter]

5 CHAIRPERSON WEPRIN: Robert, there
6 is a camera in the room.

7 [long pause]

8 COUNCIL MEMBER DICKENS: Thank you,
9 Mr. Chair, for giving me this opportunity. I
10 assume that testimony was given?

11 CHAIRPERSON WEPRIN: Yeah, they
12 just finished their testimony. Your timing was
13 perfect. I was going to ask them—they mentioned
14 that they had been in consultation with you—I was
15 going to ask what the details were of the
16 consultation, but now that you're here, I don't
17 have to ask.

18 COUNCIL MEMBER DICKENS: Thank you.
19 I strongly support this project because of the
20 additional affordable housing. This is an
21 exchange for the 125 - - during the 125 rezoning,
22 where they were only going to put in approximately
23 45 affordable units at that site, and in exchange
24 for going to 116th, 117th and 5th, we will get more
25 than twice as many number of affordable units with

1 AMIs that are really conducive to my community.
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3 The one thing that I did ask for because as part
4 of the development is going to be a condo unit
5 built, of which I had no problem with the condo
6 unit, except that I wanted the condos to be built
7 on 117th Street because I'm trying to—with the
8 changes that's coming in Harlem, with all the
9 development that's occurring in Harlem, 117th
10 Street between 7th - - Boulevard and Malcolm X,
11 which is Lennox Avenue, they have on both sides of
12 the streets—the south side and the north side—
13 total homeownership of 1, 2, 3 families and I want
14 117th Street to continue to grow and progress as
15 the rest of Harlem is doing, and so I had asked
16 the developed, who had no problem with doing that—
17 amending it; however, I did receive a letter from
18 the bank explaining to me that they had a problem
19 with funding the condo units on 117th Street and so
20 I have a problem with that. I'm going to go along
21 with this because of a number of affordable units
22 that my community will indeed get as a result of
23 this negotiation; however, I am very, very much
24 unhappy with Goldman Sachs because I feel that
25 that's kind of a red lining of 117th Street and I

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2 think it's unfair for them to put that as part of
3 what they will do—is to determine that they cannot
4 fund a development one block away. They're
5 willing to fund it on 116th Street, but not on 117th
6 Street, so I do have a problem with that, and I
7 wanted that put on the record, although I do
8 support, and I ask for my colleagues to vote yes,
9 but I want them to be aware of this type of
10 thinking from an industry that has been the
11 beneficiaries of federal funding to be aware that
12 this may go on in the future. Thank you.

13 CHAIRPERSON WEPRIN: Ms. Clark
14 wanted to comment on that.

15 CAROL CLARK: Speaking for HPD, we
16 very much appreciate the Council Member's support
17 and we have been a participant in this dialogue
18 and indeed she correctly reflects what has been
19 happening in the situation and the investors and
20 lenders have indicated to the developer subsequent
21 to the developer indicating to the Council Member
22 in a meeting that indeed the developer would have
23 been willing to make the switch of the parcels she
24 indicated. Subsequent to that, the investors and
25 the lenders came in with an opinion that as

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2 Council Member Dickens described, is resisting
3 that development. So all of that being said,
4 thank you Council Member Dickens for your
5 enlightened support of this rezoning. I'm sure
6 that your office and the developer will continue
7 to have discussions on the point that you've
8 raised.

9 CHAIRPERSON WEPRIN: Okay. Anyone
10 have any questions or comments? I don't see any.
11 Ms. Dickens, you convinced everyone I guess. We
12 thank you all for coming and we're going to close
13 this hearing, and then we are going to couple all
14 the items we have heard today--the two cafes,
15 Grillade Land Use No. 441 in Speaker Quinn's
16 District on 7th Avenue South, Land Use No. 443 Bar
17 Tabac in Council Member Levin's district on Smith
18 Street. Remember we are laying over 444, Lodge--
19 that's being laid over. And then we are going to
20 add this application C 110243 ZMM, 116th, 117th
21 Street rezoning. Those will all be coupled. The
22 Chair will recommend an aye vote and I will ask
23 the counsel, Christian Hilton, to please call the
24 roll.

25 COUNSEL: Chair Weprin?

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CHAIRPERSON WEPRIN: Aye.

COUNSEL: Council Member Rivera?

COUNCIL MEMBER RIVERA: I vote aye.

COUNSEL: Council Member Comrie?

COUNCIL MEMBER COMRIE: Aye.

COUNSEL: Council Member Jackson?

COUNCIL MEMBER JACKSON: Aye.

COUNSEL: Council Member Vann?

COUNCIL MEMBER VANN: Aye.

COUNSEL: Council Member Garodnick?

COUNCIL MEMBER GARODNICK: Aye.

COUNSEL: Council Member Vacca?

COUNCIL MEMBER VACCA: Aye.

COUNSEL: Council Member Ignizio?

COUNCIL MEMBER IGNIZIO: Aye.

COUNSEL: By a vote of eight in the affirmative, none in the negative, no abstentions, L.U. 441, L.U. 443 and pre-considered L.U. C 110243 ZMM are approved and referred to the full Land Use Committee.

CHAIRPERSON WEPRIN: Okay. With that in mind, we are going to hold the rolls open for 15 minutes, and with that, I now adjourn the meeting.

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[gavel]

COUNSEL: Council Member Reyna?

COUNCIL MEMBER REYNA: I vote aye
on all.

COUNSEL: The vote now stands at
nine in the affirmative, none in the negative, no
abstentions. Council Member Lappin?

COUNCIL MEMBER LAPPIN: Aye.

COUNSEL: The vote now stands ten
in the affirmative, none in the negative, no
abstentions. All items are referred to full Land
Use Committee.

COUNCIL MEMBER REYNA: This meeting
is adjourned.

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

Kimberley Uhlig

Date

August 20, 2011