

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

-----X

October 27, 2011
Start: 10:10 a.m.
Recess: 10:40 a.m.

HELD AT: Council Chambers
City Hall

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

COUNCIL MEMBERS:

Council Member Leroy G. Comrie, Jr.
Council Member Daniel R. Garodnick
Council Member Vincent M. Ignizio
Council Member Robert Jackson
Council Member Jessica Lappin
Council Member Diana Reyna
Council Member Ydanis A. Rodriguez
Council Member Larry B. Seabrook
Council Member James Vacca
Council Member Albert Vann
Council Member

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

Carlo Fortunato

Owner

La Piazzetta

1
2 CHAIRPERSON WEPRIN: Good morning,
3 everyone, I'm sorry for the delay. We're going to
4 get started. We have a number of café
5 applications here today, sidewalk café
6 applications, that we're going to start right in
7 with Land Use No. 495, which is Cariño Café or
8 restaurant. And I would like to ask Yesenia, come
9 on up, come to this table. Santibanez. Sorry,
10 you what? [background comment, pause] Yeah, no
11 problem, all right, have a seat. Trying to move--
12 we're just taking 'em in order, so we're happy to
13 get back to you. All right, next will be from La
14 Piazzetta. And that is, whoever you are, start
15 coming up, and I'll figure who you are, what your
16 name is. Okay. Carlo Fortunato. And what I'd
17 like you to do is please go to the microphone,
18 you'll push the button, state your name, describe
19 your application and where we are with this. And
20 before you do that, let me just say, we are here
21 with Council Member Robert Jackson, Council Member
22 Al Vann, Council Member Leroy Comrie, Council
23 Member Dan Garodnick, Council Member Larry
24 Seabrook from the Committee, and we're joined by
25 Council Member Ydanis Rodriguez. Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CARLO FORTUNATO: Good morning.

CHAIRPERSON WEPRIN: Hi, just make sure the mic's on, it's sometimes counterintuitive there.

CARLO FORTUNATO: Well. Good morning, name Carlo Fortunato. We're proposing unenclosed sidewalk permit, for three tables and 14 chairs.

[pause]

CHAIRPERSON WEPRIN: Okay. Could I ask this que--I know there was some issue with the planters in front of the restaurant.

CARLO FORTUNATO: Yes.

CHAIRPERSON WEPRIN: Can you just make it, tell me what happened with that?

CARLO FORTUNATO: They were removed yesterday, and I have a photograph here with me, along with - -

CHAIRPERSON WEPRIN: [interposing] All right, if you can give that to the Sergeant-at-Arms. [pause] Okay. Looking at a picture of a street, I have a picture before and after picture, you're going to have to trust me on this, panel, so we don't--and planters are in the first

1
2 picture, and not in the second. I can't tell if
3 it was Photoshopped, but I'm going to trust the
4 gentleman--

5 CARLO FORTUNATO: [laughs]

6 CHAIRPERSON WEPRIN: --that this
7 is, this is indeed an accurate description. And I
8 understand from Councilman Reyna's office, that
9 she's okay with this, these changes, and these new
10 regulations. I want to know if anyone on the
11 panel has any questions or comments. I don't see
12 any. I want to thank you very much for coming.
13 And we're going to close this item and move on to
14 the next. But thank you very much.

15 CARLO FORTUNATO: Thank you.

16 [pause]

17 CHAIRPERSON WEPRIN: Okay, we're
18 going to move now, we're going to go to Land Use
19 No. 501, which is Tococina Mexicano [phonetic]
20 Grill, Mexican Grill, it says. And that is right
21 here, Nestor Rosario. Is it--

22 NESTOR ROSARO: [off mic] Rosaro.

23 CHAIRPERSON WEPRIN: Rosaro. Okay.
24 I added a letter.

25 NESTOR ROSARO: That's okay.

1

2

CHAIRPERSON WEPRIN: Okay, Mr.

3

Rosaro, I apologize.

4

NESTOR ROSARO: No problem. Good

5

morning. Good morning.

6

CHAIRPERSON WEPRIN: I'm good.

7

NESTOR ROSARO: Is it off, okay,

8

it's on.

9

CHAIRPERSON WEPRIN: State your

10

name again, though, for the record.

11

NESTOR ROSARO: Sure. My name is

12

Nestor Rosaro, I'm an attorney in Washington

13

Heights. I've been an attorney in Washington

14

Heights for 20 years, I'm also the attorney for Ta

15

Cocina Mexican Grill. I have the owner here also

16

with me. You know, this restaurant has been there

17

three years, it's a very good restaurant, and it's

18

family oriented. A lot of family, families go

19

there. They're not open late, only on weekends,

20

Friday, I mean, is it Friday, Saturday and Sunday.

21

FEMALE VOICE: Only Friday and

22

Saturday.

23

NESTOR ROSARO: Only, only Friday

24

and Saturday, open to 12:00. This, the, in the

25

three years that they've been there, I've been

1
2 their attorney, they've never had any complaints
3 about excessive noise, sell to minors, anything
4 like that, the zone of the premises. It's a very
5 clean, family oriented restaurant. They want to
6 put in four tables outside, so to have a sidewalk
7 café. I think this will be good for the
8 community, 'cause it would add, you know,
9 something to the community. They, they have
10 approved plans from the Department of Consumer
11 Affairs, which Councilman Jackson has. The plans
12 show that there's sufficient space between the bus
13 stop and the sidewalk café. And, you know, I
14 think it should be approved because it is a nice
15 restaurant, and it's going to add to the
16 community. They're not, you know, all family
17 oriented, they close by 11:00 o'clock. Over the
18 restaurant is like a, there's no apartments over
19 the restaurant, so they've never had any problems
20 with excessive noise.

21 CHAIRPERSON WEPRIN: Okay, thank
22 you. The, there was the one issue, I know I got a
23 letter to this effect, has to do with, from Mr.
24 Rossi [phonetic] about the A-framed menu that was
25 placed in front of the restaurant.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NESTOR ROSARO: Yes.

CHAIRPERSON WEPRIN: I understand there's an agreement to remove that A-framed menu?

NESTOR ROSARO: She has removed it already, and she did sign the agreement to keep it off there, off the sidewalk.

CHAIRPERSON WEPRIN: Right, and that's the letter I have, which is addressed to me and Members of the Committee, saying that A-frame is gone. Council Member Jackson, who represents this area, would you, would you like to say anything, R.J.?

COUNCIL MEMBER JACKSON: Well, thank you, Mr. Chair. I've lived in that area for over 35 years, and in fact my children all went to the school which is right around the corner. So I know the area very, very well. And in fact, I've been to the restaurant one time when our U.S. Senator Gillibrand, we had a reception for her there, a lunch reception. It is a family restaurant. I don't have any issues and concerns as far as anything that they do. I haven't received any complaints about noise or anything else. And in fact, after they filed their

1
2 petition, I went by there, on a very, very busy
3 day, a Sunday in which we had the medieval
4 festival up in Fort Tryon Park, where during the
5 course of the day there was 60,000 people in the
6 park. So, traffic on Fort Washington Avenue and
7 all of the restaurants, extremely heavy, and in
8 fact, I went by the restaurant and it was booked.
9 I mean, they were filled to the brim. And I
10 looked at the sidewalks, I know the bus stop in
11 question, so any issue or concern that anyone has,
12 I don't have them, as someone that lived in that
13 area, that have experienced that. I do know that
14 there is no noise complaints. There was an issue
15 raised as far as the sidewalk is not wide enough.
16 I don't have that concern. And so I'm in
17 agreement with the Department of Consumer Affairs,
18 and approving this permit as per requested, for
19 four tables with 16 chairs. So, I would recommend
20 to my fellow, I was going to say fellow employees
21 [laughter] my fellow Council Members--

22 CHAIRPERSON WEPRIN: We all work
23 for you, Robert.

24 COUNCIL MEMBER JACKSON: --my
25 fellow Council Members that we approve this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

request. Thank you.

CHAIRPERSON WEPRIN: Thank you, Council Member Jackson. Obviously he likes this restaurant and approves of this café request. Does anyone on the panel or anyone here would like to make a statement or comment? Okay, seeing none, great, thank you very much.

NESTOR ROSARO: Thank you.

CHAIRPERSON WEPRIN: We appreciate your coming down and sorry to have kept you here so long.

NESTOR ROSARO: That's okay, thank you very much.

CHAIRPERSON WEPRIN: Okay, and we'll be voting at the end of the Committee. The next i--[pause] Okay. We're going to call on--we have someone here for--Alligator Lounge, which is Land Use No. 502. And that's on Metropolitan Avenue. Okay. I don't think she filled out a slip, but we're going to let her go. Do you need her to fill it out now? She, can you bring her a slip just to fill out right there while she sits there.

SERGEANT-AT-ARMS: The young lady?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON WEPRIN: Yeah, I think so. Right? You're the only one here for Alligator Lounge, right? We need you to fill out a slip. [pause] So. Why don't you do that quickly, and then once you finish that--

SERGEANT-AT-ARMS: Put your name and the date. Name and date, that's it, and the café?

CHAIRPERSON WEPRIN: In the meantime, we have been joined by Council Member Ignizio and Council Member Diana Reyna. I don't know why Ignizio didn't have a first name, but maybe like Madonna, you know, Ignizio.

SERGEANT-AT-ARMS: You're the owner, right?

CANDICE MURPHY: No, I'm the manager.

SERGEANT-AT-ARMS: Okay. Sounds good. [pause, background noise] Thank you.

[pause]

CHAIRPERSON WEPRIN: Okay. If you could please make sure the mic is on, and state your name for the record.

CANDICE MURPHY: I think it's on

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

now.

CHAIRPERSON WEPRIN: And tell us what it is you're asking for.

CANDICE MURPHY: Okay. My name is Candice Murphy. I am the manager of the Alligator Lounge, at 600 Metropolitan. And I'm asking for a renewal of our license, of our café license of six tables and 18 chairs.

[pause]

CHAIRPERSON WEPRIN: Okay. Council Member Reyna, I know you represent the Alligator Lounge, and I know you have some things you would like to say.

COUNCIL MEMBER REYNA: Thank you, Mr. Chair, and to the Committee. I just wanted to apologize for not being here for La Piazzetta. We had had conversations with the owners of La Piazzetta, and I just wanted to confirm approval in support of La Piazzetta's sidewalk café application. And moving onto the Alligator Lounge, I just wanted to clarify certain concerns that were raised at the community board level. Did you participate at the public safety committee hearing process at the community board level, Ms.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Murphy?

CANDICE MURPHY: I've been go--I've been to, I believe, three community board meetings now, are recently over this, so I'm assuming that one of those was, was that.

COUNCIL MEMBER REYNA: And was there a recommendation requested of the Alligator Lounge, from the community board, and its public safety committee?

CANDICE MURPHY: That I'm not--do you mean if they recommended us for the license renewal?

COUNCIL MEMBER REYNA: Correct, as part of your application process.

CANDICE MURPHY: I believe that they, the last meeting I went to, they said they were not recommending us.

COUNCIL MEMBER REYNA: And do you understand why?

CANDICE MURPHY: I, the first meeting I went to, they explained to me that there was a concern over the patio being out late, and I, I did not know that. And I have made sure, since then, I recently became the manager, that

1
2 the patio is brought in during the, it's brought
3 it at a little before midnight during the week and
4 a little before 1:00 a.m. on weekends.

5 COUNCIL MEMBER REYNA: And were
6 there other issues that were raised? Other than
7 the patio being open late, beyond 1:00 p.m. 1:00
8 a.m., rather.

9 CANDICE MURPHY: There was one
10 issue about us, I believe his name was Peter, I'm
11 sorry, I don't remember his last name--

12 COUNCIL MEMBER REYNA: Mm-hmm.

13 CANDICE MURPHY: --one of the
14 members, was talking about how he didn't consider
15 us a restaurant. That was a big consideration,
16 but I explained to him that we, I run a staff of,
17 I have got six kitchen workers. We keep
18 everything up to health codes, I mean, it costs us
19 money to run our kitchen.

20 COUNCIL MEMBER REYNA: Right.

21 CANDICE MURPHY: I mean, we may
22 give out free--should I explain like what we--

23 COUNCIL MEMBER REYNA: Sure, that
24 would help. [laughs]

25 CANDICE MURPHY: Okay, for--

1
2 COUNCIL MEMBER REYNA: I've never
3 been to your establishment.

4 CANDICE MURPHY: Okay, well, for
5 every alcoholic beverage that you purchase, you
6 get a free personal inch, ten inch pizza. That's
7 just plain cheese and you can add, you know, a
8 dollar per topping if you want toppings. But we
9 do have a kitchen and we do prep food there. We
10 have a brick oven. So I mean, we, we do on like
11 a, on a good night, around 300 pizzas. I mean,
12 they're all, and they're all free, it comes out
13 of, you know, I mean, it comes out of our pocket.
14 But he said that it, because it's free it wasn't
15 considered a restaurant. But I can tell you that
16 every single of my employees has gone through the
17 food handler certification, and I actually have my
18 card I brought with me, if I can show you guys.
19 [pause] And our pizza's better than the
20 Charleston.

21 COUNCIL MEMBER REYNA: [laughs]

22 CANDICE MURPHY: [laughs]

23 COUNCIL MEMBER REYNA: Thank you
24 very much.

25 CANDICE MURPHY: I have actually

1
2 been through the program twice. On accident, but
3 I have been, so it's kind of drilled in my memory.
4 And--

5 COUNCIL MEMBER REYNA: Of course.

6 CANDICE MURPHY: --we are, and when
7 the Health Department came in for our last
8 inspection, we had no violations, no warnings at
9 all, or any sort of--we got an A on door, which
10 I'm sure you know, 'cause I'm sure you know about,
11 that they're very strict with the way that they
12 give their letter grades now. And we had
13 absolutely nothing wrong with the, with the
14 restaurant. So.

15 COUNCIL MEMBER REYNA: Okay.

16 CANDICE MURPHY: So, I do consider
17 ourselves a restaurant.

18 COUNCIL MEMBER REYNA: Right, so
19 you have a food handling license.

20 CANDICE MURPHY: Mm-hmm.

21 COUNCIL MEMBER REYNA: Your permits
22 are up to date.

23 CANDICE MURPHY: Mm-hmm.

24 COUNCIL MEMBER REYNA: you are
25 considered a restaurant according to DOH

1
2 regulations. You have gone through the process
3 for food handling licensing for each of your staff
4 members handling food. I understand it's brick
5 oven pizza, and it's free, with the additional
6 toppings being one dollar per topping.

7 CANDICE MURPHY: Yep.

8 COUNCIL MEMBER REYNA: The issue of
9 the patio being open late, did you by any chance
10 write a letter confirming what you have agreed
11 upon with the community board regarding a
12 consensus as to being aware as the manager and the
13 conscious effort in making sure that beyond 1:00
14 a.m., the establishment will shut down what would
15 be the patio being out late?

16 CANDICE MURPHY: Mm-hmm. I did
17 not, at the last, I didn't realize that they
18 wanted a letter. But at the last meeting I went
19 to, I, you know, explained to them that I have
20 been ev--I mean, I go in every, every single shift
21 and make sure they've put the patio in. And I
22 call the bar, you know, just to make sure, because
23 we've been taking this very seriously.

24 COUNCIL MEMBER REYNA: Mm-hmm.

25 CANDICE MURPHY: And they said that

1
2 they've seen it out there still, which I have not.
3 And I, I mean, I call every day. So, maybe there
4 was some sort of misunderstanding, but I'm more
5 than willing to sign a letter, and I'm willing to
6 work with the community board and, you know, you
7 know, check in with them, you know, monthly, if
8 they want, just to--

9 COUNCIL MEMBER REYNA: Sure.

10 CANDICE MURPHY: 'Cause I'm, I'm as
11 concerned about, you know, of course, if people
12 are complaining about something, I want to know
13 something about my restaurant.

14 COUNCIL MEMBER REYNA: Can you have
15 a, the letter addressed to this Committee.

16 CANDICE MURPHY: Mm-hmm.

17 COUNCIL MEMBER REYNA: So that we
18 have a copy to our, in our files, in our records,
19 as well as just cc'ing the community board, so
20 that at least they're aware that this was
21 discussed here at the City Council level, and your
22 agreement in that letter is agreeing to secure
23 that the patio service is shut down after 1:00
24 a.m. Your hours of operation. What are they
25 regarding the establishment?

1
2 CANDICE MURPHY: We open at 3:00
3 p.m. and we close at 4:00 a.m.

4 [pause]

5 COUNCIL MEMBER REYNA: And your
6 patio, prior to concerns being raised at the
7 community level, were, was open till 4:00 a.m.?

8 CANDICE MURPHY: No, it's never
9 been open till then. As, I mean, just as coming
10 in to manager, I mean, we've always just known to
11 close it. So, I, that's why I was kind of shocked
12 about the concerns.

13 COUNCIL MEMBER REYNA: Okay. For
14 the community board to have denied it, raises
15 levels of concern for me, and so I'm trying to
16 understand exactly what were the hours of
17 operation, and are people gathering outside and
18 causing disruption in the community?

19 CANDICE MURPHY: You know, I've,
20 I've never--I have been the manager since January.
21 I have never had a single noise complaint. The
22 police have never been into my bar, only if, you
23 know, random things. But nothing to do with
24 noise, at all.

25 COUNCIL MEMBER REYNA: Okay.

1
2 CANDICE MURPHY: And I just, I've
3 never had anyone come in and complain, and I mean,
4 of course, I would deal with it--

5 COUNCIL MEMBER REYNA: Right.

6 CANDICE MURPHY: --right away, but
7 I'm, I've just, it's never been an issue. Our
8 doors are closed, 'cause we've got big open doors,
9 that go onto the patio. I mean, we close those at
10 8:00 o'clock. And the music's never that loud. I
11 have a decibel reader, I forget what the--my, my
12 sound engineer goes outside with the decibel
13 reader, he actually makes sure that we are not
14 going over. We don't want violations for it being
15 too loud, of course.

16 COUNCIL MEMBER REYNA: Right,
17 right.

18 CANDICE MURPHY: But I mean, our
19 speakers aren't that loud anyway, so.

20 COUNCIL MEMBER REYNA: Mm-hmm.

21 CANDICE MURPHY: And after, I mean,
22 our door guys know that because there's people
23 that live on each side, I have signs up saying
24 that, "Do not sit on the step," so people don't do
25 that. I mean, I can't control what, what they do,

1
2 with the people that live, 'cause some of our
3 neighbors, we've had issues with like kind of
4 being out there, but that's not our property.

5 COUNCIL MEMBER REYNA: Right.

6 CANDICE MURPHY: I can't tell
7 someone not to sit on their own step, so--

8 COUNCIL MEMBER REYNA: Right. And
9 can you just clarify, Ms. Murphy, the hours of
10 operation during the weekday versus weekend?

11 CANDICE MURPHY: Same, same hours,
12 just like normal bar hours.

13 COUNCIL MEMBER REYNA: Same hours,
14 3:00 p.m.--

15 CANDICE MURPHY: Our pizza does
16 stop at 3:30, so the kitchen closes around 3:30,
17 but--

18 COUNCIL MEMBER REYNA: In the
19 morning.

20 CANDICE MURPHY: In the morning,
21 yes. But I mean, the door closed at 8:00, the
22 patio's in.

23 COUNCIL MEMBER REYNA: Okay. Okay.
24 So, thank you very much, Ms. Murphy for coming
25 down and just--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CANDICE MURPHY: Thank you.

COUNCIL MEMBER REYNA: --clarifying a lot of these concerns.

CHAIRPERSON WEPRIN: Ms. Murphy, if I can jump in, any letter that you do write to the community board or anyone else, please make sure to give it, send us a copy, too.

CANDICE MURPHY: Definitely.

CHAIRPERSON WEPRIN: Peter, we never remember his last name either, it's very confusing. You got to send it to Peter and Land Use, and that's good, you know.

CANDICE MURPHY: [laughs]

CHAIRPERSON WEPRIN: Janice [phonetic] is a tough name to, people don't remember. Anybody else have any questions about this item? [pause]

CANDICE MURPHY: [laughs] Every day. [laughs]

[pause]

CHAIRPERSON WEPRIN: Okay, we have a time constraint on, so if you can get that letter, you know, we're going to take up the item today.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CANDICE MURPHY: Okay.

CHAIRPERSON WEPRIN: But we need you to get us that letter and the letter's out, before, later to--by the end of today, or tomorrow at the latest, you know?

CANDICE MURPHY: No, no problem. I can do it today.

CHAIRPERSON WEPRIN: And--okay. So if you can do that, then because we'll be considering it with the Land Use Committee, and before that we want to do that. When is the Land Use? [background noise] Next week, right? But we need it, we need it today, anyway, just to make sure we got it.

CANDICE MURPHY: No problem.

CHAIRPERSON WEPRIN: Okay?

CANDICE MURPHY: Sure.

CHAIRPERSON WEPRIN: Thank you.

Anyone else--

CANDICE MURPHY: Thank you.

CHAIRPERSON WEPRIN: --comments or questions? [pause, background comments] Yeah, okay. [laughter] All right, thank you very much. She couldn't get out of that seat fast enough.

1
2 Anyway. Next is Land Use No. 503, in Speaker
3 Quinn's district, Brasserie Beaumarchais.
4 Beaumarchais. 409 West 13th Street. And Philip--
5 you can read that? Louden, Lorden? You'll tell
6 me what it is. It's my eyes, it's partially my
7 eyes, partially your handwriting. I don't know,
8 you know?

9 PHILIP LORDANOU: [off mic] It's
10 Philip Lordanou.

11 CHAIRPERSON WEPRIN: Okay, o-kay.
12 Say it again, together, both say your name, but
13 make sure the mic is on.

14 PHILIP LORDANOU: My name's Philip
15 Lordanou, I'm the General Manager of the
16 restaurant.

17 RYAN TARANTINO: My name's Ryan
18 Tarantino, I'm the Chief Operating Officer.

19 CHAIRPERSON WEPRIN: Okay. If you
20 could please describe what the issue is, at this
21 establishment.

22 RYAN TARANTINO: We were up for
23 renewal of our outdoor café permit, at ten tables,
24 20 seats. There were several concerns raised at
25 the community level that we have since addressed.

1
2 Ready to present to the Board with a letter saying
3 that we've addressed those, including removing one
4 of our tables due to the fire escape coming down
5 in the café area, noise level, as well as some
6 planters that were outside, as well.

7 CHAIRPERSON WEPRIN: Okay.

8 Terrific, I'm sorry, Jessica. Knocked everything
9 off the desk here. Well, thank you very much. I
10 have a letter here. Who is Ryan Tarantino?

11 RYAN TARANTINO: That's me.

12 CHAIRPERSON WEPRIN: That's you?

13 Okay. A letter from Ryan Tarantino to Speaker
14 Quinn about this. And I'll just read you these,
15 the items on this letter that were written.
16 Number one was we will remove one table and two
17 chairs; number three, four and five, respective,
18 in order to allow for the safe deployment of an
19 overhead fire escape ladder, as you mentioned, in
20 accordance with New York City Fire Department
21 regulations. This change will be reflected in
22 revised plans submitted by the New York City, to
23 the New York City Department of Consumer Affairs.
24 Two, we will remove the two topiary planters
25 located on either side of the restaurant entrance.

1
2 Lot of anti-planters things going on today.
3 Number three, in response to community concerns
4 about the level of noise emanating from the
5 restaurant, we have installed a half-inch thick
6 curtain that has been fire rated. Whatever the
7 heck that means. Four, we have removed the
8 platform which was formerly in the sidewalk café
9 zone, in accordance with the New York City
10 Consumer Affairs regulation. Mr. Tarantino, those
11 things all still apply, correct?

12 RYAN TARANTINO: Yes.

13 CHAIRPERSON WEPRIN: I understand
14 from Speaker Quinn's office that she is, has
15 agreements on this, and everything is okay, had
16 gotten the nod from the audience. And does anyone
17 else on the panel have anything they want to say
18 to these two gentlemen? [background comment]
19 Good luck. Even Diana Reyna doesn't have anything
20 to say to these gentlemen, I'm surprised. - -
21 Okay. [background comments, crosstalk, pause]
22 All right. Any copies you send to DCA, as you say
23 in your letter, please send us a copy, as well.

24 RYAN TARANTINO: Yes.

25 CHAIRPERSON WEPRIN: Okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RYAN TARANTINO: No problem.

CHAIRPERSON WEPRIN: Gentlemen,
thank you very much.

RYAN TARANTINO: Thank you.

PHILIP LORDANOU: Thank you.

CHAIRPERSON WEPRIN: Okay. [pause,
background noise] Not yet. Hold on, Jessica, the
next item, Land Use No. 504, the Double Windsor,
is going to be withdrawn, there's a motion of file
pursuant to withdrawal. And the last item on our
agenda is Land Use No.--oh, yeah, sorry, and then
we got to go back to one more, Cariño--but first
we're going to Land Use No. 505, which is Hashi.
And I'd like to call up the people from Hashi, who
are here. Frank Nalavaco [phonetic].

FRANK NALAVACO: Perfect.

CHAIRPERSON WEPRIN: Hey. It's my
first one of the day I got right. [background
comments] Frank, if you please come up and state
what you're asking for. Make sure to state your
name for the record.

FRANK NALAVACO: Yes. Frank
Nalavaco, I'm the representative for Hashi Sushi
Fusion, Inc. And they needed to reduce the amount

1 of tables and chairs due to a fire escape issue.
2 I have a letter, if I can just read off the
3 letter. This letter was written from the
4 President of Hashi Sushi. I, Liliana Rodriguez,
5 President of Hashi Sushi Fusion, have made the
6 following changes to my sidewalk café: I have
7 removed four tables, eight chairs from the
8 southern end of the outside café area, freeing up
9 approximately 27 square feet of sidewalk area.
10 The tables and chairs were removed from both front
11 and back lines of the café. This was done in
12 order to allow a fire escape ladder full
13 deployment onto the sidewalk, allowing for proper
14 egress of persons in case of emergency. The plans
15 have been updated and they also show the
16 installation of a New York City MUNI parking
17 meter. The removal of the tables and chairs is
18 permanent, and will not be added back as part of
19 any future renewal of this sidewalk café license.

20
21 CHAIRPERSON WEPRIN: Thank you very
22 much. I just want to say Council Member Lappin is
23 here, as well as Council Member Vacca. Council
24 Member Jackson, did you want to make a comment
25 about this? I know you had the discussions.

1

2

COUNCIL MEMBER JACKSON: Sure,

3

thank you.

4

CHAIRPERSON WEPRIN: On Hashi.

5

COUNCIL MEMBER JACKSON: Thank you

6

Madam--I would say Madam, Mr. Chair. I did have a

7

discussion with the, the owner, but also I know

8

the area. Clearly, up where we talked about, up

9

in Inwood, near 215th Street, the sidewalks are

10

very, very, very wide. I don't see a problem at

11

all, and especially after the owner has read into

12

the record what he's done as far as moving the

13

tables so that the fire escapes has a clear drop,

14

just in case there's an emergency. So, and the

15

community board, my understanding, had no

16

objection. And this was approved by DCA. And I

17

have no objection whatsoever.

18

CHAIRPERSON WEPRIN: Okay. And we

19

just have the opposite problem with you is the

20

plans you sent us, you also remember have to send

21

it to DCA.

22

FRANK NALAVACO: Correct.

23

CHAIRPERSON WEPRIN: Okay, does

24

anyone have any comments or questions about this

25

item? Seeing none, we thank you very much.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FRANK NALAVACO: Thank you.

CHAIRPERSON WEPRIN: And thank you for--one more--the last item now, is the one, Land Use 495, Cariño. So we call on Yesenia, you going to go up Yesenia Santibanez? And our friend Steve Wygoda [phonetic] who's here on behalf of the restaurant. So please state your names for the record.

YESENIA SANTIBANEZ: Yesenia Santibanez.

STEVE WYGODA: Slo-mo Steve Wygoda. We're called up here by Council Member, to discuss some modifications and we have a letter that we prepared. This may or may not be my 400th sidewalk café. So, I'm trying to celebrate. But Yesenia could do the, the rest of it, as well.

CHAIRPERSON WEPRIN: Sorry, what was the number on there?

STEVE WYGODA: 400.

CHAIRPERSON WEPRIN: 400. You're like Mariano Rivera or something. [laughter]

STEVE WYGODA: [laughs] Yeah, record, right?

CHAIRPERSON WEPRIN: Okay, I'm

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

sorry, yes, Yesenia.

YESENIA SANTIBANEZ: Good morning.

This letter goes to, to your Council Member Reyna.

This letter serves as our agreement with the

Chair, Council Member Mark Weprin, and the

encompassing members of the Subcommittee on Zoning

and Franchises, that we will commit to the

following: one, to remove the planter located on

the right side of the restaurant (see attached

photo showing the removal of the planter).

Sincerely, Yesenia Santibanez, - -

CHAIRPERSON WEPRIN: Note to other

restaurateurs in the City, no planters, I guess,

all right? That's the message of the day.

COUNCIL MEMBER REYNA: [off mic]

Well, you can.

CHAIRPERSON WEPRIN: You can, I

don't know.

COUNCIL MEMBER REYNA: [off mic]

You can, there's a rule.

STEVE WYGODA: Yeah, if it's within

the - -

CHAIRPERSON WEPRIN: [interposing]

Right, I understand. Within rules, but just seems

1
2 today. Yeah, we have a picture here of the
3 restaurant without the, without the planter, that
4 was in front of the hou--improperly put. And
5 there's the space where it used to be. Ms. Reyna,
6 did you want to comment and--on this?

7 COUNCIL MEMBER REYNA: Thank you,
8 Mr. Chair. I just wanted to ask, Ms. Yesenia, as
9 the owner, are you aware that you can have a
10 planter, it just has to be part of your
11 architectural designs.

12 YESENIA SANTIBANEZ: Yes, yes.

13 COUNCIL MEMBER REYNA: Okay. And
14 you're choosing not to include it in your
15 architectural design, is that the cases?

16 YESENIA SANTIBANEZ: That's
17 correct.

18 COUNCIL MEMBER REYNA: Okay.
19 Fantastic. I just, I don't want the
20 misinterpretation that you cannot have a planter.
21 The issue is that the architectural designs do not
22 reflect so.

23 YESENIA SANTIBANEZ: I--

24 COUNCIL MEMBER REYNA: And so it
25 comes up as an issue, it flags it.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

YESENIA SANTIBANEZ: Yes.

COUNCIL MEMBER REYNA: Fantastic.

And aside from that, I just wanted to thank you for your business, your establishment. Well respected in our community, and we want to make sure that you continue to flourish.

YESENIA SANTIBANEZ: Thank you very much.

COUNCIL MEMBER REYNA: Absolutely.

YESENIA SANTIBANEZ: Working hard at it.

COUNCIL MEMBER REYNA: Thank you.

YESENIA SANTIBANEZ: Thanks.

CHAIRPERSON WEPRIN: Okay, well thank you very much. Anyone else have a comment, question or anything? Seeing none, thank you very much. Thank you all. I apologize to everyone for holding you up. We're now going to couple the following items, Land Use No. 495, 496, 501, 502, 503, and 505; 504 was withdrawn. Those items are coupled. I'm going to recommend an aye vote. And I'm going to call on Christian Hilton to please call the roll.

COUNSEL: Chair Weprin.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON WEPRIN: Aye.

COUNSEL: Council Member Lappin.

COUNCIL MEMBER LAPPIN: [off mic]

Aye.

COUNSEL: Council Member Reyna.

COUNCIL MEMBER REYNA: I vote aye.

I just wanted to express that the letter for Alligator Lounge should be submitted before the end of this business day, for the record, thank you.

COUNSEL: Council Member Comrie.

COUNCIL MEMBER COMRIE: I vote aye.

COUNSEL: Council Member Jackson.

COUNCIL MEMBER JACKSON: Aye on

all.

COUNSEL: Council Member Seabrook.

COUNCIL MEMBER SEABROOK: [off mic]

Aye on all.

COUNSEL: Council Member Vann.

COUNCIL MEMBER VANN: [off mic] Aye

on all.

COUNSEL: Council Member Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

COUNSEL: Council Member Vacca.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER VACCA: [off mic]

Aye on all.

COUNSEL: Council Member Ignizio.

COUNCIL MEMBER IGNIZIO: Yes.

COUNSEL: By a vote of ten in the affirmative, none in the negative, no abstentions, LU 496, 501, 502, 503, 505 and 495 are approved and referred to the full Land Use Committee. LU 504, motion to file pursuant to withdrawal is approved also by a vote of ten in the affirmative, none in the negative, no abstentions. Referred to the full Land Use Committee.

COUNCIL MEMBER COMRIE: Just want to take a moment to introduce my new staff people that'll be here monitoring and working with the Committee: Richard Lee has joined my staff and Gregory Rose has joined my staff, also. So, just wanted to--I'll let you figure out which one is which. [laughter]

CHAIRPERSON WEPRIN: Hey, hey. Anyone else have any - - or welfare or anything? That in mind, we are now going to adjourn the meeting. And the rolls are closed.

[background noise, silence until

1

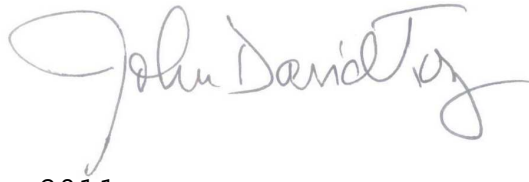
2

end]

C E R T I F I C A T E

I, JOHN DAVID TONG 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

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned to the right of the printed word "Signature".

Date November 16, 2011