

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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May 10, 2012  
Start: 10:09 a.m.  
Recess: 10:18 a.m.

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  
Diana Reyna  
Joel Rivera  
Larry B. Seabrook  
James Vacca  
Albert Vann  
Vincent M. Ignizio

2 CHAIRPERSON WEPRIN: Good morning.  
3 I am Mark Weprin. I am chair of the Zoning and  
4 Franchises Subcommittee, and I'd like to welcome  
5 everyone here today, and--

6 FEMALE VOICE: [Interposing] [off  
7 mic]

8 CHAIRPERSON WEPRIN: Okay. Fair  
9 enough. Sorry. I'm just getting advice from  
10 counsel. So, we have one item on the Subcommittee  
11 today before the Land Use meets. This is one we  
12 already had the hearing on. It is actually a  
13 number of Land Use items. It's Land Use No. 595  
14 through 598, and this is the middle basin  
15 application that we had. There was an issue  
16 between having to do with Council Member Fidler,  
17 and what I'd like to do is do a little role play  
18 where he is going to read a letter that he had  
19 sent to the EDC [phonetic] and I'm going to play  
20 the role of Seth Pinsky [phonetic] and read the  
21 response of which has satisfied Council Member  
22 Fidler, which was the outstanding issue we had  
23 before us. So, without further ado, I'd just like  
24 to call on Council Member Fidler to please read  
25 his letter.

1  
2 COUNCIL MEMBER FIDLER: Before I do  
3 that, I want to certainly thank the Chair and  
4 thank the Committee and thank EDC and particularly  
5 thank Gale [phonetic] and Christian [phonetic] and  
6 Alonzo for their work in getting this done. This  
7 is an 11-year odyssey. I also saw him before—  
8 maybe he is behind the pillar—but Stanley Bacall  
9 [phonetic] from - - Auto Mall [phonetic], who—he's  
10 back there—who 14 years he has been waiting for  
11 this moment. I appreciate the fact that you did  
12 not lose faith in the city, that you didn't pick  
13 up and move, you didn't close your shop, that we  
14 didn't lose all those jobs, and I think he  
15 deserves a lot of credit for sticking through it  
16 and we're happy to keep him in the neighborhood,  
17 so let me read the letter to Mr. Pinsky, which is  
18 obviously a predicate of our agreement today.

19 In anticipation of the vote of the  
20 Zoning and Franchises Subcommittee on Thursday May  
21 10<sup>th</sup>, 2012, I'm seeking clarification respecting  
22 the Economic Development Corporation (EDC)  
23 position regarding the terms and conditions of the  
24 proposed disposition of property located at 2875  
25 Flatbush Avenue, Block 8591, part of lot 100 and

1 part of lot 125 in the borough of Brooklyn. It is  
2 my intention that the borough board pursuant to  
3 their responsibilities under Section 384.b.4 add  
4 an additional requirement to those already  
5 described in the terms of business between the New  
6 York City Economic Development Corporation and  
7 Bacall Development Inc. and Toys R Us, Delaware  
8 Inc. [phonetic]. With respect to the disposition  
9 of Toys R Us, Delaware Inc., the property shall be  
10 used as a toys or baby goods store for a period of  
11 20 years as described in the contract and in the  
12 deed. In the event that the restriction is  
13 proposed to be removed, modified or altered, such  
14 removal, modification or alteration in use  
15 [phonetic] requires the approval of the Brooklyn  
16 Borough Board. It is my understanding that with  
17 such language to be included in the approval of  
18 this disposition by the borough board that any  
19 change in use from a toy store or a baby goods  
20 store during the 20 year period would require  
21 submission to review by and approval of the  
22 borough board in addition to any other approvals  
23 required by law or agreement. Thank you for your  
24 consideration in this matter. I eagerly await  
25

2 your response.

3 CHAIRPERSON WEPRIN: Thank you very  
4 much, Council Member Fidler. A very nicely  
5 written letter, by the way. In response to that,  
6 you received a response that says, "Dear Council  
7 Member Fidler, I am in receipt of your letter  
8 dated May 8<sup>th</sup>, 2012 regarding the Land Use  
9 application in your district for the property  
10 located at 2875 Flatbush Avenue. As is required  
11 by law, EDC will abide by all requirements set  
12 forth in any resolution the Brooklyn Borough Board  
13 adopts as part of the 384.b.4 approval process of  
14 the business terms and conditions of the  
15 disposition of such property, including any  
16 requirement to go back to the borough board if a  
17 use change is contemplated within 20 year time  
18 frame from closing. Should you or your staff have  
19 any questions, please contact" and it has a name  
20 and a phone number. Mr. Fidler, is that  
21 satisfactory to you, this letter?

22 COUNCIL MEMBER FIDLER: Yes, it is.

23 CHAIRPERSON WEPRIN: That's  
24 terrific. So with that in mind we're going to—as  
25 I mentioned, we close this hearing. We're just

1  
2 going to put this to a vote. I want to remind the  
3 members who might have missed the votes last time  
4 that they can cast their votes on those items  
5 today as we recessed last meeting, so I'm going to  
6 call on Christian Hilton to please call the roll.

7 COUNSEL: Chair Weprin?

8 CHAIRPERSON WEPRIN: Aye, and  
9 Councilman Garodnick is going to adjourn the  
10 meeting when we're done.

11 COUNSEL: Council Member Vann?

12 COUNCIL MEMBER VANN: I vote aye.

13 COUNSEL: Council Member Reyna?

14 COUNCIL MEMBER REYNA: Aye.

15 COUNSEL: Council Member Seabrook?

16 COUNCIL MEMBER SEABROOK: I vote  
17 aye - - .

18 COUNSEL: And on previous items?

19 COUNCIL MEMBER SEABROOK: I vote  
20 aye.

21 COUNSEL: Council Member Vann?

22 COUNCIL MEMBER VANN: Aye.

23 COUNSEL: Council Member Lappin?

24 I'm sorry. Council Member Garodnick?

25 COUNCIL MEMBER GARODNICK: Aye.

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COUNSEL: Council Member Lappin?

COUNCIL MEMBER LAPPIN: Aye.

COUNSEL: Council Member Vacca?

COUNCIL MEMBER VACCA: I vote aye  
and I vote aye on previous items.

COUNSEL: Council Member Ignizio?

COUNCIL MEMBER IGNIZIO: Yes.

COUNSEL: By a vote of nine in the  
affirmative, none in the negative and no  
abstentions, L.U. 595, 596, 597, 598 are approved  
and referred to the full Land Use Committee. All  
previous items are approved by a vote of 11 in the  
affirmative, none in the negative and no  
abstentions.

CHAIRPERSON WEPRIN: Thank you very  
much. We're going to hold the roll open until the  
Land Use Committee starts, and then at that time,  
we will be adjourned. Thank you.

[background conversation]

COUNSEL: Council Member Comrie?

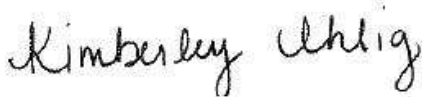
COUNCIL MEMBER COMRIE: Aye.

COUNSEL: The vote now stands ten  
in the affirmative, none in the negative and no  
abstentions.

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

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.

Date

5/25/12