

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LAND USE

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July, 24, 2012  
Start: 11:01 a.m.  
Recess: 11:18 a.m.

HELD AT: Council Chambers  
City Hall

B E F O R E:  
LEROY G. COMRIE, JR.  
Chairperson

COUNCIL MEMBERS:

Maria del Carmen Arroyo  
Charles Barron  
Inez E. Dickens  
Daniel R. Garodnick  
Sara M. Gonzalez  
Robert Jackson  
Jessica S. Lappin  
Rosie Mendez  
Annabel Palma  
Diana Reyna  
Joel Rivera  
James Sanders, Jr.  
Larry B. Seabrook

## A P P E A R A N C E S

## COUNCIL MEMBERS:

James Vacca  
Albert Vann  
Brad S. Lander  
Stephen T. Levin  
Mark S. Weprin  
Jumaane D. Williams  
Daniel J. Halloran III  
Vincent M. Ignizio  
Peter A. Koo

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2 CHAIRPERSON COMRIE: Okay. We're  
3 convening the full Land Use Committee meeting for  
4 July 24<sup>th</sup>. We are joined by Council Members James  
5 Sanders, Vinny Ignizio, Robert Jackson, Maria del  
6 Carmen Arroyo, Joel Rivera, Jumaane Williams,  
7 Daniel Halloran, Jimmy Vacca, Sara Gonzalez, Inez  
8 Dickens, Charles Barron, Jessica Lappin, Annabel  
9 Palma, Diana Reyna, Peter Koo, Brad Lander, and  
10 David Weprin and Dan Garodnick. I thought I saw  
11 Dan. I mean, I'm sorry, I'm sorry.

12 [background conversation]

13 CHAIRPERSON COMRIE: Mark Weprin,  
14 who is definitely not David Weprin. We have a few  
15 items on the agenda today, starting with an item  
16 Land Use number 629, which is being withdrawn,  
17 which is item number 201252206 TCM. It's a  
18 sidewalk café called Tasca. We have item number  
19 630, Land Use number 630, item number 20125400  
20 TCM, Manhattan Community Board 2, Speaker's  
21 district, sidewalk café renewal for an undisclosed  
22 sidewalk at 92 7<sup>th</sup> Avenue known as Panca. Land Use  
23 number 631 also in the Speaker's district in  
24 Manhattan Community Board 6, Land Use item number  
25 20125766 TCM, to continue to operate an

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2 undisclosed sidewalk at 87 McDougall [phonetic]  
3 Street. The next one is in Council Member Chin's  
4 district, Manhattan Community Board 12, Land Use  
5 number 637, item number 20125770 TCM, to continue  
6 to operate an unenclosed sidewalk at 212 Lafayette  
7 known as Café Select. Next item is in Brooklyn in  
8 Council Member Lander's district, Land Use number  
9 642, item number 20125568TCK to continue to  
10 operate an unenclosed sidewalk café at 442 Court  
11 Street known as Abilene. The next one is in the  
12 Speaker's district, Land Use number 643, known as  
13 Mickey Spillane's Kitchen, Manhattan Community  
14 Board 12, item number 20125449 TCM, to continue to  
15 operate a sidewalk café at 350 West 49<sup>th</sup> Street.  
16 Next one is in the Speaker's district, Land Use  
17 number 644, Manhattan Community Board 2, item  
18 number 20125561 TCM, to continue to operate a  
19 sidewalk café at 283 West 12<sup>th</sup> Street known as  
20 Smorgas. The next one is in Council Member  
21 Jackson's district, Papasito Mexican Grill, Land  
22 Use number 645, item number 20125646 TCM in  
23 Manhattan Community Board 12, to continue and  
24 operate an unenclosed sidewalk at 223 Dyckman  
25 Street. Last one is back in the Speaker's

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2 district, Manhattan Community Board 2, Land Use  
3 number 646, item number 20125668 TCM, to continue  
4 to operate a sidewalk café located at 53  
5 Gansevoort Street, known as Villa Pacri.

6           Then, we have some landmark items.  
7 The first four are in the Speaker's district. The  
8 first one is Land Use number 622, 32 Dominick  
9 Street house, item number 20125554 HKM. It's a  
10 land marking of a home at 32 Dominick Street as a  
11 historic landmark. The next one is Land Use  
12 number 623, 34 Dominick Street house, item number  
13 20125555 HKM, to designate as a landmark 34  
14 Dominick Street house. Landmark number 624, which  
15 is 36 Dominick Street house, item number 201255556  
16 HKM to create a landmark designation of 36  
17 Dominick Street house. The last one is Land Use  
18 number 625, the Dennison and Lydia Wood House in  
19 Manhattan Community Board 2, located at 310 Spring  
20 Street, item number 20125557 HKM and to also  
21 designate that as a historic landmark. Then we  
22 have the Park Slope Historic District extension  
23 also in Chair Lander's district, Land use number  
24 636, encompassed Brooklyn's Community Board 6 and  
25 7, item number 20125694 HKK, to create a landmarks

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2 district in the area continuing the Park Slope  
3 Historic District extension, Section 2. And then  
4 we have another land marking in Council Member  
5 Garodnick's district, the Barbizon Hotel for  
6 Women, Land Use number 649, Manhattan Community  
7 Board 8, item number 20125693 HKM, which will  
8 designate as a landmark the Barbizon Hotel for  
9 Women located at 140 East 63<sup>rd</sup> Street.

10 Next we have an HPD in Council  
11 Member Arroyo's district, Brook Avenue [phonetic].  
12 This is to create a five story dwelling and a  
13 seven story dwelling with approximately 66  
14 dwelling units, 1,710 square feet of commercial  
15 space to be developed under HPD's low income  
16 rental program. That's item number C120161 HAK  
17 and that is—I'm sorry?

18 MALE VOICE: HAX.

19 CHAIRPERSON COMRIE: HAX in Bronx  
20 Community Board 1. Yeah. It's 493 Brook Avenue  
21 and 467 East 147<sup>th</sup> Street. Then we have three  
22 third party transfers - - Brooklyn, Community  
23 Boards 3, 5, 6, 8, 9, and 17, under item number  
24 201257105 HAK. This is in Council Districts 35,  
25 36, 39, 40, 41, 42, and related to tax exemptions

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2 pursuant to Section 696 of the General Municipal  
3 Law and Section 577 of the Private Housing Finance  
4 Law. We have another third party transfer in  
5 Brooklyn's Community Boards 2 and 3, item number  
6 20125706 HAK, property for the transfer and  
7 disposition of property located in Council  
8 Districts 35, 36 and 41 and related tax exemptions  
9 persistent to again Section 696, General Municipal  
10 Law and 577 of the Private Housing Finance Law.  
11 Another third party transfer in Brooklyn Community  
12 Board 3, item number 20125707 HAK located in  
13 Council District 36 to again, transfer and  
14 disposition of property and related tax exemptions  
15 pursuant to Section 696, General Municipal Law and  
16 577 of the Private Housing Finance Law. That is  
17 everything on today's agenda. Would any member  
18 like to make any comments to anything on today's  
19 agenda? Reminding the public that everything has  
20 been fully vetted in the subcommittees. As I  
21 hear—

22 MALE VOICE: I missed one of the  
23 middle ones.

24 CHAIRPERSON COMRIE: One of the  
25 middle ones? Again, I want to thank the

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2 subcommittee chairs for holding effective hearings  
3 and Council Member Halloran was shaking the mic,  
4 so I think he had a comment?

5 COUNCIL MEMBER HALLORAN: Again,  
6 I've made these comments during the subcommittee  
7 meeting in which time we had an opportunity to  
8 look at the property 623, 624. They are not  
9 conforming structures. I understand the need for  
10 land marking and I am voting for 32 Dominick  
11 Street and for 625, which is the Dennison and  
12 Lydia Wood House. I don't have a problem and I've  
13 expressed my frustration at a lack of firm  
14 criteria, floating definitions and the impact on  
15 our homeowners that is going to be felt by these  
16 particular landmarks. The homeowner in 32  
17 Dominick Street has not expressed opposition, but  
18 the owners in 34 and 36 have been here for all  
19 three of the meetings of the subcommittee to  
20 express their opposition. These are people who  
21 have been tenants and owners of this property,  
22 stewards really for the last three generations,  
23 and what we're doing to them both economically and  
24 legally is unfair and will have a disparate impact  
25 on them and their families, and I don't think it's



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2 right. I also don't think it's right that we  
3 haven't amended the landmarks law to allow  
4 buildings once they're designated to be maintained  
5 in the condition they are currently in, and by  
6 that I mean, under current landmarks law, if the  
7 building has been altered over the last fifty  
8 years to the point at which it's designated, you  
9 must then restore back any features you wish to  
10 upgrade, improve or renovate to features that were  
11 not even on the building at the time of its  
12 landmarking, to restore it back to whatever the  
13 landmark period designated in the landmarking  
14 statute is, and I don't think that is fair. I  
15 urge my colleagues to consider the human cost of  
16 landmarking in these particular instances. So I  
17 am expressing my intention to vote no on 623 and  
18 624, and I urge my colleagues to do the same.

19 CHAIRPERSON COMRIE: Any other  
20 members with comments? Before we do the vote,  
21 before I ask the clerk to call the roll, I want to  
22 remind members that the next subcommittee meetings  
23 will be held on August 20<sup>th</sup> and the full committee  
24 will be held on August 21<sup>st</sup>. With that, I'll ask  
25 the clerk, Billy Martin, to call the roll. I

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2 would recommend an aye vote on all items on  
3 today's agenda, including the fact that item  
4 number 629 will be withdrawn.

5 COMMITTEE CLERK: William Martin,  
6 committee clerk. Roll call vote, Committee on  
7 Land Use. Council Member Comrie?

8 CHAIRPERSON COMRIE: Aye on all.

9 COMMITTEE CLERK: Rivera?

10 COUNCIL MEMBER RIVERA: I vote aye  
11 on all.

12 COMMITTEE CLERK: Reyna?

13 COUNCIL MEMBER REYNA: Aye.

14 COMMITTEE CLERK: Barron?

15 COUNCIL MEMBER BARRON: Aye on all.

16 COMMITTEE CLERK: Jackson?

17 COUNCIL MEMBER JACKSON: Aye on  
18 all.

19 COMMITTEE CLERK: Sanders?

20 COUNCIL MEMBER SANDERS: Aye on  
21 all.

22 COMMITTEE CLERK: Gonzalez?

23 COUNCIL MEMBER GONZALEZ: Aye on  
24 all.

25 COMMITTEE CLERK: Palma?

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COUNCIL MEMBER PALMA: Aye on all.

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COMMITTEE CLERK: Arroyo?

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COUNCIL MEMBER ARROYO: Aye.

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COMMITTEE CLERK: Dickens?

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COUNCIL MEMBER DICKENS: Aye.

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COMMITTEE CLERK: Garodnick?

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COUNCIL MEMBER GARODNICK: Aye.

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COMMITTEE CLERK: Lappin?

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COUNCIL MEMBER LAPPIN: Aye.

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COMMITTEE CLERK: Vacca?

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COUNCIL MEMBER VACCA: Aye.

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COMMITTEE CLERK: Koo?

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COUNCIL MEMBER KOO: Aye.

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COMMITTEE CLERK: Lander?

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COUNCIL MEMBER LANDER: Aye on all.

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COMMITTEE CLERK: Weprin?

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COUNCIL MEMBER WEPRIN: Aye.

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COMMITTEE CLERK: Williams?

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COUNCIL MEMBER WILLIAMS: Aye on

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all with exception to 623, 624, which I abstain.

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COMMITTEE CLERK: Ignizio?

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COUNCIL MEMBER IGNIZIO: Yes, if I

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can briefly explain my vote—

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CHAIRPERSON COMRIE: Quiet please.

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2 COUNCIL MEMBER IGNIZIO: I'd like  
3 to vote no on 622, 623 and 624. It's long been my  
4 tradition to vote on landmarking applications that  
5 the owner opposes for the reasons articulated by  
6 my colleague, Dan Halloran. I just believe the  
7 process is out of control and needs reform and if  
8 the government is going to come in and say, "We  
9 are going to impose ourself on your property,"  
10 then we ought issue a system with some sort of  
11 abatement to help them pay for the property tax  
12 that they have to ensure on those properties, so  
13 with that, I'm voting no on them and I promised  
14 Lina, she would be able to say hello on TV, so  
15 Lina?

16 LINA IGNIZIO: Hi. My name is  
17 Lina. I'm on TV and - - .

18 COUNCIL MEMBER IGNIZIO: Okay,  
19 thank you. Yay, Lina. Good job, baby. It's  
20 okay. Good job.

21 COMMITTEE CLERK: Halloran?

22 COUNCIL MEMBER HALLORAN: How do I  
23 follow that? I don't know. I'm going to vote no  
24 on 623, 624 and I'd just like to thank the Chair  
25 for his indulgence earlier. Thank you.

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COMMITTEE CLERK: All items on today's agenda have been adopted by a vote of 19 in the affirmative, zero in the negative and no abstentions with exceptions of Land Use item 622, which has been adopted by a vote of 18 in the affirmative, 1 in the negative and no abstentions and Land Use item 623 and 624 have been adopted by a vote of 16 in the affirmative, 2 in the negative and 1 abstention.

CHAIRPERSON COMRIE: I just want to take a moment to—even though no one else is listening—to introduce the new counsel for the Land Use Committee, even though she is not sitting up here—Annie McCorgy [phonetic] has now joined the Committee staff even though they need more staff. I think I mangled her last name, but I'll get it soon. McCoy? McCorgi? Oh. We'll be mangling that for a while. Welcome aboard. Welcome to the Land Use staff. With that, have we heard from any of the four members as to ETA or?

[background conversation]

CHAIRPERSON COMRIE: Okay. Right. Right. Alright, so with that, we have everyone here that was going to be here, so we can adjourn

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the meeting. The meeting for the Land Use

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Committee for July 24<sup>th</sup> is hereby adjourned. Thank

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you all.

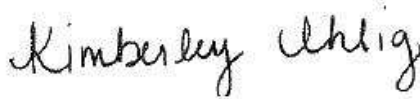
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[gavel]

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

8/6/12