

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

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January 8, 2013  
Start: 12:15 p.m.  
Recess: 12:45 p.m.

HELD AT: 250 Broadway  
Committee Room, 14th Floor

B E F O R E:  
DANIEL R. GARODNICK  
Chairperson

COUNCIL MEMBERS:  
G. Oliver Koppell  
Karen Koslowitz  
Julissa Ferreras  
Michael C. Nelson  
Leroy G. Comrie, Jr.  
Charles Barron

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CHAIRPERSON GARODNICK: Good afternoon everyone, welcome to the Consumer Affairs Committee of the New York City Council, today is Tuesday, January 8th. My name is Dan Garodnick, I have the privilege of chairing this committee. I'm joined today by Council Members Oliver Koppell, Karen Koslowitz, Julissa Ferreras, and Mike Nelson. And we have a very brief technical amendment that we're dealing with today so this shouldn't take long.

Last month, the Council passed Intro 939-A, a bill that will permit 10-foot wide stoop line stands on sidewalks that are at least 21-feet wide. That bill also added a definition for stoop line stand, differentiating stoop line stands from displays. On today's agenda is Preconsidered Intro T 2013-5702, a technical amendment that would modify the definition of stoop line stands by removing language that had previously defined displays.

The Consumer Affairs department has submitted written testimony in support of this bill. I have a letter from Fran Freedman, the Deputy Commissioner of External Affairs for the

1 New York City Department of Consumer Affairs.

2 Dear Council Member Garodnick, New York City  
3 Department of Consumer Affairs supports the  
4 technical correction to the Preconsidered Intro  
5 being heard by the Consumer Affairs Committee on  
6 January 8th, 2013. Sincerely, Fran Freedman.  
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8 We've been joined by Council Member  
9 Leroy Comrie.

10 And with that, I will ask if  
11 anybody has any comments?

12 [Pause]

13 COUNCIL MEMBER KOPPELL: Quite  
14 frankly, I'm a little confused. As I read the  
15 language, which I've just read for the first time,  
16 I'm a little confused as to what this says. I'm  
17 looking at the text of the law and it says that  
18 shall not exceed seven feet in height, okay, I  
19 guess I understand what that means, but then it  
20 says stoop line stand shall not exceed ten feet in  
21 length nor four feet in width. Now, I don't know  
22 what length and width referred to. You said they  
23 can extend ten feet into the sidewalk if the  
24 sidewalk is 20 feet wide, is that correct?

25 CHAIRPERSON GARODNICK: I'm going

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to have you do it on the record.

COUNCIL MEMBER KOPPELL: 'Cause I just don't understand it.

FEMALE VOICE: I'm sorry, can you ask the question--

CHAIRPERSON GARODNICK:  
[Interposing] Thank you, Council Member Koppell. What I'm going to do, since this is a highly technical matter, I'm going to ask the counsel to the Committee to answer you--

COUNCIL MEMBER KOPPELL: That's fine.

CHAIRPERSON GARODNICK: --but pose your question again so that we get it.

COUNCIL MEMBER KOPPELL: Okay. As I understood your introduction, you were saying that the stoop line stand, I assume this is a fruit and vegetable stand--

FEMALE VOICE: Yes.

COUNCIL MEMBER KOPPELL: --for the most part. And currently, there is a restriction on displays of three feet--

FEMALE VOICE: Right.

COUNCIL MEMBER KOPPELL: --so that

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2 a regular store can put out things up to three  
3 feet unless--

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FEMALE VOICE: Yes.

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6 COUNCIL MEMBER KOPPELL: --there  
7 are--and by the--well I'll, after I clarify this,  
8 I want to mention something else, Mr. Chairman.  
9 But so the current regulation, at least this  
10 paragraph, says stoop line stands shall not extend  
11 further than three feet from the front of any  
12 premises, that's being eliminated.

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FEMALE VOICE: Right.

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14 COUNCIL MEMBER KOPPELL: So now it  
15 says stoop line stands shall not exceed seven feet  
16 in height.

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FEMALE VOICE: Right.

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18 COUNCIL MEMBER KOPPELL: Okay. So  
19 I understand that, but that doesn't now deal at  
20 all with how wide or how high or how far from the  
21 front--

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FEMALE VOICE: Right.

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23 COUNCIL MEMBER KOPPELL: --and  
24 that's a key issue, the front of the premises. So  
25 if we go to the end, it says, stoop line stands  
shall not exceed ten feet in length. Now, that

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2 ten feet could be protruding out from the front of  
3 the store or it could be--

4 FEMALE VOICE: [Interposing] No,  
5 it's this way.

6 COUNCIL MEMBER KOPPELL: --ten feet  
7 long--

8 FEMALE VOICE: It's long.

9 COUNCIL MEMBER KOPPELL: --from  
10 side to side.

11 FEMALE VOICE: Right.

12 COUNCIL MEMBER KOPPELL: If that's  
13 what's intended, I don't think this expresses that  
14 clearly. And then it says four feet in width. If  
15 it said ten feet in length nor more than four feet  
16 from the front of the premises, using the language  
17 that we're eliminating, then that would clarify  
18 it. Otherwise, it seems to me unclear because the  
19 ten feet could mean ten feet out from the front,  
20 which is, I guess, not what you intend. As I  
21 understand, what you intend is four feet out from  
22 the front. Or do you intend ten feet out from the  
23 front? Assuming the front--

24 FEMALE VOICE: [Interposing] It's  
25 ten feet in length, so it's the length of the--

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COUNCIL MEMBER KOPPELL:

[Interposing] Well what does length mean?

CHAIRPERSON GARODNICK: So wait, sorry, let me interrupt for a second 'cause I think my understanding, I understand the question here. So, Council Member Koppell, you want to know whether or not this is intended to allow ten feet jutting out into the streets?

COUNCIL MEMBER KOPPELL: Correct.

CHAIRPERSON GARODNICK: Or ten feet abutting the side of the store?

COUNCIL MEMBER KOPPELL: And four feet into the street.

CHAIRPERSON GARODNICK: Correct, and the answer is?

FEMALE VOICE: Four feet into the street, ten feet the length of the--

COUNCIL MEMBER KOPPELL:  
[Interposing] Well then I would suggest to clarify it that you change it, and where it says four feet, you should adopt the language that you're eliminating where it says three feet and just actually you could probably do it just by changing three to four and then--

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[Crosstalk]

COUNCIL MEMBER KOPPELL: --if you change three to four and then leave in the section you already have and then say ten feet in length in the last paragraph--last sentence, sorry, that would be more clear. Or the alternative would be to still take out the part that you're taking out and say stoop line stands shall not exceed ten feet in length nor four feet from the front of any premises in that last sentence. If you did that, that would also--either way you would be able to make it clear. I think it's very unclear the way it is now.

CHAIRPERSON GARODNICK: Thank you, Council Member Koppell, thank you. We do not have the bill sponsor in our midst at the moment, so let me just recess this for one sec, just take a quick break for a sec, let us confer with counsel on whether this--you know, they believe it's actually confusing or how this interacts with the rest of the bill, so hang on one second.

[Off mic]

FEMALE VOICE: So this is not language that we're changing at all, four feet on-



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[background noise]

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FEMALE VOICE: --was always there.

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[Off mic]

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FEMALE VOICE: This was not new.

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CHAIRPERSON GARODNICK: Oh, that

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wasn't, oh, oh, oh--

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[Crosstalk]

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FEMALE VOICE: This has always been

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the way they've described how these stands are

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permit issued. None of this language is new. The

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only thing that we're doing now is the

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administration inadvertently took out the word

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display here and replaced it with stoop line

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stands. Displays are considered obstructions

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under the transportation portion of the Ad Code

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and they're already not supposed to extend farther

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than three feet from premises, so this language

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was just duplicative.

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CHAIRPERSON GARODNICK: That was

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supposed to--

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FEMALE VOICE: So they meant--

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CHAIRPERSON GARODNICK: --apply to

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displays.

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FEMALE VOICE: Right. So they meant to take out displays, and instead they included stoop line stands here. And by no means did we mean to say that stoop line stands shouldn't extend farther than--

[Crosstalk]

CHAIRPERSON GARODNICK: So is any of this stuff here--

FEMALE VOICE: [Interposing] New language?

CHAIRPERSON GARODNICK: Yeah.

FEMALE VOICE: No.

CHAIRPERSON GARODNICK: So okay, so all this was old--

[Crosstalk]

FEMALE VOICE: [Interposing] This was always the way--

CHAIRPERSON GARODNICK: Okay. So--

FEMALE VOICE: --they were described.

CHAIRPERSON GARODNICK: --Oliver, Oliver, we [off mic].

COUNCIL MEMBER KOPPELL: But if you--

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2 CHAIRPERSON GARODNICK: Hold on one  
3 sec, we're still in recess for a second so I--

4 [Crosstalk]

5 COUNCIL MEMBER KOPPELL: Okay.

6 CHAIRPERSON GARODNICK: --I want to  
7 just consult with you for a moment. Why don't you  
8 turn off your mic?

9 COUNCIL MEMBER KOPPELL: Sure.

10 [Long pause]

11 CHAIRPERSON GARODNICK: Are we  
12 ready?

13 FEMALE VOICE: You're not on.

14 CHAIRPERSON GARODNICK: Okay.  
15 Folks, we're back in session, thank you for your  
16 patience. Council Member Koppell.

17 COUNCIL MEMBER KOPPELL: But I'm  
18 looking at the entire law, Mr. Chairman, and,  
19 obviously, have only had a very short time. I  
20 think that the entire law is ambiguous as to what  
21 is meant by length and width, looking at the  
22 entire law. I think that the entire law needs to  
23 be clarified because it's not clear to me whether  
24 length and width has anything to do with how far  
25 the stoop line stand may protrude from the

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2 building because you don't have before you the  
3 section of the law that we're not amending which  
4 talks about a stoop line stand that may extend up  
5 to ten feet in length and ten feet in width. So,  
6 obviously, width and length are not directly  
7 related to the distance of the stoop line stand  
8 from the front of the building, hence, the problem  
9 with the amendment that you're proposing, or that  
10 is being proposed here, is that it is not clear in  
11 this paragraph what we're talking about when we  
12 talk about ten feet in length. I would argue that  
13 this means length either coming out from the  
14 building or along parallel to the front of the  
15 building because it's not differentiated, and I'm  
16 not sure, to tell you the truth, whether that's a  
17 problem, I think it might be a problem because  
18 this particular paragraph is not modified by the  
19 21-foot sidewalk requirement.

20 I don't think it's clear, I'm going  
21 to vote in the negative on it. If you insist on  
22 pushing it through, that's your prerogative, Mr.  
23 Chairman, I think it's ambiguous and could easily  
24 be clarified. It might require a clarification of  
25 some other paragraphs to make it clear what you

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2 mean by length and width. As it is now, it's, in  
3 my opinion, not at all clear.

4 CHAIRPERSON GARODNICK: Thank you,  
5 Council Member Koppell. I am going to ask for an  
6 affirmative vote on this on the basis that in the  
7 rest of the law, it is very clear that width means  
8 the distance of space between the building and the  
9 sidewalk, and length is defined as along the space  
10 that abuts the front of the building, and,  
11 obviously, it's certainly the Council Member's  
12 prerogative to introduce further legislation that  
13 would amend or clarify this legislation at any  
14 point. And with that, I will ask the counsel to  
15 call the roll and I'll recommend an aye vote.

16 KEVIN PIN: Kevin Pin [phonetic],  
17 Committee Clerk, roll call on Committee on  
18 Consumer Affairs, Preconsidered Intro. Council  
19 Member Garodnick.

20 CHAIRPERSON GARODNICK: I vote aye.

21 KEVIN PIN: Nelson.

22 COUNCIL MEMBER NELSON: Aye.

23 KEVIN PIN: Barron.

24 COUNCIL MEMBER BARRON: Aye.

25 KEVIN PIN: Comrie.

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COUNCIL MEMBER COMRIE: Aye.

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KEVIN PIN: Koppell.

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COUNCIL MEMBER KOPPELL: No.

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KEVIN PIN: Ferreras.

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COUNCIL MEMBER FERRERAS: Aye.

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KEVIN PIN: Koslowitz.

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COUNCIL MEMBER KOSLOWITZ: Aye.

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KEVIN PIN: By a vote of 6 in the

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affirmative, 1 in the negative, and no

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abstentions, the item has been adopted. Members,

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please sign the Committee Report.

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CHAIRPERSON GARODNICK: All right,

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thank you very much everybody. Do I need--

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[Pause]

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CHAIRPERSON GARODNICK: And we are

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adjourned.

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[Gavel]

C E R T I F I C A T E

I, Tammy Wittman, 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 *Tammy Wittman*

Date January 21, 2013