

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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March 5, 2013

Start: 10:11 a.m.

Recess: 10:56 a.m.

HELD AT: 250 Broadway - Committee Room,  
16<sup>th</sup> Floor

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 Jessica S. Lappin  
Council Member Diana Reyna  
Council Member Joel Rivera  
Council Member Albert Vann  
Council Member Vincent Ignizio  
Council Member Ruben Wills

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

Robert Moralia  
Counsel  
Land Use Committee

Robert Bookman  
Counsel for Mr. Stuart Mill  
Petsetsky and Bookman

Stuart Mill  
Manager  
Café Americaia

Ben Warren  
Proprietor  
The Bodega and Heavy Wood

Patrick Jones  
Counsel  
Represents Flushing Meadows East

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2 CHAIRPERSON WEPRIN: Okay. All  
3 right. Good morning, everyone. My name is Mark  
4 Weber and I'm Chair of the Zoning and Franchises  
5 Subcommittee. And we're here today, a number of  
6 items. We're joined by the following members,  
7 Council Member Al Vann, Council Member Jessica  
8 Lappin, Council Member Ruben Wills, Council Member  
9 Leroy Comrie, Council Member Joel Rivera and  
10 Council Member Vincent Ignizio. And to my left is  
11 the, my Counsel, Robert Moralia, who is going to  
12 be acting as counsel for the Land Use Committee  
13 today because Anne is out today. I am, the first  
14 items on our agenda were Land Use Number 757 and  
15 758 which we had the hearing on the Hudson Square  
16 District rezoning. Okay. And that has been put  
17 off the agenda until Thursday. So, those who are  
18 there for Hudson Square, we will not be voting on  
19 that 'til Thursday. There is some issues  
20 outstanding that we are still working on. That  
21 will be at 9:45 on Thursday, which is right before  
22 the Land Use stated, Standing Committee, which is  
23 right after that. So, we have two café's on the  
24 agenda first and then we have one land use item,  
25 Flushing Meadows East. So, we're going to start

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2 with the two café's. we're going to do Land Use  
3 Number 762 which is called Café Americaia, and  
4 that's in Speaker Quinn's district. And I'd like  
5 to call up Robert Bookman. And Mr. Bookman is  
6 joined, will, and he'll state his name for the  
7 record. We'd like to hear this application on  
8 this café, which is in Speaker Quinn's district.  
9 So, whenever you're ready, sir.

10 MR. ROBERT BOOKMAN: Thank you.  
11 Good morning, everyone. Good to see you all.  
12 Robert Bookman for the law firm Petsesky and  
13 Bookman with me is Stuart Mill [phonetic], the  
14 managing member of the restaurant in the hotel--

15 MR. STUART MILL: [interposing]  
16 Ameritania.

17 MR. BOOKMAN: --Ameritania, sorry.  
18 We were very, very happy to work with the  
19 Community Board and the Speaker's staff in coming  
20 up with an acceptable compromise on this proposed  
21 café on this new restaurant in the hotel. We've  
22 presented to your excellent staff our letter  
23 showing how we were going to scale back the size  
24 of the café. Basically, the Community Board did  
25 not, would have preferred that there were no

1  
2 tables on the side street, so we agreed. We  
3 removed all those tables from the side streets.  
4 It'll just be, just be on Broadway now where it's  
5 pretty common. So, I'm get, I've given you a  
6 letter to that effect, a copy of the new plan  
7 showing that, and that proof that we've already  
8 served Consumer Affairs, you know, with that new  
9 plan. So, I believe everybody's happy and as  
10 always, we're always very pleased to work with  
11 your staff and Council Member's staff in working  
12 out these compromises.

13 CHAIRPERSON WEPRIN: Great, Mr.  
14 Bookman. And I'm just going to read the three  
15 points on this thing for the record. It's says,  
16 number one, we will reduce the total size of the  
17 sidewalk café from ten tables and 34 seats to 7  
18 tables and 28 seats. Number two, we will remove  
19 three two top tables from West 54<sup>th</sup> Street to allow  
20 clearance for heavy pedestrian traffic in the  
21 area. These changes will be reflected in the  
22 revised plan submitted to the New York City  
23 Department of Consumer Affairs, as you mentioned.  
24 And three, we will not have amplified sound in the  
25 café. Those three are the three items you've

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discussed?

MR. BOOKMAN: Yes.

CHAIRPERSON WEPRIN: Great. So, with that in mind I understand by speaking to Speaker Quinn's office that they are okay with this and agree with this letter and have negotiated this compromise. So, we thank you very much.

MR. BOOKMAN: Thank you.

CHAIRPERSON WEPRIN: And we're going to close this hearing. I want to acknowledge that we've been joined by Council Member Dan Gorodnick and we will now move on to the second café. Is Jimmy here? No, Jimmy went downstairs, okay. We would like to call up Land Use Number 767, which is an establishment called Heavy Woods. And that's in Council Member Diana Reyna's district. I'd like to call on Ben Warren [phonetic] who is here today.

MR. BEN WARREN: Yes.

CHAIRPERSON WEPRIN: Mr. Warren? And I see you're joined by someone else, who you will read their name into the record - - okay. Mr. Warren, whenever you're ready if you could

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2 discuss this item. I know Council Member Reyna's  
3 office, from what we understand is fine with this,  
4 I, action as well. Her staff member is here  
5 shaking his head, yes. So, but please tell us  
6 what the up shot is of this compromise you're  
7 worked out?

8 MR. BEN WARREN: All right. My  
9 name is Ben Warren. This is my partner Gina Leoni  
10 [phonetic]. And we have a sidewalk café that we'd  
11 like to open in Bushwick, Brooklyn. We believe it  
12 would greatly benefit the quality of life in our  
13 neighborhood. It doesn't have any outdoor café's  
14 except for our other bar, which is located three  
15 blocks away. So, we think it's a good idea and we  
16 hope that we pass the grade.

17 CHAIRPERSON WEPRIN: How many, do  
18 you have any tables and chairs, how many seats?

19 MR. WARREN: [interposing] It's 30,  
20 I think it's 28 seats, if I remember correctly.

21 CHAIRPERSON WEPRIN: And they're  
22 good with this. What is the name of your other  
23 establishment?

24 MR. WARREN: The Bodega.

25 CHAIRPERSON WEPRIN: Okay.

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MR. WARREN: It's a wine bar. And  
it's one--

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CHAIRPERSON WEPRIN: [interposing]  
That one I got. All right. Heavy Woods, where  
does that come from?

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MR. WARREN: That's the original  
name of the neighborhood, the Dutch, it's a  
translation of the Dutch name of the neighborhood.

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CHAIRPERSON WEPRIN: Oh, good,  
good. I was just curious, you know? So, I  
understand that Council Member Reyna is good with  
this café. Does anyone on the panel have any  
questions for this gentleman and lady? I see  
none. I apologize for keeping you waiting and we  
thank you very much. We're going to close this  
hearing.

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MR. WARREN: All right.

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CHAIRPERSON WEPRIN: Thank you.  
Thank you, both. If someone, oh, could just, I  
know Peter Koo [phonetic] was downstairs and  
wanted to be here. Oh, he went to get him, okay.  
So, I, we'll, we're going to call it up and you  
guys can make the presentation and Peter will get  
here while you're making it since he has heard it



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2 in detail already. So, the next item is Land Use  
3 Number 765. This is the Flushing Meadow East  
4 rezoning, as I mentioned in Council Member Koo's  
5 district. This is Patrick Jordan coming to the  
6 table, excuse me, Patrick Jones, Patrick Jones,  
7 you can be Jordan if you'd like but... If you could  
8 please state your name formally for the record and  
9 then describe what this application entails.

10 MR. PATRICK JONES: Certainly.

11 Good morning. I'm Pat Jones and my firm made this  
12 application on behalf of five owners in the block.  
13 The block is adjacent to Flushing Meadows Corona  
14 Park, so the manufacturing zoning that is in place  
15 is not consistent with that setting. The rezoning  
16 is projected to result in 378 units of housing and  
17 148,000 square feet of commercial floor area. Two  
18 buildings are already built, two new buildings are  
19 already built on the block in anticipation of the  
20 rezoning and they are ready for conversation to  
21 residential use. As we expressed to the City  
22 Planning Commission all of the owners are  
23 committed to the projects that were presented to  
24 City Planning in terms of the mixed use  
25 development. And in a nutshell that's our

1  
2 application. I'd be happy to answer any questions  
3 you might have.

4 CHAIRPERSON WEPRIN: Okay, before  
5 we get into any questions I'd like to call on the  
6 Council Member who represents this site who is not  
7 on the Subcommittee but is a member of the Land  
8 Use Committee, Peter Koo. Mr. Koo.

9 COUNCIL MEMBER KOO: Thank you,  
10 Chairman Weprin. I want to thank the Zoning  
11 Committee under the leadership of Chairman Mark  
12 Weprin and all the members and also I want to  
13 thank the, our Chairman of the Land Use Committee  
14 for doing a great job in doing land use matters.  
15 I have a letter I want to read on record to  
16 support the Flushing Meadows East zoning  
17 amendment.

18 CHAIRPERSON WEPRIN: Please, go  
19 ahead Mr. Koo.

20 COUNCIL MEMMBER KOO: Thank you.  
21 I'm writing this in support of the Flushing  
22 Meadows East zoning amendment. This is an area  
23 where a change to a modern commercial and  
24 residential zoning district has transformative and  
25 revitalization power. As you know, there's

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2 apartment on three sides of the block, on the west  
3 and south and the east. This is the only block in  
4 the city that has apartment on three sides but is  
5 still zoned manufacturing. This existing anomaly  
6 will change with this code, this existing anomaly  
7 will change with this contextual make use rezoning  
8 and will also spur development and growth.

9 Additionally, there are new recreational  
10 facilities across the street from this proposed  
11 area. The aquatic center and a real ice arena are  
12 across 131 Street and the Al Oerter Recreational  
13 Center is across Flower Avenue [phonetic]. This  
14 setting there would be complemented by residential  
15 use and benefit from neighborhood retail  
16 establishments. On several occasions over the  
17 last few years I have met with the owners and find  
18 them to be accessible, patient, cooperative and  
19 sincere. I commend them for being proactive and  
20 taking the initiative to bring about this rezoning  
21 to improve the community. By working with these  
22 city residents and through personal experience I  
23 have come to realize that area is in desperate  
24 need of a transformative revitalization. As I  
25 walk past the center of Flushing I am confronted

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2 with desolation because of the blocks location  
3 between the two city parks. As such, this tight  
4 knit community will greatly benefit from rezoning.  
5 This spurs both economic and residential  
6 development. I cannot express enough how much the  
7 residents of this particular area and the city as  
8 a whole will gain from this project. I look  
9 forward to seeing this develop into a place where  
10 families can live comfortably and safely within a  
11 few minutes walk to the cities finest recreational  
12 facilities. In closing, I'd like to thank the  
13 City Planning Commission for all their hard work  
14 and having the foresight to recognize this zoning  
15 opportunity to spur economic growth, public safety  
16 and improved quality of life for the residents of  
17 Flushing. Sincerely, Peter Koo, Council Member,  
18 20<sup>th</sup> District. Thank you very much.

19 CHAIRPERSON WEPRIN: Thank you very  
20 much, Peter Koo, Council Member 20<sup>th</sup> District. We  
21 appreciate you reading that letter into the  
22 record. I would just like to ask a question. I  
23 know the Community Board had raised concern about  
24 parking. Obviously, that area, parking is always  
25 at a premium. What discussions have they had, you

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had about the parking issue?

MR. JONES: We addressed this at City Planning, hopefully to the City Planning Commission's satisfaction. This is a block somewhat isolated and there is a wealth of parking right now. There is parking under the Van Wyck Expressway. There are 280 parking spaces that are unregulated. There is also street parking, I believe it's about 130 parking spaces on the two streets that border the north and south of the block and you can park on both sides. So, there is, we believe, plenty of parking for the commercial uses that might develop. For the residential uses that will develop, parking is required under the quality housing program at a ratio of 50 percent. So, we anticipate parking will be not that, not quite the issue that the Community Board believes it will be.

CHAIRPERSON WEPRIN: Did any members of the panel have any questions? Any of the Queens guys? Anybody else? Yes? All right. I'd like to call on Chair Comrie who has a question?

CHAIRPERSON COMRIE: What are

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these, what, I'm sorry, what's the height and density being proposed for this area, exactly?

MR. JONES: This is a contextual district. The permitted floor area ratio is 4.0 of which 2.0 can be commercial.

CHAIRPERSON COMRIE: Mm-hmm.

MR. JONES: The building heights are limited to 85 feet, so the buildings are relatively short and broad--

CHAIRPERSON COMRIE: [interposing]  
Mm-hmm.

MR. JONES: --in nature.

CHAIRPERSON COMRIE: Mm-hmm. Okay, and so you're saying you're counting on the parking that's already existing there? Because it's pretty dense over there now.

MR. JONES: Yeah, for--

CHAIRPERSON COMRIE: [interposing]  
And a lot of people use, what's the name of that, Peter? Al Oerter facility? Yeah, I mean, I can't get parking over there now when I try to get over there. So, you know, yeah.

MR. JONES: Yeah, the Al Oerter lot is usually full.

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CHAIRPERSON COMRIE: Right.

MR. JONES: And there is the  
overflow--

CHAIRPERSON COMRIE: [interposing]  
And it's the street for the--

MR. JONES: --yeah, there's  
overflow parking in the street and under the  
expressway. But often the expressway parking is  
not full, especially to the north and we, I should  
mention as well, we have asked, we asked in 2011,  
we've asked the DOT to provide angled parking and  
metered parking. The DOT responded that there was  
not yet enough parking utilization in the block,  
at least in 2011. We anticipate that we'll go  
back to DOT as this block developed and we'll ask  
for that again. We think the metered parking will  
help the turnover and the angled parking will  
increase the capacity.

CHAIRPERSON COMRIE: Okay. And you  
are with who exactly? You're with City Planning  
or, you didn't make clear on, you're the  
applicant? You're representing the applicant?

MR. JONES: I'm, yeah, right. I'm  
counsel and my firm made the application for the

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owners.

CHAIRPERSON COMRIE: Okay. And these are five owners that are, and how many owners are on the block?

MR. JONES: There are nine owners. The five owners that brought this application forward own 85 percent of the block.

CHAIRPERSON COMRIE: Okay. All right. I just want to be clear on what and I'll further talk to Peter Koo. I heard what he said in the questions. I would hope that we push to get that angled parking because I do go through that area every so often and it's been difficult for me to find parking when I go to Al Oerter for meetings. And I'll go through that area. So, we definitely, but that street is wide enough to do horizontal parking or, you know, angled parking--

MR. JONES: [interposing] I agree.

CHAIRPERSON COMRIE: --as well. You could put another hundred cars there with that. So, I think we need to make sure that that happens.

MR. JONES: We'd like to work with the Community Board on that and if we have their



1  
2 support we think it may go a little better with  
3 DOT.

4 CHAIRPERSON COMRIE: Right.

5 MR. JONES: And we welcome any  
6 other support we can have when we do petition  
7 again.

8 CHAIRPERSON COMRIE: Okay. All  
9 right, thank you.

10 MR. JONES: Thank you.

11 CHAIRPERSON WEPRIN: Okay, thank  
12 you. Any other questions from the panel? I see  
13 none. Mr. Jones, thank you very much.

14 MR. JONES: Thank you.

15 CHAIRPERSON WEPRIN: We're going to  
16 move to close that hearing. And now to sum up.  
17 The first two items on our agenda, Land Use Number  
18 757 and 758, known as the special Hudson Square  
19 District Text Amendment is being put off 'til  
20 Thursday. We are laying that items, those two  
21 items over until Thursday. We will be meeting at  
22 members of the Subcommittee before the Land Use  
23 Committee Meeting, 9:45. We expect everyone on  
24 their respective bridges by 9:00. So, if they can  
25 get here. And I'd now like to move to vote on the

1 following items which we will couple together.  
2 Land Use Number 762, Café Americaia, Land Use  
3 Number 763 Heavy Woods, those two café's. And we  
4 were going to couple them with this last item we  
5 heard from Council Member Koo's district, Flushing  
6 Meadows East, that's Land Use Number 765. We are  
7 going to couple those three items and now I have  
8 the pleasure of calling on counsel for the week,  
9 Robert Moralia, counsel to the Land Use Committee  
10 for the day.  
11

12 MR. MORALIA: Weprin.

13 CHAIRPERSON WEPRIN: Aye.

14 [background noise]

15 COUNCIL MEMBER RIVERA: I vote aye.

16 MR. MORALIA: Comrie?

17 CHAIRPERSON COMRIE: Aye.

18 MR. MORALIA: Vann?

19 COUNCIL MEMBER VANN: Aye.

20 MR. MORALIA: Gorodnick?

21 COUNCIL MEMBER GORODNICK: Aye.

22 MR. MORALIA: Lappin?

23 COUNCIL MEMBER LAPPIN: Aye.

24 MR. MORALIA: Wills?

25 COUNCIL MEMBER WILLS: Aye.

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MR. MORALIA: Ignizio?

COUNCIL MEMBER IGNIZIO: Aye.

MR. MORALIA: And by a vote of eight this - - in the affirmative. None in the negative and no abstentions. The aforementioned items are complete.

CHAIRPERSON WEPRIN: Thank you.

MR. MORALIA: Adopted.

CHAIRPERSON WEPRIN: Thank you very much, Mr. Moralia. Okay. We are going to hold the rolls open 'til the next meeting starts, the Landmarks Committee Meeting. And hopefully Diana, Council Member Reyna is on her way. We will be recessing this meeting. So, those who are not here today actually will be able to vote on Thursday as well. So, with that in mind this committee meeting is now recessed until 9:45 this coming Thursday where we will be hearing all these items including, we hope, the Hudson Square item. Thank you very much. The meeting is now recessed. Thank you.

[background noise]

MR. MORALIA: We're good. Council Member Reyna?

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COUNCIL MEMBER REYNA: I vote aye.

[background noise]

MR. MORALIA: And by a vote of nine to zero in the affirmative these issues are adopted.

[background conversation]

COUNCIL MEMBER REYNA: So, this meeting is recessed?

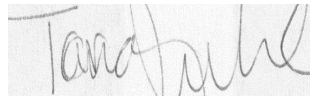
MR. MORALIA: Recessed.

COUNCIL MEMBER REYNA: Wow. This meeting is recessed, a meeting on zoning and franchise is recessed to Thursday at 9:45, March 7<sup>th</sup>.

C E R T I F I C A T E

I, Tara Juhl 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 rectangular box containing a handwritten signature in cursive script that reads "Tara Juhl".

Date 3/19/13