

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE - SUBCOMMITTEE
ON ZONING AND FRANCHISES

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May 20, 2014
Start: 9:50 a.m.
Recess: 10:30 a.m.

HELD AT: Council Chambers
250 Broadway - Hearing Room,
16th Fl

B E F O R E:
MARK WEPRIN
Chairperson

COUNCIL MEMBERS:
Antonio Reynoso
Daniel R. Garodnick
Donovan J. Richrds
Jumaane D. Williams
Mark S. Weprin
Ritchie J. Torres
Ruben Wills
Vincent Ignizio
Vincent J. Gentile

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

Bernard DuPont
Brasserie Cognac Cafe

Turay Toufisan [sp?]
Brasserie Cognac Cafe

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CHAIRPERSON WEPRIN: Okay, we're going to
get started this morning. Good morning, everyone.
We have a limited agenda today. I know Police
Commissioner Bratton is going to be testifying a
little while a Public Safety, and couple of our
members are interested in getting over there, and
they should make it. We have -- Well, let me
introduce myself. I'm Mark Weprin, Chair of the
Zoning and Franchises Subcommittee. And I'm
delighted this morning to be joined by the following
members of the subcommittee Vincent Gentile, Dan
Garodnick, Donovan Richards, Ritchie Torres, and
others on their way. But that's it for now, and that
is enough for a quorum. We have one cafe on the
agenda, that is Land Use Number 59, Brasserie Cognac
Cafe in Council Member Garodnick's district. I'd
like to call up Bernard DuPont and Turay Toufisan
[sp?]. Close enough, huh. Close enough, huh?
Gentlemen, when you get to the mics, I'll try to
navigate how they work because they're a little
tricky. And then, please state your name for the
record and describe the cafe application that you
have. You could test it. Sometimes it's
counterintuitive. It lights up when it's off, and --

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BERNARD DUPONT: Yeah, Can you hear me?

CHAIRPERSON WEPRIN: Okay. State your
name.

BERNARD DUPONT: Okay, can you repeat the
question.

CHAIRPERSON WEPRIN: Okay, now there's no
-- If you want to just state what it is you're asking
for as far as the cafe --

BERNARD DUPONT: Yes. We're just asking
what was -- what the previous owner had that means 14
seats, 7 table, and 14 chairs. And that we can
handle very well, and that's allowed us to keep it as
the one-person for other stuff, a waitress or waiter
for lunch and dinner. So it's vital as well as for
the business. It's not a big restaurant, and the
rent is pretty high. And we will obey the rules
apparently, and we will be good neighbors.

CHAIRPERSON WEPRIN: Sir, do you want to
add something?

TURAY TOUFISAN: Yes, I'm pretty sure that
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CHAIRPERSON WEPRIN: Please, just state
your name again for the record.

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2 TURAY TOUFISAN: Turay Toufisan [sp?] I
3 think there was something of a confusion here,
4 because originally we had asked for a larger amount
5 of seats. And at the Community Board, the
6 Subcommittee they said no they didn't like that, but
7 they then said yes, then the subcommittee for 14
8 seats. Then, I guess it went to the larger Board,
9 and I thought they went through because I received
10 all the contracts, and everything from the city. So
11 it was sort of a surprise for us to hear that there
12 was some confusion.

13 CHAIRPERSON WEPRIN: [interposing] The
14 Community Board voted no with --

15 TURAY TOUFISAN: [interposing] Yeah,
16 well, I --

17 CHAIRPERSON WEPRIN: -- with conditions.

18 TURAY TOUFISAN: Yeah, well, I didn't
19 realize that. So now, it came down at the eleventh
20 hour tonight at ten seats, but, you know --

21 CHAIRPERSON WEPRIN: Yeah.

22 TURAY TOUFISAN: So this was sort of a
23 surprise to us.

24 CHAIRPERSON WEPRIN: Okay, well merci
25 beaucoup. I'm going to ask Council Member Garodnick

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3 to explain how he got to this point, and where we are
4 right now. Council Member Garodnick.

5 COUNCIL MEMBER GARODNICK: Thank you, Mr.
6 Chairman and this microphone is aggressive. First of
7 all, I want to thank the gentlemen for being here
8 today. And I will just for the purpose of clearing
9 up the record, there was an application by the
10 Brasserie Cognac East Corporation, which is located
11 at 963 Lexington Avenue, before the Community Board
12 to expand to nine tables and 22 seats. The Community
13 Board disapproved that, and they noted that members
14 of the public had addressed ongoing issues related to
15 encroachment beyond the approved area.

16 Use of unauthorized tables and chairs;
17 lack of supervision; ongoing issues with the
18 establishment's garbage disposal; sidewalk
19 cleanliness; and the use of orange cones to illegally
20 block street parking. The previous establishment had
21 been licensed for seven tables and 14 chairs, and
22 they had noted that there were more regularly than
23 that number outside using both licensed and
24 unlicensed sidewalk space.

25 So the owner had agreed to decrease the
application to seven tables and 14 seats, and to

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2 submit revised plans to the Community Board office,
3 but did not do so. And the Community Board
4 accordingly had unanimously by a vote of 42 to zero
5 rejected this application. Now, this is actually a
6 very suitable location in my mind for a limited
7 number of seats for a sidewalk cafe. It is a very
8 pretty restaurant.

9 It is a nice place to be, and so I went
10 because of the confusion in the absence of newly
11 submitted plans. I went myself to look to see the
12 interaction between the sidewalk cafe and the fire
13 hydrant; the sidewalk cafe and the tree pits; the
14 sidewalk cafe and the corner; and the pedestrian
15 passage. And I concluded that the appropriate number
16 so as to allow for a sidewalk cafe to proceed despite
17 even despite a 42 to nothing Community Board
18 rejection was five tables with ten chairs. With
19 openness for us to revisit that upon their next
20 renewal. And accordingly, we have a letter from
21 Shlomo Lagota [sp?], who is the -- he is your
22 authorized representative, is that correct?

23 BERNARD DUPONT: Yes, he is.

24 COUNCIL MEMBER GARODNICK: Yes, he is,
25 and the letter is addressed to me dated May 19th, and

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2 it notes that the -- as per comments from Council
3 Member Garodnick the cafe shall have five tables and
4 ten chairs. They will maintain sidewalk cleanliness,
5 and keep garbage disposal controlled around the cafe.
6 Not to use orange cones to block the street parking.
7 Follow all applicable laws and regs with respect to
8 the operation of the cafe. And that the restaurant
9 will participate in ongoing meetings with community
10 reps to discuss any ongoing concerns or problems as
11 may arise with the intent of developing satisfactory
12 solutions.

13 So with this letter in my possession, the
14 agreement is that they are bound to five tables, ten
15 chairs. I will support this application. I
16 encourage my Committee Members, my colleagues on the
17 Committee to do the same, and I thank you very much,
18 Mr. Chairman.

19 CHAIRPERSON WEPRIN: Mr. Garodnick, did
20 you have any conversations with the Community Board
21 subsequent to visiting them?

22 COUNCIL MEMBER GARODNICK: We did and
23 they are satisfied with this resolution.

24 CHAIRPERSON WEPRIN: Okay, thank you very
25 much. We are joined by Council Member Vincent

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1 Ignizio, our Minority Leader. I would ask if anyone
2 has any questions of these gentlemen. I see none.
3 So we are going to ask is anyone else here to testify
4 on this matter, Land Use Matter Number 59? Seeing
5 none, I'm going to close this public hearing, and we
6 are going to move directly to a vote since this is
7 the only item on our agenda today. I'm going to call
8 on Ann McCoy to please call the roll.

9 ANN MCCOY: Chair Weprin.

10 CHAIRPERSON WEPRIN: Aye.

11 ANN MCCOY: Council Member Gentile.

12 COUNCIL MEMBER GENTILE: Aye.

13 ANN MCCOY: Council Member Garodnick.

14 COUNCIL MEMBER GARODNICK: Aye.

15 ANN MCCOY: Council Member Richards.

16 COUNCIL MEMBER RICHARDS: Only if he's
17 going to give us bacon afterwards. [laughter] Aye.

18 ANN MCCOY: Council Member Torres.

19 COUNCIL MEMBER TORRES: Aye.

20 ANN MCCOY: Council Member Ignizio.

21 COUNCIL MEMBER IGNIZIO: I vote aye, I
22 just want to congratulate my colleague, Council
23 Member Garodnick, who clearly worked hard for the
24 community to try to help the business community as
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2 well as his Community Board. And that's not an easy
3 thing to do. So, congratulations and I vote aye.

4 COUNCIL MEMBER GARODNICK: Well, thank
5 you.

6 ANN MCCOY: By a vote of six in the
7 affirmative, no abstentions, and no negatives, Land
8 Use Item Number 59 is approved and referred to the
9 Full Land Use Committee.

10 CHAIRPERSON WEPRIN: Thank you very much.
11 I want to acknowledge that Council Member Vincent
12 Gentile got the gold star today. We are going to
13 hold the rolls open until 10:15. So if anyone is
14 here representing any of the members who didn't make
15 it yet, please get them off the subway and get them
16 in here. Until 10:15 we're going to hold the rolls
17 open to. With that in mind, remember the Land Use
18 Committee meets on Thursday, and with that, the
19 meeting is now adjourned. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date May 27, 2014