

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

----- X

June 22, 2015
Start: 10:15 a.m.
Recess: 11:02 a.m.

HELD AT: 250 Broadway- Committee Rm, 16th Fl.

B E F O R E:

DANIEL R. GARODNICK
Chairperson

COUNCIL MEMBERS:

ANTONIO REYNOSO
DONOVAN J. RICHARDS
JUMAANE D. WILLIAMS
RITCHIE J. TORRES
RUBEN WILLS
VINCENT IGNIZIO
VINCENT J. GENTILE

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

Robert Callahan
Eat Lexington 87 LLC

Hassan El Garrahy
Bar Italia

2 [gavel]

3 CHAIRPERSON GARODNICK: Good morning
4 everyone and welcome to the Subcommittee of Zoning
5 and Franchise. It's a subcommittee of the Land Use
6 Committee of the New York City Council. Today's
7 date is Monday, June 22nd. My name is Dan Garodnick
8 and I have the privilege of temporarily chairing
9 this committee for today in the absence of its
10 former chair Mark Weprin who has moved on to
11 employment in Albany. And I'm pleased to recognize
12 the members of the committee who have joined us
13 today; Council Members Gentile, Reynoso, Wills,
14 Richards, and the Chair of the Land Use Committee
15 Council Member David Greenfield. We have three
16 items on the agenda today. They are all sidewalk
17 cafes and we should be able to move through them in
18 short order. The first item is Land Use number 238,
19 application 2015523 TCM Eli's Essentials. It is a
20 petition from Eat Lexington 87 LLC doing business
21 as Eli's Essentials for revocable consent to
22 continue and maintain and operate unenclosed
23 sidewalk café at 1291 Lexington Avenue with four
24 tables and eight chairs for a four year term. We're
25 going to invite Robert Callahan of Eat Lexington 87

1
2 to present the agreement that he has reached with
3 Council Member Kallos. Mr. Callahan welcome. And as
4 soon as you are ready go ahead and get started.

5 ROBERT CALLAHAN: Thank you very much.

6 My name is Robert Callahan and I'll be representing
7 Eat Lexington 87 LLC this morning. I'm going to
8 read from a letter that was previously submitted to
9 the committee which is an agreement between Council
10 Member Kallos and Eli's as far as the sidewalk café
11 is concerned. Dear Honorable Council Member Kallos.
12 Please accept this letter as confirmation that as
13 our... as per our agreement for the sidewalk café
14 application for four tables and eight chairs we
15 will... Only our customers will use the four tables
16 and eight chairs we are permitted. We will police
17 this to be sure. We will clean in and around the
18 tables periodically during the day. Between the
19 hours of 8:00 a.m. and 9:00 a.m. we will not put up
20 the guard to... that separate the tables from the
21 sidewalk café according to the plan approved by the
22 New York City Department of Consumer Affairs. We
23 will at all times set up the café according to the
24 approved plans. The tables will be placed against
25 the building. We will have a three foot waiter

1
2 aisle located between the guards and the tables
3 which is always maintained when the guards are up.
4 The ice cream machine will be moved from the East
5 87 Street doorway. If anything else is required
6 please contact my representatives at (914)632-6036.
7 Sincerely, Eli Zabar, Managing Member.

8 CHAIRPERSON GARODNICK: Thank you very
9 much. We've been joined by Council Member Ritchie
10 Torres of the Bronx. I'll ask any members of the
11 panel if they have any questions on this item.
12 Seeing none I'll ask if there are any members of
13 the public wishing to testify on Land Use 238.
14 Seeing none we'll close the hearing on Land Use 238
15 and open... Thank you very much.

16 ROBERT CALLAHAN: Thank you.

17 CHAIRPERSON GARODNICK: ...and open the
18 hearing on Land Use 239. This is 20155534 TCM
19 Benvenuto Café in the district of Council Member
20 Margaret Chin. It's a petition from MVN BC Corp
21 doing business as Benvenuto Café for a revocable
22 consent to continue to maintain and operate
23 unenclosed sidewalk café 189 Franklin Street with
24 15 tables and 30 chair for a four year term. They
25 are not present today but it's my understanding by

1
2 the staff of Council Member Chin that they have
3 reached an agreement as memorialized in this letter
4 dated June 18, 2015 to the Honorable Margaret Chin
5 from Perry Malice [sp?] of Benvenuto, Benvenuto
6 Café saying the following... I am the owner of
7 Benvenuto Café, 189 Franklin Street and I agree to
8 abide with the following; the Sidewalk Café renewal
9 application is for 15 tables and 30 chairs, all
10 planters that are not on the plan have been
11 removed, the bench has been removed, and there is a
12 ten foot clearance from hydrant removed. It also
13 was notarized of note. Any questions of members of
14 the... by members of the panel? Seeing none. Members
15 of the public wishing to testify? Seeing none.
16 We'll close the hearing on Land Use 239 and open
17 the hearing on the final... final item of our agenda
18 today which is land use 24020155582 TCM a Bar
19 Italia, that is in my district. And it is a
20 petition from six... 768 Mad Restaurant LLC doing
21 business as Bar Italia for revocable consent to
22 continue to maintain and operate an unenclosed
23 sidewalk café at 768 Madison Avenue with two tables
24 and eight chairs for a four year term. We are
25 joined by Mr. Hassan El Garrahy. Mr. El Garrahy

1
2 come on... come on up and you can read the letter
3 that summarizes the agreement that we have reached.
4 And we welcome you here today.

5 HASSAN EL GARRAHY: Good morning
6 everyone my name... [cross-talk] Okay. Oh thanks. [on
7 mic] Good morning everyone my name is Hassan El
8 Garrahy. And I'm here to represent Bar Italia. And
9 I'm going to read the letter that we sent to Mr.
10 Garodnick on the fifth of June where we had two
11 violations that have been corrected. Dear Mr.
12 Garodnick we are writing this letter to inform you
13 of our intention to correct the violations. We
14 understand that we have two violations pending... the
15 standing menu outside of the restaurant and having
16 the doors between the restaurant and sidewalk café
17 area closed. After we had been notified of the
18 violations we immediately removed the standing menu
19 from the street and opened the doors in between the
20 restaurant and the sidewalk café area. We are
21 intending to keep the set up this way and to make
22 sure services to the sidewalk café is through the
23 service aisle and not the front door to avoid any
24 future violations. ...our managing partner Hassan El
25 Garrahy has made the announcement of the new

1
2 arrangement during today's staff meeting. If you
3 have any further questions please to do not
4 hesitate to call Control...

5 CHAIRPERSON GARODNICK: Terrific. Thank
6 you very much. And thank you for taking that
7 action. And I have no further issues with this
8 application and I encourage my colleagues to
9 support it. I don't know if there are other
10 questions from the panel? Seeing none. Members of
11 the public wishing to testify? Seeing none. We'll
12 close the hearing on Land Use 24020155582 TCM Bar
13 Italia. Thank you very much.

14 HASSAN EL GARRAHY: Thank you.

15 CHAIRPERSON GARODNICK: And with that
16 that's the agenda for the day so we are going to
17 call the roll on Land Use 238, 239, and 240 couple
18 them together for a vote and I'll ask our counsel
19 to call the roll.

20 COUNSEL: Chair Garodnick.

21 CHAIRPERSON GARODNICK: Thank you. I
22 vote aye.

23 COUNSEL: Council Member Gentile.

24 COUNCIL MEMBER GENTILE: I vote aye.

25 COUNSEL: Council Member Wills.

COUNCIL MEMBER WILLS: Aye.

COUNSEL: Council Member Richards.

COUNCIL MEMBER RICHARDS: I vote aye.

COUNSEL: Council Member Reynoso.

COUNCIL MEMBER REYNOSO: I vote aye.

COUNSEL: Council Member Torres.

COUNCIL MEMBER TORRES: I vote aye.

COUNSEL: Land Use numbers 238, 239, and 240 are approved by a vote of six in the affirmative, zero in the negative, and zero abstentions and they're referred to the full Land Use Committee.

CHAIRPERSON GARODNICK: Great. Thank you very much. We'll hold the role open for about 15 minutes and after that time we'll be adjourned. Thank you everyone.

[gavel]

COUNSEL: Council Member Ignizio.

COUNCIL MEMBER IGNIZIO: I vote aye.

COUNSEL: Council Member Williams.

COUNCIL MEMBER WILLIAMS: I vote aye.

And the meeting is adjourned.

[gavel]

