

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 27, 2018
Start: 9:48 a.m.
Recess: 10:33 a.m.

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

B E F O R E: FRANCISCO P. MOYA
Chairperson

COUNCIL MEMBERS: Costa G. Constantinides
Barry S. Grodenchik
Stephen T. Levin
Antonio Reynoso
Donovan J. Richards
Carlina Rivera
Ritchie J. Torres

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

Patricia Sullivan, Attorney for
Mozzarella Holdings d/b/a Barano

Albert Di Meglio, Barano Café Owner

Jordan Bocher, 26 Broadway Resident

David Lantoni, 26 Broadway Resident

Chelsea Goodman, 26 Broadway Resident

2 [sound check, pause]

3 SERGEANT-AT-ARMS: Well, please silence
4 your the cell phones. Thank you. [gavel]

5 CHAIRPERSON MOYA: Good morning and
6 welcome to the meeting of the Subcommittee on Zoning
7 and Franchising. I'm Francisco Moya, the Chair of
8 the Subcommittee, and today we are joined by Council
9 Member Carlina Rivera, Councilman Barry Grodenchik,
10 and Council Member Steve Levin. Today, we will be
11 holding a hearing on one item, LU 44, the Barano
12 Sidewalk Café located at 26 Broadway in Council
13 Member Levin's District in Brooklyn. This is an
14 application for revocable consent for the use of the
15 city-owned sidewalk to operate and use a new
16 unenclosed sidewalk café with 7 tables and 34 chairs
17 for a two-year term. We will also be voting on LU
18 36, the 21 East 12th Street parking garage and the LU
19 37 and the 35 Underhill rezoning. I am now opening
20 the public hearing to LU 44 the Barano sidewalk café,
21 and we have Patricia Sullivan, Zachary Wiener, Albert
22 Di Meglio Al Jonathan [background comments]
23 Soleimanzadeh (sp?). Is that it? [background
24 comments] Great, and we are also joined by Council
25 Member Reynoso.

2 PATRICIA SULLIVAN: [off mic] Good
3 morning. My name is Patricia Sullivan. [on mic]
4 Good morning. My name is Patricia Sullivan, and I'm
5 here with Mozarella Holdings from 26 Broadway, and
6 we are here to present an enclosed sidewalk café for
7 34 seats and 17 tables that was filed on December 4,
8 2017. I also understand that there's some opposition
9 here. So, I don't know if you'd like them to speak
10 first, or if you want us to do a brief presentation,
11 and that--

12 CHAIRPERSON MOYA: You—you can—you can go
13 first, and then we'll them come up later. Thank you.

14 PATRICIA SULLIVAN: Okay, thank you.
15 Sure. So, Mozzarella Holdings d/b/a Barano is an
16 Italian restaurant that has been operating at 26
17 Broadway for approximately two years now. It is a
18 true restaurant concept home by Albert Di Meglio, a
19 chef whose resume includes some of New York City's
20 finest restaurants. I paint this picture for you
21 because I want you to know this is not a bar tavern
22 with—with customers who tend to be loud and
23 obnoxious. This is a fine dining establishment, and
24 their—their method of operation that they have on the
25 inside is going to carry out to the outdoor café.

2 That outdoor café is going to be an amenity to the
3 customers who already like frequent this restaurant,
4 and it is something that we feel that they have
5 proven in the two years that they've been here with
6 one 311 complaints or violations or concerns from the
7 neighbors have been reported. It's something that we
8 believe that they can operate responsibly. I also
9 want you to keep in mind that 6 of the tables and 12
10 of these seats are within the applicant's own
11 property line. This means that only 22 of the seats
12 actually extend onto the public sidewalk café space.
13 This application was also presented to Brooklyn
14 Community Board 1, DCA SLA Subcommittee on January
15 30th, where they received an approval. This approval
16 was upheld by the full board on February 13th. The
17 group also attended Brooklyn Community Board 1 for
18 their alteration application to extend their liquor
19 license to include their outdoor café within the
20 license premise. Once again, the Subcommittee voted
21 to approve this application and the full board upheld
22 this decision on March 13th with a 21 to 14 vote in
23 favor of Barano. At these meetings my clients
24 presented the board with 113 signatures in support.
25 We had also sent these signatures, these petition

1 signatures to the Council Members last night. So you
2 should be in receipt of them, and we also presented
3 them to Mr. Levin. I do have copies if anyone needs
4 to look at them. These petition signatures are from
5 residents of the neighborhood. Additionally, two
6 community leaders Jose Leon from Signa Colin (sp?)
7 and Dana Rockman from NYC together both attended the
8 meetings to offer their support. The support for
9 this application from not only residents, but from
10 community organizations that work with and understand
11 the needs of South Williamsburg demonstrate that
12 these operators would responsibly operate their
13 sidewalk café. We also did meet with Council Member
14 Levin on March 13th to speak about the application,
15 and he suggested that my client attempt to speak with
16 additional community groups who were opposed to the
17 café. We made it know that there have been several
18 attempts to reach out to the community, and we
19 haven't gotten much interest in-in coming to an
20 agreement on anything or in speaking in general. I'd
21 also like to point out that my clients didn't take
22 this lightly, and that we filed this application on
23 December 14th, and they started petitioning and
24 meeting with residents approximately two months prior
25

1 to the submission of the café. So they really—they
2 really did make an effort in getting the word out and
3 meeting with people and addressing any concerns that
4 they might have had. So, we obviously tried and
5 agreed with Mr. Levin's suggestion that, you know,
6 meeting with the community would be to everybody's
7 benefit, but we did not—we did not receive any
8 response in regards to these meetings. This update
9 was sent to Mr. Levin's office on Friday. Since then
10 I think there has been some more communication with
11 some of the groups that we reached out. So, we're
12 hopeful that we can meet in the future because
13 obviously this is—this is the restaurant. It's in
14 this neighborhood and nothing ends at this meeting
15 here. So, if there's going to be a continued line of
16 communication, that would be in everybody's best
17 interest. Additionally, I want to point out that
18 they are zoned for this café. New York County has
19 held that a determination to deny a sidewalk café
20 based on community opposition alone is arbitrary and
21 capricious. The argument that it is, that it's a—
22 it's an area zoned for a certain use, and it had
23 already determined the permitted is in "harmony with
24 the general zoning plan and will not adversely affect
25

2 the neighborhood." That being said, my clients have
3 demonstrated that being a good neighbor has been and
4 will continue to be an important part of their
5 business. For this reason it is important for me to
6 point out that they have already made a number of
7 concessions. (1) They have stipulated with Brooklyn
8 Community Board 1 that they will close their café
9 Sunday to Thursday at 10:30 p.m., Friday and Saturday
10 at 12:00 a.m. Brooklyn Community Board typically
11 requests the closing of 11:00 and 1:00. So these
12 hours are well within what the typical cafés in the
13 neighborhood are, and there is one across the street,
14 a sidewalk café, and then there are two more down the
15 street at 81 Broadway and 85 Broadway with like 22
16 seats and 16 seats. So, these are cafes that are
17 close by. They're already in neighborhood and they
18 were already approved, and so it seems that this
19 neighborhood is—is doing fine with the cafes that are
20 currently there. They also agreed to have no music
21 outside. They agreed to only install ambient
22 lighting, and they also agreed to install umbrellas
23 for soundproofing after they've heard the suggestions
24 from Community Board members at Brooklyn Community
25 Board 1. Lastly, there's something to be said by the

2 fact that 12 of the seats within the café are within
3 their own property line, they could have put these
4 out a year or so ago without going through any of
5 this process, but wanted to establish a reputation as
6 good operators before going for any outside space
7 because they understand that though they're zoned for
8 a sidewalk café they--this is something that people
9 can be concerned of, and they want to prove that they
10 are good operators. In conclusion, this is an
11 application that received an outpouring of support
12 from residents and community groups alike. It has no
13 311 violations or complaints about their
14 establishment and they gained approval from Brooklyn
15 Community Board 1 for both aspects of this
16 application. For all these reasons we would ask that
17 you vote to approve this. [pause] Did you guys have
18 questions for us? If you'd like to hear from--

19 CHAIRPERSON MOYA: Councilman Reynoso.

20 COUNCIL MEMBER REYNOSO: Welcome. How
21 are you doing today? I'm very familiar with the
22 establishment. It is in Council Member Levin's
23 district, but he is my neighbor so I--I've actually
24 been here before, but I do want to say early on in
25 the process of the--the actual restaurant being open,

2 I was contacted as well to see if I had any questions
3 or concerns, and I just want to say that my
4 relationship with the owner and all of the team has
5 been second to none. I really feel that you've been
6 responsive. Even though I'm across the street, you-
7 you took the time to also meet with me considering
8 that so my constituents will-could be affected. So,
9 I just again in noting that Community Board 1 was
10 supportive, and your history so far, you know, I
11 definitely see this alongside Broad, and I want to be
12 clear this is Broadway where there's commercial
13 establishments all throughout the first floor on both
14 sides. You know, I do think that it would be an
15 ideal-an ideal application, and hope that you find
16 the time to meet with Council Levin, and that you
17 address all his issues because I do think that this
18 would be a positive for our neighborhood to
19 continuing to see especially restaurants along
20 Broadway to-to thrive considering the climate we're
21 in when it comes to these small businesses being able
22 to succeed. But it's nice to see you here, and
23 hopefully after a positive recommendation from
24 Council Member Levin, we could see this move forward.
25 So thank you

2 CHAIRPERSON MOYA: Council Member Levin.

3 COUNCIL MEMBER LEVIN: Thank you. I want
4 to thank you very much for--for coming in today. I
5 want to thank you for meeting in my officer earlier
6 this month. A couple of questions just about the--the
7 parameters. Would this be--this is--as you said there
8 are a certain number of --that you could do as-of--
9 right right now. Is that correct?

10 PATRICIA SULLIVAN: Correct.

11 COUNCIL MEMBER LEVIN: And beyond that,
12 the dimensions of this--past the property line, do
13 you know what the dimensions of the sidewalk are?

14 PATRICIA SULLIVAN: It's like 9 feet by
15 33 or something like that. We have plans and stuff
16 up here if you guys want copies.

17 COUNCIL MEMBER LEVIN: So--so the--just to
18 be clear. So, your building line goes and then
19 beyond 6 feet to the property line, is that correct?

20 PATRICIA SULLIVAN: Correct.

21 COUNCIL MEMBER LEVIN: And then beyond
22 that to the end of the sidewalk is another 9 feet.

23 PATRICIA SULLIVAN: Yes. It's like 8 and
24 9 inches so--

2 COUNCIL MEMBER LEVIN: Okay, 8 feet 9
3 inches.

4 PATRICIA SULLIVAN: Yes.

5 COUNCIL MEMBER LEVIN: So-so in that-in
6 that area so that-that 8 feet is that-is there-is
7 there a significant amount of foot traffic that-that
8 happens on that side of the street or on the sidewalk
9 there?

10 PATRICIA SULLIVAN: [off mic] Did you
11 want to answer?

12 ALBERT DI MEGLIO: Unfortunately not. I
13 mean we're all the way on the end of Kent by the
14 water. We came down because we knew what's going in
15 the neighborhood.

16 COUNCIL MEMBER LEVIN: [interposing] I'm
17 sorry, you would identify yourself for the record,
18 please.

19 ALBERT DI MEGLIO: Oh, my name is Albert
20 Di Meglio. I'm one of the partners and mostly the
21 Chef. We basically came down to that neighborhood
22 because it's-it's a growing neighborhood. There's so
23 many more people coming to the neighborhood. I mean
24 when we-when we first started we knew there was about
25 5,000 people like 200 feet away coming to the

2 neighborhood. Now, that's becoming more and more,
3 which is a dream, but when we went down there, the
4 only access to us is one bus and basically the JMZ,
5 which is about a 15-minute walk.

6 COUNCIL MEMBER LEVIN: Uh-hm.

7 ALBERT DI MEGLIO: We've manage to
8 survive for two years, which is great, but it's been
9 a struggle. It's been a struggle, you know, to be
10 honest, and the whole reason the outdoor café came to
11 be is it's—it's an extension to the restaurant and in
12 the summer we slow down. We slowed down pretty bad
13 last year, actually for the past two years in the
14 summer because everybody goes to the outdoor cafes.
15 Everybody wants to sit outside. Everybody in a New
16 York City apartment. We know what that living is
17 like, and the minute you can go outside and get some
18 fresh air and get a good meal with some good
19 operators, that's what happens, and we lose some of
20 our customers to that. So, we have an amazing staff.
21 Last year we had to trim some staff. This year I
22 don't want to trim some staff. I'd like to keep the
23 staff I have and maintain the current pace we have,
24 employ more locals because that's kind of in our
25 business plan no only like food is local we get local

2 aprons, local soap, local everything because that's
3 what a community is about. A community is about a
4 bunch of people of different backgrounds coming
5 together to support one another, and help-help grow,
6 and that's what we're here for. I mean you could-you
7 could Google us, you could see anything, you could
8 ask us questions, we are who we are. There's no-no
9 pulling the punch. I've been doing this for about 25
10 years now, good and bad. I love it. You know, I've
11 been tortured. I've tortured my family doing this.
12 I have three kids at home that, you know, love to see
13 daddy go to work and do something good, but the
14 whole-there's not a lot of foot traffic, back to your
15 point

16 COUNCIL MEMBER LEVIN: Uh-hm.

17 ALBERT DI MEGLIO: So, anything we can do
18 to help that, that's what we're here for. We're here
19 to help thrive a business because if there's new
20 residents coming to the neighborhood, you need
21 commerce in the neighborhood. You need people where
22 they can go eat, shop--

23 COUNCIL MEMBER LEVIN: Uh-hm.

24

25

2 ALBERT DI MEGLIO: --and enjoy
3 themselves. Otherwise, why would people move down
4 there? You know, I--

5 COUNCIL MEMBER LEVIN: [interposing]
6 Sorry, but I'm--so, we've heard from the Neighborhood
7 Association, the Lower-Lower Broadway Association
8 and--and resident of the building expressing their
9 opposition to--to an extension of the sidewalk café
10 permit. Is there--have--have you met with community
11 residents of the building in which you are located?

12 ALBERT DI MEGLIO: Yes, we met with them.
13 We asked them what we can do. We told them we're
14 capable of having 47 seats outside. We already
15 reduced it down 34. What else can we do? And
16 basically the answer was nothing, and then it's not--
17 for me it's not a fair answer as a business person.

18 COUNCIL MEMBER LEVIN: Uh-hm.

19 ALBERT DI MEGLIO: There's--there's
20 concessions to be made. I--we could have put out 12
21 seats. We didn't.

22 COUNCIL MEMBER LEVIN: Uh-hm.

23 ALBERT DI MEGLIO: You know, I--I don't
24 know any other business person that wouldn't just put
25 those 12 seats out immediately. We're getting--we--we

2 held money to appease the neighborhood, and now two
3 years later we need it. So, now we're asking for
4 help.

5 PATRICIA SULLIVAN: And the Community
6 Board did also ask the residents that came in
7 opposition at the actual meeting if there was some
8 compromise that could be met, and everyone said no,
9 no comprise. We don't want a sidewalk café. So,
10 there really wasn't a lot of talking and
11 communicating with us on what we could do to make--
12 make this better for them.

13 COUNCIL MEMBER LEVIN: Thank you very
14 much. I think we're going to be hearing from next.

15 CHAIRPERSON MOYA: Thank you very much.

16 CHAIRPERSON MOYA: Thank you very much.

17 ALBERT DI MEGLIO: A pleasure.

18 CHAIRPERSON MOYA: We're going to move
19 onto the next panel. David Lin--oh goodness. Lin--
20 [background comments] Lantoni (sp?) [background
21 comments] Sorry. Chelsea Goodman, Jordan Bocher,
22 Morris Mekowitz (sp?) and we've been joined by
23 Council Member Lancman and Council Member Torres.
24 [pause, background comments] Yeah, if-if-if you
25 could just state your name.

2 JORDAN BOCHER: [off mic] Alright. Good
3 morning. My name is Jordan Bocher (sic). I'm here
4 on behalf of the residents of 26 Broadway. So, as
5 you heard from the restaurant, we did actually have a
6 meeting

7 CHAIRPERSON CABRERA: I'm sorry. You have
8 to press the mic.

9 JORDAN BOCHER: It's good. Can you hear
10 me? My name is Jordan Bocher. I'm here on behalf of
11 the residents of 26 Broadway. So, as you heard from
12 the restaurant, we did actually have a meeting with
13 them a couple of months ago, and we attempted to
14 figure out what it was that they were offering to try
15 to mitigate the concerns that we had. Basically,
16 I'll just go over what the concerns of the building
17 are first, and then we can talk about that meeting a
18 little bit. Primarily our concern is a noise issue.
19 The building is fully glass fronted. I don't know
20 how many of you are familiar with what the building
21 looks like, but the entire façade is glass, and was
22 not constructed to handle a lot of ambient noise. We
23 currently hear a lot of street noise from people down
24 below on the street from the sidewalk cafés across
25 from the restaurants, the bars, all of that at night.

1 We have—if you look at the presentation on the slide
2 that is titled “noise” you can see what the building
3 looks like, and you can see we’ve blocked out for you
4 where the bedrooms are in the two buildings adjacent
5 to and above the restaurants, and in those apartments
6 in bedroom lines, on the floor, the second floor
7 right above the restaurant, there are two children
8 ages 3 and 9 in 20 Broadway on those first two
9 floors. There are two more very young children in
10 that line of bedrooms. In 26 Broadway directly above
11 the restaurant there are four more kids including I
12 have two of my own ages 1 and 3, and frankly, it’s
13 difficult for them sleep at night. We have—the
14 windows conduct sound all the way up and down, and
15 noise also comes in through the HVAC units. So, we
16 currently do hear the patrons of the restaurant.
17 It’s not bad at all, but we do hear them coming in
18 and out of the restaurant at night, and we appreciate
19 that the restaurant is willing to move the time up
20 half an hour, but frankly the kids go to bed at 7:00,
21 8:00 and it’s, you know, 12:30 versus 1:00 doesn’t
22 make a huge difference for us on that front. The
23 sidewalk café is going to introduce a lot more noise
24 for us. There’s not really much that can be done,
25

2 and that was part of the issue at the meeting that we
3 had with them was, you know, you can put umbrellas
4 but the restaurant admitted that that's really not
5 going to do much to temper the noise that we're going
6 to hear inside—inside the apartments. There are
7 other sidewalk cafes around. As far as we can tell,
8 they are not located inside buildings that look
9 anything like or are constructed anything like ours.
10 So, that's—the noise is really the biggest issue that
11 we have. There are a couple of other concerns. One
12 of them is a safety issue. There are just going to
13 be a lot more people loitering in front of the
14 building. We don't have a doorman, we don't have, you
15 know, we—we share entries with the restaurant and
16 with a lot of young kids that live both in the
17 building and on the block, increasing just sort of
18 the number of people standing in front of our
19 building late at night is—is another concern. There
20 are I think over 200 children that live on this block
21 and they do use the sidewalk as a play area, and you
22 were asking about foot traffic. Maybe there's not
23 foot traffic from around the neighborhood, but the
24 residents the residents of that block really do use
25 the sidewalk, and it is sort of like a meeting place

2 for the kids, and an area for them to play. So,
3 having that area blocked is going to greatly impact
4 how they associate with one another. We've have an
5 additional concern about smoke. This might be
6 something that we could address with the restaurant
7 putting in some measures but, you know, we're
8 concerned that in the summers we won't be able to
9 have our windows open because the smoke from the
10 sidewalk café is going to be coming directly up and
11 there hasn't been things put in place to-to handle
12 that either. I think that's maybe a lesser concern
13 at this point, and one that could be addressed.

14 COUNCIL MEMBER LEVIN: Council Member
15 Peter Koo just introduced a bill I think to ban
16 smoking on all sidewalks so it will fill the-

17 JORDAN BOCHER: That-that would help us.
18 [laughs] We might be good there then.

19 COUNCIL MEMBER LEVIN: We'll see what it
20 does.

21 JORDAN BOCHER: So, we've-I know the
22 restaurant said that they had a petition with a
23 certain number of signatures. We also have a
24 petition signed by 199 people, and those are all
25 residents and people who live directly on-in the-in

2 the neighboring buildings and on that block. So, the
3 opposition in the immediate neighborhood is pretty
4 significant. Anything you guys want to add?

5 DAVID LANTONI: Hi. [coughs] I'm David
6 Lantoni also a resident of 26 Broadway, and I just
7 want to—I—I know that Al had brought up the issue of—
8 that it sounds like it's imperative to keep the
9 restaurant full capacity to be able to have an
10 outdoor café, and—and the fact is—is that actually
11 Barano is quite a successful restaurant, and when we—
12 when we met with Al, he was very open in saying, you
13 know, we have—we serve 200 dinners a night on the
14 weekends So, it certainly it—it is—it has proven
15 itself, but it is a very successful restaurant. I
16 don't think the livelihood of the restaurant is going
17 to hinge on an additional, you know, doze or so
18 tables outside, and just the community impact of that
19 seems very disproportionate that—that the entire
20 building will be affected. The building next door,
21 the—the—the block in general, and to—to just—to be
22 able to have that incremental income at that time it
23 just seems to me—it just seems that it is a very
24 unfair really burden on—on the residents both

2 immediately in the building and surrounding
3 buildings.

4 CHELSEA GOODMAN: The only thing that I
5 would add is that we understand that--

6 CHAIRPERSON MOYA: Please state your name
7 please.

8 CHELSEA GOODMAN: I'm sorry.

9 CHAIRPERSON MOYA: Can you state your
10 name.

11 CHELSEA GOODMAN: Oh, I'm sorry. My name
12 is Chelsea Goodman. I also live at 26 Broadway. I
13 would say that, you know, we do understand that there
14 is a certain amount of tables that are allowed
15 outside and, you know, if the hours are shorter, it
16 would certainly disrupt the children less from
17 sleeping and if you owned the apartment on the second
18 or the third floor and you had children, this would
19 probably be a concern of your own. So, you know, if
20 the hours were shorter, and there were less tables
21 outside rather than 34 seats, which is quite a few
22 for someone who may live on the second floor or the
23 third floor or the fourth floor and up. You know,
24 it's--it's really the noise. So, it would be one
25 thing if we had people during the day during brunch,

2 during earlier evening hours frequenting the
3 restaurant and we're very happy to support that, but,
4 you know, when it comes to the later hour and some of
5 the noise on the weekends, that's pretty late, and
6 will disrupt the families in the building.

7 CHAIRPERSON MOYA: Is there anyone else
8 testifying?

9 MOESHA LACCO: Yes. My name is Moesha
10 Lacco (sic) and I'm old—I'm 11 years old, and I live
11 on 30—on 32 Broadway. I take school very seriously,
12 and I always—always make a special effort to attend.
13 The reason I am here at the time that I normally be
14 in school is because ever since I heard about the
15 outer place that is about to up right next to my
16 door, right next to my house, I am devastated. Since
17 then, I am finding it's hard to concentrate on my
18 studies knowing that my outlet and highlight, which I
19 look forward to all winter long to ride my bike on
20 the sidewalk and play in my front and with my family
21 and friends safely, secure that—that I am close to
22 home. They're about to be—to be taken away from
23 here. I am here to represent—represent all my
24 fellow—all my fellow neighbors and friends on my
25 block who are living -who are living in small crowded

2 apartments with large families who desperately-
3 desperately need the-the living space and-and free-
4 freedom. It's used-it's used as the-as the privacy
5 and the security. Please, I beg of you, we need it
6 for our health and sanity. Don't be cruel to us by
7 taking it away. Please respect-respect our needs and
8 our rights, and you consider-reconsider before taking
9 and-and started actions. Thank you.

10 CHAIRPERSON MOYA: Thank you for your
11 testimony.

12 COUNCIL MEMBER LEVIN: Okay, thank you
13 very much for your testimony. I had a quick question.
14 So, I think you played out the case where that this
15 is-is not appropriate in this instance. [coughing]
16 Are you-do-do you sense some impact right now from
17 other sidewalk cafes in the area or-or just kind of
18 that are unenclosed eating areas across the street or
19 is that too far away from-from kind of where your
20 residents are?

21 JORDAN BOCHER: From a noise standpoint
22 we are impacted by that. We do hear especially on
23 weekends, we do hear especially on weekends we do
24 hear the patrons of those restaurants. We hear
25 people who are going to Giando down on the-on the

2 water, right when they park in the middle, and so
3 yeah, we—we do hear that noise, and the concern is
4 really that's going to be magnified tenfold by having
5 that directly below us, and sort of on a continuing
6 basis. The—the noise across the street and from the
7 other sidewalk cafes comes, but it's sort of in waves
8 because people are arriving and leaving and all of
9 that. Having 30 or whatever people sitting directly
10 below our window chatting, and—and listen, I go to
11 sidewalk cafes as well, and I don't think about
12 what's happening above me. You just don't and--

13 COUNCIL MEMBER LEVIN: Uh-hm.

14 JORDAN BOCHER: --maybe now I will, but
15 when you're there and with your friends it's going to
16 be very hard to—from someone from the restaurant to
17 come outside and say, hey, keep it down. Please be
18 quiet, whatever, whatever, and that's not why people
19 are there. So, I—I think yeah that's—it's a concern
20 that it's going to be magnified.

21 COUNCIL MEMBER LEVIN: And how many—how
22 many families again are in the building? Do you know
23 at 26 Broadway?

24 JORDAN BOCHER: In the building as a
25 whole at least Ten.

2 DAVID LANTONI: The building so there are
3 at least ten.

4 JORDAN BOCHER: Yeah, at least ten.
5 Directly—in the line directly above there are three
6 our four families with kids.

7 COUNCIL MEMBER LEVIN: Okay and do you
8 know how many units are in the building?

9 JORDAN BOCHER: Thirty-five.

10 COUNCIL MEMBER LEVIN: Thirty-five.
11 Okay, and the—I'm looking at the glass façade.
12 Obviously, it's not a—a significant sound insulator
13 in terms of—

14 JORDAN BOCHER: Right.

15 COUNCIL MEMBER LEVIN: And we've kind of
16 got—

17 JORDAN BOCHER: Yeah. I mean
18 unfortunately it just wasn't constructed to handle
19 that kind of noise, and that is what it is.

20 COUNCIL MEMBER LEVIN: And to the young
21 man's point just now so that just testified, is that—
22 is that area in front used by children often as the
23 sidewalk is, you know, throughout the summer months
24 in terms of whether it's, you know, scooters or, you

2 know, just kids hanging out doing their New York
3 City-

4 JORDAN BOCHER: [interposing] Yeah, I
5 mean and even in the day when I come home from work
6 around 7:00 I see 15 kids out there on their peddle
7 bikes or scooters or whatever just playing or people
8 drawing with chalk or-

9 COUNCIL MEMBER LEVIN: Right, so-

10 JORDAN BOCHER: [interposing] You know, I
11 mean my-my kids-my-my oldest kid is out there with
12 chalk drawing on the sidewalk as well.

13 COUNCIL MEMBER LEVIN: And if there's-
14 yeah, if there's eight feet of right now beyond the
15 property line that would take up a significant
16 portion. The-the requested sidewalk café would take
17 a significant portion that eight feet, I imagine.

18 JORDAN BOCHER: The plans that we've seen
19 look like it takes it away almost entirely in that
20 area.

21 COUNCIL MEMBER LEVIN: And there still
22 would have to be some passable, but it would be any--

23 JORDAN BOCHER: [interposing] Right.

24

25

2 COUNCIL MEMBER LEVIN: --space for
3 children to--toe play or anything, huh? Okay, I
4 thank you very much for your testimony. Thank you.

5 JORDAN BOCHER: Thank you. Thanks.

6 CHAIRPERSON MOYA: Council member
7 Reynoso.

8 COUNCIL MEMBER REYNOSO: Well, you--can you
9 stay? I have a couple of questions that I have to
10 ask an--

11 PATRICIA SULLIVAN: Sure. Sorry.

12 COUNCIL MEMBER REYNOSO: The restaurant
13 did a--didn't get any cute kids to testify.
14 [laughter] There's no way you're going to win
15 without those cute kids. He did a very good job, by
16 the way. Good job, young man. I want--I wanted to
17 ask. So, this is Broadway. I'm--I'm the Council
18 Member south of--north of Broadway in this--in this
19 case. So, you know, there's a--there's a large
20 supermarket across the street from your building.
21 There's Patricia's, there's restaurants lining up the
22 entire block all the way through. There's
23 businesses. Not restaurants. There's businesses
24 that people frequent constantly. It's a--it's a--the
25 zoning makes it so that every single--all the first--

2 the entire first floor of Broadway has to be
3 businesses, and that everything above it would be—
4 would be—could be residential. It's also Broadway,
5 which means the street itself means the traffic that
6 you get on that corner on Kent Avenue, which is a
7 truck route, and you guys are in walking distance of
8 that. You have one of the largest restaurants in—in—
9 in Giando's on the bay on the corner as well, Giando
10 on the Water on the corner as well. We're talking
11 about a lot of stuff going on here. It's—it's almost
12 as if there was intention through the zoning to make
13 this a commercial strip or a commercial district or
14 friendly to commercial businesses. In your case, it
15 kind of speaks against that, right. It's saying, you
16 know, we want to limit what we do to these commercial
17 businesses because we live there. We didn't do—you
18 know, the building owner they didn't do a good job
19 with the soundproofing. So, we have issues with
20 sound. The smoking I want to be honest, you can't
21 smoke in a sidewalk café. You can't smoke inside of
22 a restaurant. The only time they could possibly
23 smoke they would have to walk outside and stand in a
24 corner, which they could designate an area, but any—
25 any resident of the city of New York could stop in

1 front of any building and start smoking. That is—I-I
2 find that, you know, it's not the restaurant's fault
3 I guess is what I would say. Also, I would consider
4 that restaurant a—this is not like a brunch spot
5 where people are drinking up Mimosa and throwing them
6 down, and making noise, this is considered—this is
7 actually a pretty high-end restaurant. When I passed
8 by and the time I went, it was actually a restaurant
9 where, you know, it's an older crowd. It's more
10 formal. You know, I just don't see this being one of
11 those places where we're going to have, you know, the
12 \$25 bottomless brunch. I just don't see that
13 happening. So, and then when we talk about they could
14 have had a sidewalk café last year. They could have
15 had it whenever they wanted considering what was as-
16 of-right, as-of-right portion of it, and they held
17 back on that because they wanted to show that they
18 can be good neighbors first. And for two years they
19 didn't put out even their as-of-right amount of
20 tables and chairs in an effort to show that they can
21 be neighbors, they can listen, and that if there were
22 and issue, they can address them. No, 311
23 complaints, support by the Community Board. You
24 know, everything that we hear speaks of a good
25

1 neighbor. People would kill for these types of
2 restaurants to be underneath their building as
3 opposed to other ones that we might see. You know,
4 for me, just knowing this area, seeing the Community
5 Board support, considering the record that they have
6 as a restaurant, I just—I just find it that we can't
7 come to a compromise here. Maybe it's not 34 chairs.
8 Maybe it's 20 and 20 tables or whatever it is, 20
9 chairs, but that you have a discussion so that we
10 could find somewhere in the middle where it isn't—
11 that they're building as-of-right, but also maybe not
12 building out to the capacity that they want, but at
13 least a conversation to be had. They're—they're
14 putting out umbrellas. Like these are things I've
15 never even heard about, umbrellas to try to dampen
16 noise. I just really feel like considering who they
17 are in the community, I want to be honest. They have
18 a record in the community, too. They are folks that
19 sponsor young men of color that are working with the
20 Police Department in an effort to—to help raise—
21 address recidivism, and troubled students in schools.
22 There are people from the community that actually go
23 out and—and helpful. So, when I see this here, I
24 got—I got concern that there wasn't a compromise
25

2 made, and that I'm hoping maybe that could be
3 something we talk about as—as opposed objecting to by
4 any other means a completely legitimate request and a
5 fair request by this restaurant. So, again, I'm—I'm
6 very concerned not being able to meet in the middle
7 here and figuring out a way to address this issue,
8 and it kind of speaks also to a land use problem that
9 we have. These are competing uses here that make it
10 so that either one, the residents are not happy or
11 two, the businesses might not be able to succeed in
12 the summer months in Williamsburg of all places on
13 Kent Avenue of all places. Like if we can't do it
14 there, then where can we make anything happen?
15 Right? It's very concerning just in general, and I'm
16 hoping that in time you guys can sit down and come to
17 a compromise so both sides are happy, and it looks
18 like they work together because right now it seems
19 like there's a line drawn, and both sides are against
20 each other, and—and I just don't think that's—that's
21 fair.

22 CHELSEA GOODMAN: I don't think that we
23 are not open to compromise. So, you said a lot of
24 things there, which I can address each one
25 individually. Following the meeting that we had with

2 the Community Board, we did also send a letter a to
3 Council Member Levin's Office to ask for several
4 concessions that we would consider, but when we met
5 with the restaurant they were not willing to make any
6 concessions, and told us that there wasn't really
7 anything that they could do to address our concerns.
8 So-

9 COUNCIL MEMBER REYNOSO: What were those
10 concessions? Can you speak to those concessions?

11 CHELSEA GOODMAN: Shortening the hours so
12 they—we would not have noise that would be late and
13 destructive to--

14 COUNCIL MEMBER REYNOSO: [interposing]
15 What were the hours that you were recommending?

16 CHELSEA GOODMAN: 9:00 during the week
17 days, 10:00 on the weekend, less tables so, as you
18 suggested. You know, this if approved would be the
19 largest sidewalk café in all of South Williamsburg.
20 So, we don't really see why it's necessary to take a
21 large amount of chairs and tables outside the setting
22 and break it down.

23 COUNCIL MEMBER REYNOSO: [interposing]
24 What—what was the recommendation of—of chairs and
25 tables? Your recommendation?

2 CHELSEA GOODMAN: When we made the
3 recommendation at that time we were not aware that
4 they were able to have tables outside, and they
5 hadn't communicate that to us, but, I mean six tables
6 and 12 chairs is one thing, 34 seats and 17 tables is
7 another thing.

8 COUNCIL MEMBER REYNOSO: [interposing] But
9 what was your recommendation I guess is what I'm
10 asking? I want to hear a recommendation. You said
11 that you recommended less tables and chairs. What
12 was the recommendation that they objected to?

13 CHELSEA GOODMAN: They didn't make a
14 recommendation, nor did we.

15 COUNCIL MEMBER REYNOSO: You—you just
16 said that you asked—you—you talked to them about less
17 tables and chairs. You made mention of that.

18 CHELSEA GOODMAN: We did not choose a
19 specific number.

20 COUNCIL MEMBER REYNOSO: You just said
21 less, and they—

22 JORDAN BOCHER: It was a blanket
23 recommendation that we come—try to come to a
24 compromise on fewer tables. There was no specific
25 proposal that was made as to a number of tables.

2 COUNCIL MEMBER REYNOSO: And they
3 objected to having a conversation with you about
4 those numbers of tables and chairs. So, they said no
5 we don't want to have a discussion about lessening
6 the tables and chairs that we—we want to put up
7 front?

8 JORDAN BOCHER: We don't know that they
9 objected. We just never heard anything from them.

10 CHELSEA GOODMAN: [interposing] Yeah,
11 it's—it's interesting. There—there was a—a claim
12 that they had tried to reach out to us multiple
13 times. There's one meeting that I was aware of.
14 There was no other communication from them, and I
15 think they've been widely aware of which residents
16 have been concerned about the noise. So, I'm not
17 aware of any of those other times that they reached
18 out to us. So, we weren't able to make a concession
19 nor we did we think that they were willing to make a
20 concession to negotiate with us.

21 COUNCIL MEMBER REYNOSO: So, I think it's
22 like a lack of communication maybe here that could
23 have probably got us to a better place that where we
24 are today, but again, I just really feel like this
25 is—this is a failure on many parts. Not yours. I'm

2 saying city rezonings don't--are--are competing
3 interests, and maybe a system in here in approving
4 sidewalk cafes that didn't allow for a discussion to
5 be had between the folks that would oppose it and the
6 folks that are looking to support it. It's--it's a
7 concern--it's concerning overall, but again, this is
8 Broadway, and if we can't do it on Broadway off of
9 Kent then it's just very--it's very difficult to see
10 those sidewalk cafes anywhere in Williamsburg. So,
11 you know--

12 CHELSEA GOODMAN: You know, I think if
13 you look around the building and around the
14 neighborhood, you'll realize that there's no other
15 building like this that has a restaurant in it. We
16 have not found one in the neighborhood. So, there's
17 really not glass-fronted building that has been
18 constructed that accommodates a restaurant. I do
19 think that the restaurant has done some things to
20 help retrofit this--this restaurant in order to be
21 acceptable to the residents including sound proofing
22 inside, and also in ventilating their--

23 COUNCIL MEMBER REYNOSO: [interposing]
24 Yeah, but the--the glass building is not their fault,
25 right? Like that's the--whoever--the owner of that

2 building decided to construct it of glass. Everybody
3 else maybe on Broadway has brick buildings like we—we
4 just don't know. Again, I think the circumstances
5 just call for—for like a look at what we're doing
6 here when it comes to demanding sidewalk cafes on
7 Broadway off of Kent in Williamsburg. Like we'll
8 that's the lesson. Like if you can't do it there,
9 you really are going to be shutting this down.

10 CHAIRPERSON MOYA: Okay, thank you very
11 much. Thank you for your testimony. Thank you. Are
12 there any members of the public who wish to testify
13 on this item? Seeing none, I will now close the
14 public hearing on this item, and we will now move
15 onto our votes. LU 36 is the 21st East 12th Street
16 Parking Garage Application. This is an application
17 for a special permit to allow for an attended parking
18 garage with a maximum capacity of 187 spaces. The
19 garage will be located on the ground floor, cellar
20 and sub-cellar of a—of a 21-story mixed use building
21 at 21 East 12th Street in Council Member Rivera's
22 district in Manhattan. We will be voting to modify
23 the application to reduce the number of parking
24 spaces at the garage from 187 to 150. The
25 application has committed to—the applicant has

committed to reserving 50 of those parking spaces for car-share vehicles and has also agreed to increase the number of bicycle spaces available to the public.

In addition, for a three-year period discounts to local residents will be available for parking of cars. Last, the application has—the applicant has agreed that the Retail Program will concentrate on smaller format stores. Finally, we will be voting to approve LU 37, the 35 Underhill Avenue Rezoning.

This application would change an existing R6B Zoning District to an R6A, C2-4 District on the property located on 35 Underhill Avenue in Brooklyn. The change in zoning district would allow the existing 6-story building on the site to convert its ground level parking space—spaces to commercial space fronting on Washington Avenue. This application is in Council Member Cumbo's district. This application has the support of Member Cumbo, and we will also now be voting to disapprove LU 44, the Barano Sidewalk Café, which was—which we held a hearing on just now, and we will now move to vote on approving LU 37 Underhill to approve and the modifications that I have described. LU 36 Wall Street Special Permit, and to disapprove LU 44 the Barano Sidewalk Café.

2 Are there any questions or remarks from members of
3 the committee? Council Member Rivera.

4 COUNCIL MEMBER RIVERA: Yes. Thank you
5 so much, Chair Moya. Just a couple quick comments on
6 the 12th Street garage. Typically, you know, in our
7 communities we are trying to alleviate congestion and
8 take care of the traffic issues, and I believe that
9 the operator of this garage who was previously there
10 has entered into a Good Jobs contract, but is also
11 trying to offer an amenity to residents. I want to
12 add, in addition to some of the things you mentioned
13 in terms of coming to an agreement that they will be
14 offering a 50% discount on monthly rate for bicycle
15 parking as we try to promote green infrastructure in
16 our community and our city. They are also going to
17 be investing in streetscape maintenance and
18 improvements for programming that supports small
19 businesses in the area adjoining this site, and the
20 permit issued pursuant to the application will be
21 conditioned upon the satisfaction of the foregoing
22 items that are included in this agreement by the
23 current and a future garage operator. So, I want to
24 thank you all for—for your help in coming to an
25

2 agreement on this garage, and thank you Chair Moya
3 for allowing me to make a few comments.

4 CHAIRPERSON MOYA: Thank you,
5 Councilwoman Rivera. We are going to now move for
6 the counsel to please call the role.

7 LEGAL COUNSEL: [off mic] Chair Moya. [on
8 mic] Chair Moya.

9 CHAIRPERSON MOYA: So, we're going to go
10 to--[background comments]--a single vote for aye is
11 to approve the modifications--[background comments]--
12 approve the Cumbo--[background comments]--and approve
13 with modifications for Council Member Rivera's and to
14 disapprove the sidewalk café.

15 LEGAL COUNSEL: Chair Moya.

16 CHAIRPERSON MOYA: Aye, aye on all.

17 LEGAL COUNSEL: Constantinides.

18 COUNCIL MEMBER CONSTANTINIDES: Aye on
19 all.

20 LEGAL COUNSEL: Lancman.

21 COUNCIL MEMBER LANCMAN: [off mic] Aye--
22 aye.

23 LEGAL COUNSEL: Levin.

24 COUNCIL MEMBER LEVIN: Permission to
25 explain my vote.

2 CHAIRPERSON MOYA: Yes.

3 COUNCIL MEMBER LEVIN: Thank you. I just
4 want to thank everybody that came out on this hearing
5 today. I want to thank Barano as well for engaging
6 with us and for going through this process. What my
7 recommendation is at this point is to—to vote to
8 disapprove, let's see--there is an as-of-right
9 sidewalk café that you can do of six table that is on
10 your property line. Let's see how that goes. If-if
11 at a future time we want to revisit the issue, I'll
12 be here for the next 3-1/2 years as Council Member
13 hopefully, and—but I think that hearing from
14 residents of the building, understanding what it
15 means for families that live there and adjacent, I
16 think that as—as difficult as this is because I do
17 appreciate the difficulty that goes into operating a
18 small business and a restaurant that it makes sense
19 right now to disapprove this application, and—and see
20 how it goes from here with the—with the as-of-right
21 sidewalk café that you're allowed to do. Thank you.
22 Thank you for consideration. I vote aye on all.

23 LEGAL COUNSEL: Reynoso.

24

25

2 COUNCIL MEMBER REYNOSO: I vote aye on
3 all with the exception of Land Use No. 44 on which I
4 vote no.

5 LEGAL COUNSEL: Rivera.

6 COUNCIL MEMBER RIVERA: Aye on all.

7 LEGAL COUNSEL: Torres.

8 COUNCIL MEMBER TORRES: Aye on all.

9 LEGAL COUNSEL: Grodenchik.

10 COUNCIL MEMBER GRODENCHIK: Aye on all.

11 LEGAL COUNSEL: The Land Use items are
12 approved by a vote of 8 in the affirmative with 0
13 negative and 0 abstentions except for Land Use Item
14 44, which is approved by a vote of 7 in the
15 affirmative 1 no and 0 abstentions, and all Land Use
16 items are referred to the full Land Use Committee.

17 CHAIRPERSON MOYA: That concludes the
18 meeting for today. Thank you all for attending.
19 This meeting is 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 April 26, 2018