

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

LAND USE SUBCOMMITTEE ON ZONING AND FRANCHISES

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February 26, 2009
Start: 10:13 am
Recess: 10:19 am

HELD AT: Council Chambers
City Hall

B E F O R E:
TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Charles Barron
Simcha Felder
Eric N. Gioia
Robert Jackson
Melinda R. Katz
Annabel Palma
Joel Rivera
Helen Sears

A P P E A R A N C E S [CONTINUED]

Council Member Barron
New York City Council Member

Steve Wygoda
Architect for Applicant

Mohammed El Said
Applicant
Horus at 93 Avenue B

CHAIRPERSON AVELLA: Ready?

[Gavel banging]

CHAIRPERSON AVELLA: Good morning
eve one. I'd like to call this meeting of Zoning
and Franchises to order. I appreciate everybody
showing up. This is the second meeting of the
week for this Committee. We have two items on the
agenda which is basically a vote but I will be
calling the applicant of the sidewalk café up to
give a brief statement as to the commitment that
they made.

First item is the Shops at Gateway
and it lies within Council Member Barron's
District. And he had asked for the item to be
laid over until today so we could have further
negotiations. And I'd like to call on him to make
a brief, [chucking], statement.

COUNCIL MEMBER BARRON: Wait; let
me get my pad out. I wrote a speech. I want to
truly thank this Committee and thank you Mr. Chair
for laying it over and particularly I want to
thank Council Member Jackson, Council Member
Felder and Council Member Seabrook for speaking
up.

1
2 We did have our differences and my
3 concerns were whether or not they would be
4 commercial competition with the big box stores,
5 with some of our local merchants. I did sit down
6 with the developer.

7 We ironed out a lot of that and I
8 was very satisfied with the resolution to that, to
9 the environmental impact, and some of the concerns
10 that the Committee members raised about minority
11 contracts and all of that, that were there
12 concerns. Mine mainly on the project itself, and
13 I was very satisfied with the negotiations. So I
14 want to recommend a yes vote on this item.

15 CHAIRPERSON AVELLA: Thank you
16 Council Member. The next item which we laid over
17 at the request of Council Member Rosie Mendez is
18 an enclosed sidewalk café at 93rd Avenue, also
19 known as 601 East 6th Street. And I'd just like to
20 call the applicant back to read, to put into the
21 record, a letter that he has just signed in
22 reference to negotiations with Council Member
23 Mendez.

24 [Pause]

25 CHAIRPERSON AVELLA: We're going to

1
2 vote in two seconds. You might as well--yeah.
3 Okay.

4 MR. STEVE WYGODA: Thank you
5 Council Member Avella. Mr. Mohammed El Said--

6 CHAIRPERSON AVELLA: [Interposing]
7 Please introduce yourself for the record--

8 MR. WYGODA: [Interposing] My name
9 is Steve Wygoda [phonetic]; I'm the architect
10 representing the applicant. Mr. El Said has
11 signed a letter and I can read the letter. It's
12 addressed to Council Member Avella and Council
13 Member Mendez.

14 Dear Council Members:

15 I hereby agree to voluntarily
16 surrender my revocable consent and license to
17 operate an--it should enclosed, enclosed, yeah,
18 enclosed sidewalk café, d/b/a Horus [phonetic] at
19 93 Avenue B, if the New York City Police
20 Department has any violations on my business in
21 the last 12 months.

22 Mr. El Said has signed it and
23 issued it to the City Council. And the
24 understanding was that this would be a severe
25 violation such as liquor license type issues and

1
2 such. So do you mind just introducing yourself
3 and saying--

4 MR. MOHAMMED EL SAID:

5 [Interposing] Yeah my name is Mohammed El Said. I
6 was here the other day.

7 [Off mic]

8 MR. EL SAID: Close, not too? Oh
9 okay. Sorry. It's very hard. For the last 12
10 months we didn't have no violation so I think
11 compared to Zaracote [phonetic] we deserve to get
12 it. I think we sign for it and that takes a
13 responsibility. If there's anything show on the
14 records, I surrender license which I agree for.
15 And nothing much to say. Thank you guys very
16 much.

17 CHAIRPERSON AVELLA: The only thing
18 I would add is that you stay in touch with Council
19 Member Mendez' office because there have been a
20 number of noise violations. But I think what
21 she's been able to work out is important. So
22 continue to remember that you have to be a good
23 neighbor. Thank you.

24 MR. EL SAID: Thank you.

25 MR. WYGODA: Thank you very much.

CHAIRPERSON AVELLA: With that Council Member Mendez recommends approval. So Chair recommends approval of both items. And I'll ask counsel to call the vote.

MR. CHRISTIAN HILTON: Christian Hilton, counsel to the Committee. Chairman Avella?

CHAIRPERSON AVELLA: Aye on both items.

MR. HILTON: Council Member Rivera.

COUNCIL MEMBER RIVERA: I vote aye.

MR. HILTON: Council Member Felder.

COUNCIL MEMBER FELDER: Yes.

MR. HILTON: Council Member Gioia.

COUNCIL MEMBER GIOIA: Yes.

MR. HILTON: Council Member Jackson.

COUNCIL MEMBER JACKSON: Absolutely yes.

MR. HILTON: Council Member--let's see...

[Pause]

MR. HILTON: By a vote of five in the affirmative, none in the negative, no

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2 abstentions, both items are approved and referred
3 to the full Land Use Committee.

4 CHAIRPERSON AVELLA: We'll keep it
5 open for a few minutes. I do know there's at
6 least one other Council Member in the room. We
7 will have to close this vote at the start of the
8 Landmark's Hearing Subcommittee--oh we're not
9 having--at the start of the Land Use meeting.

10 [Pause]

11 MR. HILTON: Council Member--

12 [Off mic]

13 [Gavel banging]

14 MR. HILTON: Council Member Katz:

15 COUNCIL MEMBER KATZ: Aye on all.

16 MR. HILTON: Vote stands six in the
17 affirmative, none in the negative, no abstentions.

18 [Pause]

19 COUNCIL MEMBER SEARS: --do. Can I
20 vote now? Should I stand--I've never sat here to
21 vote.

22 MR. HILTON: Council Member Sears.

23 COUNCIL MEMBER SEARS: Oh with the
24 utmost pleasure I vote aye.

25 MR. HILTON: By a vote of seven in

1
2 the affirmative, none in the negative, no
3 abstentions--

4 CHAIRPERSON AVELLA: [Interposing]
5 No you're supposed to vote no [Laughing].

6 MR. HILTON: --the items are
7 referred to the full Land Use Committee.

8 CHAIRPERSON AVELLA: So I'd like to
9 officially close the meeting of the Subcommittee
10 in Zoning and Franchises.

11 [Gavel banging]

12 [END TAPE 1002]

C E R T I F I C A T E

I, Laura L. Springate 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.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature Laura L. Springate

Date March 6, 2009