

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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April 22, 2009  
Start: 12:17pm  
Recess: 12:27pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
TONY AVELLA  
Chairperson

COUNCIL MEMBERS:  
Council Member Simcha Felder  
Council Member Eric N. Gioia  
Council Member Melinda R. Katz  
Council Member Helen Sears  
Council Member Albert Vann  
Council Member Rosie Mendez

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

Steve Wygote  
Architect  
Sidewalk Café and Bar

1  
2                   CHAIRPERSON AVELLA: I'd like to  
3 call on the Subcommittee on Zoning and Franchises  
4 to order. If everybody else would take their  
5 conversations outside the room, please, it would  
6 be extremely helpful. [pause] At our last  
7 meeting of the subcommittee, we heard the public  
8 hearing--[gavel] I'm not going to say it again,  
9 please. There's enough committee meetings that  
10 are already backed up, so if I could ask for  
11 everybody's cooperation. At the last meeting, we  
12 had the public hearing on the Sidewalk Bar and  
13 Restaurant, in Council Member Rosie Mendez's  
14 district, and we held off on the vote so that  
15 agreement could be reached between the community  
16 Council Member and the applicant. The applicant  
17 is here, I'd like to call them up to read into the  
18 record what the new agreement is. Press the  
19 button.

20                   STEVE WYGOTE: Hello. My name is  
21 Steve Wygote [phonetic], I'm the architect  
22 representing the two owners who are to my left.  
23 We want to thank the council member for her work,  
24 working with us, and we appreciate the effort  
25 that's been made here. We came to an agreement as

1 far as the following items. Number one, the  
2 tables on Avenue A will be eliminated, two tables  
3 will be eliminated from Avenue A; therefore, the  
4 total count of seating will be 25 table--20, I'm  
5 sorry. 25 tables and 52 seats. That'll be the  
6 new count. It's a reduction of total seating.  
7

8 CHAIRPERSON AVELLA: The old  
9 agreement, I'm sorry to interrupt, was 27 tables  
10 and 52 chairs, correct?

11 STEVE WYGOTE: Yes.

12 CHAIRPERSON AVELLA: So if you're  
13 making it 25 tables--

14 STEVE WYGOTE: At the ends, we  
15 have--

16 CHAIRPERSON AVELLA: So it's 52.

17 MALE VOICE: Yes, 52.

18 CHAIRPERSON AVELLA: Okay, I'm  
19 sorry, so it's 25 tables and 52 chairs.

20 STEVE WYGOTE: Correct, that's  
21 correct, yes. Number two, the table sizes will be  
22 20 foot, 20.5 inches by 20.5 inches. Number  
23 three, a manager will be at the premises at all  
24 times to ensure that the railings are not moving  
25 beyond the required eight foot clearance, that's

1 from the edge of the curb to the railing. Next  
2 item is that the two owners have given their  
3 personal cell numbers as well as one of the  
4 owner's daughter, who lives in the building, we've  
5 given that to the City Council, so that they can  
6 contact us, them immediately, in case of an issue.  
7 Next item, there is a pole, a traffic pole, that  
8 bicycles are being hooked up to; not their  
9 bicycles, other people's bicycles. The, or my  
10 client has asked me to file for a revocable permit  
11 for a bike rack on Avenue A, and we will do every,  
12 make every effort not to have bicycles chained up  
13 to that one traffic pole. And we are aware that  
14 we, that the City will come out and do intimate  
15 inspections at their discretion, and we will, the  
16 app--the owners agree to all these requirements.

18 CHAIRPERSON AVELLA: And the  
19 Department of Consumer Affairs will be asked to do  
20 a qualifying inspection based upon the new  
21 application.

22 STEVE WYGOTE: We understand that  
23 as well, thank you.

24 CHAIRPERSON AVELLA: And just for  
25 clarification about the bike rack, the owner is

1  
2 going to, in effect, install the bike rack at his  
3 own expense.

4 STEVE WYGOTE: Yeah, well, it's a  
5 revocable consent with DOT--

6 CHAIRPERSON AVELLA: Right.

7 STEVE WYGOTE: --and, and we'll  
8 apply for the a permit--

9 CHAIRPERSON AVELLA: Right.

10 STEVE WYGOTE: --with DOT. And  
11 again, we'll make every effort to not have people  
12 hook up their bikes on the pole.

13 CHAIRPERSON AVELLA: Now, I just,  
14 you're not going to ask DOT to install the bike  
15 rack, you're, you're asking for permission for the  
16 applicant to install the bike rack.

17 STEVE WYGOTE: Correct.

18 CHAIRPERSON AVELLA: Correct.

19 STEVE WYGOTE: I don't know if DOT,  
20 if you buy one of their racks, I have to find out  
21 how it's done.

22 CHAIRPERSON AVELLA: Right, no I  
23 just want it clear.

24 STEVE WYGOTE: Yeah. Okay.

25 CHAIRPERSON AVELLA: Council Member

1  
2 Mendez.

3 COUNCIL MEMBER MENDEZ: Thank you  
4 very much, Chair Avella, and to the owners of  
5 Sidewalk Café and Bar for working with my office  
6 to resolve some of these issues. And, and I just  
7 want to say, you know, whatever assistance you  
8 need with the bike rack, you should feel free to  
9 call my office. And I am glad that we're going to  
10 be able to vote this out today. And we will, and  
11 we look forward to you passing the qualifying  
12 inspection. Thank you, Mr. Chair.

13 CHAIRPERSON AVELLA: Thank you,  
14 Council Member, for your work on this item. Now,  
15 we will be voting on the Sidewalk Bar and  
16 Restaurant as well as the bicycle parking text  
17 amendment. And as my colleagues will remember, we  
18 had laid over the vote on this item--myself,  
19 Council Member Simcha Felder, Council Member Helen  
20 Sears had some issues--a number of those issues  
21 have been resolved. And I, as chair, will ask  
22 Counsel to call the vote on both items. Chair  
23 recommends approval. [long pause] Again, I will  
24 ask Counsel to call the vote. Chair recommends  
25 approval of both items.

2 COUNSEL FOR THE COMMITTEE: Council  
3 Member Avella.

4 COUNCIL MEMBER AVELLA: Aye.

5 COUNSEL FOR THE COMMITTEE: Council  
6 Member Felder.

7 COUNCIL MEMBER FELDER: I, I vote  
8 yes on LU number 1040, I vote no on LU number  
9 1038.

10 COUNSEL FOR THE COMMITTEE: Council  
11 Member Gioia.

12 COUNCIL MEMBER GIOIA: Thank you, I  
13 vote yes.

14 COUNSEL FOR THE COMMITTEE: Council  
15 Member Katz.

16 COUNCIL MEMBER KATZ: Aye.

17 COUNSEL FOR THE COMMITTEE: Council  
18 Member Sears.

19 COUNCIL MEMBER SEARS: Aye.

20 COUNSEL FOR THE COMMITTEE: Council  
21 Member Vann.

22 COUNCIL MEMBER VANN: Yes.

23 COUNSEL FOR THE COMMITTEE: By a  
24 vote of six in the affirmative, none in the  
25 negative, no abstentions, LU 1040 is approved and



1  
2 referred to the full Land Use Committee. By a  
3 vote of five in the affirmative, one in the  
4 negative, no abstentions, LU 1038 is approved and  
5 referred to the full Land Use Committee.

6 CHAIRPERSON AVELLA: [gavel] Thank  
7 you, everyone, this closes this meeting of the  
8 Subcommittee on Zoning and Franchises.

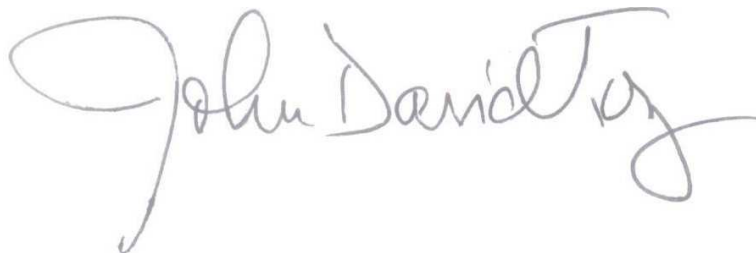
9 COUNCIL MEMBER KATZ: I think we  
10 have a quorum for Land use. Hold on one--

11 [pause]

12

C E R T I F I C A T E

I, JOHN DAVID TONG 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 "John David Tong". The signature is written in a dark ink and is positioned above the printed word "Signature".

Signature

Date April 29, 2009