

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 9, 2010  
Start: 10:15 am  
Recess: 10:25 am

HELD AT:                   Hearing Room  
                              250 Broadway, 16th Floor

B E F O R E:                   MARK S. WEPRIN  
                                  Chairperson

COUNCIL MEMBERS:  
Mark S. Weprin  
Leroy G. Comrie, Jr.  
Daniel R. Garodnick  
Robert Jackson  
Diana Reyna  
Joel Rivera  
James Vacca  
Albert Vann  
Rosie Mendez

## A P P E A R A N C E S

Jeffrey Felshaw  
General Manager  
Hotel on Rivington

Edward Youkilis  
Owner  
Edward's Restaurant

Sara Grizzle  
Owner  
Poco NYC

Carolyn Grossman  
NYC Department of City Planning

Ryan Singer  
NYC Department of City Planning

2 CHAIRPERSON WEPRIN: Good morning,  
3 everyone. My name is Mark Weprin and I am the  
4 Chair of the Subcommittee on Zoning and  
5 Franchises. I am joined by my colleague on the  
6 far left, Council Member Joel Rivera, Council  
7 Member Leroy Comrie, Council Member Jimmy Vacca,  
8 Council Member Dan Garodnick, Council Member Rosie  
9 Mendez who is visiting us here today, and Council  
10 Member Al Vann, and of course, Council Member  
11 Robert Jackson from Manhattan to the far left.

12 Today we're going to start with  
13 café applications. We're going to start with the  
14 first item, LU 0041, Manhattan Community Board 3,  
15 number 20105293 TCM and that's Thor Lounge. So if  
16 the applicant could please come forward? That is  
17 Jeffrey Felshaw I believe. Mr. Felshaw please  
18 come and sit at the microphone. Please introduce  
19 yourself.

20 JEFFREY FELSHAW: My name is  
21 Jeffrey Felshaw. I'm the General Manager of the  
22 Hotel on Rivington where the restaurant is  
23 located.

24 CHAIRPERSON WEPRIN: If you could  
25 just describe the application and any discussions

1  
2 you've had with the community board.

3 JEFFREY FELSHAW: Sure. It's a  
4 renewal application for the sidewalk café. It's  
5 an open outdoor café and we use it typically from  
6 Memorial weekend until about the end of October,  
7 depending on the weather. It seats approximately  
8 three tables with approximately a total number of  
9 12 seats.

10 CHAIRPERSON WEPRIN: The Council  
11 Member from the district, Council Member Chin, is  
12 okay with this. Do any of my colleagues have any  
13 questions for this applicant? Ms. Mendez, do you  
14 have a comment you'd like to make?

15 COUNCIL MEMBER MENDEZ: Yes.  
16 Council Member Chin is not here but her staff is  
17 and I'm very familiar with the area. My district  
18 is just a few blocks away. The original  
19 application here says 6 tables, 12 seats. So now  
20 you're saying it's 3 tables and 12 seats?

21 JEFFREY FELSHAW: Typically, we  
22 have three out just because it looks better. We  
23 can accommodate six, but it looks better and the  
24 flow is better for the restaurant just to have  
25 three out there.

2 COUNCIL MEMBER MENDEZ: So you put  
3 three with more chairs?

4 JEFFREY FELSHAW: We have three  
5 chairs and if you come with three people, then  
6 we'll add extra chairs.

7 COUNCIL MEMBER MENDEZ: You put the  
8 extra chairs. Six tables would make it a little  
9 congested.

10 JEFFREY FELSHAW: It looks a little  
11 tight.

12 COUNCIL MEMBER MENDEZ: Thank you  
13 very much.

14 CHAIRPERSON WEPRIN: Thank you.  
15 Are there any other questions from my colleagues?  
16 Thank you very much, sir.

17 JEFFREY FELSHAW: Thank you.

18 CHAIRPERSON WEPRIN: We're going to  
19 move on to the next item. The next item is  
20 Manhattan Community Board 1, LU 0042 20105319 TCM.  
21 Edward's is the name of the establishment and  
22 Edward Youkilis. Don't make any Red Sox comments.  
23 Please state your name and the situation.

24 EDWARD YOUKILIS: My name is Edward  
25 Youkilis. I'm the owner of Edward's Restaurant at

136 West Broadway. I'm applying just for renewal of my sidewalk café as it has existed since 1995

CHAIRPERSON WEPRIN: You don't have a copy of the letter you wrote, right? I have a letter here that you wrote. I'll read it aloud and you can just confirm it. To Council Member Chin, who is the Council Member from the district and Council Member Weprin, myself. I agree to comply with the conditions adopted by Community Board 1 on January 10, 2010 which states six tables and 12 chairs; café closing hours are midnight weeknights and 1 a.m. on weekends; and to maintain an eight-foot clearance. Mr. Youkilis, is that your statement and you agree to it?

EDWARD YOUKILIS: Yes, that's correct, I agree.

CHAIRPERSON WEPRIN: Thank you very much. Do any of my colleagues have any questions? Thank you, Mr. Youkilis. Now we're going to move to number three, LU 0043, Manhattan Community Board 3, 20095496 TCM. It's Poco NYC and Sara Grizzle I believe it is. Please state your name and describe the application please.

SARA GRIZZLE: My name is Sara

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2 Grizzle. I'm the owner of Poco on 33 Avenue B.  
3 I'm applying for a sidewalk café. Ms. Mendez and  
4 I have agreed upon ten tables with two chairs per  
5 table. The operating hours on the weekdays will  
6 be until 10 and Friday and Saturday until 11:30.

7 CHAIRPERSON WEPRIN: That was an  
8 amendment from the original agreement, right?  
9 That was recently changed.

10 SARA GRIZZLE: Yes.

11 CHAIRPERSON WEPRIN: I know Council  
12 Member Mendez, who represents the café would like  
13 to speak.

14 COUNCIL MEMBER MENDEZ: Thank you.  
15 I want to thank the owner for agreeing to the  
16 changes. We are also trying to get clarification  
17 on some of the seating that's underneath a fire  
18 escape. As usual, DOB is not very forthcoming  
19 with information, so we're going to get  
20 clarification from them or the fire department.  
21 The owner has agreed that if there are any  
22 changes, she would comply with whatever needs to  
23 be done to protect the customers and the residents  
24 from the building above. So I want to thank her  
25 for that.

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CHAIRPERSON WEPRIN: Thank you.

You agree with that statement I gather?

SARA GRIZZLE: Yes.

CHAIRPERSON WEPRIN: Do any of my other colleagues want to comment on this application? You'll submit a letter with a stipulation before the Stated Meeting when we actually vote on the application. We'll describe it afterwards if you need it.

SARA GRIZZLE: Correct, yes.

CHAIRPERSON WEPRIN: Thank you.

SARA GRIZZLE: Thank you.

CHAIRPERSON WEPRIN: Thank you very much. The fourth item on our agenda has been withdrawn. Let me read that number, the Qdoba Mexican Grill, 20095377, Community Board 4. That has been withdrawn in a letter dated March 8th. It was withdrawn yesterday.

So that finishes up our cafes and we're now going to move to one Land Use item. Next is LU 0044 in Bronx Community Board 10, lower density growth management area, N 100134 ZRX. From City Planning we have Carolyn Grossman and Ryan Singer.



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2 RYAN SINGER: Good morning, Council  
3 Members. This is a tax amendment to address some  
4 parking issues in Bronx Community District 10,  
5 specifically in the R6 and R7 zoning districts in  
6 this district. The issue that we were having, and  
7 we had discussed this with Council Member Vacca  
8 and with the Community Board, is that in the R6  
9 and R7 district, specifically in Pelham Bay and  
10 Westchester Square we had a new develop that was  
11 waiving out of parking requirements. So they  
12 would build an apartment building and not provide  
13 parking.

14 The reason why this was happening  
15 was the R7 district for lots 10,000 square feet or  
16 less permit parking to be only built to 30% of the  
17 number of units. Then they'd apply a wavier which  
18 is five or fewer parking spaces. So if you have  
19 five or fewer required parking spaces, you just  
20 don't have to provide parking at all in this  
21 district. The R6 district has a similar problem,  
22 especially if you subdivide the lots into smaller  
23 lots. This was a concern in the district and it  
24 did contribute we think to some on-street parking  
25 issues in the area.

2 Additionally, this area is rather  
3 remote. It's on the 6 Line, but it is a long ride  
4 down to Manhattan or to go anywhere. Community  
5 District 10 has a high car ownership rate, 74%.  
6 That's in contrast to 57% citywide and 43% in the  
7 Bronx. It's far from the city's business core.

8 Just anecdotally, we know that  
9 people who live in this area will own a car. One  
10 of the people in the household may drive it to  
11 work while the other one takes the 6 Train down to  
12 their job in Manhattan or elsewhere in the city.

13 So we looked at applying the lower  
14 density growth management area regulations, which  
15 we already applied to the lower density R2 through  
16 R4 districts in 2004 in Community District 10. So  
17 what we're proposing to do is to apply the lower  
18 density growth management regulations to the R6  
19 and R7 districts. Thereby using those regulations  
20 require that in the R7 district, small lots be  
21 required to provide 50% of the parking rather than  
22 30% so that then it will be equal to the R6  
23 districts.

24 And I think this gets to the heart  
25 of the issue, is that the waiver for a small

2 number of spaces will only apply to lots that are  
3 existing, so that they cannot subdivide their way  
4 out of providing parking. If you have a 20,000  
5 square foot lot, you can't subdivide it into two  
6 10,000 square foot lots, build a small number of  
7 units and then apply your parking waiver. You  
8 will still be required to provide parking for  
9 whatever required at the current lot size. This  
10 will, we think, alleviate some of the issues with  
11 new development waiving out of parking and enhance  
12 the quality of life here in Pelham Bay.

13 I know Councilman Vacca, you have  
14 supported this, and the Community Board  
15 unanimously supported this. We didn't hear from  
16 the borough president. We spoke informally with  
17 his staff. They said they didn't really have a  
18 problem with this and felt that it was okay.

19 CHAIRPERSON WEPRIN: Thank you.  
20 Councilman Vacca, would you like to speak on this  
21 subject?

22 COUNCIL MEMBER VACCA: Yes, Mr.  
23 Chair, very briefly. I want to thank the City  
24 Planning Commission, Ryan and all the staff. I  
25 want to thank the Bronx Office in particular, who

2 came to my district and who spent time with me  
3 touring the various locations and assessing the  
4 parking issues. I do think that this is a  
5 positive step insomuch as addressing  
6 overdevelopment issues and the parking issues that  
7 are very important in my district. So with the  
8 community board in full support and with my office  
9 being, I hope, instrumental in working with City  
10 Planning, I would ask the committee to vote yes.

11 CHAIRPERSON WEPRIN: Let the record  
12 show that Mr. Singer nodded yes to you being very  
13 instrumental. Ms. Grossman, you have nothing to  
14 say, you're just making sure Mr. Singer behaves,  
15 correct?

16 CAROLYN GROSSMAN: I'm really just  
17 holding the map here.

18 CHAIRPERSON WEPRIN: Do any of my  
19 other colleagues have any questions or comments?  
20 Thank you very much. You're done. That's great.  
21 Watch it, don't know over that thing. Is there  
22 anyone else that wants to be heard on this matter?  
23 So we are going to move to a vote. I am going to  
24 move to couple the following items: LU 0041, LU  
25 0042 and LU 0043 and also the Land Use item LU

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0044. LU 0046 we are going to file pursuant to withdrawal. I'll ask the counsel to call the roll. A motion to approve the coupling of these items? Chair recommends an aye on this vote and the clerk will call the roll.

CHRISTIAN HYLTON: Christian Hylton, Counsel to the committee. Chair Weprin?

CHAIRPERSON WEPRIN: Aye on all.

CHRISTIAN HYLTON: Council Member Rivera?

COUNCIL MEMBER RIVERA: I vote aye on all.

CHRISTIAN HYLTON: Council Member Reyna?

COUNCIL MEMBER REYNA: Aye on all.

CHRISTIAN HYLTON: Council Member Comrie?

COUNCIL MEMBER COMRIE: Aye on all.

CHRISTIAN HYLTON: Council Member Jackson?

COUNCIL MEMBER JACKSON: I vote aye on all.

CHRISTIAN HYLTON: Council Member Vann?

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COUNCIL MEMBER VANN: Aye on all.

CHRISTIAN HYLTON: Council Member  
Garodnick?

COUNCIL MEMBER GARODNICK: I vote  
aye.

CHRISTIAN HYLTON: Council Member  
Vacca?

COUNCIL MEMBER VACCA: I vote aye  
on all.

CHRISTIAN HYLTON: By a vote of  
eight in the affirmative, none in the negative and  
no abstentions, LU 0041, LU 0042, LU 0043 and LU  
0044 are approved and referred to the full Land  
Use Committee. LU 0046 motion to file pursuant to  
withdrawal is also approved eight in the  
affirmative, none in the negative and no  
abstentions.

CHAIRPERSON WEPRIN: Thank you very  
much. I'm now going to adjourn the meeting. We  
are going to leave the roll open for 15 minutes to  
allow a certain member to come back into the room.  
Thank you, the meeting is now adjourned.

[Pause]

CHRISTIAN HYLTON: The meeting of

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the Subcommittee on Zoning and Franchises, March

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9, 2010 is adjourned.

C E R T I F I C A T E

I, Donna Hintze 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.

Signature *Donna Hintze*

Date April 1, 2010