

# The New York City Council

*City Hall  
New York, NY 10007*



## Meeting Minutes

**Tuesday, October 4, 2011**

**10:00 AM**

**250 Broadway - Committee Rm, 16th Fl.**

### **Committee on Land Use**

*Leroy G. Comrie, Jr., Chair*

*Members: Maria del Carmen Arroyo, Charles Barron, Inez E. Dickens,  
Daniel R. Garodnick, Sara M. Gonzalez, Robert Jackson, Jessica S. Lappin,  
Rosie Mendez, Annabel Palma, Diana Reyna, Joel Rivera, James Sanders, Jr.  
Larry B. Seabrook, James Vacca, Albert Vann, Brad S. Lander, Stephen T. Levin,  
Mark S. Weprin, Jumaane D. Williams, Daniel J. Halloran III, Vincent M. Ignizio and Peter  
A. Koo*

## Roll Call

**Present:**

Arroyo, Barron, Dickens, Garodnick, Gonzalez, Lappin, Palma, Reyna, Rivera, Seabrook, Vacca, Vann, Weprin, Williams, Halloran III and Ignizio

**Absent:**

Comrie Jr., Jackson, Mendez, Sanders Jr., Lander, Levin and Koo

LU 0468-2011

**Application no. 20115790 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 183 Condechi Associates LLC. d.b.a. Café Condessa, to establish, maintain and operate an unenclosed sidewalk café located at 183 West 10th Street, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - Week of October 3 - October 7, 2011, Hearing Testimony - Zoning 9/15/11, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Resolution, Committee Report, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of September 12 - September 16, 2011, Continuation of Recessed Hearings, Land Use Calendar - Week of October 3 - October 7, 2011, Hearing Testimony - Zoning 9/15/11, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Hearing Transcript - Zoning 9-15-11, Hearing Transcript - Zoning 9-19-11, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Resolution, Committee Report, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative:** 16 -

Arroyo, Barron, Dickens, Garodnick, Gonzalez, Lappin, Palma, Reyna, Rivera, Seabrook, Vacca, Vann, Weprin, Williams, Halloran III and Ignizio

**Absent:** 7 -

Comrie Jr., Jackson, Mendez, Sanders Jr., Lander, Levin and Koo

LU 0484-2011     **Application no. 20115826 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of SDNY 19 Mad Park, LLC d.b.a. SD 26, to establish, maintain and operate an unenclosed sidewalk café located at 19 East 26th Street, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative:** 16 -

Arroyo, Barron, Dickens, Garodnick, Gonzalez, Lappin, Palma, Reyna, Rivera, Seabrook, Vacca, Vann, Weprin, Williams, Halloran III and Ignizio

**Absent:** 7 -

Comrie Jr., Jackson, Mendez, Sanders Jr., Lander, Levin and Koo

LU 0485-2011     **Application no. C 100310 ZMX submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, Council District no. 15, 17.**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

- Affirmative:** 15 -  
Arroyo, Barron, Dickens, Garodnick, Gonzalez, Lappin, Palma, Reyna, Rivera, Seabrook, Vacca, Vann, Weprin, Halloran III and Ignizio
- Abstain:** 1 -  
Williams
- Absent:** 7 -  
Comrie Jr., Jackson, Mendez, Sanders Jr., Lander, Levin and Koo

**LU 0486-2011      Application no. N 100311 ZRX submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of City of New York concerning Appendix F (Inclusionary Housing designated areas) and related Sections pertaining to the establishment of Inclusionary Housing designated areas in community Districts 3 and 6 and the modification of Section 74-743 within the boundaries of Community District 3.**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

- Affirmative:** 15 -  
Arroyo, Barron, Dickens, Garodnick, Gonzalez, Lappin, Palma, Reyna, Rivera, Seabrook, Vacca, Vann, Weprin, Halloran III and Ignizio
- Abstain:** 1 -  
Williams
- Absent:** 7 -  
Comrie Jr., Jackson, Mendez, Sanders Jr., Lander, Levin and Koo

LU 0487-2011      **Application no. C 100312 ZSX submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution in connection with two proposed mixed use developments (Zoning Lot A, Block 3013, Lots 12, 29, 31, 35, 37 & 46 and Zoning Lot B, Block 3014, lots 9, 15 & 45) within a Large-Scale General Development bounded by Bone Avenue, East 173rd Street, West Farms Road, and a line approximately 331 feet southwesterly of East 172nd Street, Borough of the Bronx, Community District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative:** 15 -

Arroyo, Barron, Dickens, Garodnick, Gonzalez, Lappin, Palma, Reyna, Rivera, Seabrook, Vacca, Vann, Weprin, Halloran III and Ignizio

**Abstain:** 1 -

Williams

**Absent:** 7 -

Comrie Jr., Jackson, Mendez, Sanders Jr., Lander, Levin and Koo

LU 0488-2011      **Application no. C 100313 ZSX submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745 of the Zoning Resolution to allow the distribution of required or permitted accessory off-street parking spaces without regard for zoning lot lines, in connection with two proposed mixed use developments (Zoning Lot A, Block 3013, Lots 12, 29, 31, 35, 37 & 46 and Zoning Lot B, Block 3014, lots 9, 15 & 45) within a Large-Scale General Development , bounded by Bone Avenue, East 173rd Street, West Farms Road, and a line approximately 331 feet southwesterly of East 172nd Street Borough of the Bronx, Community District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative:** 15 -

Arroyo, Barron, Dickens, Garodnick, Gonzalez, Lappin, Palma, Reyna, Rivera, Seabrook, Vacca, Vann, Weprin, Halloran III and Ignizio

**Abstain:** 1 -

Williams

**Absent:** 7 -

Comrie Jr., Jackson, Mendez, Sanders Jr., Lander, Levin and Koo

LU 0489-2011      **Application no. C 110297 ZSX submitted by Industco Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744 of the Zoning Resolution to allow residential and non residential uses to be arranged within a building without regard for the use regulation set forth in Section 32-42 (Location within buildings), in connection with two proposed mixed use developments (Zoning Lot A, Block 3013, Lots 12, 29, 31, 35, 37 & 46 and Zoning Lot B, Block 3014, lots 9, 15 & 45) within a Large-Scale General Development bounded by Bone Avenue, East 173rd Street, West Farms Road, and a line approximately 331 feet southwesterly of East 172nd Street (Block 6491, Lots 207 292 and 8900), Borough of the Bronx, Community District 3 This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

**Affirmative:** 15 -

Arroyo, Barron, Dickens, Garodnick, Gonzalez, Lappin, Palma, Reyna, Rivera, Seabrook, Vacca, Vann, Weprin, Halloran III and Ignizio

**Abstain:** 1 -

Williams

**Absent:** 7 -

Comrie Jr., Jackson, Mendez, Sanders Jr., Lander, Levin and Koo

**LU 0490-2011**      **Application no. C 110234 HAX submitted by Industco Holdings, LLC, an Urban Development Action Area Designation and Project, located at 1525 West Farms Road and the disposition of this property, Borough of the Bronx, Council District, 15, 17. This matter is subject to Council Review and action pursuant to Sections 197-c and 197-d of the New York City Charter and Article 16 of the General Municipal Law.**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

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Arroyo, Barron, Dickens, Garodnick, Gonzalez, Lappin, Palma, Reyna, Rivera, Seabrook, Vacca, Vann, Weprin, Halloran III and Ignizio

**Abstain:** 1 -

Williams

**Absent:** 7 -

Comrie Jr., Jackson, Mendez, Sanders Jr., Lander, Levin and Koo

**LU 0491-2011**      **Application no. C 110384 ZMX submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 1d, 2a and 2b, Borough of the Bronx, Council District no. 12.**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Recessed Zoning and Franchises Meeting Scheduled for October 4, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Zoning 10/3/11, Committee Report, Resolution, Hearing Transcript - Zoning 10-4-11, Hearing Transcript - Land Use 10-4-11

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**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**



**Affirmative:** 16 -

Arroyo, Barron, Dickens, Garodnick, Gonzalez, Lappin, Palma, Reyna, Rivera, Seabrook, Vacca, Vann, Weprin, Williams, Halloran III and Ignizio

**Absent:** 7 -

Comrie Jr., Jackson, Mendez, Sanders Jr., Lander, Levin and Koo

LU 0493-2011

**Application no. C 110260 PQX submitted by the Administration of Children's Services and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 629 Courtlandt Avenue (Block 2411, Lot 41) for continued use as a child care center, Community District 1, Borough of the Bronx. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Landmarks 10/3/11, Committee Report, Resolution, Hearing Transcript - Landmarks 10-3-11, Hearing Transcript - Land Use 10-4-11

**This Land Use Application was Hearing Held by Committee**

**Attachments:** Land Use Calendar - Week of October 3 - October 7, 2011, Land Use Calendar - October 4, 2011, Hearing Testimony - Landmarks 10/3/11, Committee Report, Resolution, Hearing Transcript - Landmarks 10-3-11, Hearing Transcript - Land Use 10-4-11

**A motion was made that this Land Use Application be Approved by Committee with Companion Resolution approved by Roll Call.**

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Arroyo, Barron, Dickens, Garodnick, Gonzalez, Lappin, Palma, Reyna, Rivera, Seabrook, Vacca, Vann, Weprin, Williams, Halloran III and Ignizio

**Absent:** 7 -

Comrie Jr., Jackson, Mendez, Sanders Jr., Lander, Levin and Koo