

# The New York City Council

*City Hall  
New York, NY 10007*



## Meeting Minutes

**Wednesday, October 6, 2004**

**10:00 AM**

**Committee Room - City Hall**

### **Committee on Land Use**

*Melinda R. Katz, Chair*

*Members: Bill Perkins, Michael C. Nelson, Christine C. Quinn, Joel Rivera,  
Tony Avella, Maria Baez, Charles Barron, Leroy G. Comrie, Simcha Felder,  
Eric N. Gioia, G. Oliver Koppell, Miguel Martinez, Michael E. McMahon,  
Hiram Monserrate, James Sanders, Jr., Albert Vann, Vincent J. Gentile,  
Annabel Palma, Andrew J. Lanza and James Oddo*

## Roll Call

**Present,**

Katz, Nelson, Quinn, Avella, Baez, Barron, Comrie Jr., Felder, Gioia, Martinez, McMahon, Monserrate, Sanders Jr., Vann, Gentile, Palma, Lanza and Oddo

**Absent,**

Perkins, Rivera and Koppell

Int 0423-2004

**A Local Law to amend the administrative code of the city of New York, in relation to the regulation of outdoor advertising and repealing sections 5, 6, 7 and 8 of local law 14 for the year 2001 in relation thereto.**

**Attachments:** Hearing Transcript - Land Use - 10/21/04, Hearing Transcript - Land Use - 3/2/05

**Attachments:** Hearing Transcript - Land Use - 10/21/04, Hearing Transcript - Land Use - 3/2/05

**Enactment No:** 2005/031

LU 0218-2004

**Uniform Land Use Review Procedure application no. 040492 ZMQ, pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Borough of Queens, Council District no. 24.**

**Attachments:** Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Attachments:** Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

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

LU 0224-2004

**Uniform land use review procedure application no. C 040438 HAM, an Urban Development Action Area Designation, Project, and the disposition of such property located on Site 4C within the Upper Park Avenue Urban Renewal Area, Borough of Manhattan, Council District no. 8. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

**Attachments:** Hearing Transcript - Land Use - 10/6, Hearing Transcript - Planning - 10/5

**Attachments:** Hearing Transcript - Land Use - 10/6, Hearing Transcript - Planning - 10/5

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

**LU 0225-2004**      **Uniform land use review procedure application no. C 040521 HAX, an Urban Development Action Area Designation, Project, and the disposition of such property located on Site 22 within the Melrose Commons Urban Renewal Area, Borough of the Bronx, Council District no. 17. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

**Attachments:**    Hearing Transcript - Land Use - 10/6, Hearing Transcript - Planning - 10/5

**Attachments:**    Hearing Transcript - Land Use - 10/6, Hearing Transcript - Planning - 10/5

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

**LU 0254-2004**      **Uniform Land Use Review Procedure application no. 010645 ZMK, pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Borough of Brooklyn, Council District no. 33.**

**Attachments:**    Hearing Transcript 9/21, Hearing Transcript 10/5, Hearing Transcript 10/13, Hearing Transcript 10/13 - Land Use

**Attachments:**    Hearing Transcript 9/21, Hearing Transcript 10/5, Hearing Transcript 10/13, Hearing Transcript 10/13 - Land Use

**LU 0255-2004**      **Uniform land use review procedure application no. 010646 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 33 to allow mixed - use building without regard to yard, court, and height and set-back regulations. 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:**    Hearing Transcript 9/21, Hearing Transcript 10/5, Hearing Transcript 10/13, Hearing Transcript 10/13 - Land Use

**Attachments:**    Hearing Transcript 9/21, Hearing Transcript 10/5, Hearing Transcript 10/13, Hearing Transcript 10/13 - Land Use

**LU 0256-2004** Uniform land use review procedure application no. 010647 ZMK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 33 to allow an attended public parking garage with a maximum capacity of 327 spaces and to allow floor space up to a height of 23 feet above curb level to be exempt from the definition of floor area. 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:** Hearing Transcript 9/21, Hearing Transcript 10/5, Hearing Transcript 10/13, Hearing Transcript 10/13 - Land Use

**Attachments:** Hearing Transcript 9/21, Hearing Transcript 10/5, Hearing Transcript 10/13, Hearing Transcript 10/13 - Land Use

**LU 0257-2004** Uniform land use review procedure application no. 030492 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 33 to allow a residential use on the 2nd floor, 3rd floor and 4th floor of an existing 4-story building . 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:** Hearing Transcript 9/21, Hearing Transcript 10/5, Hearing Transcript 10/13, Hearing Transcript 10/13 - Land Use

**Attachments:** Hearing Transcript 9/21, Hearing Transcript 10/5, Hearing Transcript 10/13, Hearing Transcript 10/13 - Land Use

**LU 0260-2004** Application no. 20055049 HAM, an Urban Development Action Area Project located at 5 East 3rd Street, Council District no. 2, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

**Attachments:** Hearing Transcript - Land Use - 10/6, Hearing Transcript - Planning - 10/5

**Attachments:** Hearing Transcript - Land Use - 10/6, Hearing Transcript - Planning - 10/5

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

**LU 0264-2004**      **Application no. 20055058 HAQ, an Urban Development Action Area Project known as the Egdemere Phase B, located in Community Board 14, Council District no. 31, Borough of Queens. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.**

**Attachments:**    Hearing Transcript - Land Use - 10/6, Hearing Transcript - Planning - 10/5

**Attachments:**    Hearing Transcript - Land Use - 10/6, Hearing Transcript - Planning - 10/5

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

**LU 0270-2004**      **Application no. 20045662 TCM pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Inch Food and Beverage, LLC, to establish, maintain and operate an unenclosed small sidewalk café located at 224 West 49th 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:**    Hearing Transcript 10/5, Hearing Transcript 10/6

**Attachments:**    Hearing Transcript 10/5, Hearing Transcript 10/6

**Affirmative,**    18 -

Katz, Nelson, Quinn, Avella, Baez, Barron, Comrie Jr., Felder, Gioia, Martinez, McMahon, Monserrate, Sanders Jr., Vann, Gentile, Palma, Lanza and Oddo

**Absent,**        3 -

Perkins, Rivera and Koppell

**LU 0271-2004**      **Application no. 20055010 TCM pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Three Friends, LLC, to establish, maintain and operate an unenclosed sidewalk café located at 2418 Broadway, Borough of Manhattan, Council District no. 6. 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:** Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Attachments:** Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

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

**LU 0272-2004**      **Uniform land use review procedure application no. C 030412 MMK, pursuant to §197-c and §197-d of the New York City Charter concerning an amendment to the City Map, Borough of Brooklyn, Council District no. 38. 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:** Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Attachments:** Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Affirmative,** 17 -

Katz, Nelson, Quinn, Avella, Baez, Comrie Jr., Felder, Gioia, Martinez, McMahon, Monserrate, Sanders Jr., Vann, Gentile, Palma, Lanza and Oddo

**Abstain,** 1 -

Barron

**Absent,** 3 -

Perkins, Rivera and Koppell

**LU 0273-2004**      **Uniform Land Use Review Procedure application no. C 030413 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map, Borough of Brooklyn, Council District no. 38.**

**Attachments:** Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Attachments:** Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Affirmative,** 17 -

Katz, Nelson, Quinn, Avella, Baez, Comrie Jr., Felder, Gioia, Martinez, McMahon, Monserrate, Sanders Jr., Vann, Gentile, Palma, Lanza and Oddo

**Abstain,** 1 -

Barron

**Absent,** 3 -

Perkins, Rivera and Koppell

LU 0274-2004

**Uniform land use review procedure application no. C 030414 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Borough of Brooklyn, Council District no. 38 to facilitate the development of a large retail establishments. 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:** Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Attachments:** Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Affirmative,** 17 -

Katz, Nelson, Quinn, Avella, Baez, Comrie Jr., Felder, Gioia, Martinez, McMahon, Monserrate, Sanders Jr., Vann, Gentile, Palma, Lanza and Oddo

**Abstain,** 1 -

Barron

**Absent,** 3 -

Perkins, Rivera and Koppell

**LU 0275-2004**      **Uniform land use review procedure application no. C 030415 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 38 to modify the maximum building height requirements to facilitate a commercial building development. 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:**    Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Attachments:**    Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Affirmative,**    17 -

Katz, Nelson, Quinn, Avella, Baez, Comrie Jr., Felder, Gioia, Martinez, McMahon, Monserrate, Sanders Jr., Vann, Gentile, Palma, Lanza and Oddo

**Abstain,**      1 -

Barron

**Absent,**        3 -

Perkins, Rivera and Koppell

**LU 0276-2004**      **Land use review procedure application no. N 030416 ZAK, pursuant to §62-722of the Zoning Resolution and §197-d of the Charter of the City of New York concerning an authorization to modify the waterfront public access and visual corridor requirements in the Borough of Brooklyn, Council District no. 38 to facilitate a commercial building development. 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:**    Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Attachments:**    Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Affirmative,**    17 -

Katz, Nelson, Quinn, Avella, Baez, Comrie Jr., Felder, Gioia, Martinez, McMahon, Monserrate, Sanders Jr., Vann, Gentile, Palma, Lanza and Oddo

**Abstain,**      1 -

Barron

**Absent,**        3 -

Perkins, Rivera and Koppell



**LU 0277-2004**      **Application no. N 040229 HAX, an Urban Development Action Area Designation and Project, located at 1425 Zerega Avenue, Borough of the Bronx, Council District no. 13. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

**Attachments:**    Hearing Transcript - Land Use - 10/6, Hearing Transcript - Planning - 10/5

**Attachments:**    Hearing Transcript - Land Use - 10/6, Hearing Transcript - Planning - 10/5

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

**LU 0279-2004**      **Zoning resolution amendment application no. N 040467 ZRM, pursuant to Sections 197-d and 201 of the New York City Charter, for an amendment to Section 42-451, relating to Article IV, Chapter 2, concerning sign regulations for theaters.**

**Attachments:**    Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

**Attachments:**    Hearing Transcript 10/5, Hearing Transcript 10/6, Hearing Transcript 10/6 - Land Use

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

**A motion was made by that this be .**

**Affirmative,** 18 -

Katz, Nelson, Quinn, Avella, Baez, Barron, Comrie Jr., Felder, Gioia, Martinez, McMahon, Monserrate, Sanders Jr., Vann, Gentile, Palma, Lanza and Oddo

**Absent,** 3 -

Perkins, Rivera and Koppell