

# The New York City Council

*New York City Council  
City Hall  
New York, NY 10007*



## Meeting Minutes

Thursday, April 30, 2009

9:30 AM

250 Broadway - Hearing Room, 14th Fl.

## Subcommittee on Zoning and Franchises

*Tony Avella, Chair*

*Members: Simcha Felder, Eric N. Gioia, Robert Jackson,  
Melinda R. Katz, Joel Rivera, Larry B. Seabrook,  
Helen Sears and Albert Vann*

Roll Call

**Present,** Avella, Felder, Gioia, Katz, Rivera, Sears and Vann

**Absent,** Jackson and Seabrook

LU 1041-2009

**Application no. 20095069 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for Silver Moon Bakery, Inc. to continue to maintain and operate an unenclosed sidewalk café located at 2740 Broadway, Borough of Manhattan, Council District no. 8. 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 - Zoning 3/31/09, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09

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

**Attachments:** Hearing Transcript - Zoning 3/31/09, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative,** 7 -

Avella, Felder, Gioia, Katz, Rivera, Sears and Vann

**Absent,** 2 -

Jackson and Seabrook

LU 1047-2009

**Application no. C 080008 ZMM, submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an M1-5 District to a C6-3X District.**

**Attachments:** Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

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

**Attachments:** Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

**A motion was made that this Land Use Application be Approved by Subcommittee with Modifications and Referred to CPC approved by Roll Call.**

**Affirmative,** 7 -

Avella, Felder, Gioia, Katz, Rivera, Sears and Vann

Absent, 2 -  
Jackson and Seabrook

**LU 1048-2009 Application no. N 080009 ZRM submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article IX, Chapter 6 (Special Clinton District) Community District 4, in the Borough of Manhattan.**

**Attachments:** Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

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

**Attachments:** Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

**A motion was made that this Land Use Application be Approved by Subcommittee with Modifications and Referred to CPC approved by Roll Call.**

Affirmative, 7 -  
Avella, Felder, Gioia, Katz, Rivera, Sears and Vann

Absent, 2 -  
Jackson and Seabrook

**LU 1049-2009 Application no. C 080010 ZSM submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C 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 (a) of the Zoning Resolution to modify the height and setback regulations of Section 35-24. 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:** Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

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

**Attachments:** Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

**A motion was made that this Land Use Application be Approved by Subcommittee with Modifications and Referred to CPC approved by Roll Call.**

Affirmative, 7 -  
Avella, Felder, Gioia, Katz, Rivera, Sears and Vann

Absent, 2 -  
Jackson and Seabrook

**LU 1050-2009**      **Application no. C 080011 ZSM submitted by 536 W. 54th LLC A, 536 W. 54th LLC B and 536 W. 54th Street LLC C pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permits pursuant to Section 74-744 (b) of the Zoning Resolution to allow residential and non-residential uses to be arranged on the third floor level without regard for the regulations in Section 32-42 and Section 74-744 (c) modifying sign regulations of Section 32-67. 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:** Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

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

**Attachments:** Press Release, Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Transcript - Stated Meeting 5/6/09, Hearing Testimony - Zoning 4/20/09

**A motion was made that this Land Use Application be Approved by Subcommittee with Modifications and Referred to CPC approved by Roll Call.**

Affirmative, 7 -  
Avella, Felder, Gioia, Katz, Rivera, Sears and Vann

Absent, 2 -  
Jackson and Seabrook

**LU 1053-2009**      **Application no. 20095082 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Plaza Patisserie Inc., to continue to maintain and operate an unenclosed sidewalk café at 29-20 30th Avenue, Borough of Queens, Council District no. 22. 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 - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09

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

**Attachments:** Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative,** 7 -  
Avella, Felder, Gioia, Katz, Rivera, Sears and Vann

**Absent,** 2 -  
Jackson and Seabrook

**LU 1064-2009**      **Application no. C 090179 ZMK submitted by the Brighton Development LLC. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No.28d, by establishing within an R7-1 district a C2-4 District..**

**Attachments:** Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09, Hearing Testimony - Zoning 4/30/09

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

**Attachments:** Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09, Hearing Testimony - Zoning 4/30/09

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative,** 7 -  
Avella, Felder, Gioia, Katz, Rivera, Sears and Vann

**Absent,** 2 -  
Jackson and Seabrook

**LU 1065-2009**      **Application no. M910478 (E) ZMK submitted by the Brighton Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the modification of Restrictive Declaration D – 131 and its subsequent amendments.**

**Attachments:** Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09, Hearing Testimony - Zoning 4/30/09

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

**Attachments:** Hearing Transcript - Zoning 4/20/09, Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Land Use 5/4/09, Hearing Testimony - Zoning 4/20/09, Hearing Testimony - Zoning 4/30/09

**A motion was made that this Land Use Application be Approved by Subcommittee approved by Roll Call.**

**Affirmative,** 7 -  
Avella, Felder, Gioia, Katz, Rivera, Sears and Vann

**Absent,** 2 -  
Jackson and Seabrook

LU 1086-2009      **Application no. 20085511 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for 151 Mulberry Street Corp.. d.b.a Il Palazzo to establish, maintain and operate an unenclosed sidewalk café located at 151 Mulberry Street, Borough of Manhattan, Council District no. 1. 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 - Zoning 4/30/09, Hearing Transcript - Zoning 5/12/09,  
Hearing Transcript - Zoning 5/20/09, Hearing Testimony - Zoning 5/12/09

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

**Attachments:**    Hearing Transcript - Zoning 4/30/09, Hearing Transcript - Zoning 5/12/09,  
Hearing Transcript - Zoning 5/20/09, Hearing Testimony - Zoning 5/12/09

**This Land Use Application was Laid Over by Subcommittee**