

# **The New York City Council**

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



## **Meeting Minutes**

**Thursday, June 4, 2009**

**12:45 PM**

**Continuation of the June 2nd Recessed Meeting**

**250 Broadway, Hearing Room, 16th 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, Jackson, Katz, Rivera, Seabrook, Sears and Vann

**LU 1113-2009      Application no. 20095229 SCK, a proposed site for a new, approximately 300 seat Intermediate School Facility, to be located at Block 36, Lots 1, 3, 14, 49, 52 and 53, Council District No. 33, Borough of Brooklyn. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.**

**Attachments:** Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 6/2/09,  
Hearing Transcript - Zoning 6/4/09, Hearing Transcript - Land Use 6/4/09

**This Land Use Application was Hearing on P-C Item by Comm**

**Attachments:** Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 6/2/09,  
Hearing Transcript - Zoning 6/4/09, Hearing Transcript - Land Use 6/4/09

**A motion was made that this Land Use Application be P-C Item Approved by Subcommittee with Companion Resolution approved by Roll Call.**

**Affirmative, 7 -**  
Felder, Jackson, Katz, Rivera, Seabrook, Sears and Vann

**Negative, 2 -**  
Avella and Gioia

**LU 1073-2009      Application no. C 090181 ZMK submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d changing from an M1-2 District to an M1-2/R8and establishing a Special Mixed Use District (MX-2).**

**Attachments:** Hearing Transcript - Zoning 5/21/09, Hearing Transcript - Zoning 6/2/09,  
Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09,  
Hearing Transcript - Land Use 6/4/09

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

**Attachments:** Hearing Transcript - Zoning 5/21/09, Hearing Transcript - Zoning 6/2/09,  
Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09,  
Hearing Transcript - Land Use 6/4/09

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

**Affirmative, 7 -**  
Felder, Jackson, Katz, Rivera, Seabrook, Sears and Vann

**Negative, 2 -**  
Avella and Gioia

LU 1074-2009      **Application no. C 090183 ZSK submitted by Two Trees Management Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 465 spaces including 129 accessory spaces, and to allow 37,599 square feet of floor space up to a height of 23 feet above base plane level to be exempted from the definition of floor area as set forth in Section 12-10. 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 5/21/09, Hearing Transcript - Zoning 6/2/09,  
Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09,  
Hearing Transcript - Land Use 6/4/09

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

**Attachments:**    Hearing Transcript - Zoning 5/21/09, Hearing Transcript - Zoning 6/2/09,  
Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09,  
Hearing Transcript - Land Use 6/4/09

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

**Affirmative, 7 -**

Felder, Jackson, Katz, Rivera, Seabrook, Sears and Vann

**Negative, 2 -**

Avella and Gioia

LU 1075-2009      **Application no. C 090184 ZSK submitted by Two Trees Management Company 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 to modify the regulations of Section 23, Section 23-86 , Section 25-533, Section 43-28 and Section 123-66 to facilitate a mixed use development on property located on the easterly side of Dock Street between Front Street and Water Street (Block 36, Lots 1, 3, 14, 49, 52 & 53), in an M1-2/R8 (MX-2) District\*, within a general large scale development (Block 36, Lots 1, 3, 14, 15, 16, 40, 49, 52, & 53, and Block 26, Lots 33 & 38), in M1-2/R8 (MX-2)\*, M1-2/R8A (MX-2), and M3-1 Districts, Borough of Brooklyn, Community District 2. 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 5/21/09, Hearing Transcript - Zoning 6/2/09,  
Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09,  
Hearing Transcript - Land Use 6/4/09

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

**Attachments:**    Hearing Transcript - Zoning 5/21/09, Hearing Transcript - Zoning 6/2/09,  
Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09,  
Hearing Transcript - Land Use 6/4/09

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

**Affirmative,    7 -**

Felder, Jackson, Katz, Rivera, Seabrook, Sears and Vann

**Negative,      2 -**

Avella and Gioia

LU 1077-2009

**Application no. C 050260 ZSM submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 82-33 of the Zoning Resolution to modify the height and setback requirements of Section 23-632, the inner and outer court regulations of Section 23-841, Section 23-843, Section 23-851, Section 23-852, Section 24-63 , Section 24-633, Section 24-652, and Section 23-863,. the minimum distance between buildings on a zoning lot requirements of Section 23-711 and the minimum distance between legally required windows and zoning lot lines requirements of Section 23-861 in connection with the proposed expansion of Fordham University, Lincoln Center Campus, bounded by Amsterdam Avenue, West 62nd Street, Columbus Avenue, West 60th Street, Amsterdam Avenue, West 61st Street, a line 200 feet easterly of Amsterdam Avenue, and a line 90 feet southerly of West 62nd Street (Block 1132, Lots 1, 20, and 35), in a C4-7 District, within the Special Lincoln Square District. 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 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

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

**Attachments:** Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

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

**LU 1078-2009**      **Application no. C 050269 ZSM submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 68 spaces on portions of the ground floor, cellar, and sub-cellar levels of a proposed mixed use building (Site 4, Garage A) in connection with the proposed expansion of Fordham University, Lincoln Center Campus. 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 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

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

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

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

**LU 1079-2009**      **Application no. C 050271 ZSM submitted by Fordham University pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 82-50 and 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 137 spaces on portions of the ground floor, cellar, subcellar and 2nd subcellar level of a proposed mixed use building (Site 3a/3, Garage C) in connection with the proposed expansion of Fordham University, Lincoln Center Campus.**

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

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

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

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

**LU 1081-2009**      **Application no. N 090170 ZRM submitted by Fordham University pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, Article VIII, Chapter 2, concerning Section 82-50 (Off-Street Parking and Off-Street Loading Regulations), to modify the requirements for curb cuts on wide streets for off-street loading berths in the Special Lincoln Square District, Borough of Manhattan, Community District 7.**

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

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

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Press Release, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

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

**LU 1082-2009**      **Application no. N 080253 ZRQ submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying special permit regulations pertaining to the Sunnyside Gardens area in Community District 2, Borough of Queens, and clarifying other regulations in Article X, Chapter 3 (Special Planned Community Preservation District).**

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

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

**Attachments:**    Hearing Transcript - Zoning 5/12/09, Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 5/12/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09

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

LU 1104-2009      **Application no. 20075505 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition for the Corner 47th Restaurant Corp., to construct, maintain and operate an enclosed sidewalk café located at 683 Ninth Avenue., 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 - Zoning 6/2/09, Hearing Testimony - Zoning 6/2/09,  
Hearing Transcript - Zoning 6/4/09

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

**Attachments:**    Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 6/2/09,  
Hearing Transcript - Zoning 6/4/09

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

LU 1106-2009      **Application no. C 070504 ZMK submitted by Columbia Commercial EnterprisesLLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, by establishing within an existing R6 District a C2-3 District bounded by a line 100 feet northeasterly of Union Street, a line 100 feet northwesterly of Columbia Street, Union Street, and a line 150 feet northwesterly of Columbia Street.**

**Attachments:**    Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 6/2/09,  
Hearing Transcript - Zoning 6/4/09, Hearing Transcript - Land Use 6/4/09

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

**Attachments:**    Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 6/2/09,  
Hearing Transcript - Zoning 6/4/09, Hearing Transcript - Land Use 6/4/09

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

**Affirmative, 9 -**

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



LU 1107-2009      **Application no. N 090185 ZRR submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, relating to Article III, Chapter 6, (Cross Access Connections in the Borough of Staten Island), Article IV, Chapter 4 (Cross Access Connections in the Borough of Staten Island), Article X, Chapter 7 (Planting and screening for open parking areas) concerning establishment of Cross Access Connections in the Borough of Staten Island.**

**Attachments:**    Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 6/2/09,  
Hearing Transcript - Zoning 6/4/09, Hearing Transcript - Land Use 6/4/09

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

**Attachments:**    Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 6/2/09,  
Hearing Transcript - Zoning 6/4/09, Hearing Transcript - Land Use 6/4/09

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

**Affirmative,**    9 -

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

LU 1108-2009      **Application no. N 090317 ZRY, 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 III, Chapter 7 (Special Urban Design Regulations concerning provisions related to privately owned public plazas).**

**Attachments:**    Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 6/2/09,  
Hearing Transcript - Zoning 6/4/09, Hearing Transcript - Land Use 6/4/09

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

**Attachments:**    Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 6/2/09,  
Hearing Transcript - Zoning 6/4/09, Hearing Transcript - Land Use 6/4/09

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

**Affirmative,**    9 -

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

Int 0979-2009      **A Local Law to amend the New York city charter, in relation to authorizing the department of transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services.**

**Attachments:** Press Release, Fiscal Impact Statement, Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09, Hearing Transcript - Land Use 6/4/09

**This Introduction was Hearing Held by Committee**

**Attachments:** Press Release, Fiscal Impact Statement, Hearing Transcript - Zoning 6/2/09, Hearing Testimony - Zoning 6/2/09, Hearing Transcript - Zoning 6/4/09, Hearing Transcript - Land Use 6/4/09

**A motion was made that this Introduction be Approved by Subcommittee approved by Roll Call.**

**Affirmative, 9 -**

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

**Enactment No: 2009/034**