

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
MONDAY, NOVEMBER 30, 2009

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**THE COUNCIL**

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*Minutes of the  
STATED MEETING*

*of*  
Monday, November 30, 2009, 2:15 p.m.

The President Pro Tempore (Council Member Rivera)  
*Acting Presiding Officer*

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	Domenic M. Recchia, Jr.
Tony Avella	Alan J. Gerson	Diana Reyna
Charles Barron	Vincent M. Ignizio	Joel Rivera
Gale A. Brewer	Robert Jackson	Ydanis A. Rodriguez
Leroy G. Comrie, Jr.	Letitia James	James Sanders, Jr.
Elizabeth S. Crowley	G. Oliver Koppell	Larry B. Seabrook
Bill de Blasio	Jessica S. Lappin	Helen Sears
Inez E. Dickens	John C. Liu	Kendall B. Stewart
Erik Martin Dilan	Melissa Mark-Viverito	Eric A. Ulrich
Mathieu Eugene	Darlene Mealy	James Vacca
Simcha Felder	Rosie Mendez	Peter F. Vallone, Jr.
Julissa Ferreras	Kenneth C. Mitchell	Albert Vann
Lewis A. Fidler	Michael Nelson	David I. Weprin
Helen D. Foster	James S. Oddo	Thomas White, Jr.
James F. Gennaro	Annabel Palma	David Yassky

Excused: Council Members Baez, Garodnick, Gioia, Gonzalez and Katz.

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

After being informed by the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the President Pro Tempore (Council Member Rivera).

*There were 46 Council Members present at this Stated Meeting (including the newly elected Council Member Ydanis A. Rodriguez).*

**Editor's Roll Call Note:** Council Member Rodriguez's name was not included on the initial Roll Call for Attendance. Upon taking the ceremonial oath at a later point in this Meeting, however, he was duly marked present and was allowed to cast his vote for the items on the LU Call-up and the General Orders calendars.

**INVOCATION**

The Invocation was delivered by: Pastor David Wright, Grace Tabernacle Christian Center, 1745 Pacific Street, Brooklyn, NY 11213

Father God we come,  
before we ask You for anything,  
we want to thank You  
for life, health and strength.  
We thank in Your name,  
and we ask that You give us guidance  
and lead us in the right direction.  
We ask for wisdom  
to make the right choices  
and the right decisions,  
in the name of our God and our Father,  
and we all say Amen.

Council Member Vann moved to spread the Invocation in full upon the Record.

**Moment of Silence**

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individuals:

Four Lakewood police officers killed in the State of Washington.

On Sunday morning November 29, 2009, four Lakewood, Washington police officers were shot and killed in a horrible attack as they were working on their laptops in a coffee house in nearby Parkland, Washington. Before they succumbed to their wounds, it is believed that one or two of the officers managed to draw his weapon and shoot the assailant before he escaped the scene. The officers killed were: Sergeant Mark Renninger, 39, with 13 years of law enforcement experience, survived by a wife and three children; Ronald Owens, 37, with 12 years of law enforcement experience, survived by a daughter and an ex-wife; Tina Griswold, 40, with 14 years of law enforcement experience, survived by her husband and two children; and Greg Richards, 42, with eight years of law enforcement experience, survived by his wife and three children.

**ADOPTION OF MINUTES**

Council Member Vacca moved that the Minutes of the Stated Council Meeting of October 14, 2009 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-1657

Communication from the Board of Elections - Submitting the Certification of Election of Ydanis A. Rodriguez as the new Council Member of the 10<sup>th</sup> Councilmanic District, New York County.

CERTIFICATE OF ELECTION

THE BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

22 BROADWAY  
NEW YORK, NY 10004

New York, November 24, 2009

The Board of Elections in The City of New York being organized pursuant to Section 9-204 of the Election Law of the State of New York, as the Board of Canvassers in the City of New York, and of each of the several Counties therein, and having canvassed the official returns for the City of New York and each of the respective counties therein, and made and filed separate tabulated statements of the votes cast in the

CITY OF NEW YORK – COUNTY OF NEW YORK

for the office of

MEMBER OF THE CITY COUNCIL

at the General Election 2009 held in said City or County or Borough thereof on November 03, 2009, and the said Board of Canvassers having ascertained and determined by the official statements and returns hereof duly recorded and filed, who was by the greatest number of votes elected to such office, now herefore, I DO HEREBY CERTIFY that

YDANIS A RODRIGUEZ

was by the greatest number of votes given at the said election declared by said Canvassing Board to be elected to the office of

MEMBER OF THE CITY COUNCIL  
10<sup>TH</sup> COUNCIL DISTRICT  
CITY OF NEW YORK  
STATE OF NEW YORK

Given at the office of the Board of Elections in the City of New York, Tuesday, November 24, 2009.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Executive Director

Received, Ordered, Printed & Filed.

M-1658

Communication from the Office of the City Clerk – Submitting the Certificate of the swearing in of Ydanis A. Rodriguez, as the new Council Member of the 10<sup>th</sup> Council District, New York County.

THE CITY OF NEW YORK  
OFFICE OF THE CITY CLERK  
141 WORTH STREET  
NEW YORK, N.Y. 10013

I, \_\_\_\_\_ YDANIS RODRIGUEZ

do solemnly swear, that I will support the Constitution of the United States of America and the Constitution of the State of New York and the Charter of the City of New York, and that I will faithfully discharge the duties of the office of

COUNCIL MEMBER

in the 10<sup>TH</sup> DISTRICT, BOROUGH OF MANHATTAN

of THE CITY OF NEW YORK, according to the best of my ability.

Subscribed and sworn before me this 24<sup>th</sup> day of November, 2009

\_\_\_\_\_  
YDANIS RODRIGUEZ

\_\_\_\_\_  
PATRICK L. SYNMOIE  
ACTING CITY CLERK

and filed in the Office of the City Clerk, this 24<sup>th</sup> day of NOVEMBER, 2009

\_\_\_\_\_  
PATRICK L. SYNMOIE  
ACTING CITY CLERK

Received, Ordered, Printed & Filed.

**Ceremonial Swearing-in of newly-elected Council Member Ydanis A. Rodriguez**

*At this point, the City Clerk and Clerk of the Council (Mr. McSweeney) performed the formal ceremonial swearing-in of newly elected Council Member Ydanis A. Rodriguez.*

*Editor's Note: Council Member Rodriguez won the November 3, 2009 election to serve as Council Member to the people of the 10<sup>th</sup> Council District (Manhattan) for the remainder of 2009 as well as for the entire 2010-2013 four year term. He was officially sworn-in as Council Member on November 24, 2009 at the Office of the City Clerk.*

M-1659

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Pace Car Service., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

**TLC** NEW YORK CITY  
TAXI & LIMOUSINE  
COMMISSION

Licensing & Standards Division  
32-02 Queens Boulevard, 2<sup>nd</sup> Floor  
Long Island City, New York 11101-2324  
Tel: 212.227.6324 Fax: 718-391-5786

Matthew W. Daus, Commissioner/Chair

November 20, 2009

The Honorable Speaker Christine C. Quinn  
Attention: Mr. John Lisysanskiy  
Council of the City of New York  
City Hall  
New York, New York 10007

Re: Taxi & Limousine Commission  
For-Hire Vehicle Base License approvals

Dear Speaker Quinn:

Please be advised that on November 19, 2009 the Taxi & Limousine Commission voted to approve the following 27 for-hire-vehicle base license applications:

NEW (2):	LICENSE #	COUNCIL DISTRICT
Pace Car Service	B02347	44
Pia Car Limo. Inc.	B02346	40
RENEWALS (16):	LICENSE #	COUNCIL DISTRICT
Advantage Car & Limo. Service	B02071	33
Brook Car & Limo. Service Inc.	B01313	16
Dreamland Car & Limo. Service	B01979	42
Evergreen Trans. Inc. D/b/a Skyway	B01593	24
Fanny Radio Dispatcher Service Inc.	B01433	28
Habirah Inc. D/b/a Elat Car & Limousine	B00378	44
Keykab Service Inc.	B01435	9
Lindenbaum Supply Co. Inc. D/b/a Court Express Car & Limo. Service	B01451	39

New Way Car Service Inc.	B02178	31
Premium Radio Dispatcher & Multi Service	B01777	7
Supreme Edenwald Car Service Inc.	B00743	12
Two Way Black Cars & Radio Group	B01743	8
United Express Car & Limo. Service	B01109	36
U.P.S. Radio Dispatcher Corp.	B01651	18
Webster Car Service Inc.	B00911	15
Van Wyck Express Car Service Inc.	B02189	33
<b>RENEWAL &amp; RELOCATION (2):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Kings Plaza Car & Limo. Inc.	B02121	42
N.Y.C. Star Limousine & Car Service Corp.	B01991	37
<b>RENEWAL &amp; OWNERSHIP CHANGE (3):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Central Car Services, Inc.	B00625	21
The Central Radio Dispatch Inc.	B01739	37
Towncar Transportation, Inc. D/b/a New Topacio Car Service	B01675	34
<b>RENEWAL, OWNERSHIP CHANGE &amp; NAME CHANGE (1):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Mazin Car & Limo. Service	B02050	32
<b>RELOCATION (1):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
W.K. Car & Limo. Service Inc.	B01721	1
<b>RELOCATION, OWNERSHIP CHANGE &amp; NAME CHANGE (1):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Red Hook Car & Limo. Service, Inc. (to be changed to Norwood Car & Limo. Inc.)	B02308	37

The complete application package compiled for each of the above bases is available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at 718-391-5697.

Please find enclosed herein the original application for each of the approved base stations.

Very truly yours,

Georgia Steele-Radway  
 Director of Applicant Licensing  
 Taxi & Limousine Commission

Printed on paper containing 30% post-consumer material.

Referred to the Committee on Transportation.

M-1660

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Pia Car Limo. Inc., Council District 40, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1661

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Advantege Car & Limo. Service., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1662

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Brook Car & Limo. Service Inc., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1663

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Dreamland Car & Limo. Service., Council District 42, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1664

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Evergreen Trans. Inc., Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1665

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Fanny Radio Dispatcher Service Inc., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1666

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Habirah Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1667

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Keykab Service Inc., Council District 9, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1668

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Lindenbaum Supply Co. Inc., Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1669

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Way Car Service Inc., Council District 31, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1670

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Premium Radio Dispatcher & Multi Service., Council District 7, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1671

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Supreme Edenwald Car Service Inc., Council District 12, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1672

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Two Way Black Cars & Radio Group., Council District 8, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1673

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license United Express Car & Limo. Service., Council District 36, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1674

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license U.P.S. Radio Dispatcher Corp., Council District 18, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1675

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Webster Car Service Inc., Council District 15, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1676

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Van Wyck Express Car Service Inc., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1677

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and relocation base station license Kings Plaza Car & Limo. Inc., Council District 42, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1678

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and relocation base station license N.Y.C. Star Limousine & Car Service Corp., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1679

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Central Car Services, Inc., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1680

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license The Central Radio Dispatch Inc., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1681

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Towncar Transportation, Inc., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1682

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, ownership and name change base station license Mazin Car & Limo. Service., Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1683

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license W.K. Car & Limo. Service Inc., Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1684

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation, ownership and name change base station license Red Hook Car & Limo. Service, Inc., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-1659 printed above in this Communication from City, County and Borough Offices section of these Minutes.)

Referred to the Committee on Transportation.

M-1685

Communication from the Department of Citywide Administrative Services – Proposal to exchange a city owned property at 250 Baltic Street in the Borough of Brooklyn for State-owned property located at 338 Forbell Street in the Borough of Brooklyn, Pursuant to NYS General Municipal Law Section 72-h.

November 19, 2009

Sent via email and regular mail

Speaker Christine C. Quinn  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Quinn:

The Department of Citywide Administrative Services proposes to exchange a City-owned property located at 250 Baltic Street (Block 312, Lot 24) in the Borough of Brooklyn for State-owned property located at 338 Forbell Street (Block 4258, Lots 34 & 36) in the Borough of Brooklyn, pursuant to NYS General Municipal Law Section 72-h. Upon conveyance, the City will retain office space at 250 Baltic Street for continued use by Community Board No. 6 pursuant to a lease issued by the State to the City.

This action is intended to promote the continued use and future control of each property by the current occupants. This exchange will grant the State of New York ownership of 250 Baltic Street, now known as The Baltic Street Advocacy, Employment, Housing, Inc., which has been occupied as a mental health clinic for over 30 years. Community Board No. 6 will retain its office space as they have since 1990. The City of New York will acquire 338 Forbell Street, also known as The Forbell Shelter for continued use as a Department of Homeless Services traditional homeless facility as it has for nearly 20 years. There is no monetary consideration for this exchange transaction since both properties are determined to be equivalent in value.

NYS General Municipal Law Section 72-h provides that this exchange is subject to disapproval by the City Council within thirty days following receipt of mayoral approval of the transaction. A voluntary public hearing in this matter was held on Tuesday, November 10, 2009 and mayoral authorization was obtained on November 12, 2009.

I enclose the Mayoral Authorization Document and request that this exchange be reviewed by the City Council pursuant to NYS General Municipal Law Section 72-h within thirty days of the date of this correspondence. Thank you for your consideration of this matter.

Sincerely,

Martha K. Hirst

Enclosure

C: Gail Benjamini, Director, Land Use Division  
Lori Fienstein

Referred to the Committee on Land Use.

#### LAND USE CALL UPS

M-1686

By The Speaker (Council Member Quinn):

**Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 800 Seventh Avenue, Community Board 5, Application 20105193 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-1687

By Council Member Koppell:

**Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 5693 Riverdale Avenue, Community Board 8, Application 20095681 TCX shall be subject to review by the Council.**

Coupled on Call – Up Vote

#### LAND USE CALL UP VOTE

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

**Affirmative** –Arroyo, Avella, Barron, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Gennaro, Gentile, Gerson, Ignizio, Jackson, James, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone Jr., Vann, Weprin, White, Yassky, Oddo, Rivera and the Speaker (Council Member Quinn) – **46**.

At this point, the President Pro Tempore (Council Member Rivera) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittees.

#### REPORTS OF THE STANDING COMMITTEES

##### Reports of the Committee on Environmental Protection

Report for Int. No. 935-A

**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to backflow prevention device reporting and certification.**

The Committee on Environmental Protection, to which the annexed amended proposed local law was referred on February 26, 2009 (Minutes, page 599), respectfully

#### REPORTS:

#### I. Introduction

On Thursday, November 30, 2009 the Committee on Environmental Protection will hold a hearing on Int. No. 935-A, a Local Law to amend the administrative code of the city of New York, in relation to backflow prevention device reporting and certification.

#### II. Background

On May 1, 2007, tetrachoroethylene, also know as perchlorethylene, was detected in a DEP water sampling station in southeast Queens. Tetrachoroethylene is a neurotoxin and probable carcinogen<sup>1</sup>. Subsequent sampling of wells in the aquifers in southeast Queens found perc at levels nearly twice the maximum safe level.<sup>2</sup> There had been contamination of the public water supply system. On March 28, 2008, Lincoln Center was cited by the New York City Department of Health and Mental Hygiene for having plumbing not properly installed or maintained and anti-siphonage or backflow prevention devices had not been provided resulting in “food not protected from a potential source of contamination during storage, preparation, transportation, display or service”.<sup>3</sup>

Both incidents, which resulted in contamination of the potable drinking water supply, were due to cross-connections—improper plumbing links—that permitted contaminated materials to enter a potable water supply.<sup>4</sup> According to the United States Environmental Protection Agency (EPA), plumbing is often installed by persons who are “unaware of the inherent dangers of cross connections”.<sup>5</sup> Sometimes these connections are made simply as a matter of convenience without regard to the dangerous situations that they might create.<sup>6</sup> Alternatively, cross-connections may be created by individuals who rely on inadequate protection such as a single valve or other mechanical device instead of the proper device.<sup>7</sup> Education respecting the dangers of cross-connections and backflow prevention is crucial to prevention from the dangers of cross-connections.

Both incidents also highlight the need for cross control inspections and backflow device inspection and testing for certain properties. The responsibility for undertaking these inspections lies with the drinking water supplier.

#### III. Statutory Authority

Article 225 of the Public Health Law authorizes the Public Health Council, created within the New York State Department of Health, to establish, amend and repeal a State Sanitary Code to preserve and improve public health. 10 NYCRR Section 5-1.31 directs the supplier of water to protect the public water from potential contamination within the premises of the water user. In order to carry out its responsibility pursuant to the Public Health Law, the Department of Environmental Protection (“DEP”), as a supplier of water, must determine if a facility poses a potential hazard to the City’s water supply.<sup>8</sup> If a facility should pose a hazard due to its operations, the Commissioner is required to direct the installation by the owner of an approved backflow prevention device.<sup>9</sup> Should the building owner fail to comply with the directive of the Commissioner, he or she is subject to enforcement actions, such as cease and desist orders, civil or criminal actions, fines or penalties and even, ultimately, termination of the water supply to the building or any portion of the facility.<sup>10</sup>

As a result of Public Health Law Article 225 and 10 NYCRR 5-1.31, the department has been under a continuing obligation to identify facilities that pose a hazard to the City’s drinking water supply and require the installation of a backflow device since 1981. Nevertheless, the department has not yet completed the task of identifying hazardous facilities and assuring compliance with Article 225 of the Public Health Law. As recently as last year, at an oversight hearing, the department committed to completing this task by the hiring of an outside consultant who was supposed to have undertaken and finished this task. Seventeen months after that oversight hearing, the task is still not done. It is the intention of this bill to make DEP’s activities in this area more transparent.

Some businesses, such as commercial car washing facilities using City water, are required to install an approved backflow prevention device.<sup>11</sup> Other businesses,<sup>12</sup> such as hospitals, funeral homes and mortuaries, laboratories, chemical plants and sewage treatment plants<sup>13</sup> use substances that may endanger the health of the public if introduced into the public water system.<sup>14</sup> Using the Department of Health guidelines, DEP staff has also identified certain building types as presenting a higher than average risk. The building types include factories and industrial buildings, garages and gasoline stations, health care facilities, store buildings, loft buildings, office buildings, pools,

for the Lower Ma\_\_\_\_\_

<sup>1</sup> Agency for Toxic Substances and Disease Registry, ToxFAQs, www.atsdr.cdc.gov/facts18.html.

<sup>2</sup> Anthony DePalma, Contaminated Water in Queens is a Repeat Performance, New York Times, May 11, 2007.

<sup>3</sup> Ronald Blum, Associated Press, NYC Health Department: Mice at Met Opera, Entertainment News, May 28, 2008. Shouldn’t something here be underlined or in quotes?

<sup>4</sup> United States Environmental Protection Agency, Office of Water, Office of Ground Water and Drinking Water, Cross Connection Control Manual, Technical Corrections 2003, at p. 1.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> 15 RCNY § 20-04 (d) (1).

<sup>9</sup> Id.

<sup>10</sup> 15 RCNY § 20-04 (d) (3).

<sup>11</sup> 15 RCNY §20-08 (a) (8).

<sup>12</sup> 15 RCNY §20-10.

<sup>13</sup> Id.

<sup>14</sup> 15 RCNY §20-10.

marinas and yacht clubs, transportation facilities, schools and universities, cemeteries and certain governmental facilities.<sup>15</sup>

The State Public Health Law and the rules of the Department of Environmental Protection make it abundantly clear that “users of a public water system shall prevent cross connections between the potable water piping system and any other piping system within the premises.”<sup>16</sup> Restaurants are also required to have proper plumbing connections and prevent contamination of the City water supply or backflow into the City water supply.<sup>17</sup> Even pool owners are expected to protect the potable water supply from inter-connection or cross-connection to any potential source of contamination including, but not limited to backflow or back siphonage.<sup>18</sup>

### III. What is Backflow and Backsiphonage?

“Backflow is any unwanted flow of used or non-potable water or any other substances from any domestic, industrial or institutional piping back into the potable water distribution system.”<sup>19</sup> When backflow takes place, water flows in the opposite direction than that intended because a potable system is connected to a nonpotable supply under higher pressure than the distribution system as a result of a pump, boiler or elevation difference. There need not be a drop in the distribution system pressure for backpressure to happen.<sup>20</sup> Backsiphonage, by contrast, is backflow caused by negative pressure in a portion of the distribution system below ambient pressure on the distribution system as a result of water main breaks, firefighting efforts or any higher demand situation.

### V. Health Effects of Backflow or Back Siphonage into Potable Water

According to the United States Environmental Protection Agency, cross-connections and backflow are a significant public health risk.<sup>21</sup> The Centers for Disease Control reports that fifty-seven cross-connection-related water borne disease outbreaks resulted in 9,734 cases of illness between 1981 and 1998.<sup>22</sup> When back pressure or back siphonage occurs, chemical contaminants, pesticides, metals, synthetic or volatile organic compounds and biological contaminants can enter into potable water and cause illness.

According to information EPA obtained from national backflow incident records, the most common chemical contaminants of potable water include copper, chromium, ethylene glycol, detergents, chlordane and Malathion.<sup>23</sup> These chemical contaminants have been known to cause illness and have even caused death. For example, as a result of back pressure, ethylene glycol from a hospital air conditioning system was introduced into the potable water system of a New York City hospital<sup>24</sup> and a woman undergoing dialysis died as a result.<sup>25</sup> Backflow events associated with metal contamination have resulted in numerous instances of gastrointestinal illnesses.<sup>26</sup> Chromium contamination from a cross-connection at Skidmore College caused five people to become nauseated.<sup>27</sup>

The most common microbial contaminants are E. Coli, Shigella, Salmonella, Campylobacter jejuni (the primary cause of bacterial diarrhea in the United States), Cyanobacteria, Norwalk virus, the Norwalk-like virus and Giardia.<sup>28</sup> Bacterial contaminants typically result in a variety of internal and intestinal disorders.

### VI. Preventing Backflow of Contaminants Into the City’s Potable Water Supply

As noted earlier, backflow into the public water distribution system can be prevented by not creating cross-connections, by eliminating cross connections, by educating the public to prevent cross-connections and by correcting cross-connections that are found by installation of proper backflow devices or assemblies.<sup>29</sup> However because new cross-connections routinely are created, it is also useful to create impediments to backflow by installation of backflow prevention devices and assemblies.<sup>30</sup>

Not all cross-connections present the same degree of risk and it is important to focus first on “high-hazard” situations. A high hazard is more likely to result in the introduction of contaminants or pollutants into the public drinking water system and more likely to cause adverse health impacts. Therefore, installation of backflow devices is more suitable in high hazard situations. In order to determine when backflow prevention devices should be required, municipal water suppliers will typically conduct a hazard assessment. This will permit water suppliers such as New York City DEP to focus limited enforcement resources on areas that present the greatest risk.

Better reporting of backflow incidents, education, cross-connection inspections, testing and repair can go a long way in preventing potable water contamination due to backflow. If contamination does take place, all customers served by the system

for the Lower Ma\_\_\_\_\_

<sup>15</sup> Letter of Joel Miele, Sr., P.E, dated July 13, 1999, to Hon. Archie Spigner, Chair of the Committee on Housing and Buildings.

<sup>16</sup> Public Health Law § 225 10 NYCRR Subpart 5, part 5-1.31 (c)

<sup>17</sup> 24 RCNY § 81.21 (a).

<sup>18</sup> 24 RCNY §165.43 (a) (2).

<sup>19</sup> Id. at p. 2.

<sup>20</sup> Id. at p. 3.

<sup>21</sup> Id. at p. 35.

<sup>22</sup> Id.

<sup>23</sup> Id. at p. 9.

<sup>24</sup> Id. at p. 10.

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Id.

<sup>28</sup> Id.

<sup>29</sup> Id. at p. 23.

<sup>30</sup> Id.

must be notified.<sup>31</sup> Where acute detrimental health effects are possible, notification of the populations that may be affected must take place expeditiously.<sup>32</sup> Where the area of contamination can be isolated, typically the system will be flushed. If the area of contamination cannot be isolated, flushing the contamination from the system might require a large commitment of resources.<sup>33</sup> In some situations, flushing might not remove contaminants; physical cleaning might not be effective and contaminated piping might, therefore, even have to be replaced.<sup>34</sup>

It was reported in 1999 that New York City had as many as 22,765 buildings that could be categorized as high hazard.<sup>35</sup> However, it is currently not clear how many high hazard buildings remain or the risk that they present. However, it is beyond dispute that cross-connections and backflow can present a human health risk and have, on occasion, caused deaths. The public is entitled to expect that when they turn on their faucets, potable water and not waste water or water with chemicals or biological contaminants will emerge. Today’s legislation will focus on measures designed to reduce backflow incidents.

### VI. Bill Discussion

#### Int. No. 935-A

Subdivision (a) of new §24-343.1 provides definitions of certain terms used in that section.

The terms defined are “Backflow”, backsiphonage”, “Backflow prevention device”, “Cross connection” and “Hazardous facility”.

The definitions of “backflow” and “backsiphonage” have changed. The revised bill defines “Backflow” to mean a flow condition, induced by a differential in pressure, that causes the flow of water or other liquids and/or gases into the distribution of pipes of a city water main, private water main, or to an internal water main from any source other than its intended source. “Backsiphonage” is defined as the backflow of contaminated or polluted water, or water of questionable quality from a plumbing fixture or other source, into a city water main, private water main, or to an internal water main due to a temporary negative or sub-atmospheric pressure within the public water supply system.

“Backflow and backsiphonage” was previously defined as the reversal of the normal direction of flow in a system caused by a negative pressure (vacuum or partial vacuum) in the supply piping.

“Backflow prevention device” means an approved air gap, reduced pressure zone device or double check valve assembly used to contain potential contamination within a facility.

“Cross connection” means a physical connection or arrangement between two separate piping systems where one system contains potable water and the other contains steam, gas, a chemical, or nonpotable water, and there may be a flow from one system to the other.

“Hazardous facility” means a facility in which substances may be present that may endanger the health of other water users if introduced into the public water system, including but not limited to, laboratories, sewage treatment plants, chemical plants, hospitals and mortuaries.

The definition of “High hazardous facility” has been removed from the final bill. “High hazardous facility” was previously defined as a buildings or space classified in the high hazard occupancy group when they are used for storing, manufacturing, or processing potentially-explosive products or materials, or highly-combustible or highly-flammable products or materials that are likely to burn with extreme rapidity

The definitions of “licensed master plumber” and “licensed plumber” have been removed as no longer necessary because former subdivision (b) which required plumbers to report the presence of a cross connection has been deleted.

New subdivision (b) requires that when the department or the owner or operator of a building or structure has determined that the possibility of backflow or backsiphonage of hazardous materials from such building or structure into a city water main, private water main, or to an internal water main exists because there is a crossconnection and no backflow prevention device, the owner or operator of such building or structure is be under a duty to correct such backflow or backsiphonage and certify to the Department that a backflow prevention device has been installed and where appropriate, that a backflow device has been replaced. Subdivision (b) also requires that where removal of a cross-connection or installation or replacement of a backflow device has been performed as part of a project for which a licensed professional engineer or registered architect has submitted plans that have been approved by the department, such licensed professional engineer or registered architect shall inspect and submit to the Department a certification that the cross-connection has been removed or a backflow prevention device installed or replaced in conformity with the plans approved by the Department or the Department of Buildings.

Subdivision (c) that the department send out a mailing to or shall otherwise notify owners or operators of facilities identified by the department as potentially requiring backflow prevention devices informing them of the potential need for such a device and of the process for installation of backflow prevention devices under the auspices of the cross connection control program. The materials contained in such mailing must be translated into the six languages provided for in section 8-1002 of this code.

for the Lower Ma\_\_\_\_\_

<sup>31</sup> 65 FR 25982.

<sup>32</sup> Id.

<sup>33</sup> Id.

<sup>34</sup> Id. at p. 34.

<sup>35</sup> Letter of Joel Miele, Sr., P.E, dated July 13, 1999, to Hon. Archie Spigner, Chair of the Committee on Housing and Buildings

Subdivision (d) requires that on or before January 1, 2010, the department must submit a report to the Council setting forth the number of hazardous facilities and all other facilities which the department knows have had required backflow prevention devices installed and the number of facilities in each category that have been notified by the department of the need to install one or more backflow prevention devices. Subdivision further requires that every July first and January first thereafter, the department must submit a report to the council setting forth the number of facilities in each category for which one or more backflow prevention devices were installed since the last report was required, the number of facilities in each category that have been newly notified by the department of the need to install such devices, and the number of violations issued by the department for the failure to install a required backflow prevention device.

Section § 4 states that this local law shall take effect ninety days after enactment.

(The following is from the text of the Fiscal Impact Statement for Int. No. 935-A:)

**FISCAL IMPACT STATEMENT:**

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** There would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** The Department of Environmental Protection and the City Council Finance Division

**ESTIMATE PREPARED BY:** Jonathan Rosenberg, Deputy Director  
Nathan Toth, Assistant Director

**HISTORY:** Introduced as Int. 935 by Council and referred to the Committee on Environmental Protection on February 26, 2009. On November 19, 2009, the Committee held a hearing and Int. 935 was laid over. An amendment has been proposed, and the bill will be considered by Committee as Proposed Int. 935-A on November 30, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 935-A:)

Int. No. 935-A

By Council Members Gennaro, Comrie, Fidler, James, Koppell, Nelson, Weprin, Gerson, White, Jackson, Recchia, Vallone Jr., Liu, Sears, Crowley and Eugene.

**A Local Law to amend the administrative code of the city of New York, in relation to backflow prevention device reporting and certification.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that plumbing cross-connections, points in the plumbing system where it is possible for wastewater, industrial fluids, gas or substances other than the intended potable water, to come into contact with the potable drinking water supply, are a significant public health risk. Backflow of non-potable water or other substances from cross connections may take place when water flows in the opposite direction than that intended because a potable system is connected to a nonpotable supply under higher pressure than the distribution system as a result of a pump, boiler or elevation difference. Backsiphonage of nonpotable water from cross connections may take place when negative pressure in a portion of the distribution system is below ambient pressure in the distribution system as a result of water main breaks, firefighting efforts or any high demand situation.

According to the United States Environmental Protection Agency (EPA), plumbing is often installed by persons who are "unaware of the inherent dangers of cross connections". Backflow and backsiphonage into the public water distribution system can be prevented by not creating cross-connections, by eliminating existing

cross connections, and by educating the public to prevent cross-connections. However, because new cross-connections are routinely created, it is also useful to create impediments to backflow or backsiphonage by installation of backflow prevention devices and assemblies. The Council further finds that an annual filing of proof that an approved backflow prevention device was installed by any owner or operator of a facility that uses hazardous materials or that is legally required to install such a device would help to reduce the potential adverse impacts from cross-connections.

§2. Chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-343.1 to read as follows:

§24-343.1 *Backflow prevention device reporting.* a. For purposes of this section the following terms shall have the following meanings:

(1) "Backflow" shall mean a flow condition, induced by a differential in pressure, that causes the flow of water or other liquids and/or gases into the distribution of pipes of a city water main, private water main, or to an internal water main from any source other than its intended source.

(2) "Backsiphonage" shall mean the backflow of contaminated or polluted water, or water of questionable quality from a plumbing fixture or other source, into a city water main, private water main, or to an internal water main due to a temporary negative or sub-atmospheric pressure within the public water supply system.

(3) "Backflow prevention device" shall mean an approved air gap, reduced pressure zone device or double check valve assembly used to contain potential contamination within a facility.

(4) "Cross connection" shall mean a physical connection or arrangement between two separate piping systems where one system contains potable water and the other contains steam, gas, a chemical, or water of questionable safety, and there may be a flow from one system to the other.

(5) "Hazardous facility" shall mean a facility in which substances may be present that may endanger the health of other water users if introduced into the public water system, including but not limited to, laboratories, sewage treatment plants, chemical plants, hospitals and mortuaries.

b. When the department or the owner or operator of a building or structure has determined that there is a cross connection and no backflow prevention device, or a defective or unapproved device, such that there is a possibility of backflow or backsiphonage from such building or structure into a city water main, private water main, or to an internal water main, the owner or operator of such building or structure shall be under a duty to correct such potential or actual backflow or backsiphonage and provide the proper documentation to certify to the department that a backflow prevention device has been installed and where appropriate, that a backflow prevention device has been replaced. Where removal of a cross-connection or installation or replacement of a backflow prevention device has been performed as part of a project for which a licensed professional engineer or registered architect has submitted plans that have been approved by the department, such licensed professional engineer or registered architect shall inspect and submit to the department a certification that the cross-connection has been removed or a backflow prevention device installed or replaced in conformity with plans approved by the department or the department of buildings.

c. The department shall send out a mailing to or shall otherwise notify owners or operators of facilities identified by the department as potentially requiring backflow prevention devices informing them of the potential need for such a device and of the process for installation of backflow prevention devices under the auspices of the cross connection control program. The materials contained in such mailing shall be translated into such languages provided for in section 8-1002 of this code.

d. On or before January 1, 2010, the department shall submit a report to the council setting forth the number of hazardous facilities and all other facilities which the department knows have had required backflow prevention devices installed and the number of facilities in each category that have been notified by the department of the need to install one or more backflow prevention devices. Every July first and January first thereafter, the department shall submit a report to the council setting forth the number of facilities in each category for which one or more backflow prevention devices were installed since the last report was required, the number of facilities in each category that have been newly notified by the department of the need to install such devices, and the number of violations issued by the department for the failure to install a required backflow prevention device.

§3. This local law shall take effect ninety days after enactment.

JAMES F. GENNARO, Chairperson; BILL de BLASIO, G. OLIVER KOPPELL, DOMENIC M. RECCHIA JR., PETER F. VALLONE JR., MELISSA MARK-VIVERITO, MATHIEU EUGENE, ELIZABETH CROWLEY, Committee on Environmental Protection, November 30, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).



Report for Int. No. 998-A

**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the concurrent performance of demolition work and asbestos abatement activities within the same building.**

The Committee on Environmental Protection, to which the annexed amended proposed local law was referred on May 20, 2009 (Minutes, page 2019), respectfully

**REPORTS:**

**I. Introduction**

On November 30, 2009, the Committee on Environmental Protection will hold a vote on Proposed Int. No. 998-A, a Local Law to amend the administrative code of the city of New York, in relation to the concurrent performance of demolition work and asbestos activities within the same building. A previous hearing was held on this bill in May of 2009.

**II. Background**

On August 18, 2007, a fire in the former Deutsche Bank Building at 130 Liberty Street in Manhattan led to the deaths of New York City Firefighters Joseph Graffagnino, Jr., and Robert Beddia and resulted in injuries to several others. As early as August 20, 2007 the FDNY announced it was investigating the possibility that the fire was caused by a discarded cigarette on the 17<sup>th</sup> floor,<sup>1</sup> which later investigations concluded was the cause.<sup>2</sup> The FDNY also concluded shortly thereafter that there was no working standpipe in the building at the time of the fire.<sup>3</sup> These and other findings, including problems with the safety of asbestos abatement activity, led Council Members to pursue legislative solutions to the problems being uncovered and prompted the City of New York to undertake a comprehensive review of the way construction, demolition, and abatement operations are regulated and conducted in the City.<sup>4</sup> Proposed Int. No. 998-A is one of a package of twelve bills that resulted from a collaborative process between the Administration and the Council. These bills combine the findings and recommendations of a Working Group “the Group” called for by the Mayor on this subject<sup>5</sup> with legislative proposals put forth by Council Members in the wake of the fire. They are collectively intended to improve construction, demolition, and asbestos abatement procedures in the City of New York. All eleven of the other bills proposed as part of this package have been passed by the Council and signed into law by the Mayor. Proposed Int. No. 998-A is the last remaining bill of the package.

**III. New York City Asbestos Abatement Operations**

The Group convened by Deputy Mayor Skyler in the fall of 2007 reviewed how the City regulates construction, demolition and abatement operations.<sup>6</sup> The Group issued its Report in July of 2008, which report, among other things, gave a detailed description of Abatement and Demolition Operations, including flowcharts to describe these processes. Abatement operations are highly regulated and, for large abatement projects, include extensive site preparation and post-abatement clean up in accordance with the DEP abatement rules. These rules set for the requirements for the installation of worker decontamination systems, the erection of partitions, extensive pre-cleaning and other steps that must take place prior to abatement. During abatement, the contractor is required to, among other things, maintain emergency/fire exits or establish alternative exits, and to seal entries not used for worker entry or emergencies.<sup>7</sup>

Asbestos containing material must be removed using a “wet method,” which prevents the spread of fibers. After stripping, the abatement area must be cleared to remove all visible residue. Finally, the Abatement Contractor must apply a thin coat of pigmented encapsulating agent to all surfaces in the work area from which ACM was removed, to seal-in non-visible fibers. Large asbestos jobs are required to use negative air pressure ventilation equipment, a portable local exhaust system designed to contain fibers within the containment area. The negative air pressure ventilation equipment must operate 24 hours a day from the time isolation barriers are established, through successful clearance air monitoring. Throughout the abatement process, an independent Air Monitoring Technician takes air samples to check that levels of airborne fibers are within the prescribed limits, and the abatement contractor must maintain a project logbook that records inspections and personnel on site. Under the rules, the Contractor is required to check exits daily for the duration of abatement work.

**IV. New York City Demolition Operations**

The Report also details the demolition process in the City. As indicated in the Report, DOB has primary responsibility for regulating full and partial demolitions and administers a regulatory framework established under the New York City Charter and the new Construction Codes. Pursuant to that authority, DOB issues demolition permits upon approval of applications and other required paperwork for full demolitions, and conducts inspections of demolition sites.

A demolition permit is required when a building is to be completely removed, including the foundation. Once the building is ready to be demolished, DOB’s Building Enforcement Safety Team (BEST) conducts inspections of demolition sites. Demolition sites are subject to a minimum of three inspections to enforce site safety requirements, and a special permit is required to use mechanical equipment like a backhoe to conduct demolition.<sup>8</sup> Under DOB’s current standard operating procedures, ACM must be abated before demolition can commence, though in certain circumstances, abatement and demolition may occur simultaneously.<sup>9</sup>

**V. Proposed Changes to Regulation of Simultaneous Asbestos Abatement and Demolition**

Due to the density of development in New York City, high rise buildings cannot be demolished by explosive charges but must be dismantled using acetylene

torches to cut structural steel. The use of acetylene torches presents a significant fire hazard, but when asbestos abatement is undertaken at the same time as demolition, the potential for fire injuries increase because abatement requires the construction of isolation barriers to separate, contain, and seal the areas undergoing abatement from other areas within a building that are not going through that process.<sup>10</sup> The barriers constructed within the stairwells on containment floors at the Deutsche Bank building were horizontal barriers consisting of plywood and steel framing covering the stairwell and supported by 2 x 3 wooden braces. These structures contained a hinged escape hatch that opened upward. The barriers were then covered with six millimeter plastic sheeting and sealed with tape, glue and foam.

It has been reported that these asbestos remediation containment barriers delayed firefighters’ attack on the fire above the 15th floor, and prevented retreat below the 14th floor. Firefighters entering the building had no idea that horizontal containment barriers existed or how they had been constructed. In the smoky conditions that developed, they had difficulty breaking through the sealed plastic sheeting and the plywood covering the stairwells. Moreover, numerous firefighters were trapped on the 14th floor between the stairwell containment barriers. Unable to escape, firefighters Joseph Graffagnino and Robert Beddia, died on the fifteenth floor.<sup>11</sup> During most demolition jobs that require asbestos abatement, all ACM must be removed prior to the commencement of work. However, the Administrative Code authorizes DEP to grant variances from any requirements imposed on asbestos abatement activities, and DEP’s rules provided that abatement and demolition could proceed simultaneously provided that certain criteria were met. The Group found that although DEP rules established a framework for simultaneous abatement and demolition, the available guidance to conduct and oversee these complex operations was not well-defined.<sup>12</sup> Therefore, the Group recommended that simultaneous abatement and demolition be strictly limited and that for a variance granted by DEP, a review by DOB and FDNY should be included.<sup>13</sup> Proposed Int. No. 998-A seeks to implement that recommendation in the hope that future tragedies can be avoided. The proposed local law limits concurrent asbestos abatement and demolition work unless a site-specific variance has been issued by DEP, in consultation with FDNY and DOB to ensure the safety of the activity.

**VI. Bill Discussion – Proposed Int. No. 998-A**

Proposed Int. No. 998-A amends the Administrative Code of the City of New York, limiting the simultaneous performance of demolition work and asbestos abatement activity within the same building.

Section 1 adds a new subdivision (o) to section 24-146.1 of the Administrative Code. Paragraph (1) of new subdivision (o) explicitly prohibits simultaneous demolition and abatement except as provided in this subdivision. Paragraph (2) requires that, prior to receiving a permit for full demolition, the owner of a building to be demolished submit a certification from DEP to DOB that the building contains no asbestos-containing material or documentation from DEP that a variance has been granted from this requirement. Paragraph (3) requires that, prior to receiving a permit for alteration to remove one or more stories of a building, the building owner shall submit to DOB either a DEP certification that the floors are free of asbestos-containing material or documentation of a DEP variance from this section. Paragraph (4) specifies that any variance issued by the Commissioner of Environmental Protection must notify and consult with the Commissioner of Buildings and the Fire Commissioner regarding appropriate safeguards for such work. An asbestos abatement permit must also be issued pursuant to section 24-146.3 of the Administrative Code for any asbestos abatement work performed pursuant to such variance. Paragraph (5) requires the Commissioner of Environmental Protection to post notice of any variance granted under this subdivision online within 7 days. Paragraph (6) stipulates that this subdivision shall not apply to full demolitions or removal of one or more stories when performed as emergency work pursuant to article 215 of Chapter 2 of Title 28 of the Administrative Code.

Section 2 amends new Article 106 of the Building Code (as added by Local Law 37 of 2009, another of the “Deutsche Bank” bills) of Chapter 1 of Title 28 of the Administrative Code. It creates new sections 28-106.1.1 and 28-106.1.2. New section 28-106.1.1 prohibits the Commissioner of Buildings from issuing a full demolition permit unless the owner of the building provides certification from DEP that the building is either free of asbestos-containing material or has received a variance from this requirement from the Commissioner of Environmental Protection. New section 28-106.1.2 prohibits the Commissioner of Buildings from issuing a permit for the removal of one or more stories of a building unless the owner of the building provides certification from DEP that the stories to be removed are either free of asbestos containing material or have received a variance from this requirement from the Commissioner of DEP. Exceptions to both of these sections are provided in the case of demolition performed as emergency work pursuant to Article 215 of Chapter 2 of Title 28.

Section 3 provides that this local law shall take effect 180 days after its enactment, but the Commissioner of Environmental Protection and the Commissioner of Buildings may in advance of that date take any administrative action necessary for its implementation, including the promulgation of rules.

<sup>1</sup> News from the BLUE ROOM, Multi-Agency Update on Fire at 130 Liberty Street, August 20, 2007.

<sup>2</sup> DANY, 2008. Statement by the District Attorney: Deutsche Bank Fire.

<sup>3</sup> New from the BLUE ROOM, Update on Investigations of the Fire at 130 Liberty Street, August 22, 2007.

<sup>4</sup> In the fall of 2007, Deputy Mayor Edward Skyler convened a Working Group that included representatives of the Department of Buildings, Department of Environmental Protection, New York City Fire Department, the Mayor’s Office of Operations, and the Law Department to review how the City regulates construction, demolition and abatement operations, including agency practices regarding enforcement, and the ways these operations are conducted in the field. See,

Strengthening the Safety, Oversight and Coordination of Construction, Demolition and Abatement Operations, Report and Recommendations to Mayor Michael R. Bloomberg, July 2008.

<sup>5</sup> Strengthening the Safety, Oversight and Coordination of Construction, Demolition and Abatement Operations, Report and Recommendations to Mayor Michael R. Bloomberg, July 2008.

<sup>6</sup> Id at pg. 1.

<sup>7</sup> Supra note 5 at pg. 9.

<sup>8</sup> Supra note 5 at pg. 13.

<sup>9</sup> Supra note 5 at page 15.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> Supra note 5 at pg. 13.

<sup>13</sup> Id.

(The following is from the text of the Fiscal Impact Statement for Int. No. 998-A:)

**FISCAL IMPACT STATEMENT:**

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** There would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division Intro. 998-A 2

**ESTIMATE PREPARED BY:** Jonathan Rosenberg, Deputy Director  
Nathan Toth, Assistant Director

**HISTORY:** Introduced as Int. 998 by Council and referred to the Committee on Environmental Protection on May 20, 2009. On May 21, 2009, the Committee held a hearing and Int. 998 was laid over. An amendment has been proposed, and the bill will be considered by Committee as Proposed Int. 998-A on November 30, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

(The following is the text of Int. No. 998-A:)

Int. No. 998-A

By Council Members Gerson, The Speaker (Council Member Quinn), Crowley, Ulrich, White, Koppell, Gennaro, Brewer, Fidler, Gentile, Gonzalez, James, Liu, Nelson, Reyna, Seabrook, Stewart, Weprin, Jackson, Recchia, Vallone Jr. and Sears (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to the concurrent performance of demolition work and asbestos abatement activities within the same building.**

Be it enacted by the Council as follows:

Section 1. Section 24-146.1 of the administrative code of the city of New York is amended by adding a new subdivision o to read as follows:

(o) (1) No asbestos abatement activities shall be performed within a building concurrently with demolition work for the full demolition of such building or concurrently with the removal of one or more stories of such building, except as provided in this subdivision and the rules of the department.

(2) Prior to the issuance of a full demolition permit by the department of buildings, the owner of the building to be demolished shall submit to the department of buildings (i) certification, in a form to be provided by the rules of the department of environmental protection, that the building is free of asbestos containing material or, (ii) documentation that the commissioner of environmental protection has issued a variance from this requirement pursuant to subdivision (i) of this section and the rules of the department, subject to the additional conditions set forth in paragraph four of this subdivision.

(3) Prior to the issuance of an alteration permit by the department of buildings to remove one or more stories of a building, the owner of the building shall submit certification to the department of buildings in a form to be provided by the rules of

the department of environmental protection (i) that the stories to be removed are free of asbestos containing material and that no abatement activities will be performed anywhere in the building concurrently with the removal work authorized by such permit or (ii) that the commissioner of environmental protection has issued a variance from these requirements pursuant to subdivision (i) of this section and the rules of the department, subject to the additional conditions set forth in paragraph four of this subdivision.

(4) Prior to granting any variance pursuant to subdivision (i) of this section relating to the full demolition of a building or the removal of one or more stories of a building that would permit the performance of abatement activities concurrent with such demolition or removal work within the same building, the commissioner of environmental protection shall notify and consult with the commissioner of buildings and the fire commissioner regarding the appropriate safeguards for such work. Notwithstanding any inconsistent provision of section 24-146.3 of the administrative code, where a variance is issued to perform abatement activities and demolition or removal work concurrently within the same building, the asbestos abatement activities may not be performed without an asbestos permit issued pursuant to section 24-146.3, regardless of whether such a permit would otherwise be required to perform such activity.

(5) The commissioner shall post on-line within seven days notice of any variance granted under this subdivision with a statement of the reasons leading to his or her decision.

(6) This subdivision shall not apply to full demolition or the removal of one or more stories performed as emergency work pursuant to article 215 of chapter 2 of title 28 of the administrative code where the emergency warrants immediate commencement of the work or full demolition with asbestos in place authorized in accordance with 12 NYCRR 56-11.5.

§2. Article 106 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 37 for the year 2009, is amended by adding new sections 28-106.1.1 and 28-106.1.2 to read as follows:

§28-106.1.1 Full demolition permit. The commissioner shall not issue a full demolition permit unless the owner of the building provides certification in a form and manner to be provided in the rules of the department of environmental protection that (i) the building is free of asbestos containing material, or (ii) the commissioner of environmental protection, has issued a variance from this requirement in accordance with subdivision (o) of section 24-146.1 of the administrative code and the rules of the department of environmental protection, subject to the requirement that demolition work will be performed only in parts of the building that are certified free of asbestos containing material. The full demolition permit shall be subject to such additional conditions as the department of buildings may require of the permittee based on the size and complexity of the demolition job.

Exception: This section 28-106.1.1 shall not apply to full demolition performed as emergency work pursuant to article 215 of chapter 2 of this title where the emergency warrants immediate commencement of the work or full demolition with asbestos in place authorized pursuant to 12 NYCRR 56-11.5.

§ 28-106.1.2 Alteration permit for the removal of one or more stories. The commissioner shall not issue an alteration permit for the removal of one or more stories of a building unless the owner of the building provides certification in a form and manner to be provided in the rules of the department of environmental protection that (i) the stories to be removed are free of asbestos containing material and that no abatement activities will be performed anywhere in the building concurrently with the removal work authorized by such permit or (ii) the commissioner of environmental protection has issued a variance from these requirements in accordance with subdivision (o) of section 24-146.1 of the administrative code and the rules of the department of environmental protection, subject to the requirement that work authorized by the alteration permit will be performed only in parts of the building that are certified free of asbestos containing material. The alteration permit shall be subject to such additional conditions as the department of buildings may require of the permittee based on the size and complexity of the work.

Exception: This section 28-106.1.2 shall not apply to removal of one or more stories performed as emergency work pursuant to article 215 of chapter 2 of this title where the emergency warrants immediate commencement of the work.

§3. This local law shall take effect 180 days after it shall have been enacted into law, except that prior to such date the commissioner of buildings and the commissioner of environmental protection may take any administrative action, including the promulgation of rules, that may be necessary for the timely implementation of this local law.

JAMES F. GENNARO, Chairperson; BILL de BLASIO, G. OLIVER KOPPELL, DOMENIC M. RECCHIA JR., PETER F. VALLONE JR., MELISSA MARK-VIVERITO, MATHIEU EUGENE, ELIZABETH CROWLEY, Committee on Environmental Protection, November 30, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Reports of the Committee on Finance**

At this point the Speaker (Council Member Quinn) announced that the following items had been preconsidered by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 1279

**Report of the Committee on Finance in favor of approving 2059-2071 Madison Avenue, Manhattan, Council District No. 9, Section 577 of the Private Housing Finance Law.**

The Committee on Finance, to which the annexed Land Use resolution was referred on November 30, 2009, respectfully

**REPORTS:**

**(The following is the text of a Fiscal Impact Memo from the Finance Division of the New York City Council to the Finance Committee:)**

November 30, 2009

TO: Hon. David Weprin  
Chair, Finance Committee

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of November 30, 2009-Resolution approving tax exemptions for three preconsidered Land Use Items (Council District's 2, 9, 42).

HPD has submitted requests to the Council to approve property tax exemptions for the following properties: Haven Plaza located in Council Member Mendez's District, 2059-2071 Madison Avenue in Council Member Dicken's District and the Coretta Scott King Apartments in Council Member Barron's District

Haven Plaza contains 4 building that provides 371 units of rental housing for low income families. The Sponsor, Haven Plaza Housing Development Fund Company plans to finance significant rehabilitation work with a combination of an Article 8 mortgage loan from HPD and a private bank loan. The owner plans to request a new Article XI tax exemption to be coterminous with the term of the new mortgage. The original article XI exemption expired on July 1, 1992, and the original project is now experiencing operating deficits and real property tax arrearages. On March 11, 2009 the Council granted an interim tax exemption pursuant to Private Housing Finance Law 577 which will expire on December 31, 2009. When this exemption was granted it was anticipated that the owner would be financing the Article 8 mortgage loan simultaneously with the private bank loan, tax exempt bond financing and tax credits. Due to the delay from these financing sources, HPD request that the Council extend the interim exemption to December 31, 2010 which will allow the sponsor to provide affordable rents until all the financing sources are secured.

2059-2071 Madison Avenue is a 1-story elevator building that will provide 53 units of rental housing for low income families. The sponsor, 2059 Madison Housing Development Fund Company, will acquire and rehabilitate the project with a loan from the New York City Housing Development Corporation and low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting a partial tax pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$x in the first year of the exemption and \$x million over the 30-year length of the exemption.

Coretta Scott King Apartments will be a newly constructed 1-story elevator building that will provide 51 units of rental housing for elderly persons of low income. The sponsor, Coretta Scott King Housing Development Fund Corporation, will develop the project under the Section 202 Supportive Housing Program For The Elderly with financing and operating subsidies from the United States Department of Housing and Urban Development ("HUD") and a tax exemption from the City. . In order to keep the project financially viable and provide affordable housing to low-income seniors, HPD is requesting a partial exemption pursuant to Section 422 of the Real Property Tax Law. The value of the tax exemption is projected at \$x in the first year of the exemption and \$x million over the 40-year length of the exemption.

These items have the approval of Council Member's Mendez, Dickens, and Barron.

In connection herewith, Council Member Weprin offered the following resolution:

Res. No. 2272

**Resolution approving a partial exemption from real property taxes for property located at 2059-2071 Madison Avenue (Block 1755, Lots 20 and 50) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 1279).**

By Council Member Weprin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated November 2, 2009 that the Council take the following action regarding a housing project to be located at 2059-2071 Madison Avenue (Block 1755, Lots 20 and 50), Manhattan ("Exemption Area "):

Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

**WHEREAS**, the Council held a hearing on the Project on November 30, 2009;

**WHEREAS**, the Council has considered the financial implications relating to the Tax Exemption;

**RESOLVED:**

The Project shall be developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HDC and Owner enter into the Regulatory Agreement.
  - (b) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1755, Lots 20 and 50, on the Tax Map of the City of New York.
  - (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (d) "HDC" shall mean the New York State Housing Development Corporation.
  - (e) "HDFC" shall mean 2059 Madison Housing Development Fund Company, Inc.
  - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (g) "Maximum Shelter Rent Tax" shall mean \$98,094, plus an amount equal to twenty-five percent (25 %) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended), exceed the total contract rents which are authorized as of January 1, 2011.

- (h) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (i) "Owner" shall mean, collectively, the HDFC and the Partnership.
- (j) "Partnership" shall mean 2059 Madison L.P.
- (k) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 30 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
- (l) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Maximum Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT BANN, DAVID YASSKY, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 30, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been reconsidered by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 1280

**Report of the Committee on Finance in favor of approving Section 202 Supportive Housing for the Elderly Coretta Scott King Apartments, 660 Jerome Street, 741 Barbey Street, Brooklyn, Council District No. 42.**

The Committee on Finance, to which the annexed Land Use item (with coupled resolution) was referred on November 30, 2009, respectfully

**REPORTS:**

**(For text of the report, please see the Report of the Committee on Finance for L.U. No. 1279).**

Accordingly, Your Committee recommends its adoption.

In connection herewith, Council Member Weprin offered the following resolution:

Res. No. 2273

**Resolution approving a partial exemption from real property taxes for property located at 660 Jerome Street, 741 Barbey Street (Block 4309, Lots 1, 46), Brooklyn, pursuant to Section 422 of the Real Property Tax Law (Preconsidered L.U. 1280).**

By Council Member Weprin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated September 9, 2009 that the Council take the following action regarding a housing project to be located at 660 Jerome Street, 741 Barbey Street (Block 4309, Lots 1, 46), Brooklyn ("Exemption Area"):

Approve a partial exemption of the Project from real property taxes pursuant to Section 422 of the Real Property Tax Law (the "Tax Exemption");

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

**WHEREAS**, the Council held a hearing on the Project on November 30, 2009;

**WHEREAS**, the Council has considered the financial implications relating to the Tax Exemption;

**RESOLVED:**

The Project shall be developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council hereby grants an exemption from real property taxes as follows:

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Approve the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law;
3. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve, pursuant to Section 422 of the Real Property Tax Law, a partial tax exemption as follows:
  - a. All of the value of the property included in the housing project, including both

Disposition Area and improvements, shall be exempt from real property taxes, other than assessments for local improvements, from the date of conveyance of the land to the Sponsor until the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project.

- b. All of the value of the property included in the housing project (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, commencing upon the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project (or, if the housing project is constructed in stages, upon the date of issuance of the temporary or permanent Certificate of Occupancy for each such stage) ("Effective Date") and terminating upon the earlier to occur of (i) the date the HUD mortgage is satisfied, or (ii) a date which is forty (40) years from the Effective Date ("Expiration Date"); provided, however, that the Sponsor shall make an annual real estate tax payment commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the Sponsor shall make real estate tax payments in the sum of (i) \$ 37,385, which is ten percent (10%) of the annual shelter rent for the housing project, as determined by HPD in accordance with the formula agreed upon with HUD, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real estate tax payment by the Sponsor shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by any existing or future local, state, or federal law, rule or regulation.
- d. In consideration of such tax exemption, the Sponsor, for so long as the partial tax exemption provided hereunder shall remain in effect, shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule or regulation.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT BANN, DAVID YASSKY, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 30, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been preconsidered by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 1281

**Report of the Committee on Finance in favor of approving Haven Plaza, 188-198 Avenue C, 200 Avenue C, 726 East 13<sup>th</sup> Street, Manhattan, Council District No. 2, Section 577 of the Private Housing Finance Law.**

The Committee on Finance, to which the annexed Land Use item (with coupled resolution) was referred on November 30, 2009, respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Finance for L.U. No. 1279).

Accordingly, Your Committee recommends its adoption.

In connection herewith, Council Member Weprin offered the following resolution:

Res. No. 2274

**Resolution approving an amendment to a resolution approved by the New York City Council on March 11, 2009 for property located at 188-198 Avenue C, 200 Avenue C, 726 East 13<sup>th</sup> Street, 700-722 East 13<sup>th</sup> Street (Block 382,**

**Lot 1) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. 1281).**

By Council Member Weprin.

**WHEREAS**, On March 11, 2009 the New York City Council approved Resolution No. 1856, which authorized a full real property tax exemption for a housing project ("Project") located at 188-198 Avenue C, 200 Avenue C, 726 East 13<sup>th</sup> Street, 700-722 East 13<sup>th</sup> Street (Block 382, Lot 1), Manhattan ("Exemption Area") pursuant to Section 577 of the Private Housing Finance Law ("Prior Exemption");

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

**WHEREAS**, the Council held a hearing on the Project on November 30, 2009;

**WHEREAS**, HPD respectfully requests that the Council amend Resolution No. 1856 by replacing the definitions of Expiration Date, New Mortgage and Regulatory Agreement contained therein in paragraphs (c), (f) and (j), respectively, to read as follows:

- (c) "Expiration Date" shall mean the earlier to occur of (i) the financing of the New Mortgage, (ii) December 31, 2010, (iii) the date of the expiration or termination of the Regulatory Agreement, or (iv) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (f) "New Mortgage" shall mean the anticipated financing (a) from an institutional lender, (b) through tax exempt private activity bond financing pursuant to §142 of the Internal Revenue Code and as-of-right low income housing tax credits pursuant to §42 of the Internal Revenue Code, or (c) through 501(c)(3) tax exempt bond financing, any of which would be secured by a mortgage on the Exemption Area.
- (j) "Regulatory Agreement" shall mean a regulatory agreement by and between Owner and HPD which runs with the land, binds all subsequent parties in interest to the Exemption Area until the earlier to occur of (i) the financing of the New Mortgage or (ii) December 31, 2010, and requires that (1) the Owner shall exercise any and all available options to renew Rental Subsidy for eligible tenants, (2) the Owner shall not cause or permit the Rental Subsidy to expire, to not be extended, to not be renewed, or to be terminated, (3) the Owner shall register all dwelling units in the Exemption Area with the New York State Division of Housing and Community Renewal, and (4) all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 165% of area median income.

DAVID I. WEPRIN, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, BILL de BLASIO, LEWIS A. FIDLER, JAMES F. GENNARO, ALAN J. GERSON, ROBERT JACKSON, G. OLIVER KOPPELL, HELEN SEARS, ALBERT BANN, DAVID YASSKY, VINCENT J. GENTILE, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 30, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Report of the Committee on Housing and Buildings**

Report for Int. No. 138-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to security grilles used to secure commercial premises.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on February 15, 2006 (Minutes, page 588), respectfully

**REPORTS:**

**BACKGROUND AND INTENT:**

On November 30, 2009, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 138-A, A Local Law to amend the Administrative Code of the City of New York, in relation to security grilles used to secure commercial premises. Previously on February 10, 2009, the Committee heard testimony from interested parties on an earlier version of Proposed Int. 138-A.

**Proposed Int. 138-A**

Bill section one would amend section BC 1008.1.3.5 of the New York City Building Code to place elsewhere in the section existing law that provides that where a horizontal or vertical security grille is installed, such grille must be openable from the inside without the use of a key or special knowledge or effort during periods that the space is occupied; must remain secured in the full-open position during the period of occupancy by the general public. Section one adds a new requirement that on and after July 1, 2011 no security grille may be installed or replaced, nor shall the owner of a structure classified in Occupancy Group B (such as banks, beauty salons, copy shops) or Occupancy Group M (such as retail stores, drug stores, department stores) or the operator of the business occupying such structure allow to be installed or replaced, a security grille to secure the property where the grille abuts the sidewalk, unless the grille, when closed, permits visibility from the sidewalk of at least seventy percent of the area covered by such grille. Commercial premises that have been designated as a landmark by the Landmarks Preservation Commission or located in a historic district designated by such Commission would be exempt from such visibility requirements. By July 1, 2026, all security grilles installed on buildings or structures classified in Occupancy Groups B or M must comply with the visibility requirements.

Bill section two would amend section 28-101.4.3 of the Administrative Code ("Ad. Code") to provide that the installation and replacement of security grilles will be governed by section 1008.1.3.5 of the New York City Building Code.

Bill section three would add a new section 28-103.22 to article 103 of title 28 of the Ad. Code to provide that the Commissioner of Buildings, working through or in cooperation with other City agencies, must develop an outreach program to manufacturers and installers of security grilles, business improvement districts, local development corporations, chambers of commerce and community boards to alert these groups and the businesses that utilize security grilles of the permit and visibility requirements, the penalties associated with a violation and the availability of any business loans, grants or tax subsidies related to the installation or use of the security grille.

Bill section four would amend section 28-201.2.2 of the Ad. Code to provide that notwithstanding the provisions of section 28-204.2 of this Code<sup>1</sup> a violation of the security grille visibility requirements would be classified as a major violation except that no penalty will be imposed if the condition constituting the violation is corrected and a certificate of correction is filed with the Department of Buildings within 90 days from the date set forth in the notice of violation. From July 1, 2011 until June 30, 2026, a property owner or business operator shall also be allowed to demonstrate that the non-conforming security grille was installed prior to July 1, 2011 in order to avoid a penalty. After July 1, 2026, an owner or business operator can only avoid a penalty if the non-conforming security grille is replaced within the 90 day correction period. A violation of the visibility requirements would carry a civil penalty of \$250 for a first offense and \$1000 for each subsequent offense.

Bill section five provides that this local law would become effective on January 1, 2010 except that the Commissioner of Buildings shall be required to promulgate rules and take all other measures necessary to implement this law prior to such effective date.

*Amendments made to the previous amended version of the legislation*

Since the hearing that occurred on February 10, 2009, the following amendments were made to the bill:

- Technical changes were made to the bill to reflect the enactment and relevance of the new Building Code.
- The definition of "commercial premises" was removed because the new Building Code classifies the uses of buildings and structures by occupancy group; consequently, buildings or spaces at which goods or services are sold directly to consumers or other businesses are classified in Occupancy Group B or Occupancy Group M.
- The definition of "gate" was removed because the New Building Code identifies the permissible uses of a security grille (gate) and therefore already recognizes how such gates are used;
- A new provision was added requiring after July 1, 2011, no new or replacement security grille may be installed for certain premises unless the grille complies with the 70% visibility requirements; by July 1, 2026, all security grilles installed on buildings or structures classified in Occupancy Groups B or M must comply with the visibility requirements;
- An exemption was added for commercial premises designated as a landmark by the Landmarks Preservation Commission or located in a historic district designated by such Commission would be exempt from such visibility requirements;

- An outreach requirement was added to require the Commissioner of Buildings to develop an outreach program to manufacturers and installers of security grilles, business improvement districts, local development corporations, chambers of commerce and community boards to alert these groups and the businesses that utilize security grilles of the permit and visibility requirements, the penalties associated with a violation and the availability of any business loans, grants or tax subsidies related to the installation or use of the security grille;
- A penalty provision was added which would classify a violation of this law as a major violation, however a lower penalty amount of \$250 for a first offense and a \$1,000 for each subsequent violation was prescribed, except that a respondent will be given ninety days to correct a violation from the date of the violation and before July 1, 2026 a respondent would also be able to demonstrate that the non-conforming security grille was installed prior to July 1, 2011; and
- The enactment clause was amended to provide that this local law would become effective on January 1, 2010 rather three months after enactment.

<sup>1</sup> Section 28-204.2 identifies the time period in which violations must be corrected and filed as corrected with the Department of Buildings.

**(The following is from the text of the Fiscal Impact Statement for Int. No. 138-A:)**

**FISCAL IMPACT STATEMENT:**

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** There would be impact on the revenues by the enactment of this legislation. The fines called for in this legislation are intended to compel compliance not generate revenue.

**IMPACT ON EXPENDITURES:** There would be no impact on the expenditures by the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Ralph P. Hernandez, Legislative Financial Analyst

Nathaniel Toth, Assistant Director  
City Council Finance Division

**HISTORY:** Introduced by Council and referred to Housing and Buildings Committee as Int. 138 on February 15, 2006. On February 10, 2009, a hearing was held on the bill and was laid over. Subsequent to the hearing, the bill was amended. The Committee will consider the bill as proposed Int. 138-A on November 30, 2009.

Accordingly, Your Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 138-A:)**

Int. No. 138-A

By Council Members Vallone Jr., Jackson, Nelson, Lappin, Yassky, de Blasio, Brewer, Gentile, Ignizio, Oddo, Fidler, Vacca, Gennaro, Mitchell, Recchia Jr., Liu, Mealy, Sears, Weprin and White.

**A Local Law to amend the administrative code of the city of New York, in relation to security grilles used to secure commercial premises.**

*Be it enacted by the Council as follows:*

Section 1. Section BC 1008.1.3.5 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**1008.1.3.5 Security grilles.** In groups B, M and S, horizontal sliding or vertical security grilles are permitted at the main entrance where the opening of such grilles are essential to the operation of the establishments. Such grilles shall be [openable from the inside without the use of a key or special knowledge or effort during periods that the space is occupied. The grilles shall remain secured in the full-open position during the period of occupancy by the general public.] *installed in accordance with*

the following criteria:

1. Security grilles shall be openable from the inside without the use of a key or special knowledge or effort during periods that the space is occupied.
2. The security grilles shall remain secured in the full-open position during the period of occupancy by the general public.
3. Except as to buildings or structures classified in occupancy group S, buildings or structures that have been designated as a landmark by the landmarks preservation commission or located in a historic district designated by such commission, on or after July 1, 2011, no security grille may be installed or replaced, nor shall the owner of a structure classified as a Group B or M occupancy or the operator of the business occupying such structure allow to be installed or replaced, a security grille to secure such property where the grille abuts the sidewalk, unless the grille, when closed, permits visibility from the sidewalk of at least seventy percent of the area covered by such grille.
4. No later than July 1, 2026, all security grilles installed on buildings or structures classified in occupancy groups B or M shall comply with the provisions of paragraph 3 of this section.

§2. Section 28-101.4.3 of the administrative code of the city of New York, is amended by adding a new subdivision eight to read as follows:

8. The installation and replacement of security grilles shall be governed by section 1008.1.3.5 of the New York city building code.

§3. Article 103 of title 28 of the administrative code of the city of New York, is amended by adding a new section 28-103.22 to read as follows:

28-103.22. *Outreach on security grille visibility requirements. The commissioner shall, through or in cooperation with the department of small business services, the department of consumer affairs, and other city agencies deemed appropriate, develop an outreach program to manufacturers and installers of security grilles, business improvement districts, local development corporations, chambers of commerce and community boards to alert these groups and the businesses that utilize security grilles of the permit requirements and the requirements of this section, the penalties associated with violation thereof and the availability of any business loans, grants or tax subsidies related to the installation or use of such security grilles.*

§4. Section 28-201.2.2 of the administrative code of the city of New York, is amended by adding a new item five to read as follows:

5. *Notwithstanding the provisions of section 28-204.2 of this code, a violation of item 3 or item 4 of section 1008.1.3.5 of the New York city building code except that no penalty for such violation shall be imposed if the respondent corrects the condition constituting the violation and files a certificate with the department that the condition has been corrected within ninety days from the date set forth in the notice of violation. It shall be an affirmative defense that the nonconforming security grille was installed prior to July 1, 2011.*

5.1. *The fine or civil penalty for a violation described in item 5 shall be not less than two hundred fifty hundred dollars for the first offense and not less than one thousand dollars for each subsequent offense.*

§5. This local law shall take effect on January 1, 2010 except, that, the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, TONY AVELLA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, ROSIE MENDEZ, JAMES VACCA, ELIZABETH CROWLEY, JAMES S. ODDO, Committee on Housing and Buildings, November 30, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Reports of the Committee on Land Use**

Report for L.U. No. 1244

**Report of the Committee on Land Use in favor of approving Application no. N 090412 ZRY by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution relating to Article VI, Chapter 3, concerning provisions related to the establishment of FRESH Food Stores.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 14, 2009 (Minutes, page 5354), respectfully

**REPORTS:**

**SUBJECT**

**CITYWIDE**

**N 090412 ZRY**

City Planning Commission decision approving an application 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 relating to Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) concerning provisions related to the establishment of FRESH Food Stores.

**INTENT**

To guide the development of FRESH food stores in areas of Manhattan, the Bronx, Brooklyn and Queens.

**Report Summary**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** November 24, 2009

The Committee recommends that the Council approve the prepared resolution and thereby approve the decision of the City Planning Commission with modification. The proposed modification is to be filed with the City Planning Commission to determine whether the proposed modification is subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 1251

**Report of the Committee on Land Use in favor of filing, pursuant to a Letter of Withdrawal, Application no. 20095546 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates LLC, d/b/a Café Street, to establish maintain and operate an unenclosed sidewalk café located at 212 Lafayette 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 28, 2009 (Minutes, page 5522), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**20095546 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates, LLC, d/b/a Café Select, for a revocable consent to establish, maintain and operate an unenclosed small sidewalk café at 212 Lafayette Street.

By submission dated November 16, 2009 and submitted on November 17, 2009 the Applicant withdrew the Petition.

**Report Summary**

**COMMITTEE RECOMMENDATION AND ACTION****DATE:** November 24, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the motion to file pursuant to withdrawal.

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2275

**Resolution approving a motion to file pursuant to withdrawal of the petition for a revocable consent for an unenclosed small sidewalk café located at 212 Lafayette Street, Borough of Manhattan (20095546 TCM; L.U. No. 1251).**

By Council Members Katz and Avella.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on October 16, 2009 its approval dated October 16, 2009 of the petition of 212 Lafayette Associates, LLC, d/b/a/ Café Select, for a revocable consent to establish, maintain and operate an unenclosed small sidewalk café located at 212 Lafayette Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, by submission dated November 16, 2009, and submitted to the Council on November 17, 2009 the applicant withdrew the petition.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a and 11.80 of the Rules of the Council.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 1252

**Report of the Committee on Land Use in favor of filing, pursuant to a Letter of Withdrawal, Application no. 20105053 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 98 Kenmare Restaurant Group LLC, d/b/a Civetta, to establish maintain and operate an unenclosed sidewalk café located at 98 Kenmare 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 28, 2009 (Minutes, page 5523 ), respectfully

**REPORTS:****SUBJECT****MANHATTAN CB - 2****20105053 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 98 Kenmare Restaurant Group, LLC, d/b/a Civetta, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café at 98 Kenmare Street.

By submission dated November 17, 2009 and submitted on November 17, 2009 the Applicant withdrew the Petition.

*Report Summary***COMMITTEE RECOMMENDATION AND ACTION****DATE:** November 17, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the motion to file pursuant to withdrawal.

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2276

**Resolution approving a motion to file pursuant to withdrawal of the petition for a revocable consent for an unenclosed sidewalk café located at 98 Kenmare Street, Borough of Manhattan (20105053 TCM; L.U. No. 1252).**

By Council Members Katz and Avella.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on October 16, 2009 its approval dated October 16, 2009 of the petition of 98 Kenmare Restaurant Group, LLC, d/b/a/ Civetta, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 98 Kenmare Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, by submission dated November 17, 2009, and submitted to the Council on November 17, 2009 the applicant withdrew the petition.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a and 11.80 of the Rules of the Council.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 1253

**Report of the Committee on Land Use in favor of approving Application no. M 770073(A) ZMX submitted by FGP West Street LLC for a modification to Restrictive Declaration D-28 (C 770073 ZMX) involving: property located at 1800 Williamsbridge Road (Block 4200, Lots 35 & 46), in an R4/C1-2 District.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 28, 2009 (Minutes, page 5523), respectfully

**REPORTS:****SUBJECT****BRONX CB - 11****M 770073 (A) ZMX**

City Planning Commission decision approving an application submitted by FGP West Street LLC, for a modification to Restrictive Declaration D-28 (C 770073 ZMX), involving property located at 1800 Williamsbridge Road (Block 4200, Lots 35 and 46), in an R4/C1-2 District.

**INTENT**

To modify a restrictive declaration involving property located at 1800 Williamsbridge Road in the Bronx.



Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** November 17, 2009

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2277

**Resolution approving the decision of the City Planning Commission on ULURP No. M 770073 (A) ZMX, for the modification of Restrictive Declaration D-28 (C 770073 ZMX) involving property located at 1800 Williamsbridge Road (Block 4200, Lots 35 and 46), in an R4/C1-2 District, Borough of the Bronx (L.U. No. 1253).**

By Council Members Katz and Avella.

**WHEREAS**, the City Planning Commission filed with the Council on October 23, 2009 its decision dated October 21, 2009 (the "Decision"), on the application submitted by FGP West Street LLC for the modification of Restrictive Declaration D-28, involving property located at 1800 Williamsbridge Road (Block 4200, Lots 35 and 46), in an R4/C1-2 District (ULURP No. M 770073 (A) ZMX), Community District 11, Borough of the Bronx (the "Application");

**WHEREAS** the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS** the subject application is a request by FGP West Street LLC, to modify Restrictive Declaration D-28 as it relates to the subject property so as to permit the enlargement of a commercial building;

**WHEREAS** upon due notice, the Council held a public hearing on the Decision and Application on November 17, 2009;

**WHEREAS** the Council has considered the land use implications and other policy issues relating to the Decision and Application;

**RESOLVED:**

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the Council approves the decision.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 1254

**Report of the Committee on Land Use in favor of approving Application no. C 090096 ZMK submitted by Tibetan LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, by establishing within an existing R6B District a C2-4 District.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 28, 2009 (Minutes, page 5523), respectfully

**REPORTS:****SUBJECT****BROOKLYN CB - 9****C 090096 ZMK**

City Planning Commission decision approving an application submitted by Tibetan LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, by establishing within an existing R6B District a C2-4 District bounded by North 7<sup>th</sup> Street, a line 100 feet southeasterly of Berry Street, a line midway between North 6<sup>th</sup> Street and North 7<sup>th</sup> Street, and Berry Street, Borough of, as shown on a diagram (for illustrative purposes only) dated June 1, 2009.

**INTENT**

To facilitate the development of a two-story commercial and community facility building.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION****DATE:** November 17, 2009

The Committee recommends that the Council approve the attached resolution and thereby Committee approve the decision of the City Planning Commission.

In connection herewith, Council Member Avella offered the following resolution:

Res. No. 2278

**Resolution approving the decision of the City Planning Commission on ULURP No. C 090096 ZMK, a Zoning Map amendment (L.U. No. 1254).**

By Council Member Avella.

**WHEREAS**, the City Planning Commission filed with the Council on October 23, 2009 its decision dated October 21, 2009 (the "Decision"), on an application submitted by Tibetan LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map, to facilitate the development of a two-story commercial and community facility building (ULURP No. C 090096 ZMK) (the "Application");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 17, 2009;

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on June 1, 2009 (CEQR No. 08DCP072K);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12c, by establishing within an existing R6B District a C2-4 District bounded by North 7<sup>th</sup> Street, a line 100 feet southeasterly of Berry Street, a line midway between North 6<sup>th</sup> Street and North 7<sup>th</sup> Street, and Berry Street, as shown on a diagram (for illustrative purposes only) dated June 1, 2009, Community District 9, Borough of Brooklyn.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT

JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 1270

**Report of the Committee on Land Use in favor of approving Application no. 20105191 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Caswell/Pearson Enterprises, Ltd., to continue to maintain and operate an unenclosed sidewalk café located at 202 West 14th Street, Borough of Manhattan, Council District no. 3.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 28, 2009 (Minutes, page 5529), respectfully

**REPORTS:**

**SUBJECT**

MANHATTAN CB - 2

20105191 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Caswell/Pearson Enterprises, Ltd, d/b/a La Carbonara, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café at 202 West 14<sup>th</sup> Street.

**INTENT**

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an unenclosed service area on the sidewalk of such street.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** November 24, 2009

The Committee recommends that the Council approve the attached resolution and thereby Committee approve the petition.

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2279

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 202 West 14<sup>th</sup> Street, Borough of Manhattan (20105191 TCM; L.U. No. 1270).**

By Council Members Katz and Avella.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on October 20, 2009 its approval dated October 20, 2009 of the petition of Caswell/Pearson Enterprises, Ltd, d/b/a La Carbonara, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 202 West 14<sup>th</sup> Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on November 23, 2009; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Petition;

**RESOLVED:**

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 1272

**Report of the Committee on Land Use in favor of approving Application no. 20095499 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 119 7th Avenue Cafeteria, LLC, d/b/a Cafeteria to continue to maintain and operate an unenclosed sidewalk café located at 119 Seventh Avenue, Borough of Manhattan, Council District no. 3.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 16, 2009 (Minutes, page 5764), respectfully

**REPORTS:**

**SUBJECT**

MANHATTAN CB - 4  
TCM

20095499

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 119 7<sup>th</sup> Avenue Cafeteria, LLC, d/b/a Cafeteria, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café at 119 Seventh Avenue.

**INTENT**

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an unenclosed service area on the sidewalk of such street.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** November 23, 2009

The Committee recommends that the Council approve the attached resolution and thereby Committee approve the petition.

In connection herewith, Council Members Katz and Avella offered the following resolution:

Res. No. 2280

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 119 Seventh Avenue, Borough of Manhattan (20095499 TCM; L.U. No. 1272).**

By Council Members Katz and Avella.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on October 29, 2009 its approval dated October 20, 2009 of the petition of 119 7<sup>th</sup> Avenue Cafeteria, LLC, d/b/a Cafeteria, for a revocable consent to continue to

maintain and operate an unenclosed sidewalk café located at 119 Seventh Avenue, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on November 23, 2009; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Petition;

**RESOLVED:**

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 1273

**Report of the Committee on Land Use in favor of approving Application no. N 090293 ZRM 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 concerning the Special Lower Manhattan District (Article IX, Chapter 1), Appendix A, Map 5, relating to curb cut prohibitions, Community Board 1, Borough of Manhattan.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 16, 2009 (Minutes, page 5764), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 1**

**N 090293 ZRM**

City Planning Commission decision approving an application submitted by SDS 15 William Street, LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, concerning the Special Lower Manhattan District (Article IX, Chapter 1), Appendix A, Map 5, relating to curb cut prohibitions in Community District 1, Borough of Manhattan.

**INTENT**

To allow an additional curbcut to an existing parking garage at 15 Williams Street in Lower Manhattan.

*Report Summary:*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** November 24, 2009

The Committee recommends that the Council approve the prepared resolution and thereby decision of the City Planning Commission with modification. The proposed modification is to be filed with the City Planning Commission to determine whether the proposed modification is subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E.

DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 1274

**Report of the Committee on Land Use in favor of approving Application no. 20105074 HKQ (N 100104 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2319) by the Landmarks Preservation Commission of the Ridgewood North as a historic district, Council District no. 30.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 16, 2009 (Minutes, page 5764), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 5**

**20105074 HKQ (N 100104 HKQ)**

Designation by the Landmarks Preservation Commission (List No. 417/LP-2319) pursuant to Section 3020 of the New York City Charter of the landmark designation of Ridgewood North Historic District.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** November 23, 2009

The Committee recommends that the Council approve the attached resolution and thereby affirm the designation.

In connection herewith, Council Members Katz and Lappin offered the following resolution:

Res. No. 2281

**Resolution affirming the designation by the Landmarks Preservation Commission of the Ridgewood North Historic District, Borough of Queens, Designation List No. 417, LP-2319 (L.U. No. 1274; 20105074 HKQ; N 100104 HKQ).**

By Council Members Katz and Lappin.

**WHEREAS**, the Landmarks Preservation Commission (List 417, LP-2319), filed with the Council on September 24, 2009 a copy of its designation dated September 15, 2009 (the "Designation"), pursuant to Section 3020 of the New York City Charter of the landmark designation of Ridgewood North Historic District. The District boundaries are: bounded by a line beginning at the northwest corner of Fairview Avenue and Woodbine Street, extending northeasterly along the western curblines of Woodbine Street to the western curblines of Forest Avenue, northerly along the western curblines of Forest Avenue to the eastern curblines of Gates Avenue, southwesterly along the eastern curblines of Gates Avenue to the southern curblines of Grandview Avenue, northwesterly across Gates Avenue and along the southern curblines of Grandview Avenue to the eastern curblines of Linden Street, southwesterly along the eastern curblines of Linden Street to a point extending northwesterly from the southern (rear) property line of 652 Grandview Avenue, southeasterly along said line and the southern (rear) property lines of 652, 654, 656 and 658 Grandview Avenue to the western (rear) property line of 2055 Gates Avenue, southwesterly along said line and the western (rear) property lines of 2053 to 2027 Gates Avenue to the northern curblines of Fairview Avenue, and southeasterly along the northern curblines of Fairview Avenue to the point of beginning, as an historic district, Community District 5, Borough of Queens;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on November 9, 2009 its report on the Designation dated November 4, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on November 23, 2009; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Designation;

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 1275

**Report of the Committee on Land Use in favor of approving Application no. 20105075 HKR (N 100105 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2377) by the Landmarks Preservation Commission of 411 Westervelt Avenue (Block 25, Lot 5), Horton's Row as a historic landmark, Council District no. 49.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 16, 2009 (Minutes, page 5765), respectfully

**REPORTS:**

**SUBJECT**

**STATEN ISLAND CB - 1                      20105075 HKR (N 100105 HKR)**

Designation by the Landmarks Preservation Commission (List No. 417/LP-2377), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the 411 Westervelt Avenue House, Horton's Row, located at 411 Westervelt Avenue (Block 25, Lot 5), as an historic landmark.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** November 23, 2009

The Committee recommends that the Council approve the attached resolution and thereby affirm the designation.

In connection herewith, Council Members Katz and Lappin offered the following resolution:

Res. No. 2282

**Resolution affirming the designation by the Landmarks Preservation Commission of the 411 Westervelt Avenue House, Horton's Row, located at 411 Westervelt Avenue (Block 25, Lot 5), Borough of Staten Island, Designation List No. 417, LP-2377 (L.U. No. 1275; 20105075 HKQ; N 100105 HKR).**

By Council Members Katz and Lappin.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on September 24, 2009 a copy of its designation dated September 15, 2009 (the "Designation"), of the 411 Westervelt Avenue House, Horton's Row, located at 411

Westervelt Avenue, Community District 1, Borough of Queens, as a landmark and Block 25, Lot 5, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on November 9, 2009 its report on the Designation dated November 4, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on November 23, 2009; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Designation;

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 1276

**Report of the Committee on Land Use in favor of approving Application no. 20105076 HKR (N 100106 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2378) by the Landmarks Preservation Commission of 413 Westervelt Avenue (Block 25, Lot 4), Horton's Row as a historic landmark, Council District no. 49.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 16, 2009 (Minutes, page 5765), respectfully

**REPORTS:**

**SUBJECT**

**STATEN ISLAND CB - 1                      20105076 HKR (N 100106 HKR)**

Designation by the Landmarks Preservation Commission (List No. 417/LP-2378), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the 413 Westervelt Avenue House, Horton's Row, located at 413 Westervelt Avenue (Block 25, Lot 4), as an historic landmark.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** November 23, 2009

The Committee recommends that the Council approve the attached resolution and thereby affirm the designation.

In connection herewith, Council Members Katz and Lappin offered the following resolution:

Res. No. 2283

**Resolution affirming the designation by the Landmarks Preservation Commission of the 413 Westervelt Avenue House, Horton's Row, located at 413 Westervelt Avenue (Block 25, Lot 4), Borough of Staten Island,**

**Designation List No. 417, LP-2378 (L.U. No. 1276; 20105076 HKR; N 100106 HKR).**

By Council Members Katz and Lappin.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on September 24, 2009 a copy of its designation dated September 15, 2009 (the "Designation"), of the 413 Westervelt Avenue House, Horton's Row, located at 413 Westervelt Avenue, Community District 1, Borough of Staten Island, as a landmark and Block 25, Lot 4, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on November 9, 2009 its report on the Designation dated November 4, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on November 23, 2009; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Designation;

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 1277

**Report of the Committee on Land Use in favor of approving Application no. 20105078 HKR (N 100107 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2381) by the Landmarks Preservation Commission of 415 Westervelt Avenue (Block 25, Lot 3), Horton's Row as a historic landmark, Council District no. 49.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 16, 2009 (Minutes, page 5765), respectfully

**REPORTS:**

**SUBJECT**

**STATEN ISLAND CB - 1                      20105078 HKR (N 100107 HKR)**

Designation by the Landmarks Preservation Commission (List No. 417/LP-2381), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the 415 Westervelt Avenue House, Horton's Row, located at 415 Westervelt Avenue (Block 25, Lot 3), as an historic landmark.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** November 23, 2009

The Committee recommends that the Council approve the attached resolution and thereby affirm the designation.

In connection herewith, Council Members Katz and Lappin offered the following resolution:

Res. No. 2284

**Resolution affirming the designation by the Landmarks Preservation Commission of the 415 Westervelt Avenue House, Horton's Row, located at 415 Westervelt Avenue (Block 25, Lot 3), Borough of Staten Island, Designation List No. 417, LP-2381 (L.U. No. 1277; 20105078 HKR; N 100107 HKR).**

By Council Members Katz and Lappin.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on September 24, 2009 a copy of its designation dated September 15, 2009 (the "Designation"), of the 415 Westervelt Avenue House, Horton's Row, located at 415 Westervelt Avenue, Community District 1, Borough of Staten Island, as a landmark and Block 25, Lot 3, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on November 9, 2009 its report on the Designation dated November 4, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on November 23, 2009; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Designation;

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 1278

**Report of the Committee on Land Use in favor of approving Application no. 20105077 HKR (N 100109 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.417, LP-2382) by the Landmarks Preservation Commission of 417 Westervelt Avenue (Block 25, Lot 1), Horton's Row as a historic landmark, Council District no. 49.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 16, 2009 (Minutes, page 5766), respectfully

**REPORTS:**

**SUBJECT**

**STATEN ISLAND CB - 1                      20105077 HKR (N 100109 HKR)**

Designation by the Landmarks Preservation Commission (List No. 417/LP-2382), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the 417 Westervelt Avenue House, Horton's Row, located at 417 Westervelt Avenue (Block 25, Lot 1), as an historic landmark.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** November 23, 2009

The Committee recommends that the Council approve the attached resolution and thereby affirm the designation.

In connection herewith, Council Members Katz and Lappin offered the following resolution:

Res. No. 2285

**Resolution affirming the designation by the Landmarks Preservation Commission of the 417 Westervelt Avenue House, Horton's Row, located at 417 Westervelt Avenue (Block 25, Lot 1), Borough of Staten Island, Designation List No. 417, LP-2382 (L.U. No. 1278; 20105077 HKR; N 100109 HKR).**

By Council Members Katz and Lappin.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on September 24, 2009 a copy of its designation dated September 15, 2009 (the "Designation"), of the 417 Westervelt Avenue House, Horton's Row, located at 417 Westervelt Avenue, Community District 1, Borough of Staten Island, as a landmark and Block 25, Lot 1, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on November 9, 2009 its report on the Designation dated November 4, 2009 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on November 23, 2009; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Designation;

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

MELINDA R. KATZ, Chairperson; JOEL RIVERA, TONY AVELLA, CHARLES BARRON, LEROY G. COMRIE, SIMCHA FELDER, ROBERT JACKSON, JOHN C. LIU, LARRY B. SEABROOK, HELEN SEARS, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, ELIZABETH CROWLEY, VINCENT M. IGNIZIO, Committee on Land Use, November 24, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Report of the Committee on Rules, Privileges and Elections**

At this point the Speaker (Council Member Quinn) announced that the following items had been preconsidered by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption.

Report for Res. No. 2286

**Report of the Committee on Rules, Privileges and Elections in favor of approving Membership Changes to Certain Committees.**

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on November 30, 2009, respectfully

**REPORTS:**

*In regard to* **PRECONSIDERED RESOLUTION NO. 2286**

**SUBJECT: Resolution Approving Membership Changes to Certain Committees.**

**ANALYSIS:** Before the Committee for its consideration are proposed changes to the membership of various committees of the Council. The changes result from Ydanis Rodriguez being sworn into office as Council Member for the 10<sup>th</sup> District of the City of New York. See the Resolution for each of the specific changes.

Accordingly, Your Committee recommends its adoption.

**(The following is the text of Res. No. 2286:)**

Res. No. 2286

**Resolution approving Membership Changes to Certain Committees.**

By Council Member Reyna:

**RESOLVED**, that pursuant to Rule 7.00 of the Council, the Council does hereby consent to the following Membership changes to Certain Committees:

Committee on Civil Service and Labor  
Rodriguez

Committee on Fire and Criminal Justice Services  
Rodriguez

Committee on Higher Education  
Rodriguez

Committee on Transportation  
Rodriguez

Committee on Youth Services  
Rodriguez

DIANA REYNA, Chairperson; JOEL RIVERA, LEROY G. COMRIE, ERIK MARTIN DILAN, LEWIS A. FIDLER, ROBERT JACKSON, DAVID I. WEPRIN, INEZ E. DICKENS, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, November 30, 2009.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Special Supplement to the Reports of the Committee on Rules, Privileges and Elections section:**

**STANDING COMMITTEES OF THE COUNCIL  
NOVEMBER 30, 2009**

AGING	CIVIL RIGHTS	CIVIL SERVICE & LABOR	COMMUNITY DEVELOPMENT
ARROYO, CHAIR Brewer Foster Gentile Mark-Viverito Stewart Vacca Eugene Ferreras	SEABROOK, CHAIR Mealy Nelson Eugene Ferreras	VACANT, CHAIR Gennaro Nelson Seabrook Mark-Viverito Rodriguez	VANN, CHAIR Foster Gerson Koppell Mark-Viverito Reyna Sanders
CONSUMER AFFAIRS	CONTRACTS	CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS	ECONOMIC DEVELOPMENT
COMRIE, CHAIR Barron Gennaro Koppell Liu	JAMES, CHAIR Jackson Liu Stewart Mark-Viverito Nelson Weprin	RECCHIA, CHAIR Comrie Dickens Garodnick Gentile Gioia Vacca Weprin White	WHITE, CHAIR Gerson James Palma Reyna Vann Weprin Yassky Mitchell

EDUCATION	ENVIRONMENTAL PROTECTION	FINANCE	FIRE & CRIMINAL JUSTICE SERVICES
JACKSON, CHAIR Arroyo de Blasio Felder Fidler Foster Garodnick Katz Koppell Lappin Liu Recchia Vacca Vallone Vann Yassky Ignizio	GENNARO, CHAIR de Blasio Koppell Recchia Vallone White Eugene Crowley Ulrich	WEPRIN, CHAIR Baez Brewer Comrie de Blasio Fidler Gennaro Gentile Gerson Gioia Jackson Koppell Reyna Rivera Sears Vann Yassky Oddo Ignizio	VACCA, CHAIR Avella Gentile Gerson Gioia Vallone Eugene Crowley Rodriguez
GENERAL WELFARE	GOVERNMENTAL OPERATIONS	HEALTH	HIGHER EDUCATION
DE BLASIO, CHAIR Brewer Foster Lappin Palma White Ferreras	SEARS, CHAIR Dickens Dilan Felder Recchia Seabrook Vallone	RIVERA, CHAIR Arroyo Dickens Foster Liu Mendez Sears Stewart Vann Eugene Mitchell	BARRON, CHAIR Avella Brewer Mealy Seabrook Ulrich Rodriguez

HOUSING & BUILDINGS	IMMIGRATION	JUVENILE JUSTICE	LAND USE
DILAN, CHAIR Avella Baez Brewer Comrie	STEWART, CHAIR Barron Mealy Palma Weprin	GONZALEZ, CHAIR Arroyo Mealy Sanders	KATZ, CHAIR Arroyo Avella Baez Barron

Fidler Jackson Mendez Rivera Vacca White Oddo Crowley	Eugene Ferreras	Mitchell	Comrie Dickens Felder Garodnick Gioia Gonzalez Jackson Lappin Liu Mendez Palma Rivera Seabrook Sears Vann Ignizio Crowley
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LOWER MANHATTAN REDEVELOPMENT	MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE & DISABILITY SERVICES	OVERSIGHT & INVESTIGATIONS	PARKS & RECREATION
GERSON, CHAIR Liu Mendez Yassky Eugene	KOPPELL, CHAIR Brewer Felder Gennaro Palma	GIOIA, CHAIR Lappin Liu Nelson Mitchell	FOSTER, CHAIR Gerson James Sears Crowley
PUBLIC SAFETY	RULES, PRIVILEGES & ELECTIONS	SANITATION & SOLID WASTE MANAGEMENT	SMALL BUSINESS
VALLONE, CHAIR Dilan Foster Garodnick Gennaro Gentile Katz Recchia Yassky	REYNA, CHAIR Baez Comrie Dickens Dilan Fidler Garodnick Gentile Jackson Katz Quinn Rivera Seabrook Weprin Oddo	FELDER, CHAIR Arroyo Gennaro Jackson Seabrook Yassky Mitchell	YASSKY, CHAIR James Mealy Palma Weprin
STANDARDS & ETHICS	STATE & FEDERAL LEGISLATION	TECHNOLOGY IN GOVERNMENT	TRANSPORTATION
DICKENS, CHAIR Arroyo Garodnick Gioia Jackson Sears Ignizio	BAEZ, CHAIR Dilan Fidler Garodnick Mark-Viverito Rivera Seabrook	BREWER, CHAIR de Blasio James Koppell Ulrich	LIU, CHAIR Brewer Garodnick Koppell Lappin Mealy Reyna Seabrook Ignizio Ulrich Rodriguez

VETERANS	WATERFRONTS	WOMEN'S ISSUES	YOUTH SERVICES
SANDERS, CHAIR Avella Fidler James Nelson	NELSON, CHAIR Brewer Gerson Mark-Viverito Ferreras	MEALY, CHAIR Barron James Sanders Sears Crowley Ferreras	FIDLER, CHAIR Gerson Gonzalez Mealy Mark-Viverito Ulrich Rodriguez

**LAND USE  
SUBCOMMITTEES**

LANDMARKS, PUBLIC SITING & MARITIME USES	PLANNING, DISPOSITION & CONCESSIONS	ZONING & FRANCHISES
LAPPIN, CHAIR Arroyo Barron Comrie Liu Mendez Palma Crowley	GARODNICK, CHAIR Baez Dickens Gonzalez Ignizio	AVELLA, CHAIR Felder Gioia Jackson Katz Rivera Seabrook Sears Vann

**SUBCOMMITTEES**

DRUG ABUSE (Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services)	PUBLIC HOUSING (Housing & Buildings)	SENIOR CENTERS (Aging)
PALMA, CHAIR	MENDEZ, CHAIR	MARK-VIVERITO, CHAIR

**SELECT COMMITTEES**

LIBRARIES
GENTILE, CHAIR

**TASK FORCES**

HOSPITAL CLOSINGS	OPERATIONS & IMPROVEMENTS OF THE DEPARTMENT OF BUILDINGS
SEARS, CHAIR	ODDO, CHAIR
INFRASTRUCTURE	
GARODNICK, CO-CHAIR JAMES, CO-CHAIR	

**GENERAL ORDER CALENDAR**

**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

**Resolved**, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

*Approved New Applicant's Report*

Name	Address	District #
Gwendolyn Hutley	240 Cozine Avenue #6F Brooklyn, NY 11207	42
Kristen Lanham	40-45 Hampton Street #5J Queens, NY 11373	21
Khasan Tursunov	596 Argyle Road #8 Brooklyn, NY 11230	40

*Approved New Applicants and Reapplicants*

Name	Address	District #
Evelyn Astacio	590 East 166th Street Bronx, NY 10456	16
Mildred Aviles	170 Avenue D #11A New York, NY 10009	2
Alfonso Ariel Reyes	455 FDR Drive #B1103 New York, NY 10002	2
Sandra Beauchamp	212 Betts Avenue Bronx, NY 10473	18
Racquel Davis	1527 Metropolitan Avenue #7D Bronx, NY 10462	18
Odessa T. Lawson	1530 Archer Road #3H Bronx, NY 10462	18
Carolyn D. Parker	920 Metcalf Avenue #4G Bronx, NY 10473	18
Carolann Bracey-Miller	861 East 215 Street Bronx, NY 10467	12
Angela Gadson Floyd	3444 White Plains Road Bronx, NY 10467	12
Barbara J. Brennan/ C/O Zarrell	1240 Waring Avenue Bronx, NY 10469	13
Abdool Majeed	2332 Laconia Avenue Bronx, NY 10469	13
Mildred Rodriguez	3555 Bruckner Blvd #5G Bronx, NY 10461	13
Kelly Francis Callahan	315 East 70th Street #9G New York, NY 10021	5
Pamela A. Cassandra	11 Stuyvesant Oval #9G New York, NY 10009	4
Luis Castro	250 East 39th Street New York, NY 10016	4
Ella Caynes	131-78 231st Street Queens, NY 11413	31
Sheryl Fyffe-Gauntlett	259-37 148th Road Queens, NY 11422	31
Edmund H. Hunte	69-30 DaCosta Avenue Queens, NY 11692	31
Rosanne Colasuonno	28 Berry Avenue West Staten Island, NY 10312	51
Maria Edwards	65 Westfield Avenue Staten Island, NY 10309	51
Dawn Ponisi	212 Sinclair Avenue Staten Island, NY 10312	51
Yvonne Taranto	40 Zephyr Avenue Staten Island, NY 10312	51
Silvana Tredici	230 Carteret Street Staten Island, NY 10307	51
Linda Westgate	10 Yacht Club Cove Staten Island, NY 10308	51
Aida Cruel	747 St. Ann's Avenue #D Bronx, NY 10456	17
La'Nette Hearn	225 East 149th Street #15E Bronx, NY 10451	17
Lorraine Cruz	100-20 89 Avenue Queens, NY 11418	30
Ana I. Cruzado	273 St. Marks Place Staten Island, NY 10301	49
Janice Daniels	1250 Sutter Avenue #2F Brooklyn, NY 11208	42
Gloria Miller-Hills	590 East 94th Street Brooklyn, NY 11236	42
Shanda Swain	675 Lincoln Avenue #16J Brooklyn, NY 11208	42
Verne Grey	10 East 116th Street #2A New York, NY 10029	8
Annell Hudson	374 Madison Street Brooklyn, NY 11221	36
Mattie Raysor	750 Gates Avenue #1C Brooklyn, NY 11221	36
Clarissa R. Ingram	117-28 202nd Street St. Albans, NY 11412	27
Chemise Watson-Jackson	164-21 109th Road	27



Toni Wright	Jamaica, NY 11433 109-25 173rd Street Jamaica, NY 11433	27
Wanda Larregui	216 West 62nd Street #2D New York, NY 10023	6
Regina McCord	129 Chester Street Brooklyn, NY 11212	41
Patricia M. McCullough	33 Indian Road #60 New York, NY 10034	7
Frank Novello	1803 Ryder Street Brooklyn, NY 11234	46
Susan Saunders-Rand	130-19 158th Street Queens, NY 11368	28
Luz A. Deras	111-50 76th Road Forest Hills, NY 11375	28
Drew H. Elliott	1 Rockwell Place #1 Brooklyn, NY 11217	23
Janet Mason	1035 Washington Avenue Brooklyn, NY 11225	33
Kisha A. Nesbeth	572 Prospect Place #3B Brooklyn, NY 11238	32
Hazleann Smith	591 St. Mark's Avenue Brooklyn, NY 11216	47
Elizabeth Felix	572 Grand Street #G1 New York, NY 10002	29
James Tong	20 Confucius Plaza New York, NY 10002	35
Theresa A. Finegan	158-10 Sanford Avenue #2C Flushing, NY 11358	35
Phyllis Franchini	385 Adelaide Avenue Staten Island, NY 10306	35
Kathleen Manuelian	48 Clermont Place Staten Island, NY 10314	35
Adalgisa Gomez-Lopez	97-11 Horace Harding Expwy #16C Queens, NY 11434	1
Kathy Whitehead	114-17 141st Street Q Queens, NY 11435	1
Iqbal Muhammad Shaikh	88-73 193rd Street #6F Queens, NY 11423	20
Sherese K. Shepard C/O Lynch	775 Union Street Brooklyn, NY 11215	50
Lew M. Simon	134 Beach 122 Street Rockaway Park, NY 11694	50
Michael J. Torres	2044 Cropsy Avenue #1A Brooklyn, NY 11214	25

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**ROLL CALL ON GENERAL ORDERS FOR THE DAY  
(Items Coupled on General Order Calendar)**

- (1) **Int 138-A --** Security grilles used to secure commercial premises.
- (2) **Int 935-A --** Backflow prevention device reporting and certification.
- (3) **Int 998-A --** Concurrent performance of demolition work and asbestos abatement activities within the same building.
- (4) **Res 2286 --** Approving Membership Changes to Certain Committees.
- (5) **L.U. 1251 & Res 2275 --** App. **20095546 TCM**, unenclosed sidewalk café located at 212 Lafayette Street, Borough of Manhattan, Council District 1. **(Coupled to be Filed pursuant to a Letter of Withdrawal).**
- (6) **L.U. 1252 & Res 2276 --** App. **20105053 TCM**, unenclosed sidewalk café located at 98 Kenmare Street, Borough of Manhattan, Council District 1. **(Coupled to be Filed pursuant to a Letter of Withdrawal).**

- (7) **L.U. 1253 & Res 2277 --** App. **M 770073(A) ZMX** 1800 Williamsbridge Road (Block 4200, Lots 35 & 46), in an R4/C1-2 District.
- (8) **L.U. 1254 & Res 2278 --** App. **C 090096 ZMK** Zoning Map, Section No. 12c, by establishing within an existing R6B District a C2-4 District.
- (9) **L.U. 1270 & Res 2279 --** App. **20105191 TCM**, unenclosed sidewalk café located at 202 West 14th Street, Borough of Manhattan, Council District 3.
- (10) **L.U. 1272 & Res 2280 --** App. **20095499 TCM**, unenclosed sidewalk café located at 119 Seventh Avenue, Borough of Manhattan, Council District 3.
- (11) **L.U. 1274 & Res 2281 --** App. **20105074 HKQ** (N 100104 HKQ), Ridgewood North as a historic district, Council District no. 30.
- (12) **L.U. 1275 & Res 2282 --** App. **20105075 HKR** (N 100105 HKR), Horton's Row as a historic landmark, Council District no. 49.
- (13) **L.U. 1276 & Res 2283 --** App. **20105076 HKR** (N 100106 HKR), Horton's Row as a historic landmark, Council District no. 49.
- (14) **L.U. 1277 & Res 2284 --** App. **20105078 HKR** (N 100107 HKR), Horton's Row as a historic landmark, Council District no. 49.
- (15) **L.U. 1278 & Res 2285 --** App. **20105077 HKR** (N 100109 HKR), Horton's Row as a historic landmark, Council District no. 49.
- (16) **L.U. 1279 & Res 2272 --** 2059-2071 Madison Avenue, Manhattan, Council District No. 9, Section 577 of the Private Housing Finance Law.
- (17) **L.U. 1280 & Res 2273 --** Section 202 Supportive Housing for the Elderly Coretta Scott King Apartments, 660 Jerome Street, 741 Barbey Street, Brooklyn, Council District No. 42.
- (18) **L.U. 1281 & Res 2274 --** Haven Plaza, 188-198 Avenue C, 200 Avenue C, 726 East 13<sup>th</sup> Street, Manhattan, Council District No. 2, Section 577 of the Private Housing Finance Law.
- (19) **Resolution approving various persons Commissioners of Deeds.**

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

**Affirmative** – Arroyo, Avella, Barron, Brewer, Comrie, Crowley, de Blasio, Dickens, Dilan, Eugene, Felder, Ferreras, Fidler, Foster, Gennaro, Gentile, Gerson, Ignizio, Jackson, James, Koppell, Lappin, Liu, Mark-Viverito, Mealy, Mendez, Mitchell, Nelson, Palma, Recchia, Reyna, Sanders, Seabrook, Sears, Stewart, Ulrich, Vacca, Vallone, Jr., Vann, Weprin, White, Yassky, Oddo, Rivera, and the Speaker (Council Member Quinn) – **45**.

**Abstention** – Rodriguez – **1**.

The General Order vote recorded for this Stated Meeting was **45-0-1** as shown above.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 138-A, 935-A, and 998-A.

**INTRODUCTION AND READING OF BILLS**

Res. No. 2269

**Resolution calling upon Governor Paterson to restore proposed cuts of \$53 million to CUNY senior colleges, \$9.9 million to CUNY community colleges, \$90 million to SUNY schools, and \$26.2 million to TAP.**

By Council Member Barron.

**Whereas**, The City University of New York (CUNY) is the largest municipal university system in the United States, comprised of 23 institutions, including 11 senior colleges, and six community colleges; and

**Whereas**, More than 450,000 degree-credit students, including adult, continuing and professional education students, are enrolled at various CUNY campuses located throughout the five boroughs of New York City; and

**Whereas**, The State University of New York (SUNY) is the nation's largest comprehensive system of public higher education, comprised of 64 colleges and universities; and

**Whereas**, Approximately 440,000 full-time and part-time students are enrolled at SUNY, and 1.2 million participate in continuing education programs; and

**Whereas**, On October 15, 2009, Governor David Paterson announced his Deficit Reduction Plan which included proposed cuts of \$53 million to CUNY senior colleges, \$9.9 million to CUNY community colleges, and \$90 million to SUNY colleges; and

**Whereas**, State legislators who disagree with the proposed cuts argue that Governor Paterson's cuts to higher education disproportionately make up more than one-third of the total administrative cuts; and

**Whereas**, On October 21, 2009, representatives from New York State United Teachers (NYSUT) testified before the New York State Assembly's Standing Committee on Ways and Means that in the last eighteen months, SUNY's state-operated campuses have been cut by a staggering \$410 million; and

**Whereas**, Representatives from NYSUT also testified that, in that same time period, CUNY's senior colleges have sustained an alarming cut of \$165 million, including the proposed \$53 million cut; and

**Whereas**, Governor Paterson also proposed to cut \$26.2 million from the Tuition Assistance Program (TAP), which would amount to a \$120 reduction in aid for students receiving TAP; and

**Whereas**, In the 2007-2008 academic year, 75,000 CUNY students received \$170 million in TAP awards; and

**Whereas**, CUNY students comprise about 22% of all New York State students who receive TAP and are also among the poorest in the State; and

**Whereas**, The Governor's proposal to cut higher education funding also comes at a time when CUNY imposed a 15% tuition increase that began in the 2009 Fall semester; and

**Whereas**, SUNY and CUNY colleges, particularly community colleges, are experiencing record-high enrollment and a significant increase in the number of applications; and

**Whereas**, The proposed cuts would further challenge these institutions' ability to meet the demands of a rapidly growing student population; and

**Whereas**, Such cuts may lead to less course offerings, less faculty, larger class sizes and additional tuition increases; and

**Whereas**, As job opportunities remain scarce, New Yorkers are seeking higher education to develop skills that would enable them to have a competitive edge in the workforce; and

**Whereas**, Even though there is a need to decrease the State's budget deficit, it is important to increase support for higher education institutions during these harsh economic times, rather than impose cuts; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon Governor Paterson to restore proposed cuts of \$53 million to CUNY senior colleges, \$9.9 million to CUNY community colleges, \$90 million to SUNY schools, and \$26.2 million to TAP.

Referred to the Committee on Higher Education.

Res. No. 2270

**Resolution praising the contributions of the annual Bronx College Fair Day in providing valuable information and assistance to young people seeking to obtain a college education.**

By Council Member Palma.

**Whereas**, According to a recent report by the New York City Department of Education, the 2007 graduation rate for all New York City high schools was 59.7 % and the overall dropout rate was 13.8 %; and

**Whereas**, According to this report, 57.5 % of Black students from the class of 2007 graduated from high school within four years with a dropout rate of 13.9 %; and

**Whereas**, The report also indicated that 53.4 % of Hispanic students graduated within four years with a dropout rate of 18.2 %; and

**Whereas**, The United Coalition Association, under the leadership of its founder, Ronald Savage, has taken steps to fight against the alarming number of high school dropouts, particularly in the Black and Latino communities, by hosting the Bronx College Fair Day; and

**Whereas**, The United Coalition Association has hosted the annual Bronx College Fair Day since 2006; and

**Whereas**, The Bronx College Fair Day, which works in conjunction with the New York State College Fair Day, is designed to inspire youth by showing them the value of an education and providing them with resources that will enable them to pursue and obtain a high quality education and become successful adults in life; and

**Whereas**, This special event is for high school students who are interested in attending a school within the City University of New York (CUNY) or the State University of New York (SUNY), or one of the trade schools that participate in the college fair; and

**Whereas**, Representatives from over fifty schools usually attend the Bronx College Fair Day to distribute brochures and discuss with potential applicants what programs their schools have to offer and financial aid packages that are available; and

**Whereas**, Potential applicants may also interview with college representatives while at the Fair; and

**Whereas**, At the Bronx College Fair Day, the United Coalition Association also promotes and encourages participation in an essay competition it holds for students on the topic of the importance of obtaining higher education; and

**Whereas**, To qualify, candidates must be in the 11<sup>th</sup> or 12<sup>th</sup> grade to enter the contest, with the intention of attending a CUNY or SUNY college as a first-time freshman; and

**Whereas**, The grand prize winner receives \$500 towards college expenses sponsored by Fidelis Care, and five runners up are given a donation to pay for college application fees for up to five schools within CUNY and/or SUNY; and

**Whereas**, The Bronx College Fair Day is a productive way to encourage young people to pursue a college degree and to help increase access to higher education, especially when application fees and college expenses such as tuition and books can be extremely costly for many students; now, therefore, be it

**Resolved**, That the Council of the City of New York praises the contributions of the annual Bronx College Fair Day in providing valuable information and assistance to young people seeking to obtain a college education.

Referred to the Committee on Higher Education.

Int. No. 1099

By The Public Advocate (Ms. Gotbaum).

**A Local Law to amend the New York city charter in relation to the budgets of the Public Advocate, Comptroller, Conflicts of Interest Board, and the Civilian Complaint Review Board.**

*Be it enacted by the Council as follows:*

Section 1. Section 24 of the New York city charter is amended by adding a new subdivision (o) to read as follows:

*o. The appropriations available to pay for the expenses of the public advocate during each fiscal year shall not be less than nine thousandths of one percent of the net total expense budget of the city. Not later than ninety days after the close of each fiscal year, the public advocate shall submit to the mayor and the council a public detailed accounting of the office's expenditures during such fiscal year.*

§2. Chapter 5 of the New York city charter is amended by adding a new section 91-a to read as follows:

*91-a. Operating budget of the comptroller. The comptroller shall, not later than March tenth of each year, approve and submit to the mayor detailed itemized estimates of the financial needs of the comptroller for the ensuing fiscal year. Such estimates shall be comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation. The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the comptroller shall be adopted pursuant to such provisions of chapter ten of this charter as are applicable to the operating budget of the council.*

§3. Section 2602 of the New York city charter is amended by adding a new subdivision (i) to read as follows:

*i. The appropriations available to pay for the expenses of the board during each fiscal year shall not be less than seven thousandths of one percent of the net total expense budget of the city. Not later than ninety days after the close of each fiscal year, the board shall submit to the mayor and the council a public detailed accounting of the board's expenditures during such fiscal year.*

§4. Paragraph 5 of subdivision c of section 440 of the New York city charter, as amended by vote of the electors on November 7, 1989, is amended to read as follows:

*5. The appropriations available to pay for the expenses of the civilian complaint review board during each fiscal year shall not be less than thirty six hundredths percentum of the appropriations available to pay for the expenses of the police department during such fiscal year. Not later than ninety days after the close of each*

fiscal year, the board shall submit to the mayor and the council a public detailed accounting of the board's expenditures during such fiscal year. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all complaints.

§5. This local law shall become effective immediately after approval by the voters of the city at the next general election held after its enactment.

Referred to the Committee on Finance.

*(Editor's Note: Int Nos. 1100 and 1101 were introduced at the Stated Council Meeting of November 16, 2009)*

Int. No. 1102

By Council Member Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to the fluoridation of water.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-196 to read as follows:

§17-196 Prohibiting the addition of fluoride to the water supply. a. Definitions.

1. "Added" shall mean any artificial augmentation above naturally occurring levels.

2. "Fluoride compound" shall mean any substance that supplies fluoride ions upon dissolution in water, for purposes of maintaining a set concentration of fluoride.

3. "Water supply" shall mean any water source under the control of the city of New York that supplies water as a publicly available utility to residents of the city of New York.

b. No fluoride compound shall be added to the water supply of the city of New York.

§2. This local law shall take effect ninety days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Res. No. 2271

**Resolution calling on the New York State Legislature to amend Article 2-AA of the State Banking Law to mandate that any ATM terminal operating in the State must be outfitted with the "Reverse PIN System."**

By Council Member Vallone Jr.

**Whereas**, Many consumers believe that banks throughout the nation provide an inadequate level of security and protection for customers using Automated Teller Machines ("ATMs"); and

**Whereas**, In 2008, the Electronic Funds Transfer Association ("EFTA") estimated that 60,000 Americans were held at gunpoint at ATMs, and, in the same year, the New York Police Department ("NYPD") received reports of 743 robberies at ATMs in the City; and

**Whereas**, The "Reverse PIN System," which allows ATM users to secretly alert authorities when withdrawing money under duress, would protect users who use ATMs from the threat of robbery; and

**Whereas**, Similar to a silent arm, the Reverse PIN System, when an ATM user withdrawing money under duress enters his or her PIN backward, enables cash to dispense from the machine while simultaneously alerting authorities safely and covertly of the robbery; and

**Whereas**, The system can be purchased for only \$25 per ATM; it will cost \$10 million to install the software in the 270,000 ATMs throughout the country, making the installation cost for the ATM terminals in New York City comparatively small; and

**Whereas**, Many home alarm systems are successfully equipped with similar duress codes; and

**Whereas**, New York State would not be the first State to consider implementing the Reverse PIN System; State legislative efforts to require Reverse PIN System have appeared in Illinois, Kansas and Georgia, but none have succeeded to date; and

**Whereas**, Most importantly, the Reverse PIN System has the potential to save lives; in July of 2009, a 17 year-old girl was abducted and murdered in Los Angeles

after she was forced by a perpetrator to make several unsuccessful attempts to withdraw cash from ATMs using her credit card; and

**Whereas**, The Reverse PIN System could have alerted authorities to such a situation and has the potential to save the lives of others; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to amend Article 2-AA of the State Banking Law to mandate that any ATM terminal operating in the State must be outfitted with the "Reverse PIN System."

Referred to the Committee on Public Safety.

L.U. No. 1279

By Council Member Weprin:

**2059-2071 Madison Avenue, Manhattan, Council District No. 9, Section 577 of the Private Housing Finance Law.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 1280

By Council Member Weprin:

**Section 202 Supportive Housing for the Elderly, Coretta Scott King Apartments, 660 Jerome Street, 741 Barbey Street, Brooklyn, Council District No. 42.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 1281

By Council Member Weprin:

**Haven Plaza, 188-198 Avenue C, 200 Avenue C, 726 East 13<sup>th</sup> Street, 700-722 East 13<sup>th</sup> Street, Manhattan, Council District No. 2, Section 577 of the Private Housing Finance Law.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 1282

By Council Member Katz (by request of the Mayor):

**Application no. 20105211 GFY, an Authorizing Resolution for the granting of franchises for the installation of public pay telephones and associated equipment on, over and under the inalienable property of the City.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1283

By Council Member Katz:

**Application no. 20095681 TCX pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Greentree to establish, maintain and operate an unenclosed sidewalk café located at 5693 Riverdale Avenue, Borough of the Bronx, Council District no. 11. 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.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1284

By Council Member Katz:

Application no .N 090509 ZRM 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 concerning Section 93-063 (Modification of use and bulk regulations for zoning lots fronting upon Delury Square Park) in the Special Lower Manhattan District.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 1285

By Council Member Katz:

Application no. N 080396 NPK, pursuant to Section 197-a and Section 197-d of the New York City Charter concerning The Brooklyn Community Board 7 197-a Plan for Sunset Park in Council District no. 38.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 1286

By Council Member Katz:

Application no. 20105193 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Trel Restaurant, Inc. d/b/a Rosie O’Grady’s to establish, maintain and operate an unenclosed sidewalk café located at 800 Seventh Avenue, Borough of Manhattan, Council District no. 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Tuesday, December 1, 2009

Subcommittee on ZONING & FRANCHISES.....9:30 A.M. See Land Use Calendar Available, Wednesday, November 25, 2009 in Room 5 City Hall Council Chambers – City Hall ..... Tony Avella, Chairperson

★ *Deferred* Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES.....11:00 A.M. See Land Use Calendar Available, Wednesday, November 25, 2009 in Room 5 City Hall Council Chambers – City Hall ..... Jessica Lappin, Chairperson

Wednesday, December 2, 2009

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS..... 1:00 P.M. See Land Use Calendar Available, Wednesday, November 25, 2009 in Room 5 City Hall Council Chambers – City Hall ..... Daniel Garodnick, Chairperson

Thursday, December 3, 2009

Committee on LAND USE .....10:00 A.M. All items reported out of the subcommittees AND SUCH OTHER BUSINESS AS MAY BE NECESSARY Council Chambers – City Hall .....Melinda R. Katz, Chairperson

Committee on TRANSPORTATION jointly with the Committee on AGING.....10:00 A.M. Oversight - What is New York City doing to make the streets safer for seniors? Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... John Liu, Chairperson ..... Maria del Carmen Arroyo, Chairperson

Committee on HOUSING AND BUILDINGS .....10:00 A.M. Agenda to be announced Hearing Room – 250 Broadway, 14<sup>th</sup> Floor .....Erik Martin-Dilan, Chairperson

Committee on PUBLIC SAFETY .....11:00 A.M. Oversight - Efforts to combat the “stop snitching” message Proposed Int. No. 183-A - By Council Members Vallone Jr., Fidler, Gennaro, Gentile, Nelson, Recchia Jr., Vacca, Weprin, Felder and Oddo - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to criminal street gang activity.

Proposed Int 941-A - By Council Members Arroyo, Vallone, Jr., Recchia Jr., Avella, Baez, Comrie, Dickens, Gentile, James, Koppell, Liu, Mealy, Nelson, Palma and Sears - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to criminal street gang initiation activity.

Proposed Int 945-A - By Council Members Recchia, Vallone, Jr., Arroyo, Baez, Brewer, Comrie, Fidler, Gennaro, Gentile, Gonzalez, Liu, Nelson, Stewart, Vann, Avella, Mark-Viverito, Lappin, Koppell, Vacca, Crowley, Gerson, Ignizio and Oddo - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to criminal street gang solicitation.

Council Chambers – City ..... Peter Vallone, Chairperson

Monday, December 7, 2009

Subcommittee on PUBLIC HOUSING ..... 1:00 P.M. Oversight – NYCHA’s Annual Plan Process and Criteria for Amendments Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Rosie Mendez, Chairperson

Committee on CIVIL SERVICE AND LABOR jointly with the Committee on LOWER MANHATTAN REDEVELOPMENT and Committee on MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES ..... 1:00 P.M. Oversight - Examining the NYC World Trade Center Medical Working Group 2009 Annual Report on 9/11 Health Council Chambers – City Hall ..... Michael Nelson, Acting-Chairperson ..... Alan Gerson, Chairperson ..... G. Oliver Koppell, Chairperson

Tuesday, December 8, 2009

Committee on CONSUMER AFFAIRS..... 1:00 P.M. Proposed Int 240-A - By Council Members Vann, Weprin, Arroyo, Brewer, Comrie, Foster, Gennaro, James, Koppell, Mark-Viverito, Nelson, Stewart and Liu - A Local Law - To amend the administrative code of the city of New York, in relation to the penalties associated with the sale of toy guns. Hearing Room – 250 Broadway, 14<sup>th</sup> Floor ..... Leroy Comrie, Chairperson

Wednesday, December 9, 2009

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m. .... Agenda – 1:30 p.m.

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Monday, December 9, 2009.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

***Editor's Local Law Note:** Int Nos. 874-A, 947-A, 1023-A, and 1070-A (all adopted by the Council at the October 28, 2009 Stated Council Meeting) were signed by the Mayor into law on November 17, 2009 as, respectively, Local Law Nos. 71, 72, 73, and 74 of 2009.*











