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The City of New York Manhattan Community Board 8

LAND USE/FULL BOARD MEETING WEDNESDAY, JULY 15, 2009 – 6:30PM RAMAZ SCHOOL 125 East 85th Street AUDITORIUM

Present: Elizabeth Ashby, Michael Auerbach, Michele Birnbaum, Matthew Bondy, Ann Lori Bores, Deirdre Breslin, Barbara Chocky, Sarah Chu, James Clynes, Christina R. Davis, George Fuchs, David Paul Helpern, Jonathan Horn, Lorraine Johnson, Dave Kleckner, Edward Kramer, Laura Lijewski, David Liston, Jacqueline Ludorf, Laura Mayer, Jane Parshall, Mary Boresz Pike, Ellen Polivy, Rita Lee Popper, Margaret Price, David L. Rosenstein, Barbara Rudder, William Sanchez, Judith Schneider, M. Barry Schneider, Helene Simon, Teri Slater, Cos Spagnoletti, H. Patrick Stewart, Marco Tamayo, Debra Teitelbaum, Alexander Tish, Nicholas Viest, Betty Wallerstein, Charles Warren, Hedi White.

Absent (Excused): Joie Anderson, Kenneth Austin, Richard Burg, Roy Carlin, Ruth Halberg, Domenico Minerva, N. Sharon Pope, Dan Quart, Elaine M. Walsh.

Left Prior to Adjournment:

1. Public Session:

- Mr. Toby Maranga, spoke of opposition for The New Stand on 79th and 3rd.
- Ms. Amy Steiner, spoke of opposition for The New Stand application - 79th and 3rd.
- Ms. Roberta Horne, spoke of opposition for New Stand.
- Mr. Hunter Armstrong, spoke about the Second Ave Subway.
- Mr. Gioia P. Ambrelte, spoke in opposition for subway entrances mind block.
- Mr. Doron Gopstein, spoke in opposition Second Ave Subway – MTA's proposed 86th midblock entrance.
- Mr. Gorman Reiley, spoke in opposition of Second Ave Subway.
- Ms. Heather Pearson, spoke in opposition for subway entrances mind block.
- Mr. Richard Bass, spoke in opposition of Second Ave Subway.
- Mr. Tal Golomb, spoke in opposition Second Ave Subway entrance.
- Mr. William D. McCracken, spoke in opposition of New Stand application, SW corner 72nd/1st.
- Mr. Walter Columua, spoke about selective service system.
- Mr. Peter Leachey, spoke both in favor and opposition for Stuable Inn.
- Mr. Franklin Sharp, spoke in opposition Second Ave Subway entrance.
- Mr. Mark Legere, spoke about SAS ancillary Bldg. E. 69th / Second.

Public Hearing: 421-a Partial Tax Exemption for 255 East 74th Street, Block 1429, Lots 1101-1179.

Whereas, this is an application for preliminary certification of eligibility for partial tax exemption under section 421-a of the New York State Real Property Tax Law and 11-245 of the New York City Administrative Code; and

Whereas, Community Board 8M held a public hearing regarding this matter;

Be it resolved that Community Board 8M recommends **denial** of this application.

*Community Board 8M voted to **disapprove** this application by a vote of 29 in favor, 6 opposed, 4 abstentions*

Public Hearing: Special Permit Application for 12-18 East 62nd Street, CEQR #09DCP080M; ULURP # 090440ZSM

Whereas, A special permit under Section 74-711 of the NYC Zoning Resolution is being sought from the City Planning Commission to allow proposed rooftop penthouse additions to two of four townhouses. The zoning issue addressed by the Special Permit is the modification of height regulations for existing buildings located within a Landmarks Preservation Commission designated Historic District. The proposal would add a 575 square foot sixth floor to building #12 and a 607 square foot sixth floor to building #14. The four buildings, which are vacant, are currently undergoing rehabilitation for future occupancy. In addition, the exterior of the four buildings are to be restored in compliance with NYC Landmarks Preservation Commission requirements.

Whereas, Community Board 8M held a public hearing regarding this matter;

Be it resolved, that Community Board 8M recommends approval of this application.

Community Board 8M passed the following resolution by a vote of 40 in favor, 0 opposed, 0 abstentions

Public Hearing: BSA Application No. 128-04-BZ, 162-168 East 68th Street, the Park East Day School

Whereas, this application is submitted pursuant to Zoning Resolution §72-21 for a variance to allow the enlargement of an existing school (Use Group 3) in an R8B zoning district, which is contrary to Zoning Resolution §23-633, 24-11, 24-33 and 24-552; and

Whereas, Community Board 8M held a public hearing regarding this matter;

Be it resolved, that Community Board 8M recommends **disapproval** of this application.

Please note this resolution failed, by a vote of 16 in favor, 15 opposed, 3 abstentions thus Community Board 8M does not take a position on this application.

4. Manhattan Borough President's Report: MBP Scott M. Stringer announced a proposed action plan for preserving the stable operation of the school system and continuity in the leadership of the department of education, until such time as the State Legislature acts. Also announces appointment of General Counsel Jimmy Yan as his Board of Education representative.

5. Elected Official Reports:

Council Member Daniel Garodnick – Urging compliance with storefront signage rules on 86th Street; NYC zoning resolution has very specific rules for storefront signage: its size, placement, and illumination are all regulated to prevent a visual clutter that detracts from the streetscape.

NYS Senator Liz Krueger – Announces concerns for the community regarding the 72nd Street entrances, and efforts to minimize the displacement of residents and business. Further exploring the safety impact of its “preferred alternative” (alternative 7) nor other possible options for the two northeast entrances on East 86th Street.

Council Member Jessica S. Lappin – Expresses in addition to the budget implications, Mayoral control of the schools was allowed to lapse. Affordable housing bills were set aside. Marriage equality was shelved. And hundreds of other important and pressing issues have been ignored.

Congresswomen Carolyn Maloney- Hails funding for 2nd Ave. Subway, East Side Access; the inclusion of \$197 million for the Second Avenue Subway and \$215 million for East Side Access in the Fiscal Year 2010 House Transportation Appropriations bill.

NYS Assembly Member Micah Kellner- Expresses in a letter requesting that the MTA meet with Upper East Side elected officials to discuss the feasibility of alternative subway entrance solutions proposed by the public and Civitas.

6. Chair's Report Jacqueline Ludorf:

Second Avenue Task Force- M. Barry Schneider and H. Patrick Stewart, *Co-Chairs*

1. BE IT RESOLVED the Second Avenue Subway Task Force of Community Board 8M respectfully urges the MTA to extend the submission deadline for the public comments on the environmental assessment to midnight on July 31, 2009.

Community Board 8M passed this by vote of 40 in favor, 0 opposed, 0 Abstentions

2. BE IT RESOLVED, that Community Board 8M urges the MTA to find other alternatives to the Preferred Option for the entrances to the 86th Street Station on E. 86th Street and we strongly oppose any midblock, sidewalk entrances.

Community Board 8M passed this by a vote of 40 in favor, 0 opposed, 0 Abstentions

Street Life Committee – Cos Spagnoletti and Nicholas Viest, *Co-Chairs*

2. Renewal Applications to the Department of Consumer Affairs for Sidewalk Cafes:

a) **MBRP Restaurant Inc. d/b/a The Stumble Inn, 1454 Second Avenue (@ 76th Street)** –

Renewal application for an enclosed sidewalk café with 12 tables and 25 seats

WHEREAS there are no changes to the application,

WHEREAS there were no objections from members of the public,

WHEREAS the applicant has agreed to close the French doors at 10:00PM,

BE IT RESOLVED THAT the application is **approved**.

Community Board 8M passed this by vote of 41 in favor, 0 opposed and 0 Abstain

b) **Three Star On First, Inc. d/b/a 3 Star Diner, 1462 First Avenue (@ 76th Street)** – Renewal application for an enclosed sidewalk café with 12 tables and 32 seats]

WHEREAS there are no changes to the application,

WHEREAS there were no objections from members of the public,

BE IT RESOLVED THAT the application is **approved**

Community Board 8M passed this by vote of 41 in favor, 0 opposed and 0 Abstain

c) **JRC Group Inc. d/b/a Sushi Hana, 1501 Second Avenue (@ 78th Street)** – Renewal application for an enclosed sidewalk café with 10 tables and 30 seats, DCA #1245357. Due date: August 20th

WHEREAS there are no changes to the application,

WHEREAS there were no objections from members of the public,

BE IT RESOLVED THAT the application is **approved**.

Community Board 8M passed this by a vote of 39 in favor, 1 opposed and 1 abstention

d) **WNG Acquisition Corp. d/b/a The Wicked Wolf, 1442 First Avenue (@ 75th Street)** –

Renewal application for an enclosed sidewalk café with 18 tables and 47 seats

WHEREAS there are no changes to the application,

WHEREAS there were no objections from members of the public,

BE IT RESOLVED THAT the application is **approved**.

Community Board 8M passed this by vote of 41 in favor, 0 opposed and 0 Abstention

3. New Applications to the Department of Consumer Affairs for Sidewalk Cafes:

a) **Fresco Bagel, LLC d/b/a Café Fresco, 1239 First Avenue (@ 67th Street)** – New application for a change of ownership for an enclosed sidewalk café with 15 tables and 30 seats

WHEREAS there are no changes to the application,

WHEREAS there were no objections from members of the public,

BE IT RESOLVED THAT the application is **approved**.

Community Board 8M passed this by vote of 41 in favor, 0 opposed and 0 Abstentions

b) **1326 Restaurant, LLC d/b/a Beach Café, 1326 Second Avenue (@ 70th Street)** – New application for an unenclosed sidewalk café with 13 tables and 28 seats

WHEREAS the applicant had to remove his café on Second Avenue because of Subway construction,

WHEREAS the applicant received permission from the MTA and DCA to apply for a café on East 70th Street,

WHEREAS there were no objections from members of the public,

BE IT RESOLVED THAT the application is **approved**.

Community Board 8M passed this by vote of 39 in favor, 1 opposed and 0 Abstentions

4. New Applications to the Department of Consumer Affairs for Newsstands:

a) **East 79th Street & Third Avenue (Northeast corner)** – New application for a proposed newsstand

WHEREAS this neighborhood already has 3 newsstands within a 3 block radius and 8 newsstands within a 6 block radius,

WHEREAS this location is heavily trafficked by pedestrians and especially seniors,

WHEREAS there are significant amount of safety concerns especially for seniors who may be at risk from motorists who can not see beyond the newsstand,

WHEREAS there are concerns that a newsstand would restrict visibility and increase the likelihood of traffic accidents at this intersection which already experiences a fair number of traffic accidents,

WHEREAS this location would displace another vendor who has a fruit stand at this location,

WHEREAS the vendors selling Christmas trees will be displaced,

WHEREAS the Dewitt Nursing Home is next door to the proposed location and,

WHEREAS there is a need to keep space clear for ambulate drop-offs and pick-ups,

WHEREAS the Chase Bank at this location opposes this application,

WHEREAS there was overwhelming community opposition to this newsstand location at the meeting,

WHEREAS more than 25 residents appeared at the meeting in opposition of the location of this newsstand,

WHEREAS this stand would be outside the entrance of 201 East 79th Street,

WHEREAS the residents from this building stated that the vast majority of the people living in the building do not support this location,

WHEREAS a representative from the East 80th Street Block Association expressed opposition to this location,

WHEREAS the East 79th Street Neighborhood Association opposes a newsstand at this location,

WHEREAS East 79th Street is a restricted street to cafes because it is highly residential and heavily trafficked by pedestrians,

BE IT RESOLVED THAT the application is **DIS-approved**.

Community Board 8M passed this by vote of 40 in favor, 0 opposed, 0 Abstain, and 1 NVFC

b) **East 72nd Street & First Avenue (Southwest corner)** – New application for a proposed newsstand

WHEREAS a representative for 360 East 72nd Street stated that the Board of this building strongly opposes the application,

WHEREAS the building is planning significant construction, which will require scaffolding and netting where the newsstand will be sited,

WHEREAS Con Edison is planning on doing extensive work that would involve digging up the sidewalk and street near the proposed location,

WHEREAS this location is largely residential and heavily trafficked by pedestrians,

WHEREAS a representative from the Chase bank at this location opposes this application,

BE IT RESOLVED THAT the application is **DIS-approved**.

Community Board 8M passed this by vote of 40 in favor, 0 opposed, 0 Abstain, and 1 NVFC

5. New Applications to the New York State Liquor Authority for Liquor Licenses:

a) **O Sha, Inc. d/b/a O Sha, currently Cinco de Mayo, 1711 Second Avenue (88th/89th Streets)**

– New application for an beer and wine license

WHEREAS the applicant will change the DBA to O Sha,

WHEREAS there will only be piped music,

BE IT RESOLVED THAT the application is **approved**.

Community Board 8M passed this by vote of 40 in favor, 0 opposed, and 0 Abstain

b) **Srome Bake Inc. d/b/a Glendale Bake Shop, 1370 First Avenue (@ 73rd Street)** – New application for an on-premises beer & wine license

BE IT RESOLVED THAT the application is **approved**.

Community Board 8M passed this by vote of 40 in favor, 0 opposed, and 0 Abstain

d) **A.M. Restaurant Group, Inc. d/b/a Trattoria Pesce Pasta, 1562 Third Avenue (87th/88th Streets)** – New application for an on-premises liquor license

WHEREAS this is a new application from a new owner for a liquor license,

WHEREAS the applicant is making no changes to the establishment,

BE IT RESOLVED THAT the application is **approved**.

Community Board 8M passed this by vote of 40 in favor, 0 opposed, and 0 Abstain

e) **Manhattan Restaurant Group, LLC d/b/a Tiny Thai, 1558 Third Avenue (87th/88th Street)**

– New application for an on-premises liquor license

BE IT RESOLVED THAT the application is **approved**

Community Board 8M passed this by vote of 40 in favor, 0 opposed, and 0 Abstain

f) **Empire Wok NY, Inc., 1567 Second Avenue (81st/82nd Avenues)** – New application for and beer and wine license

WHEREAS this application is for a change in ownership,

BE IT RESOLVED THAT the application is **approved**.

Community Board 8M passed this by vote of 40 in favor, 0 opposed, and 0 Abstain

Transfers or Alterations

g) **Hailey Grace Corp., 1708 Second Avenue (88th/89th Streets)** – Application to make alterations to a liquor license

WHEREAS this application is for alterations to use the smaller space next door,

WHEREAS the applicant currently serves a full menu and will not change the nature of his establishment,

WHEREAS the altered application will not include the space in front of the new space or his rear yard,

BE IT RESOLVED THAT the application is **approved**.

Community Board 8M passed this by vote of 40 in favor, 1 opposed, and 0 Abstain

h) L.E. GLOBE, LLC d/b/a Café D’Alsace, 1695 Second Avenue (@ 88th Street) – Alteration application to liquor license to add an unenclosed sidewalk café

WHEREAS the applicant is making an alteration to the license to include the café,

Hours: 11a – 12a weekdays, 9a – 12a weekends. Food/drink: 70/30.

BE IT RESOLVED THAT the application is **approved**.

Community Board 8M passed this by vote of 36 in favor, 0 opposed, and 5 Abstain

6) Street Vendor Discussion

WHEREAS Community Board 8 is on record that the proliferation and location of Street Vendors is a serious problem for our community,

WHEREAS the situation has deteriorated and CB 8 is very concerned that there is insufficient enforcement to deal with this problem,

WHEREAS there is a proposal to significantly increase the number of licenses for Street Vendors,

WHEREAS local businesses are closing and are unfairly burdened by the increases in the number of Street Vendors,

WHEREAS there are concerns about enforcing proper health and safety standards for these vendors,

WHEREAS the current Street Vendor laws are too complicated and difficult to enforce,
BE IT RESOLVED THAT Community Board 8 strongly requests that the City establish a dedicated group to enforce Street Vendor laws and,

BE IT FURTHER RESOLVED THAT in light of recent investigations and a proposal to significantly add to the number of Street Vendor licenses, Community Board 8 requests that the issuance of new licenses for Street Vendors be suspended until the administration of these licenses is resolved and the vendor laws are improved and properly enforced.

Community Board 8M passed this by vote of 22 in favor, 13 opposed, and 6 Abstain

Parks Committee- Laura Mayer and Margaret Price, Co-Chairs

1) Review of Plans for Renovating Both Dog Runs at Carl Schurz Park

WHEREAS after many years of heavy use, the condition of both dog runs in Carl Schurz Park requires that they be refurbished; and

WHEREAS it is necessary to replace the surfacing in both dog runs, using Plymouth brown stone in the large dog run and hex blocks in the small dog run; and

WHEREAS both dog runs will gain an additional water source; and

WHEREAS the proposed shrubbery around the perimeter of the large dog run should enhance the appearance of the area without obscuring vision lines; therefore,

BE IT RESOLVED that Community Board 8 approves of the plan to renovate the dog runs in Carl Schurz Park.

BE IT FURTHER RESOLVED that this approval is dependent on the Parks Dept. taking into account whether the size of the large dog run can be further expanded by limiting shrubbery around its edges.

Community Board 8M passed this by vote of 37 in favor, 0 opposed, and 0 Abstain

3) Letter to City Officials Summarizing the Views Shared at the Forum on “The Commercialization of Manhattan Parks”

Dear Commissioner Benepe:

On May 7, 2009, the Parks Committee of Community Board 8 sponsored a public forum on The Commercialization of Parks in Manhattan, which is an issue of mounting concern in Manhattan’s communities. Panelists at the forum included the Parks Committee chairs or co-chairs of eight of Manhattan Community Boards, including Boards 3, 4, 5, 6, 7, 8, 11 & 12.

At this event, panelists shared wide ranging views about commercialization in their area’s parks.

While some panelists praised the corporate contributions that had enhanced their district’s parks, others cited the intrusive effects of—temporary or on-going—commercial programs in parks that limit public use of this open space.

However, panelists did agree on several key points:

- The Parks Dept. should inform individual Community Boards of plans for commercial uses of parks within their district in time to allow for Community Board input;
- The city should undertake analysis of proposed commercial uses of a park to ensure that they would benefit the local community; and
- In general, the City should discontinue viewing parks and malls, which are public open spaces, as sites to be tapped for generating revenue for the City of New York.

Given the agreement on these points by representatives of eight Manhattan Community Boards, we hope the City of New York, including the Parks Dept., will also adopt these as principles. As New York City becomes ever larger in population, we believe it becomes increasingly urgent to preserve our public open space and ensure that it remains accessible to our communities.

Thank you very much for your consideration of this matter.

Community Board 8M passed this by vote of 37 in favor, 0 opposed, and 0 Abstain

Landmarks Committee- David Liston and Jane Parshall, *Co-Chair*

1. **33 East 70th Street [aka 30 East 71st Street] (between Madison and Park Avenues) – Upper East Side Historic District – Mr. Doug Simpson, *Panorama Windows*.** Application is for a Master Plan to replace existing one over one windows.

WHEREAS 33 East 70th Street is a Queen Anne/Romanesque Revival residence designed by Charles W. Clinton and constructed in 1886-87.

WHEREAS 33 East 70th Street was altered in 1938.

WHEREAS over twenty years ago, all windows except for 7 windows, were 6 over 6 multipaned windows.

WHEREAS now, in general, all windows are one over one double hung windows.

WHEREAS in August, 2007, the applicant appeared before the Landmarks Preservation Commission to request replacement one over one windows in a single apartment, which were approved. At that time, the LPC requested that the applicant seek to establish a window master plan for the entire building.

WHEREAS the applicant proposes a master plan where all windows would be aluminum one over one double hung windows.

WHEREAS the original design for the building incorporated 6 over 6 multipaned windows.

WHEREAS the original historic design of wooden 6 over 6 multipaned windows provided texture and interest to the Madison Avenue, East 70th Street and East 71st Street façades.

WHEREAS, in general, a Master Plan is to be applauded. However, in this case, the applicant should return to the original historic design of the windows for a Master Plan window replacement program.

THEREFORE BE IT RESOLVED that this application is disapproved as presented.

Community Board 8M passed this by vote of 24 in favor, 16 opposed, and 0 Abstentions

2. **1025 Fifth Avenue East 84th between Fifth and Madison Avenues)-Metropolitan Museum Historic District-*Ms. Jean Phifer, Architect***-An apartment building designed by Raymond Loewy and William Smith and built in 1955. Application is to install a new canopy and entryway.

WHEREAS renowned mid-century industrial designer, Raymond Loewy, designed the entryway to 1025 Fifth Avenue and H. I. Feldman designed the rest of the building, which consists of 2 twelve-story apartment buildings (one fronting on East 83rd Street and the other fronting on East 84th Street).

WHEREAS in 1970, before the establishment of the Metropolitan Museum Historic District, the marble clad concrete frame, which formed the portal to the building as part of the original design, was removed.

WHEREAS there has been, following the removal of the marble clad concrete frame, a further erosion of Loewy's original design over the years with the addition of other elements such as planters and a canvas awning attached to the concrete canopy that is a major part of the Loewy design.

WHEREAS the application is to reconstruct the original Loewy-designed marble-clad frame at the building entry; restore the original concrete canopy and bronze fascia which will be 2'8" deep and 2.5" higher than the original design so as to meet modern engineering requirements; restore the lighting within the original canopy; enlarge the planting beds to the north and south of the building entry; re-install planting screens, as per the original design, along the stucco-clad walls of the two buildings adjacent to the entry; replace the existing metal and canvas awning with a new bronze and canvas awning; replace the existing non-original slate pavers with dark, flame-finished granite pavers; and remove the non-original flagpole and lighting.

WHEREAS replacing the slate pavers with dark, flame-finished granite pavers will result in a surface consistent with the dark concrete sidewalk and will produce, along with the added greenery, a more welcoming entry.

WHEREAS the new bronze and canvas awning will be free-standing and aligned with the restored frame and will be elegant and minimalist in a manner consistent with the original design.

WHEREAS the bronze of the awning will match the bronze of the window mullions in the lobby.

WHEREAS the above described changes will return the building entry to the original Loewy design.

THEREFORE BE IT RESOLVED that this application is approved as presented.

Community Board 8M passed this by vote of 41 in favor, 0 opposed, and 0 Abstentions

9. New Business: Re: Application M8-059 by the Trinity Baptist Church to close East 61st Street between Second and Third Avenues on September 13, 2009 for a Street Fair.

WHEREAS, there was a public hearing on this application,

WHEREAS, there were no objections to the application,

THEREFORE BE IT RESOLVED, that Community Board 8M recommends approval of the application by Trinity Baptist Church to close East 61st Street between Second and Third Avenues on September 13, 2009 for a Street Fair.

Community Board 8M passed this by a vote of 39 in favor, 0 opposed and 2 abstentions

With no further business the meeting was adjourned at 10:30 pm.