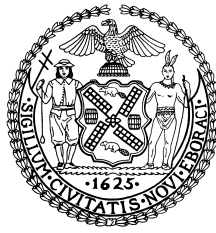


David G. Liston  
Chair

Maxine Brannon  
District Manager



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## The City of New York Manhattan Community Board 8

### LAND USE-FULL BOARD MEETING WEDNESDAY, JUNE 18, 2008 – 6:30PM NEW YORK BLOOD CENTER 310 EAST 67<sup>TH</sup> STREET AUDITORIUM

**Present:** Joie Anderson, Elizabeth Ashby, Kenneth W. Austin, Michele Birnbaum, Matthew A. Bondy, Deirdre Breslin, Richard Burg, Roy H. Carlin, Barbara Chocky, Sarah Chu, James Gerard Clynes, George Fuchs, Ruth Halberg, David Paul Helpern, Jonathan Horn, Lorraine Johnson, Karen Karpowich, Dave Kleckner, Laura Lijewski, David Liston, Jacqueline Ludorf, Laura Mayer, Kenneth Moltner, Jane Parshall, Mary Boresz Pike, Ellen Polivy, David L. Rosenstein, Margaret Price, Barbara Rudder, William Sanchez, Judith Schneider, M. Barry Schneider, Susan Shapiro, Helene Simon, Teri Slater, H. Patrick Stewart Debra Teitelbaum, Nicholas Viest, Betty Cooper Wallerstein, Charles S. Warren, Hedi White

**Absent (Excused):** Rita Lee Popper

**Absent (Unexcused):** Christina R. Davis, Edward Kramer, N. Sharon Pope, Dan Quart, Diane Rosen, Cos Spagnoletti, Elaine Walsh

**Left Prior to Adjournment:** Laura Mayer, Mary Boresz Pike, Hedi White

David G. Liston, Chair, called the meeting to order at 6:30pm

#### 1. Public Session

- Ms. Carol Tweedy, representing Asphalt Green spoke in favor the Asphalt Green Outdoor Pool.
- Ms. Anne Teicher, representing the Neighborhood Center for The Homeless spoke about the closing of the Neighborhood Center for The Homeless.
- Mr. Neil Uндlerberg, spoke in opposition to DOT Summer Streets.
- Mr. Allen Klein spoke in favor to the rear yard extension.
- Ms. Terry Grace spoke in opposition to the East 73<sup>rd</sup>-74<sup>th</sup> Street construction.
- Ms. Valerie Mason spoke about the MTA Second Avenue Subway.
- Ms. Barbara D'Antonio spoke of the legislation for Second Avenue Economic Stability Initiative.
- Mr. Joe Pecora-Delizio spoke about promoting "Shop Second Avenue Campaign."
- Mr. Jose Puglisi spoke about the Second Avenue Subway.
- Mr. T. Gorman Reilly spoke in favor of the Mount Sinai Tower.
- Mr. Brad Beckstrom of Mount Sinai spoke about the variance request.
- Mr. Michael Sillerman spoke in favor of 980 Madison Avenue.
- Mr. Brandon Thau spoke in favor of 980 Madison Avenue.
- Mr. Chris Connell spoke in favor of 980 Madison Avenue.
- Mr. Bill Higgins spoke in favor of 980 Madison Avenue.
- Ms. Caroline Harris spoke in opposition of 980 Madison Avenue.

- Mr. Howard L. Blum, Jr. spoke in opposition of 980 Madison Avenue.
- Mr. William M. Kahn spoke in opposition of 980 Madison Avenue.
- Mr. Sam Jemal spoke in opposition of 980 Madison Avenue.
- Mr. Elliott Vilkas and Mr. Ken Barbina spoke in favor of 18 East 84<sup>th</sup> Street.
- Ms. Pamela Harris spoke in favor of 18 East 84<sup>th</sup> Street.
- Ms. Kateryna Esanu spoke in favor of 18 East 84<sup>th</sup> Street.
- Mr. Warren Esanu spoke in favor of 18 East 84<sup>th</sup> Street.
- Mr. John P. Dietz spoke in opposition to 744-748 Madison Avenue.
- Ms. Irene Plax spoke of the Green Market.
- Mr. Dan Polly represented Weill Cornell Medical College and spoke about the Public Hearing presentation, presented to Community Board 8.
- Mr. Fred Bondy spoke in favor of the renewal of Scores liquor license.
- Ms. Joan Bondy spoke in favor of the renewal of Scores liquor license.
- Ms. Faith Bondy spoke in favor of the renewal of Scores liquor license.
- Ms. Sally Wasserman spoke in favor of the renewal of Scores liquor license.
- Ms. Lane Aldonizio spoke about The Central Park Conservancy seeks volunteers to participate in a major Park-wide user survey and count in July.
- **Informational Presentation-Department of Transportation will discuss formerly called play on streets currently called “Summer Streets” proposal**-A proposal to close Park Avenue from East 72<sup>nd</sup> Street south to lower Manhattan (using Centre and Lafayette Streets after Park venue ends) to all traffic on three Saturday mornings in August. The dates are August 9<sup>th</sup>, August 16<sup>th</sup> and August 23<sup>rd</sup> from 7:00Am to 1:00PM, only pedestrians, bicycles, and rollerblades will be allowed. The program is based on similar programs in cities around the world. All major cross-town streets would remain open. Specifically, all cross-town buses would continue to operate and cross-town access to the 59<sup>th</sup> Street Bridge and Midtown Tunnel will be maintained.
- **Informational Presentation-73-74 York, LLC/The Arun Bhatia Development Corp., 519 East 73<sup>rd</sup> Street and 518 East 74<sup>th</sup> Street**-The application is to rezone a through block site from the north side of East 73<sup>rd</sup> Street to the South Side of East 74<sup>th</sup> Street from an M1-4 to an R8 to permit the construction of two dormitory buildings, 13 and 18 stories. This site is slightly west of the Sanitation Garage.
- **Public Hearing: Application for a minor modification of the Special Permit (C840900 ZSM) and related site plan (Z.01) associated with New York Presbyterian Hospital’s Large Scale Community Facility Development (LSCFD)**-This application proposes to redistribute unused floor area and lot coverage that had been allocated by prior approvals to allow for the otherwise as-of-right construction of an 8-story stair tower. The stair tower would be provided to address the requirement for a second means of egress from the Payson Wing of New York Presbyterian Hospital.  
**WHEREAS**, this application proposes to redistribute unused floor area and lot coverage that had been allocated by prior approvals to allow for the otherwise as-of-right construction of an 8-story stair tower. The stair tower would be provided to address the requirement for a second means of egress from the Payson Wing of New York Presbyterian Hospital.  
**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 this resolution by a vote of 39 in favor, 0 opposed, and 0 abstentions.*
- **Public Hearing: 421-a Partial Tax Exemption for 212-214 East 95<sup>th</sup> Street, Block 1540, Lot 40-**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. Applicant did not show, item laid over.

**4. Manhattan Borough President's Report:** Ms. Sara Bernstein represented the Borough President. Ms. Bernstein reported that the Borough President calls for Public Safety Summit in wake of second deadly crane collapse. Ms. Bernstein also reported that on May 20, 2008 the Borough President along with City Council members and civic leaders at a council hearing urging the rollback of cuts proposed to the budget of NYC's 59 Community boards. The Borough President joined advocates with disabilities and Assembly Micah Kellner in announcing new legislation to improve access to mass transit.

**5. Elected Officials' Reports:**

a) Congresswoman Carolyn Maloney – Mr. Brice Peyre represented the Congresswoman. Mr. Peyre reported that the Congresswoman following the crane collapse requests Occupational Safety and Health Administration to inspect all construction sites in NYC where cranes are operating and other sites OSHA deems appropriate.

b) NYS Senator Jose Serrano – Ms. Przybyla represented the Senator. Ms. Przybyla reported that on Thursday June 19, 2008 at 5:30pm-9:30pm at 7 East 7<sup>th</sup> Street there will be a NYC Rent Guidelines Board Public hearing.

c) NYS Assembly Member Micah Kellner – Mr. Paul Curtis represented the Assembly Member. Mr. Curtis announced that the latest crane accident reveals need for building reforms. Mr. Curtis announced a panel discussion on Traffic Congestion and the Future of Mass Transit: What's next on Thursday, June 26, 7:00PM at the New York Blood Center at 310 East 67<sup>th</sup> Street.

d) NYS Assembly Member Jonathan Bing – Mr. Benjamin Kallos represented the Assembly Member. Mr. Kallos announce the Assembly Member will be hosing a free forum on "Growing Older and Staying Healthy: A Healthy Living Forum" on Friday, June 27, 2008 from 10:00AM to 12:15PM at the Knickerbocker Plaza at 1751 Second Avenue.

e) Council Member Jessica Lappin – Ms. Swanson represented the Council Member. Ms. Swanson announced that the Green Markets are coming on 82<sup>nd</sup> Street between First and York Avenues will hold its grand opening on July 12, 2008 and a second Green Market will open on July 13, 2008. Ms. Swanson announced that there is a newsletter from the Council Member on how the neighborhood suffers another crane tragedy.

f) Council Member Daniel Garodnick: Mr. Segun Akande represented the Council Member. Mr. Akande announced Council Member Garodnick, the Holmes Towers Tenants Association, the Stanley Isaacs Tenants Association and the Urban Justice Center for a forum on Living in a NYCHA Building: Your Rights as a Tenant, on Thursday, June 19, 2008 from 5:30-6:30pm at the Stanley Isaacs Neighborhood Center at 415 East 83<sup>rd</sup> Street. Mr. Akande also reported that the Council Member sent a letter to Chair Tierney at NYC Landmarks Preservation regarding 980 Madison Avenue.

**6. Chair's Report David G. Liston:** Mr. David Liston

**7. District Manager's Report:** Ms. Brannon spoke about "Taking It To The Street" begin on May 28-29, 2008 on 86<sup>th</sup> Street. Ms. Delores Davis of HPD reported on Wednesday 150 drop-ins and Thursday, 132 drop-ins. Ms. Brannon announced that volunteers are needed for street fairs in 2 hour increments. Sunday, September 7, 2008 (67/68<sup>th</sup> Third Avenue) and Sunday, September 14, 2008 (81<sup>st</sup>/82<sup>nd</sup> Lexington Avenue).

Ms. Brannon thanked David Rosenstein for his assistance at the office during the day of the Second Avenue Subway Meeting. Ms. Brannon also apologized for the numerous mishaps leading up to the Second Avenue Subway meeting last evening. Ms. Brannon said that she has discussed this with both the Chair and Co-Chairs of the Second Avenue Subway Task Force Committee ways in the future to be more effective.

**8. Committee Reports & Action Items:**

***Parks Committee: Reported by Laura Mayer and Margaret Price, Co-Chairs of the Parks Committee:***

**1. Consideration of Whether to Support Community Board's 11's Opposition to Zoning Variance**

**Application No. 257-07-BZ** – a joint issue of the Parks, Landmarks and Zoning Committees.

**WHEREAS**, BSA Application No. 257-07-BZ includes a proposal to construct a tower in the residential mid-block on East 102<sup>nd</sup> St, between Fifth and Madison Avenues in Zone R-9; and

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**WHEREAS**, the proposed building would cast an extensive shadow over Central Park, a designated scenic landmark; and

**WHEREAS**, the proposed building would disrupt the north-eastern view from Central Park; and; **WHEREAS**, the character of residential mid-block buildings is, and should be, low-rise in height; and

**WHEREAS**, CB11, after lengthy discussions, has strongly opposed the application for variances; therefore, **BE IT RESOLVED**, that Community Board 8 join CB11 in strongly opposing Application No. 257-07-BZ for zoning variances.

*Community Board 8M passed this resolution by a vote of 26 in favor, 4 opposed, and 7 abstentions.*

**New Business:**

**Follow-up on the 444 trees.** Mr. Rick Zeidler will let us know when the contracts are signed.

**WHEREAS**, Central Park is a New York City scenic landmark, one of the world's great parks designed by Olmsted and Vaux, and

**WHEREAS**, the Transverse roads in Central Park, part of its designated original design have deteriorated

**BE IT RESOLVED**, that CB8M urgently requests that a master plan for the maintenance and repair for the Transverse roads in Central Park be developed by the Department of Parks, in conjunction with the Central Park Conservancy, the Landmarks Preservation Commission and DOT

*Community Board 8M passed this resolution by a vote of 38 in favor, 0 opposed, and 0 abstentions.*

**Transportation Committee: Reported by Charles S. Warren and Jonathan Horn - Co-Chairs of the Transportation Committee:**

**4. Continuing discussion-A request for the modification of a Revocable Consent for the installation of a snow melting system beneath the portion of the sidewalk at 995 Fifth Avenue.**

**THEREFORE BE IT RESOLVED**, that Community Board 8M approves the request for a modification of a Revocable Consent for the installation of a snow melting system beneath the portion of the sidewalk at 995 Fifth Avenue.

*Community Board 8M passed this resolution by a vote of 33 in favor, 1 opposed, 1 abstentions and 1 not voting for cause..*

**5. A request for a new Revocable Consent for a sidewalk hatch that leads to the existing boiler room for 677-679 Madison Avenue.**

**THEREFORE BE IT RESOLVED**, that Community Board 8M approves the request for a Revocable Consent for a sidewalk hatch that leads to the existing boiler room for 677-679 Madison Avenue.

*Community Board 8M passed this resolution by a vote of 33 in favor, 0 opposed, and 2 abstentions.*

**6. A request for a new Revocable Consent for the installation of sidewalk snow melt conduits at 167 East 73<sup>rd</sup> Street.**

**THEREFORE BE IT RESOLVED**, that Community Board 8M approves the request for a Revocable Consent for the installation of sidewalk snow melt conduits at 167 East 73<sup>rd</sup> Street.

*Community Board 8M passed this resolution by a vote of 32 in favor, 3 opposed, and 0 abstentions.*

**8. Update on Taxi Relief Stands at Lexington Avenue and East 78<sup>th</sup> Street.**

**THEREFORE BE IT RESOLVED**, that Community Board 8M supports the recommendation of the Taxi and Limousine Commission to remove the two taxi stands (consisting of three spots) located on East 78<sup>th</sup> Street, just west of Lexington Avenue.

*Community Board 8M passed this resolution by a vote of 34 in favor, 1 opposed, and 0 abstentions.*

**Landmarks Committee: Reported by Jane Parshall – Chair of the Landmarks Committee:**

**1. 980 Madison Avenue – Upper East Side Historic District –** Mr. Michael Sillerman

(attorney for the developer, Aby Rosen), Brandon Hall (Senior Partner, Foster & Associates), Ward Dennis

(Higgins & Quasbarth). The original application was a request for a certificate of appropriateness for alterations to

an existing building in order to construct a 355 foot residential tower above the existing building. The revised application is to restore the existing building to its 1949 appearance and to construct a five-story plus penthouse vertical enlargement that complies with zoning.

**THIS APPLICATION IS DIVIDED INTO TWO PARTS:**

**Part A.** The restoration of 980 Madison back to its original condition.

**WHEREAS**, 980 Madison is a modern style six story building designed by Walker & Poor and constructed in 1948 with a one story addition by Weisberg Castro Associates constructed in 1987. **WHEREAS**, the restoration would replace the existing later and incompatible rooftop structures.

**WHEREAS**, the building, described as severe and chaste when it was first constructed, has been compromised by the addition of over 50 windows; these windows would be removed as part of the restoration.

**WHEREAS** a cornice would be added, the windows would be indented and the storefronts would be indented so that the building would exactly reflect its 1949 appearance.

**WHEREAS THEREFORE BE IT RESOLVED**, that Part A of the application, the restoration of 980 Madison is approved.

**Part B.** The vertical enlargement over 980 Madison.

**WHEREAS**, the revised proposal is for a five story plus penthouse vertical enlargement which uses the exact proportions of the base below to determine its size.

**WHEREAS**, the new enlargement is clad in a traditional material interpreted in a contemporary way – it is a screen wall of bronze bands – placed over a glass curtain wall – which can be opened or closed.

**WHEREAS**, the new proposal is as-of-right and complies with the zoning for Madison Avenue.

**WHEREAS**, the current proposal is below the permitted height of 210', having a front street wall of 110' and a total height at the penthouse of 116'.

**WHEREAS**, the amount of floor area is 153,000 sf of the allowable 203,000 sf of floor area. **WHEREAS**, the proposed vertical enlargement is inappropriate in materials, design and massing within the historic district.

**WHEREAS**, the proposed vertical enlargement overpowers the sculptural massing of the original Walker and Poor building.

**WHEREAS**, proposed vertical enlargement “reads” as a rooftop addition.

**WHEREAS**, that while the architect brought some sample materials for the cladding of the vertical enlargement the architect has not yet selected the exact color/colors for the bronze cladding.

**WHEREAS THEREFORE BE IT RESOLVED**, that Part B of the application, the vertical enlargement be disapproved.

**2. 744-748 Madison Avenue (between 64<sup>th</sup> and 65<sup>th</sup> Street) – Upper East Side Historic District – Ms. Page Cowley, Architect.** Application is to demolish the existing building and construct a new fourteen story building. ***This application has been revised in response to Landmarks Preservation Commission comments.***

**WHEREAS**, 744-748 Madison is a two-story commercial building designed by Rouse & Goldstone in 1917 and altered by Kenneth B. Norton in 1938.

**WHEREAS**, the application is considered an alteration to 744-748 Madison Avenue. **WHEREAS**, the alteration is no longer coupled to the Betts Mansion, directly north of the site.

**WHEREAS**, the proposed 5 story building no longer has a residential use, only commercial and retail uses.

**WHEREAS**, the cast iron façade sitting in the existing masonry will not be changed. The cast iron will be restored and painted white.

**WHEREAS**, the altered building will now have 5 stories, previously having 3 stories. The new height will be 65' 10". The windows in the new part of the building will be aligned with the windows of the old part of the building.

**WHEREAS**, the fifth floor will contain arched windows, the cornice and the window surrounds will be of limestone.

**WHEREAS**, the brick to be used for two stories above the existing building will be a slightly different color of red to differentiate the new part of the building from the old part of the building. **WHEREAS**, there will be an articulated return of the cornice on the SW corner/side of the building.

**WHEREAS**, the committee recognizes the zoning constraints imposed on the applicant preventing a design with a heavier cornice and a deeper setback.

**WHEREAS**, the alteration to 744-748 Madison is appropriate within the historic district.

**THEREFORE BE IT RESOLVED**, that the application is approved.

*Community Board 8M passed this resolution by a vote of 38 in favor, 0 opposed, and abstentions.*

**3. 35 East 65<sup>th</sup> Street - Upper East Side Historic District – Ms. Diana Romanello.**

This application is for approval of existing roll-down security gate for security purposes and installation a new awning.

**THIS APPLICATION IS DIVIDED INTO TWO PARTS.**

**Part A**, approval of the existing exterior roll down gate.

**WHEREAS**, 35 East 65<sup>th</sup> Street houses the retail shop, Luxury and Accessories International.

**WHEREAS**, the roll down gate is an exterior gate

**WHEREAS**, the installation of the gate supports store security on a quiet side street.

**WHEREAS**, the store entrance drops down from the street

**WHEREAS**, the security gate belongs on the interior of the door (on the inside of the store) rather than the exterior of the door

**WHEREAS**, the exterior gate was installed without a permit.

**THEREFORE BE IT RESOLVED**, that Part A of the application, the approval of the existing exterior roll down gate, is disapproved.

*Part (A) of this resolution was passed by a vote of 35 in favor, 0 opposed, and two abstentions.*

**Part B**, the installation of a new awning.

**WHEREAS**, the new awning is not retractable.

**WHEREAS**, the new awning sits within the property line.

**THEREFORE BE IT RESOLVED**, that Part B of the application, the approval of the installation of a new awning is approved.

*Part (B) of this resolution was passed by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**4. 888 Park Avenue, Upper East Side Historic District.** This application is to legalize a through-the-wall air conditioner unit.

**WHEREAS**, 888 Park Avenue is a neo-Tudor style 14-story apartment building designed by Schwartz and Gross and built in 1926-27.

**WHEREAS**, the air conditioner unit is at the east end of the south elevation and creates a cut in the limestone base of the building.

**WHEREAS**, in general the committee disapproves the installation of air conditioner units that cut into a limestone base within the historic district.

**WHEREAS**, there is no record/information available as to when this one louver was installed. **THEREFORE BE IT RESOLVED**, that this application is approved.

*Community Board 8M passed this resolution by a vote of 28 in favor, 8 opposed, and 1 abstention.*

**5. 140 East 74<sup>th</sup> Street – Upper East Side Historic District – Mr. Robert D. Ascione, architect.** Application is a proposal to have a single retractable awning in lieu of individual awnings at the basement entry of a sidewalk café.

**WHEREAS**, 140 East 74<sup>th</sup> Street houses Vivolo Restaurant at the ground level of a four story brownstone zoned for both commercial and residential use.

**WHEREAS**, the building is set back 5 feet from the property line and is just off Lexington (between Park and Lexington) in a commercial district.

**WHEREAS**, the application is for a single awning over two openings.

**WHEREAS**, a single awning gives more presence to the restaurant and will harmonize with the awning at 138 E. 74<sup>th</sup> St. and will be the exact same color.

**WHEREAS**, the awning is retractable and replaces the existing canopy.

**WHEREAS**, the awning will be, in general, within the property line, except for 1 foot which will be outside the property line. The overall dimension is 6 ‘by 11’

**THEREFORE BE IT RESOLVED**, the application is approved.

*Community Board 8M passed this resolution by a vote of 38 in favor, 0 opposed, and 0 abstentions.*

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**6. 12 East 78<sup>th</sup> Street – Upper East Side Historic District – Mr. John Woell, Architect.** Application is to restore the front façade, to construct a new rear yard addition.

**WHEREAS**, 12 East 78<sup>th</sup> Street is a Renaissance Revival style house designed by Charles Graham and constructed in 1887.

**WHEREAS**, the house is one of two that remain of the six that were originally built.

**WHEREAS**, there will be a complete restoration of the front elevation to its 1887 appearance, including restoring the brownstone and bringing back stone balustrades to the stoop.

**WHEREAS**, the rear elevation is visible from 77<sup>th</sup> St. from a gate on 77<sup>th</sup> St.

**WHEREAS**, the fenestration on the rear elevation will consist of all casement windows.

**WHEREAS**, the committee commends the architect for his treatment of the fenestration on the rear elevation.

**WHEREAS**, the rooftop addition will be 1'4" taller relative to the front elevation and 5' higher at the rear elevation. (The floor-to-floor height will be reduced at the rear of the existing top two floors and a ½ floor will be created in the rear; 3 new rooms in three stories will replace 2 existing rooms in two stories so that a new room will be added at the top of the rear elevation.)

**WHEREAS**, the rear yard set-back will be increased by 4'4" thus increasing the depth of the rear yard. The applicant is reducing the depth of the building in the rear.

**THEREFORE BE IT RESOLVED**, that this application is approved.

*Community Board 8M passed this resolution by a vote of 38 in favor, 0 opposed, and 0 abstentions.*

**7. 214 East 61<sup>st</sup> Street – Treadwell Farm Historic District – Mr. Scott Adgeloff, Mr. Rouben Mohiuddin, Architect.** Application is to bring the brownstone façade back to its original historical appearance.

**WHEREAS**, 214 East 61<sup>st</sup> Street is an Italianate style house constructed in the 1860s or 1870s.

**WHEREAS**, the application is to knit the block back together by returning the original details of the front elevation.

**WHEREAS**, the applicant will return the striations or markings to the façade in order to return the original rusticated look to the brownstone.

**WHEREAS**, there will be no change to any of the existing ironwork.

**THEREFORE BE IT RESOLVED** that this application is approved.

*Community Board 8M passed this resolution by a vote of 38 in favor, 0 opposed, and 0 abstentions.*

**8. 18 East 84<sup>th</sup> Street – Upper East Side Historic District – Ms. Amanda Petty, Building Consultant.**

Application is to add a rear yard addition.

**WHEREAS**, 18 East 84<sup>th</sup> Street is a Flemish bond brick townhouse in the neo-Georgian style designed by Clinton and Russell and constructed in 1899-1900.

**WHEREAS**, the application is to build an enlargement of the cellar floor with a terrace above.

**WHEREAS**, the size of the proposed rear yard addition is 299 sf.

**WHEREAS**, the covered area represents less than 20% of the entire rear yard.

**WHEREAS**, the addition sits in the middle of the rear yard – to move to the east or to the west would block cellar east and west bedroom access to light and air as required by the Building Code.

**WHEREAS**, a 30' rear yard would be maintained; the rear yard is at the cellar level and the terrace would be at the garden level.

**WHEREAS**, the application nonetheless creates an incursion into the existing rear yard.

**THEREFORE BE IT RESOLVED**, that this application be approved

*Community Board 8M passed this resolution by a vote of 33 in favor, 3 opposed, and 2 abstentions.*

**9. 114 East 65<sup>th</sup> Street – Upper East Side Historic District – Mr. Michael Zenerich, Architect.** Application is to enclose a terrace.

**WHEREAS**, 114 East 65<sup>th</sup> Street is a Beaux Arts style residence designed by Buchman & Deisler and built in 1899-1900.

**WHEREAS**, the applicant proposes to enclose a 5<sup>th</sup> floor terrace, install a window and create a roof where the roof before did not exist.

**WHEREAS**, there is a uniform pattern of windows along the rear elevation and the proposed new window will follow this pattern.

**WHEREAS**, the cladding of the new room will be stucco; the rest of the house is brick.

**WHEREAS**, there is no change in the volume of the existing structure.

**THEREFORE BE IT RESOLVED**, that the application is approved.

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

***Second Avenue Subway Task Force Committee: Reported by Susan Shapiro and H. Patrick Stewart – Co-Chairs of the Second Avenue Subway Task Force Committee:***

**1. Community Board 8 supports the efforts of the SABA and requests that a letter be sent immediately – the legislative session ends June 23<sup>rd</sup> – to the Mayor requesting his full support.**

Dear Mayor Bloomberg:

It is with a heightened sense of urgency that we write to you regarding pending legislation critical to the community surrounding the Second Avenue Subway "launch box" that is rapidly taking on the qualities of a disaster zone, this one man-made.

The 40 small businesses that line the current construction zone, from 91st to 96th Streets, are in dire financial condition due to the loss of business directly related to the unexpected breadth and width of the work, which includes: blocked entrances, impossible-to-navigate and ever-changing pathways, lack of parking, inability to get deliveries, loss of foot traffic, telephone outages that affect phone orders, dark areas and hidden walkways that discourage after-dark shopping or dining, the list is lengthy.

Without the passage of these three economic stimulus bills, some of the businesses will not survive another month. Five stores have already shut their doors and another six are in immediate jeopardy of closing. A slice of Yorkville is dying, the small, individually owned businesses that make a community.

If enacted, this legislation will be templates to help protect small businesses in the other high-impact areas, e.g., around the station sites around 72nd Street and 86th Street, as the construction continues south along Second Avenue.

Each State Senator told the SABA members that the only way for the legislation to be enacted by the close of this session next week was if you call the State Senate Majority leader and discuss the urgency of their immediate passage. They all asked: "What is the Mayor's view?" The bills are as follows:

**S8154...**Establishes an economic grant program for the Second Avenue Subway construction project area.

**S8191...**Provides that there shall be no sales or compensating use tax on goods and services sold in the 2nd Avenue subway construction area for a period of six months.

**S8227...**Creates real property tax abatement for certain commercial properties located within the Second Avenue Subway project.

Community Board 8M, on behalf of the residents and threatened businesses, urgently requests your consideration and vocal support.

*Community Board 8M passed this resolution by a vote of 26 in favor, 1 opposed, and 9 abstentions.*

**3. Community Board 8 requests that when DOT issues an Emergency Permit they restrict parking in the location for which the permit was issued for the length of the permit, so as to ensure that emergency vehicles (e.g., fire trucks) have full access to the surrounding area.**

**THEREFORE BE IT RESOLVED**, That Community Board 8M requests that when DOT issues and Emergency Permit they restrict parking in the location for which the permit was issued for the length of the permit, so as to ensure that emergency vehicles (e.g., fire trucks) have full access to the surrounding area.

*Community Board 8M disapproved this resolution by a vote of 8 in favor, 25 opposed, and 3 abstentions.*

***Budget Committee: Reported by Barbara Chocky and Roy Carlin – Co-Chairs of the Budget Committee:***

Purpose of this emergency meeting was to discuss the impact of the City Budget cuts. All agencies are being cut by at least 3% and a second round of cuts is expected.

We discussed if we should protest specific cuts but decided that all cuts can be detrimental to the most vulnerable constituents of our district and the City.

**Resolved:** Community Board 8M is very concerned of the affect of the budget cuts on the most vulnerable constituents both in Community Board 8, and in the rest of the City. We urge The City Council to do everything they can to restore the cuts.

*Community Board 8M passed this resolution by a vote of 32 in favor, 1 opposed, and 0 abstentions.*

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*Street Life Committee: Reported by Nicholas Viest and Cos Spagnoletti – Co-Chairs of the Street Life Committee:*

**1. Joint Committee Item:**

**Maz Mezcal, 316 East 86<sup>th</sup> Street** - Outdoor sidewalk café regulations and zoning text change 35 in favor, 0 opposed, and 0 abstentions.

**WHEREAS**, the application is to amend the zoning text and sidewalk café regulations to allow for a small sidewalk café consisting of a single row of tables along the building wall within the stoop line of adjoining buildings,

**WHEREAS**, the applicant had operated the café for several years until being informed of its non-conformance,

**WHEREAS**, there are other sidewalk cafes that are adjacent to the applicant's establishment that are allowed simply by reason of the fact that they lie within the stoop lines of the buildings in which they are located,

**WHEREAS**, the applicant's counsel indicated that the benefit of this particular zoning proposal would not be limited to the applicant alone and therefore does not constitute spot zoning,

**WHEREAS**, the stoop lines of the adjoining buildings are unique to the south side of 86<sup>th</sup> Street, and foster a condition such that the proposed single row of tables along the building wall would have no impact on pedestrian flow,

**WHEREAS**, there was overwhelming support from the public in favor of granting the application,

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

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

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

**a. By the Glass Inc. d/b/a UVA, 1486 Second Avenue (77<sup>th</sup>/78<sup>th</sup> Streets)** – Renewal application for an unenclosed sidewalk café with 8 tables and 16 seats, DCA #1190933

**WHEREAS**, there are no changes to the café,

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

*Community Board 8M passed this resolution by a vote of 35 in favor, 0 opposed, and 0 abstentions.*

**c. Sofia 61<sup>st</sup> Street Corp. d/b/a Sofia Fabulous Grill, 29 East 61<sup>st</sup> Street (Madison/Park Avenues)** – Renewal application for an unenclosed sidewalk café with 4 tables and 7 seats, DCA # 1200150

**WHEREAS**, there are no changes to the café,

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

*Community Board 8M passed this resolution by a vote of 35 in favor, 0 opposed, and 0 abstentions.*

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

**a. 1373 1<sup>st</sup> Café Inc., 1373 First Avenue (73<sup>rd</sup>/74<sup>th</sup> Streets)** – New application for an unenclosed sidewalk café with 8 tables and 16 seats, DCA #1285631

**WHEREAS**, the applicant operates a bar at the premises d/b/a “Banshee Pub”

**WHEREAS**, the applicant does not have a kitchen and indicated that patrons would be ordering food from restaurants in the community to be delivered to the proposed cafe,

**WHEREAS**, two members of the committee complained about noise from the establishment,

**WHEREAS**, the applicant was unable to identify any establishments within the community whose use was similar to that proposed by the applicant,

**WHEREAS**, the committee felt that the proposed use was inappropriate and counter to the policy behind sidewalk cafes and not in the best interests of the community,

**BE IT RESOLVED THAT**, the application is denied.

*Community Board 8M passed this resolution by a vote of 37 in favor, 0 opposed, and 0 abstentions.*

**b. Big Daddy's II LLC d/b/a Big Daddy's II, 1596 Second Avenue (82<sup>nd</sup>/83<sup>rd</sup> Avenues)** – New application for an unenclosed sidewalk café with 10 tables and 20 seats, DCA #1282786

**WHEREAS**, the applicant conducts business at the premises formerly occupied by Penang,

**WHEREAS**, the application is to continue the café in the same configuration as it had been previously arranged,

**WHEREAS**, there is a telephone booth on the south east corner of 83<sup>rd</sup> Street and Second Avenue,

**WHEREAS**, there was concern that one of the proposed tables, which protrudes beyond the building line onto 83<sup>rd</sup> Street, would conflict with the telephone booth and impede the flow of pedestrian traffic,

**WHEREAS**, the applicant agreed to remove the table and agreed not to allow any tables to protrude beyond the building line onto 83<sup>rd</sup> Street,

**BE IT RESOLVED THAT** the application is approved for 9 tables and 18 seats.

*Community Board 8M passed this resolution by a vote of 35 in favor, 0 opposed, and 0 abstentions.*

**d. Tiramisu Restaurant, LLC, 1410 Third Avenue (@ 80<sup>th</sup> Street)** – New application for an unenclosed sidewalk café with 14 tables and 28 seats, DCA #1282359**WHEREAS**, there were concerns expressed by members of the committee regarding the manner in which the prior owner operated the café,

**WHEREAS**, the new owner is the prior owners wife,

**WHEREAS**, the attorney for the new owner represented that the new owner intends to comply with all rules and regulations pertaining to sidewalk cafes and will respect the needs and rights of the community and its neighbors,

**WHEREAS**, the applicant agreed to close the French doors at 10:00 p.m.,

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

*Community Board 8M passed this resolution by a vote of 31 in favor, 3 opposed, and 3 abstentions.*

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

**a. Alfie Company LLC, 1712 First Avenue (88<sup>th</sup>/89<sup>th</sup> Streets)** – New application for alterations on an on-premises liquor license

**WHEREAS**, the applicant operates a quiet neighborhood restaurant, and has a liquor license,

**WHEREAS**, the applicant is seeking to alter that liquor license to comport with interior aesthetic alterations being made, which include the removal of the one stand alone bar, leaving only a service bar,

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

*Community Board 8M passed this resolution by a vote of 37 in favor, 0 opposed, and 0 abstentions.*

**b. Alloro Restaurant Corp. d/b/a Alloro Restaurant, 307 E. 77<sup>th</sup> Street (1<sup>st</sup>/2<sup>nd</sup> Avenues)** – New application for a restaurant wine license

**WHEREAS**, the applicant resides on the same block as the restaurant and represented that she would operate a quiet neighborhood establishment,

**WHEREAS**, the applicant indicated that there is no backyard access, and that the square footage being applied for did not include the backyard,

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

*Community Board 8M passed this resolution by a vote of 37 in favor, 0 opposed, and 0 abstentions.*

**c. 219 East 59<sup>th</sup> Café d/b/a Carriage House, 219 East 59<sup>th</sup> Street (2<sup>nd</sup>/3<sup>rd</sup> Avenues)** – New application for a change/transfer of ownership

**WHEREAS** the d/b/a is the “Carriage House”,

**WHEREAS** this application results from a change in ownership from a father to his son,

**WHEREAS** there will be no changes to the establishment,

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

*Community Board 8M passed this resolution by a vote of 37 in favor, 0 opposed, and 0 abstentions.*

**e. Jacaranda Inc. d/b/a Scores, 333 E. 60<sup>th</sup> Street (1<sup>st</sup>/2<sup>nd</sup> Avenues)** – New transfer application of an on-premises liquor license

**WHEREAS**, this is a change in ownership,

**WHEREAS**, the applicant intends to do business under the trade name “Saphire”,

**WHEREAS**, it was represented that the previous principals are no longer associated with the establishment,

**WHEREAS**, the new principals represented that they have no relationship to the prior establishment or any other establishments owned, operated, or associated with the prior establishment,

**WHEREAS**, members of the committee and Board who live in the neighborhood felt that the establishment makes the block safer for the residents, and has been a good neighbor throughout its existence,

**WHEREAS**, one member of the Board indicated that elderly residents felt safer because of the establishment,

**WHEREAS** the applicant agreed that parking would be strictly enforced, that no cars would be illegally parked, and that valet parking would be through concessions with local parking lots,

**WHEREAS**, the applicant indicated that a five star restaurant would be opened at the premises, **WHEREAS**, there were concerns by members of the committee that if the license were not approved, the establishment would become a fully nude strip club or cabaret style nightclub which would attract a different clientele than the celebrity and expense account business types who currently patronize the establishment and which the new proprietors are seeking to attract, **WHEREAS**, the applicant represented that it has already coordinated security efforts with the 19<sup>th</sup> precinct,

**WHEREAS** the applicant represented that there are no SLA violations currently pending against the establishment,

**WHEREAS**, no members of the community appeared to speak out against the establishment,

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

*Community Board 8M passed this resolution by a vote of 30 in favor, 2 opposed, and 4 abstentions.*

**f. Sfoglia Store, LLC, 1402 Lexington Avenue (92<sup>nd</sup>/93<sup>rd</sup> Streets)** – New application for a transfer/alternation of an on-premises liquor license

**WHEREAS**, the applicant had requested two previous adjournments,

**WHEREAS**, the applicant did not appear,

**WHEREAS**, there was concern that the applicant may have been unaware that the matter was on the calendar,

**BE IT RESOLVED THAT** the application is denied without prejudice to re-applying, and the applicant is encouraged to do so.

*Community Board 8M passed this resolution by a vote of 34 in favor, 1 opposed, and 1 abstention.*

**g. Winwood Caterers Inc., 408B East 92<sup>nd</sup> Street (@ First Avenue)** – New application for an on-premises liquor license

**WHEREAS**, this is the former Yorkville Diner located in the Marriott hotel and will conduct business under the d/b/a “92<sup>nd</sup> Street Café”,

**WHEREAS**, the restaurant is small, can accommodate between 35-45 people, and will serve both the public and the guests of the hotel,

**WHEREAS**, although the applicant’s corporate name suggests a catering company, the license being applied for is an on-premises license that is not portable,

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

*Community Board 8M passed this resolution by a vote of 30 in favor, 2 opposed, and 4 abstentions*

*With no further business the meeting was adjourned at 11:00 pm.*