

**LAND USE COMMITTEE
WEDNESDAY – NOVEMBER 8, 2006 – 7:00PM
HUNTER COLLEGE SCHOOL OF SOCIAL WORK
129 EAST 79TH STREET
AUDITORIUM**

Present: Barbara Allen, Joie Anderson, Elizabeth Ashby, Matthew A. Bondy, Deirdre Breslin, Richard Burg, Roy Carlin, Barbara Chocky, James Gerard Clynes, William Friedland, Alana Frumkes, George W. Fuchs, Susan Grossman, Ruth Halberg, Benjamin Kallos, Dave Kleckner, Edward Kramer, Michael Levin, Laura Lijewski, David Liston, Jacqueline Ludorf, Laura Mayer, Kenneth Mills, Nneka Pope, Margaret Price, David L. Rosenstein, Judith Schneider, M. Barry Schneider, Helene Simon, Teri Slater, Cos Spagnoletti, Nicholas Viest, Charles S. Warren, Hedi White

Absent (Excused): Michelle Jane Birnbaum, Sarah Chu, Christina R. Davis, Edith Fisher, Conrad Foa, Susan Lek, Jane Parshall, Dan Quart, William Sanchez, Susan Shapiro, H. Patrick Stewart, Betty Cooper Wallerstein, Elaine M. Walsh

Absent (Unexcused): Jonathan Ehrlich, Linda Hoffman, Kenneth Moltner

Departed Prior To Adjournment: Barbara Allen, William Friedland, Susan Grossman

David G. Liston, Chair, called the meeting to order at 7:00 PM.

1. Public Hearing – BSA Calendar No. 190-92-A, 180 East End Avenue – This is an application for a 10-year extension of a previously granted transient parking variance.

WHEREAS, this is an application for a 10-year extension of a previously granted transient parking variance; and

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 32 in favor, 1 opposed, and 1 abstention.

2. Public Hearing – BSA Calendar No. 16-95-BZ, 434 East 77th Street, a/k/a 433 East 76th Street – This SOC application requests a waiver of the Board's Rules of Practice and Procedure, re-opening and amendment of BSA Calendar No. 16-95-BZ to permit the legalization of the ramps within an existing parking garage, and an extension of time to complete construction which expired on October 23, 2003.

WHEREAS, This SOC application requests a waiver of the Board's Rules of Practice and Procedure, re-opening and amendment of BSA Calendar No. 16-95-BZ to permit the legalization of the ramps within an existing parking garage, and an extension of time to complete construction which expired on October 23, 2003; and

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 26 in favor, 5 opposed, and 3 abstentions.

3. Street Life Committee: Reported by Nicholas Viest, Co-Chair of the Street Life Committee:

1. Discussion of Community Board #3's resolution regarding eating and drinking establishments in Use Group 6. (This item was heard jointly by the Street Life Committee and the Zoning & Development Committee and was reported by Nicholas Viest, Co-Chair of the Street Life Committee and Teri Slater and Elaine M. Walsh, Co-Chairs of the Zoning and Development Committee)

WHEREAS, the Borough President's office requested that Manhattan Community Board 8 review and comment on the attached Manhattan Community Board 3 resolution; and

WHEREAS, both resolutions deal with the negative effect of a large number of eating and drinking establishments which are permitted in Use Group 6 (local retail and service issues) in residentially zoned areas when grandfathered; and

WHEREAS, the Upper East Side contains both residentially zoned areas and mixed used areas where Use Group 6 eating and drinking establishments exist in large numbers; and

WHEREAS, the residentially zoned areas only contain grandfathered non-conforming Use Group 6 uses including many eating and drinking establishments,

WHEREAS, these residentially zoned areas in Community Board #8 have experienced similar negative impact from the non-conforming grandfathered eating and drinking establishments in their areas,

THEREFORE, be it resolved, that the Manhattan Community Board 8 recommends supporting the Manhattan Community Board 3 resolution except for the wording "and residential districts with commercial overlays" found in recommendation # 3 in Manhattan Community Board 3's resolution.

Community Board 8M passed this resolution by a vote of 17 in favor, 11 opposed, and 4 abstentions.

2. Application to the New York State Liquor Authority for liquor licenses:

a. IHMS, LLC d/b/a Hotel Pierre—2 East 61st Street (Fifth/Madison) Request for an approval to relocate bar.

WHEREAS, the only change is to relocate the bar within the same premises,

BE IT RESOLVED THAT, the application is approved

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

c. Papyon Group Inc. d/b/a Peri-Ela—1361 Lexington Avenue (90th/91st) Application for an on-premises liquor license.

WHEREAS, this is a new establishment with a food/drink ratio of 80/20,

WHEREAS, the establishment will close before midnight every night,

WHEREAS, there will only be piped soft music,

BE IT RESOLVED THAT, the application is approved

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

d. The Ivory Bar, Inc.—860 Lexington Avenue (64th/65th) Application for an on-premises liquor license.

WHEREAS, this would be a new establishment,

WHEREAS, the owner has appeared 3 times before the street life committee,

WHEREAS, there are still no plans for the committee to review,

WHEREAS, the committee has asked for plans to be supplied at every meeting,

WHEREAS, there was an extremely large public turnout in opposition,

WHEREAS, the committee has been told different facts regarding the use of the second floor,

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WHEREAS, the type of establishment was changed from a lounge to a restaurant at this meeting,
WHEREAS, the owner was not sure where the application status stood and whether an application had been filed,

BE IT RESOLVED THAT, the application is **NOT approved**

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

i. Wasabi Lobby Japanese Rest. Inc.—1584 Second Avenue 82nd/83rd Application to upgrade from beer and wine to an on-premises liquor license.

WHEREAS, the only change is to upgrade to a liquor license,

WHEREAS, there have been no complaints,

WHEREAS, there are no changes

BE IT RESOLVED THAT, the application is approved

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

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

a. 1501 Caterers, INC. Mary Ann's—1503 Second Avenue (78th/79th) Renewal of an enclosed sidewalk café with 13 tables and 38 seats, DCA # 0895524.

WHEREAS, there are no changes to this renewal and no complaints were received by the Board in the past 2 years,

BE IT RESOLVED THAT, the application is approved based on the owner's agreement to the following stipulations:

- 1) The applicant will abide by the bicycle guidelines.
- 2) The applicant will keep the front of the establishment clean.
- 3) The applicant will not place A-frames in front of establishment

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

b. Mehraj & Sons Inc. d/b/a Bawarchi Indian Cuisine—1149 First Avenue (63rd/64th) Application for an enclosed sidewalk café with 10 tables and 24 seats, DCA # 1233220.

WHEREAS, the only changes to this renewal is ownership, and no complaints were received by the Board in the past 2 years,

BE IT RESOLVED THAT, the application is approved based on the owner's agreement to the following stipulations:

- 1) The applicant will abide by the bicycle guidelines.
- 2) The applicant will keep the front of the establishment clean.
- 3) The applicant will not place A-frames in front of establishment

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

With no further business the meeting was adjourned at 9:30 PM

