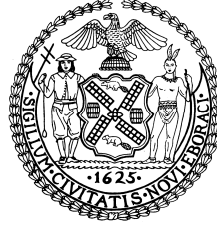


David G. Liston
Chair

Maxine Brannon
District Manager



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The City of New York Manhattan Community Board 8

LAND USE COMMITTEE
WEDNESDAY – APRIL 9, 2008 – 6:30PM
HUNTER COLLEGE SCHOOL OF SOCIAL WORK
129 EAST 79TH STREET
AUDITORIUM

Present: Elizabeth Ashby, Michele Jane Birnbaum, Matthew A. Bondy, Deirdre Breslin, Richard Burg, Barbara Chocky, Sarah Chu, James Gerard Clynes, Christina R. Davis, William Friedland, Ruth Halberg, David Paul Helpern, Jonathan Horn, Melisa Anne Jacobs, Lorraine Johnson, Karen Karpowich, Edward Kramer, Laura Lijewski, David G. Liston, Jacqueline Ludorf, Laura Mayer, Jane Parshall, Mary Borez Pike, Ellen Polivy, Nneka Sharon Pope, Rita Lee Popper, Margaret Price, Dan Quart, Diane Rosen, David L. Rosenstein, Barbara Rudder, William Sanchez, Judith Schneider, Helene Simon, Teri Slater, Cos Spagnoletti, H. Patrick Stewart, Debra Teitelbaum, Nicholas Viest, Elaine M. Walsh, Charles S. Warren, Hedi White

Absent (Excused): Joie Anderson, Kenneth W. Austin, Dave Kleckner, M. Barry Schneider, Susan Shapiro

Absent (Unexcused): Roy Carlin, George W. Fuchs, Susan Grossman, Betty Cooper Wallerstein

Left Prior To Adjournment: James Clynes, Melisa Anne Jacobs, N. Sharon Pope, Debbie Teitelbaum

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

1. Public Hearing: Application #N 080303 ZCM, 306 East 82nd Street, Block 1544, Lot 48, R8B, Special Transit Land Use District – This application and related drawings submitted by C/S Realty Holdings, LLC requesting certification by the MTA New York City Transit and the City Planning Commission pursuant to Section 95-041 of the Zoning Resolution as to whether or not a transit easement volume is required at the above referenced property. **This application is not subject to the Uniform Land Use Review Procedure (ULURP) and does not require a public hearing by the Community Board or the City Planning Commission.**

Community Board 8 took no position on this application.

3. Street Life Committee: Reported by Nicholas Viest and Cos Spagnoletti, Co-Chairs of the Street Life Committee;

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

a. **Cufu Inc. d/b/a Willy's Bar & Grill, 1538 Second Avenue (@ 80th Street) – Renewal of an unenclosed sidewalk café with 19 tables and 39 seats, DCA #0917580**

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WHEREAS, there are no changes to the café and no one from the public complained at the meeting,

WHEREAS, a resident submitted a letter strongly supporting the establishment and recommending approval,

BE IT RESOLVED THAT, the application is approved.

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 1 abstention.

b. Lumi Corporation d/b/a Lumi Restaurant, 963 Lexington Avenue (@ 70th Street) –

Renewal application for an unenclosed sidewalk café with 7 tables and 14 seats, DCA #0930600

WHEREAS, there are no changes to the café and no one from the public complained at the meeting,

BE IT RESOLVED THAT, the application is approved.

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 1 abstention.

c. 83rd & 2nd Gourmet Ltd. d/b/a Tony's Dinapoli, 1606 Second Avenue (83rd/84th Streets) –

Renewal application for an unenclosed sidewalk café with 28 tables and 78 seats, DCA #0907214

WHEREAS, there are no changes to the café and no one from the public complained at the meeting,

BE IT RESOLVED THAT, the application is approved.

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 1 abstention.

d. Orama Inc. d/b/a Trata Restaurant, 1331 Second Avenue (@ 70th Street) – Renewal

WHEREAS, there are no changes to the café and no one from the public complained at the meeting,

BE IT RESOLVED THAT, the application is approved.

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 1 abstention.

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

a. 205 East 75th Street LLC d/b/a Fulton, 205 East 75th Street (@ Third Avenue) – New

application for an unenclosed sidewalk café with 6 tables and 12 seats, DCA #1227438

WHEREAS, the applicant actually requested 14 tables and 29 seats,

WHEREAS, the establishment is owned by the owners of Citerella,

WHEREAS, the two previous establishments closed after a few years of operation,

WHEREAS, two residents were concerned about the size of the café and potential noise and sprawl issues,

WHEREAS, the café agreed to reduce the size of the café to 11 tables and 22 seats,

WHEREAS, the applicant agrees to close the French doors by 10p,

WHEREAS, agreed to communicate with the residents to address any future concerns,

BE IT RESOLVED THAT, the application is approved for 11 tables and 22 seats.

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 1 abstention.

b. Papa Express d/b/a Papa John's Pizza, 1732 Second Avenue (@ 90th Street) – New

application for an unenclosed sidewalk café with 8 tables and 20 seats, DCA #1279096

WHEREAS, this is an application for a café without waiter service,
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WHEREAS, a resident had concerns about the garbage from this café,
WHEREAS, the resident raised questions about their having permit from the Health Department and their canopy, the legality of their banners and a permit for the small neon sign,
WHEREAS, the committee will request that the board office follows up on these issues,
WHEREAS, the committee felt that the Health Department would have shutdown this location if the permit was not in order and also will request that the Board Office confirm that the Health Department is in order,
WHEREAS, the applicant agrees to clean the café every hour on the hour or more frequently if necessary,
WHEREAS, the applicant agrees to have trash receptacles on 2nd Ave and 90th Street,
WHEREAS, applicant agreed to have the delivery bicycles chained to the bicycle stand in front of the establishment,
BE IT RESOLVED THAT, the application is approved subject to the Health Department permit being in order.

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 1 abstention.

c. **Pick a Bagel on Second Inc., 1473 Second Avenue (76th/77th Streets)** – New application for an unenclosed sidewalk café with 12 tables and 24 seats, DCA #1278586

WHEREAS, this application is for a self service café,
WHEREAS, the applicant will clean the café at least every hour or more often if needed,
WHEREAS, there is 12 feet of clearance between the café and the curb,
WHEREAS, the establishment will place a trash receptacle in the café,
BE IT RESOLVED THAT, the application is approved.

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 1 abstention.

d. **Tenzan II New York Corp. d/b/a Tenzan, 1714 Second Avenue (@ 89th Street)** – New application for an unenclosed sidewalk café with 10 tables and 21 seats, DCA #1276994

WHEREAS, the applicant did not appear twice in a row,
BE IT RESOLVED THAT, the application is disapproved.

Community Board 8M passed this resolution by a vote of 39 in favor, 1 opposed, and 2 abstentions.

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

a. **D'ante Ristorante Ltd., 1590 First Avenue (82nd/83rd Streets)** – New application for a transfer of a restaurant wine and beer license

WHEREAS, this is an application for a beer and wine license,
BE IT RESOLVED THAT, the application is approved.

Community Board 8M passed this resolution by a vote of 41 in favor, 0 opposed, and 1 abstention.

d. **Dylan's Candybar LLC, 1011 Third Avenue (@ 60th Street)** – Application for an on-premises liquor license

WHEREAS, the applicant is applying for a liquor license for the second floor,
WHEREAS, upstairs area will be designed for adults/parents,
WHEREAS, there will be security to prevent underage drinking,
BE IT RESOLVED THAT the application is approved.

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Community Board 8M passed this resolution by a vote of 31 in favor, 4 opposed, and 8 abstentions.

4. Discussion of establishment:

ETP Restaurant Corp. d/b/a Ciobella, 1640 Second Avenue (@ 85th Street) – New application for an unenclosed sidewalk café with 31 tables and 94 seats

WHEREAS, the applicant had previously reduced the tables and chairs to 28 and 88 respectively,

WHEREAS, the applicant reappeared to request that the committee re hear their application, which was previously disapproved by CB8,

WHEREAS, the new proposals further reduce the number of tables and the square footage of the café’,

WHEREAS, square footage of the proposed café’ is approximately the same as Panorama’s Café,

WHEREAS, the tables in this café are smaller than the tables used in Panorama Café,

WHEREAS, the first proposal would further reduce the number of tables and chairs on 85th Street by 7 and 14 for a total of 21 and 74 respectively,

WHEREAS, it would also add over 1 foot of additional sidewalk clearance by removing one row of tables making clearance 10ft,

WHEREAS, the second proposal would reduce the number of tables and chairs by 4 and 16 to 24 and 72 respectively,

WHEREAS, the second proposal would not use the space on the north portion of the café on 2nd Avenue,

WHEREAS, in both proposals the clearance on 2nd Avenue is 10 ft,

BE IT RESOLVED THAT, the application is approved for 21 tables and 74 seats where one row of tables is removed on 85th Street.

Community Board 8M passed this resolution by a vote of 29 in favor, 6 opposed, and 6 abstentions.

b. Continued discussion of VuDu Lounge - request for streetlight on the SW corner of 78th Street and First Avenue

WHEREAS, the commercial establishments on the SW corner of 78th Street and First Avenue have all been closed as part of the developer’s plan to tear down the structures and rebuild on the site, and

WHEREAS, there remain several residential tenants who are fighting their eviction meaning the commercial space will remain boarded up for an indefinite length of time, and

WHEREAS, this situation has resulted in a extremely dark, unsafe stretch of sidewalk in front of these buildings at the corner, and

WHEREAS, VuDu Lounge is in operation further south on the west side of First Avenue, and

WHEREAS, patrons of VuDu Lounge congregate at this corner and in the building entranceways smoking and talking throughout the evening, and

WHEREAS, several hundred patrons of VuDu lounge leave the establishment at closing time (4:00 AM) en mass, often loitering in the area and on this corner for an hour or more, and

WHEREAS, numerous residents of the surrounding area have expressed concerns over safety and security, especially near the SW corner of 78th Street and First Avenue, and

WHEREAS, the street lights at the intersection of 78th Street and First Avenue located on the NW and SE corners do not illuminate the area sufficiently,

THEREFORE BE IT RESOLVED, that Community Board 8 Manhattan requests that the Department of Transportation install a new street light at the SW corner of 78th Street and First Avenue as soon as possible. *Community Board 8M passed this resolution by a vote of 39 in favor, 0 opposed, and 0 abstentions.*

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