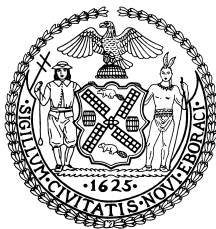


David G. Liston  
Chair

Maxine Brannon  
District Manager



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## The City of New York Manhattan Community Board 8

### LAND USE COMMITTEE WEDNESDAY – MAY 14, 2008 – 6:30PM HUNTER COLLEGE SCHOOL OF SOCIAL WORK 129 EAST 79<sup>TH</sup> STREET AUDITORIUM

**Present:** Elizabeth Ashby, Kenneth W. Austin, Michele Jane Birnbaum, Matthew A. Bondy, Richard Burg, Roy Carlin, Sarah Chu, James Gerard Clynes, Christina R. Davis, George W. Fuchs, David Paul Helpern, Jonathan Horn, Lorraine Johnson, Dave Kleckner, Edward Kramer, Laura Lijewski, David G. Liston, Jacqueline Ludorf, Jane Parshall, Mary Borez Pike, Nneka Sharon Pope, Rita Lee Popper, Margaret Price, Dan Quart, Diane Rosen, David L. Rosenstein, Barbara Rudder, William Sanchez, Judith Schneider, M. Barry Schneider, Susan Shapiro, Teri Slater, Cos Spagnoletti, Debra Teitelbaum, Nicholas Viest, Betty Cooper Wallerstein, Charles S. Warren, Hedi White

**Absent (Excused):** Barbara Chocky, William Friedland, Helene Simon, H. Patrick Stewart, Elaine M. Walsh

**Absent (Unexcused):** Joie Anderson, Deirdre Breslin, Ruth Halberg, Karen Karpowich, Laura Mayer, Ellen Polivy

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

**1. Public Hearing: ULURP Application # C 060440 MMM; CEQR # 05DCP 061M -Hospital for Special Surgery, East 71<sup>st</sup> Street and the FDR Drive-**The proposed project includes 137,869 SF of zoning floor area of new construction which includes 50,998 SF of zoning floor area on the West Wing (the elevators servicing the East Wing will be constructed in the West Wing) to add the 9<sup>th</sup> through 11<sup>th</sup> floors with a roof-top mechanical equipment room in the East Wing and 86,869 SF of zoning floor area for a new 12-story River Building with a roof-top mechanical equipment room to be constructed on a platform within the air space over the FDR Drive along the north side of East 71<sup>st</sup> Street. Access to the River Building would be provided by walking through the second floor of the adjacent Caspary Building. There would also be a new pedestrian bridge constructed at the third floor level connecting the East Wing of the existing Main Hospital to the River Building. The East Wing of the existing Main Hospital was constructed on a platform within air space over the FDR Drive along the south side of East 71<sup>st</sup> Street in 1995, pursuant to a Special permit granted in 1992 by the City Planning Commission (C 910485 ZSM). The completion date for this project will be 2010.

**WHEREAS,** The proposed project includes 137,869 SF of zoning floor area of new construction which includes 50,998 SF of zoning floor area on the West Wing (the elevators servicing the East

Wing will be constructed in the West Wing) to add the 9<sup>th</sup> through 11<sup>th</sup> floors with a roof-top mechanical equipment room in the East Wing and 86,869 SF of zoning floor area for a new 12-story River Building with a roof-top mechanical equipment room to be constructed on a platform within the air space over the FDR Drive along the north side of East 71<sup>st</sup> Street. Access to the River Building would be provided by walking through the second floor of the adjacent Caspary Building. There would also be a new pedestrian bridge constructed at the third floor level connecting the East Wing of the existing Main Hospital to the River Building. The East Wing of the existing Main Hospital was constructed on a platform within air space over the FDR Drive along the south side of East 71<sup>st</sup> Street in 1995, pursuant to a Special permit granted in 1992 by the City Planning Commission (C 910485 ZSM). The completion date for this project will be 2010.

**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 8 M passed this resolution by a vote of 31 in favor, 3 opposed, and 2 abstentions.*

**2. Informational Presentation-Weill Cornell Medical College, 423-431 East 69<sup>th</sup> Street**-The application is for a 16-story (plus mechanicals) research building which will require variances from the Board of Standards and Appeals.

**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. 1326 Restaurant LLC, 1326 Second Avenue (@ 70<sup>th</sup> Street)** – Renewal application for an unenclosed sidewalk café with 20 tables and 40 seats, DCA #1217877

**WHEREAS**, the DBA is Beach Café,

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

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

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

**b. E.A.T. is Owned by Eli Zabar Inc. d/b/a E.A.T.S., 1064 Madison Avenue (80<sup>th</sup>/81<sup>st</sup> Streets)** – Renewal application for an unenclosed sidewalk café with 6 tables and 12 seats, DCA #1172157

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

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

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

**c. Eli's Manhattan Warehouse d/b/a Eli's, 1411 Third Avenue (@ 80<sup>th</sup> Street)** – Renewal

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

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

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

**d. Enterprise Restaurant, LLC, 21 East 62<sup>nd</sup> Street (Fifth/Madison Avenues)** – Renewal application for an unenclosed sidewalk café with 6 tables and 12 seats, DCA #1170995

**WHEREAS**, the applicant is requesting an increase of 2 tables and 4 seats,

**WHEREAS**, the space is somewhat tight in front of the establishment,

**WHEREAS**, a neighboring store manager complained that some of the restaurant deliveries block the front entrance to her store,

**WHEREAS**, she also expressed concerns about these additional tables,

**WHEREAS**, the applicant has operated a café at this location for 6 years,

**WHEREAS**, the applicant submitted over 50 signatures from residents supporting his café,

**BE IT RESOLVED THAT**, the application is approved for 5 tables and 10 seats.

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

**e. Hailey Grace Corp., 1708 Second Avenue (88<sup>th</sup>/89<sup>th</sup> Streets)** – Renewal application for an unenclosed sidewalk café with 9 tables and 18 seats, DCA #1219287

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

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

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

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**f. Better Burger NYC Corp. d/b/a Josie's Kitchen, 1614 Second Avenue (83<sup>rd</sup>/84<sup>th</sup> Streets)** – Renewal application for an unenclosed sidewalk café with 5 tables and 10 seats, DCA # 1192350

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

**WHEREAS**, the owners provide the required equipment for their bicycle messengers,

**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.*

**g. 1226 Second Avenue Realty Corp. d/b/a Primola Restaurant, 1226 Second Avenue (64<sup>th</sup>/65<sup>th</sup> Street)** – Renewal application for an unenclosed sidewalk café with 11 tables, 21 seats, DCA #1167555

**WHEREAS**, the establishment only uses 6 tables of the 11 he is allowed,

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

**BE IT FURTHER RESOLVED THAT**, Community Board 8 approves this application based on the establishment providing clear access to the entrance of the residential building it occupies.

*Community Board 8M passed this resolution by a vote of 32 in favor, 1 opposed, and 10 abstentions.*

**h. EP Property Ltd. d/b/a Per Lei Restaurant, 1347 Second Avenue (@ 71<sup>st</sup> Street)** – Renewal application for an unenclosed sidewalk café with 21 tables and 44 seats, DCA #1220381

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

**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.*

**i. 8868 Corp. d/b/a Vermicelli, 1492 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 #1224915

**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.*

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

**a. Samalita's of California II LLC, 1681 First Avenue (@ 87<sup>th</sup> Street)** – New application for an unenclosed sidewalk café with 6 tables and 12 seats, DCA #1192350

**WHEREAS**, the applicant will only have tables on First Avenue,

**WHEREAS**, there is ample room for the café,

**BE IT RESOLVED THAT**, the application is approved for 8 tables and 19 seats.

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

**b. Demare, Inc. d/b/a Bandol Restaurant, 181 East 78<sup>th</sup> Street (@ Third Avenue)** – New application for an unenclosed sidewalk café with 4 tables and 9 seats.

**WHEREAS**, the applicant thought that the Board Office had scheduled her café to be heard,

**WHEREAS**, the Liquor License was posted and the café notice was not,

**WHEREAS**, the applicant did contact the local residents and sent out copies of her café plans to these residents,

**WHEREAS**, the residents who came to the meeting were there for the café',

**WHEREAS**, local residents spoke on behalf of the establishment and its new owner,

**WHEREAS**, several residents did attend the meeting and supported the café,

**WHEREAS**, the applicant is not changing the café from that of the prior owner,

**WHEREAS**, the committee decided to hear this café application based on the above "Whereas" clauses,

**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.*

**d. Delissimo Deli Corp., 39 East 60<sup>th</sup> Street (Madison/Park Avenues)** – New application for an eating place beer license

**WHEREAS**, this application is for a deli with 2 tables and 4 chairs inside,

**WHEREAS**, this application is for a special license designed for 24-hour deli/markets called an “Eating Place Beer License”,

**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.*

**e. Kunnaned Inc. 1393A Second Avenue (@ 73<sup>rd</sup> Street)** – New application for a restaurant beer and wine license

**WHEREAS**, the DBA is Ving Ping,

**WHEREAS**, this application results from a change in ownership from a husband to his wife,

**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 35 in favor, 0 opposed, and 0 abstentions.*

**g. 303 East 85<sup>th</sup> Restaurant Corp. d/b/a Panorama Café, 303 East 85<sup>th</sup> Street (2<sup>nd</sup>/1<sup>st</sup> Avenues)** – New/upgrade application to an on-premises liquor license

**WHEREAS**, the applicant is the same owner as the Panorama Café of the corner of 85<sup>th</sup> and 2<sup>nd</sup> Ave,

**WHEREAS**, the applicant currently has a beer/wine license,

**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.*

**h. PQ East 77<sup>th</sup> Street, Inc., 252 East 77<sup>th</sup> Street (@ Second Avenue)** – New application for a restaurant wine license

**WHEREAS**, the DBA is Pain Quotidien,

**WHEREAS**, this application is for wine and beer,

**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.*

**i. PQ Bakery LLC, 1131 Madison Avenue (@ 84<sup>th</sup> Street)** – New application for a restaurant wine license.

**WHEREAS**, the DBA is Pain Quotidien,

**WHEREAS**, this application is for wine and beer,

**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.*

**j. Pry Restaurant Corp., 1479 York Avenue (78<sup>th</sup>/79<sup>th</sup> Streets)** – New transfer application for an on-premises liquor license

**WHEREAS**, this application from a new owner of “Dresners”,

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

**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 New York State Liquor Authority for Liquor Licenses:**

**c. Damon Deli (Entity to be formed), 1744 Second Avenue (90<sup>th</sup>/91<sup>st</sup> Streets)** – New application for an on-premises liquor license

**WHEREAS**, the applicant did not appear twice in a row,

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

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

**k. Syracuse University d/b/a Lubin House, 11 East 61<sup>st</sup> Street (Fifth/Madison Avenues)** – New application for an on-premises liquor license

**WHEREAS**, this application is to change the name under the license from SU Club Lubin House to Syracuse University Lubin House,

**WHEREAS**, the applicant stated that events held at Lubin House are Syracuse related events and must be paid for by Syracuse University,

**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.*

**4. Discussion of establishment:**

a. **Bar Bounce, 1403 Second Avenue (@ 73<sup>rd</sup> Street)** - Regarding complaints of noise and neighborhood disturbance

**WHEREAS**, the Board Office received a number of noise complaints from residents,

**WHEREAS**, there were 44 311 complaints listed since 2004,

**WHEREAS**, an unfounded complaint means that the complaint was not observed by the time police arrive,

**WHEREAS**, there has been a pattern of noise disturbances since 2004,

**WHEREAS**, a member of the public did come to the meeting to complain about the on going noise problems,

**WHEREAS**, this resident cited that she hears loud music from her apartment when Bounce's lounge doors are left open,

**WHEREAS**, the resident also stated that she has called the establishment but has not gotten a satisfactory response,

**WHEREAS**, the committee feels that an establishment should not wait until it is called in front of the Community Board to deal with noise problems that it creates,

**BE IT RESOLVED THAT**, a formal complaint be sent from Community Board 8 with the 311 calls attached, duly noting that the establishment is operating in an unsatisfactory manner and,

**BE IT FURTHER RESOLVED THAT**, the SLA be informed in this letter that the establishment has agreed to address these issues and that the Street Life Committee of CB8 will revisit this issue in July to see if progress has been made.

*Community Board 8M passed this resolution by a vote of 28 in favor, 7 opposed, and 0 abstentions.*

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