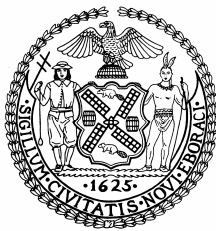


David G. Liston  
Chair

Maxine Brannon  
District Manager



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**The City of New York  
Manhattan Community Board 8**

**LAND USE COMMITTEE  
WEDNESDAY – MARCH 12, 2008 – 6:30PM  
HUNTER COLLEGE SCHOOL OF SOCIAL WORK  
129 EAST 79<sup>TH</sup> STREET  
AUDITORIUM**

**Present:** Joie Anderson, Elizabeth Ashby, Michele Jane Birnbaum, Matthew A. Bondy, Richard Burg, Barbara Chocky, Sarah Chu, James Gerard Clynes, William Friedland, Ruth Halberg, Jonathan Horn, Lorraine Johnson, Karen Karpowich, Dave Kleckner, Laura Lijewski, Jacqueline Ludorf, Laura Mayer, Jane Parshall, Ellen Polivy, Nneka Pope, Rita Lee Popper, Margaret Price, Diane Rosen, David L. Rosenstein, Barbara Rudder, William Sanchez, Judith Schneider, M. Barry Schneider, Susan Shapiro, Helene Simon, Teri Slater, Cos Spagnoletti, H. Patrick Stewart, Nicholas Viest, Elaine M. Walsh, Charles S. Warren

**Absent (Excused):** David Liston

**Absent (Unexcused):** Deirdre Breslin, Roy Carlin, Christina R. Davis, George W. Fuchs, Nicholas Goddard, Susan Grossman, Edward Kramer, Kenneth M. Moltner, Dan Quart, Betty Cooper Wallerstein, Hedi White

**Arrived Late:** Elizabeth Ashby, Matthew Bondy, William Friedland, Ruth Halberg, David L. Rosenstein, Teri Slater, Elaine Walsh

Jacqueline Ludorf, Acting-Chair, called the meeting to order at 6:30 PM.

**1. Public Hearing: BSA Calendar No. 590-70-BZ, 1596-1608 York Avenue–**

East 85<sup>th</sup> Realty LLC, seeks to reopen and to extend the term of the previously granted variance allowing up to 23 surplus parking spaces in an accessory garage at the Subject Premises to be used for transient parking, for an additional term of ten (10) years, and to waive the rules of procedure to allow the application to be filed more than (30) days after the expiration date of the variance.

**WHEREAS**, East 85<sup>th</sup> Realty LLC, seeks to reopen and to extend the term of the previously granted variance allowing up to 23 surplus parking spaces in an accessory garage at the Subject Premises to be used for transient parking, for an additional term of ten (10) years, and to waive the rules of procedure to allow the application to be filed more than thirty (30) days after the expiration date of the variance.

**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 25 in favor, 0 opposed, and 3 abstentions.*

**2. Public Hearing: BSA Calendar No. 546-70-BZ, 1377-1391 York Avenue – River York Stratford LLC,**

seeks to reopen and to extend the term of the previously granted variance allowing up to 50 surplus parking spaces in an accessory garage at the Subject Premises to be used for transient parking, for an additional term of

ten (10) years, and to waive the Board's Rules of Practice and Procedure to allow the application to be filed more than thirty (30) days after the expiration date of the variance.

**WHEREAS**, This is an application for an amendment to the approved plans of a previously approved variance allowing up to 50 surplus parking spaces in an accessory garage at the Subject Premises to be used for transient parking, for an additional term ten (10) years, and to waive the Board's Rules of Practice and Procedures to allow the application to be filed more than thirty (30) days after the expiration date of the variance.

**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 25 in favor, 0 opposed, and 3 abstentions.*

**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. Artaki Corp. d/b/a Peter's on 83<sup>rd</sup>, 1606 First Avenue (@ 83<sup>rd</sup> Street)** - Renewal of an unenclosed sidewalk café with 6 tables and 12 seats, DCA #1191822 Hours: WD – 10a – 11p, WE – 8a – 11p. Food/Drink – 95/5.

**WHEREAS**, there are no changes to the café and no complaints were received from the public,

**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. Percy's Bar & Café, Inc. d/b/a Arriba Arriba Eastside, 1463 Third Avenue (82<sup>nd</sup>/83<sup>rd</sup> Streets)** - Renewal of an unenclosed sidewalk café with 3 tables and 3 seats, DCA #1137703 Hours: WD/WE - 12p – 12a. Food/Drink – 85/15.

**WHEREAS**, there are no changes to the café and no complaints were received from the public,

**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.*

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

**a. Genino Inc. d/b/a Vico Restaurant, 1302 Madison Avenue (92<sup>nd</sup>/93<sup>rd</sup> Streets)** – New application for an unenclosed sidewalk café with 2 tables and 8 seats, DCA #1276520 Hours: 8AM – 12AM Food/Drink - 80/20

**WHEREAS**, there is a recess in the front of the establishment where the tables will sit,

**WHEREAS**, the recess allows a 2 tables of 4 to fit in the space,

**WHEREAS**, 32 residents signed petitions supporting this café,

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

**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.*

**b. Stivale 77 Corp. d/b/a Bar Italia, 1477 Second Avenue (@ 77<sup>th</sup> Street)** – New application for an unenclosed sidewalk café with 14 tables and 37 seats, DCA #1276890 Hours: 11a – 12p. Food/Drink – 70/30.

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

**WHEREAS**, the applicant agrees to close the front doors by 10p,

**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.*

**d. 1629 2<sup>nd</sup> Café Inc. d/b/a Swig, 1629 Second Avenue (84<sup>th</sup>/85<sup>th</sup> Streets)** – New application for an unenclosed sidewalk café with 8 tables and 16 seats, DCA #1277060 Hours: WD/WE - 2p – 4a. Food/Drink – 40/60.

**WHEREAS**, there was one noise complaint in 2007,

**WHEREAS**, the applicant agreed to close the front doors by 10p,

**WHEREAS**, the owner lives in the building.

**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.*

**e. 1295 Madison Ristorante Inc. d/b/a Joanna's Restaurant, 1295 Madison Avenue (@ 92<sup>nd</sup> Street)** – New application for an unenclosed sidewalk café with 16 tables and 52 seats, DCA #1277997 Hours: 11:30a – 10:30p. Food/Drink – 90/10.

**WHEREAS**, the applicant has reduced the amount of tables and chairs to 8 tables and 32 seats,

**WHEREAS**, the applicant reduced the number of tables on 92<sup>nd</sup> Street on the east portion of the café,

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

*Community Board 8M passed this resolution by a vote of 31 in favor, 1 opposed, and 1 abstention.*

**f. Skibereen Bar, Inc. d/b/a Kinsale Tavern, 1672 Third Avenue (93<sup>rd</sup>/94<sup>th</sup> Streets)** – New application for an unenclosed sidewalk café with 6 tables and 12 seats, DCA #127793 Hours: 8a – 4a. Food/Drink: WD/WE -50/50.

**WHEREAS**, the applicant has owned the Kinsale for 20 years,

**WHEREAS**, the owner will close the front door at 10p,

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

*Community Board 8M passed this resolution by a vote of 31 in favor, 1 opposed, and 1 abstentions.*

**g. ETP Restaurant Corp. d/b/a Ciaobella, 1640 Second Avenue (@ 85<sup>th</sup> Street)** – New application for an unenclosed sidewalk café with 31 tables and 94 seats, DCA #1277068 Hours: WD/WE – 12p – 1a. Food/Drink – 80/20.

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

**WHEREAS**, the applicant is reducing the tables and chairs to 28 and 88 respectively,

**WHEREAS**, there is over 10ft of clearance on the 2<sup>nd</sup> Avenue side and over 8ft on the 85<sup>th</sup> Street side,

**WHEREAS**, a resident who lives across from the restaurant spoke on behalf of the establishment,

*Community Board 8M passed this resolution by a vote of 19 in favor 17 opposed, and 0 abstentions.*

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

**a. Phillippos Restaurant d/b/a Barking Dog Luncheonette, 1678 3<sup>rd</sup> Avenue (@ 94<sup>th</sup> Street)** – Application for an upgrade from a wine & beer license to an on-premises liquor license Hours: WD/WE – 8a – 11p. Food/Drink – 95/5

**WHEREAS**, the applicant is applying for a liquor license as his customers have requested mixed drinks,

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

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

**b. 1317 Restaurant Co. LLC d/b/a Fratelli, 1317 First Avenue (70<sup>th</sup>/71<sup>st</sup> Streets)** – Application for an upgrade to an on-premises liquor license

**BE IT RESOLVED THAT** the application is approved. Hours: 12PM – 12AM Food/Drink: 80/20

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

**c. Rouge Tomate New York LLC d/b/a Rouge Tomate, 10-14 East 60<sup>th</sup> Street (5<sup>th</sup>/Madison Avenues)** – Application for a new on-premises liquor license (*Laid over from the February '08 meeting, at applicants request*) Hours: WD/WE - 12p – 12a. Food/Drink – 80/20.

**WHEREAS** this is a new application for a restaurant focused on serving healthy food such as “wild fish and traceable meat”,

**WHEREAS** the applicant states that the parent company operates a successful restaurant in Brussels,

**WHEREAS** the restaurant license will cover two levels, a lower level and the first floor,

**WHEREAS** the applicant stated that this is not a nightclub,

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

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

**d. A.S. Subway Inn, Inc d/b/a Arsenio Salinas, 143 East 60<sup>th</sup> Street (3<sup>rd</sup>/ Lexington Avenues)** – Application for a new on-premises liquor license *Hours: M – Sat 10a – 4a Sun 12p – 4a. Food/Drink – 0/100*

**WHEREAS** this establishment has been in operation since 1947,

**WHEREAS** the establishment is grandfathered to serve no food,

**WHEREAS** this application arises because of a change in ownership,

**WHEREAS** this establishment is on a mostly commercial street,

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

*Community Board 8M passed this resolution by a vote of 32 in favor, 2 opposed, and 1 abstention.*

**4. Discussion of Establishments:**

**a. Discussion of Vudu Lounge, 1487 First Avenue (77<sup>th</sup>/78<sup>th</sup> Streets)** - regarding continuous complaints of noise and neighborhood disturbance

**WHEREAS**, over 30 residents appeared to voice strong concerns about the noise and violence of the patrons as they leave the establishment,

**WHEREAS**, 19 residents spoke specifically about noise and violence,

**WHEREAS**, they described seeing fights, men taking baseball bats and golf clubs from their cars, blood on the sidewalk, urination on the entrance of their building, pot smoking in the front of their building and fighting that has spilled out from the establishment.

**WHEREAS**, they complained of loud noise from the patrons starting on Thursday and continuing through Saturday night from 1a – 5a in the morning,

**WHEREAS**, the residents stated that the problem has become exponentially worse over the last 9 months,

**WHEREAS**, the residents have requested help from the Community Board in giving them a reasonable quality of life back,

**WHEREAS**, the Community Board is concerned that the level of violence being described presents a threat to the safety of its residents those people in the vicinity of this club during operating hours,

**WHEREAS**, the Street Life Committee will set up a meeting with the 19<sup>th</sup> Precinct and residents to discuss police related incidents involving Vudu Lounge and possible ways to reduce conditions of noise and violence and,

**BE IT RESOLVED**, that the Community Board requests that establishment take immediate additional steps to control the noise and unsafe actions of its patrons and,

**BE IT FURTHER RESOLVED**, that the Community Board will be presenting testimony and all pertinent 311 and 911 calls to the SLA for review of VUDU Lounge’s liquor license in light of these very serious problems and complaints.

*Community Board 8M passed this resolution by a vote of 32 in favor, 2 opposed, and 1 abstention.*

**b. Continued discussion of the newsstand on 77<sup>th</sup> Street & 3<sup>rd</sup> Avenue** – regarding community efforts to have the newsstand removed from the southwest corner of the street.

**WHEREAS**, the Board of 175 East 77<sup>th</sup> Street has requested that this newsstand be moved to another location,

**WHEREAS**, the Board representatives cited safety and pedestrian crowding as the primary reasons for this request,

**WHEREAS**, the Board representatives showed the committee plans to beautify the space in front of their building both on 3<sup>rd</sup> Ave and 77<sup>th</sup> Street,

**WHEREAS**, the Street Life Committee applauds the beautification efforts of the Board of 176 East 77<sup>th</sup> Street,

**WHEREAS**, over 25 residents came out in support of keeping the newsstand at this site,

**WHEREAS**, these residents feel that the newsstand provides a valuable service to the community,

**WHEREAS**, a number of these residents live at 176 East 77<sup>th</sup> Street,

**WHEREAS**, a petition was signed by 830 residents in support of keeping this newsstand at this site,

**WHEREAS**, a resident stated that DCA had told him that this newsstand will receive updated furniture this year,

**WHEREAS**, a photo of the newsstand and HSBC bank shows a clear line of site to the entrance from the street,

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**WHEREAS**, the manager of newsstand keeps the newsstand clean and alerts the doormen of 176 East 77<sup>th</sup> to any safety problems he observes,

**BE IT RESOLVED THAT**, Community Board 8 opposes moving this newsstand from its location at 3<sup>rd</sup> Avenue and 77<sup>th</sup> Street.

*Community Board 8M passed this resolution by a vote of 32 in favor, 4 opposed, and 0 abstentions.*

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