

**LAND USE/FULL BOARD MEETING
WEDNESDAY, DECEMBER 21, 2005 – 6:30PM
NY BLOOD CENTER
310 EAST 67TH STREET
AUDITORIUM**

Present: Barbara Allen, Elizabeth Ashby, Matthew A. Bondy, Deirdre Breslin, Richard Burg, Barbara Chocky, Conrad Foa, William Friedland, Susan Grossman, Ruth Halberg, Dave Kleckner, Susan Lek, Michael Levin, David Liston, Noel MacMahon, Laura Mayer, Kenneth Mills, Kenneth M. Moltner, Jane Parshall, Madelaine Piel, Jerome Polansky, Nneka Pope, Margaret Price, William Sanchez, Judith Schneider, M. Barry Schneider, Helene Simon, Teri Slater, Cos Spagnoletti, H. Patrick Stewart, Nicholas Viest, Betty Cooper Wallerstein, Elaine Walsh, Charles S. Warren

Absent: Arthur Brown, Alana Frumkes, Glen Hardy, Linda Hoffman, Laura Lijewski, Margery Perlmutter, Dan Quart, Jocelyn Strauber

Excused: Joie Anderson, Christina R. Davis, Edith Fisher, Jacqueline Ludorf, Susan Shapiro, Hedi White

The meeting was called to order at 6:30 PM by Charles S. Warren, Chair.

2. Public Session:

- Ms. Cyrille Phipps of Manhattan Neighborhood Network requested that Community Board 8 support “Save Public Access.”
- Mr. Niall Washburn spoke in favor of the certificate of appropriateness application at 116 East 80th Street.
- Mr. Gerri Zatlow spoke regarding Special Citizens Future Unlimited, Inc.

5. Manhattan Borough President’s Report: There was no report.

6. Elected Officials’ Reports:

- a) Assembly Member Jonathan Bing – Mr. Adam Szlachetka represented the Assembly Member. Mr. Szlachetka reported that the State Liquor Authority approved a liquor license Community Board 6. The Assemblyman plans to hold a press conference to discuss reforms needed at the SLA.

7. Chair’s Report: Charles S. Warren

Mr. Warren thanked the members of Community Board 8 for the opportunity to serve as their Chair.

8. District Manager’s Report: Elizabeth McKee

Ms. McKee announced that she attended the opening of the 67th Street Branch Public Library on December 1, 2005. Ms. McKee also reported that she is currently serving on a Task Force formed by the NYC Office of Management and Budget to examine the effectiveness of budget consultations.

9. Public Hearing: Calendar No. 303-05-BZ, 428 East 75th Street – This application is filed pursuant to ZR Section 72-21 to vary ZR Section 22-00 to permit the legalization of the second floor of an existing two story commercial structure for use as a physical culture establishment. Said use is not permitted as of right within any zoning district in the City of New York and within the underlying R8B zoning district, requires a variance from the Board of Standards and Appeals.

WHEREAS, this application is filed pursuant to ZR Section 72-21 to vary ZR Section 22-00 to permit the legalization of the second floor of an existing two story commercial structure for use as a physical culture establishment. Said use is not permitted as of right within any zoning district in the City of New York and within the underlying R8B zoning district, requires a variance from the Board of Standards and Appeals; and

Land Use/Full Board Meeting

December 21, 2005

Page Two

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 30 in favor, 0 opposed and 3 abstentions.

10. Committee Reports & Action Items:

Street Fairs Committee

1. Public Hearings re: Applications for Multi-block Street Fairs for calendar year 2006.

a. Application by the Metallic Lathers & Reinforcing Ironworkers for a Street Activity Permit to hold a Street Fair on Saturday September 9, 2006, on 76th Street from Lexington Avenue to Second Avenue from 10:00am to 6:00pm.

BE IT RESOLVED THAT Manhattan Community Board 8 approves the application of the Metallic Lathers & Reinforcing Ironworkers for a Street Activity Permit to hold a Street Fair on Saturday September 9, 2006, on 76th Street from Lexington Avenue to Second Avenue from 10:00am to 6:00pm.

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

b. Application for the Museum Mile Festival to be held on Tuesday, June 13, 2006, on Fifth Avenue, from 82nd Street to 105th Street from 5:00pm to 9:00pm.

BE IT RESOLVED THAT Manhattan Community Board 8 approves the application for a Street Activity Permit for the Museum Mile Festival to hold their event on Fifth Avenue from 82nd to 105th Streets on Tuesday, June 7, 2005 from 6:00pm to 9:00pm and to close the street to traffic.

c. Application by the Carl Schurz Park Association for a Street Activity Permit to hold an Art Show on Saturday, October 7th and Sunday October 8, 2006, on East 84th Street to East 86th Street on East End Avenue and the East River from 7:00am to 7:00pm.

BE IT RESOLVED THAT, Manhattan Community Board 8 approves the application by the Carl Schurz Park Association for a Street Activity Permit to hold an Art Show on Saturday October 7, 2006 and Sunday October 8, 2006, on East 84th Street to East 88th Street on East End Avenue and the East River from 8:00am to 7:00pm.

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

d. Application by the French Institute/Alliance Francaise for a Street Activity Permit for Sunday July 16, 2006 to close 60th Street from Fifth Avenue to Lexington Avenue from 7:00am to 9:00pm.

BE IT RESOLVED THAT, Manhattan Community Board 8 approves the application by the French Institute/Alliance for a Street Activity Permit for Sunday July 16, 2006 to close 60th Street from Fifth Avenue to Lexington Avenue from 8:00am to 9:00pm.

Community Board 8M passed this resolution by a vote of 29 in favor, 2 opposed and 1 abstention.

e. Application by the Madison Avenue Fund for Children to hold their annual event on Madison Avenue 57th Street to 96th Street on Sunday December 3, 2006 from 8:00am to 6:00pm.

BE IT RESOLVED THAT, Manhattan Community Board 8 approves the application of the Madison Avenue Fund for Children to hold an event on Madison Avenue between 57th Street and 86th Street, from 8AM-6PM, with 66th Street to 72nd Street closed to traffic on Sunday December 3, 2006.

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

f. Application by Lenox Hill Neighborhood House for a Street Activity Permit, to close First Avenue from 68th to 79th Street on Saturday June 10, 2006, from 8:00am to 8:30pm, to hold a Street Fair.

BE IT RESOLVED THAT, Manhattan Community Board 8 approves the application by Lenox Hill Neighborhood House for a Street Activity Permit, to close First Avenue from 68th to 79th streets on Saturday June 10, 2006 from 8:00am to 8:30pm, to hold a Street Fair.

Community Board 8M passed this resolution by a vote of 32 in favor, 1 opposed and 0 abstentions and 1 not voting for cause..

Land Use/Full Board Meeting

December 21, 2005

Page Three

g. Application by the 19th Precinct Community Council for a Street Activity Permit to hold a Street Fair on Lexington Avenue, between 60th and 70th Streets, on Sunday April 23, 2006 from 8:00am to 8:00pm.

BE IT RESOLVED THAT, Manhattan Community Board 8 approves the application by the 19th Precinct Community Council for a Street Activity Permit to close Lexington Avenue between 60th and 70th Streets, on Sunday April 23, 2006 from 8:00am to 8:00pm to hold a Street Fair.

Community Board 8M passed this resolution by a vote of 30 in favor, 1 opposed and 1 abstention..

h. Application by the 92nd Street Y for a Street Activity Permit to hold a Street Fair on Lexington Avenue from 79th Street to 96th Street, on Sunday September 17, 2006 from 8:00am to 8:00pm.

BE IT RESOLVED THAT, Manhattan Community Board 8 approves the application by the 92nd Street Y for a Street Activity Permit to close Lexington Avenue from 79th Street to 96th Street, on Sunday September 17, 2006 from 8:00am to 8:00pm.

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

i. Application by the Manhattan Chamber of Commerce for a Street Activity Permit to close Second Avenue from 66th to 86th Street on Sunday September 10, 2006 from 8:00am to 8:00pm, to hold a Street Fair.

BE IT RESOLVED THAT, Manhattan Community Board 8 approves the application by the Manhattan Chamber of Commerce for a Street Activity Permit to close Third Avenue from 66th Street to 86th Street on Sunday September 10th from 8:00am to 8:30pm to hold a Street Fair.

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

j. Application by the Manhattan Chamber of Commerce for a Street Activity Permit to close Second Avenue from 66th to 86th Street on Sunday June 4, 2006 from 8:00am to 8:00pm to hold a Street Fair.

BE IT RESOLVED THAT Manhattan Community Board 8 approves the application by the Manhattan Chamber of Commerce for a Street Activity Permit to close Second Avenue from 66th to 86th Street on Sunday June 4, 2006 from 8:00am to 8:30pm to hold a Street Fair.

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

2. Application by the East Sixties Neighborhood Association to close 60th Street between Madison and Fifth Avenues, from 8:00am to 8:00pm on Sunday August 13, 2006, to hold a Street Fair.

BE IT RESOLVED THAT, Manhattan Community Board 8 approves the application by the East Sixties Neighborhood Association to close 60th Street between Madison & Fifth Avenues, from 8:00am to 8:00pm, on Sunday, August 13, 2006. *Community Board 8M passed this resolution by a vote of 28 in favor, 2 opposed, 2 abstentions and 2 not voting for cause.*

Parks Committee:

1. Final design of the West 110th Street Playground in Central Park (Joint with the Landmarks Committee).

WHEREAS, the playground at West 110th Street will be reconstructed to serve younger children; and **WHEREAS**, the final plan adds a few changes, such as a more central entrance and imaginative equipment, as well as a smaller spray area, and bucket swings and tire swing,

BE IT RESOLVED, that Manhattan Community Board 8 recommends approval of the final design for the West 110th Street Playground in Central Park.

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

2. Discussion on the need to renovate DeKovats Park.

WHEREAS, the current equipment in DeKovats Park is the oldest in our district; and

WHEREAS, the playground does not meet current safety standards; and

WHEREAS, timberform constructions are known to leak arsenic, and because of its age can give splinters to children using it; and

WHEREAS, there has been enormous increase in the population in the area over the past few years, bringing more children into the area to use the playground; and

**Land Use/Full Board Meeting
December 21, 2005
Page Four**

WHEREAS, the spray area is much larger than any other amenity and dominates the playground, even though it is used only for about 8 weeks during the summer,

BE IT RESOLVED, that Manhattan Community Board 8 urges the Department of Parks and Recreation to begin developing plans to bring DeKovats Park up to safety standards, and to install equipment which is more interesting and user friendly to the increased number of children who use this park.

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

Street Life Committee:

1. Applications to the New York State Liquor Authority for liquor licenses:

a. Sfoglea—1402 Lexington Avenue(91/92) Application for an on-premises liquor license.

WHEREAS, the applicant currently owns a similar establishment in Nantucket,

WHEREAS, the hours are 5:30p – 10:30pm on weekdays and 5p – 11p on weekends,

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. Third Church of Christ Scientist—583 Park Avenue (62nd/64th) Application for an on-premises liquor license.

WHEREAS, the applicant is a catering company called the Rose Group,

WHEREAS, the license is for use in the auditorium and basement,

WHEREAS, the primary use will be for weddings,

WHEREAS, the lease states that any party will be under the direct control of the applicant,

WHEREAS, there is no outdoor access,

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.

c. Velo Restaurant Corp.—408 East 92nd Street (1st/York) Application for an on-premises liquor license.

WHEREAS, this application is for a café next door to the Marriott Hotel,

WHEREAS, the hours will be 7a – 12a weekdays and 8a – 1a on weekends,

WHEREAS, the entrance will be on 1st Ave with an additional entrance through the hotel,

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.

e. Edwin Oppenheimer or a Business Entity to be formed by him—1643 First Avenue (85th/86th) Application for an on-premises liquor license.

WHEREAS, this is a new application in the space currently occupied by "Archers" and will be called "Danny & Eddies",

WHEREAS, the current occupant is a pub with use of the backyard,

WHEREAS, the new applicant will increase food service with a food/drink ratio of 40/60,

WHEREAS, the hours will be 11a – 4a,

**Land Use/Full Board Meeting
December 21, 2005
Page Five**

WHEREAS, the new applicant agreed to close access to the backyard at midnight,
WHEREAS the owner lives across the street from the establishment and will be accessible to residents,
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 21 in favor, 9 opposed and 3 abstentions.

g. Grotta del Mare, Inc. 307 East 77th Street (1st/2nd) Application for a beer and wine license.

WHEREAS, the establishment has been operating since April,

WHEREAS, the food/drink ratio is 80/20,

WHEREAS, the hours are 6p – 12a,

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.

h. Café Lex—1370 Lexington Avenue (90th/91st) Application for renewal of its on-premises liquor license from 1402 Lexington Avenue, New York, NY to 1370 Lexington Avenue, New York, NY.

WHEREAS, the applicant is moving down the street to a new location,

WHEREAS, the food/drink ratio is 85/15,

WHEREAS, the hours are 4p – 11p,

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.

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

a. L.E. Globe, LLC d/b/a Café D'Alsace—1695 Second Avenue (87th/88th) Application for an unenclosed sidewalk café with 20 tables 66 seats, DCA # 1214833.

WHEREAS, this is a new application for a café,

WHEREAS, the applicant currently owns Nice Matin, French Roast and several other establishments,

WHEREAS, the applicant agreed to remove 6 seats next to the corner making a total of 18 tables and 60 seats,

WHEREAS, the applicant will move the tables on 88th Street next to the wall of the establishment,

BE IT RESOLVED THAT, the application is approved for 18 tables and 60 seats 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 32 in favor, 1 opposed and 0 abstentions.

Transportation Committee:

3. Discussion of FDR Reconstruction – A request to approve the 17-day full closure of the northbound exit ramp at East 61st Street.

WHEREAS, the State Department of Transportation has requested the support of Community Board 8M for its proposal to modify its permits to allow the complete closure of the northbound exit ramp at East 61st Street for a period of 17 consecutive days instead of 26 consecutive weekends during the summer of 2006 in order to complete the project in April 2006 instead of July 2006, and

WHEREAS, the proposed closure will have no adverse impact on Community District 8M,

THEREFORE BE IT RESOLVED, that Community Board 8M supports the request of the State DOT to modify its permits to allow the complete closure of the southbound ramp for 17 consecutive days in March 2006 instead of 26 consecutive weekends in summer 2006

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

4. A request for a “No Horn Honking” sign on East 62nd Street between First and York Avenue.

WHEREAS, East 62nd Street is an entrance to the FDR Drive and is routinely congested with cars from York to First Avenue and the horn-honking is incessant, and

THEREFORE BE IT RESOLVED, that Community Board 8M recommends that one or more “No Horn Honking” signs be installed on East 62nd Street between York and First Avenues.

Community Board 8M passed this resolution by a vote of 29 in favor, 3 opposed and 1 abstention.

Landmarks Committee:

1. 116 East 80th Street – The application for a rooftop addition.

WHEREAS, the building is a designated individual landmark; and

WHEREAS, the building was built in 1922-3 by the architects Cross & Cross; and

WHEREAS, the proposed addition introduces new materials to the existing building façade; and

WHEREAS, the proposed addition is too visible from the public way; and

WHEREAS, the proposed addition is out of proportion to the low scale nature of the neighborhood,

THEREFORE BE IT RESOLVED, that the application for the proposed rooftop addition is denied

Community Board 8M passed this resolution by a vote of 22 in favor, 6 opposed and 4 abstentions.

2. 12 East 63rd Street – The application is to renovate the building and alter the front façade.

WHEREAS, the proposed application is to remove an unsightly façade; and

WHEREAS, the proposed application is to install an appropriate façade in keeping with the character of the neighborhood; and

WHEREAS, the proposed application adds no new floor area to the existing building; and

WHEREAS, the proposed application is in keeping with the character of the neighborhood,

THEREFORE BE IT RESOLVED, the application to renovate the building and alter the front façade is approved

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

3. 580 Park Avenue – The application is to replace 14 windows on the 15th floor and 5 windows on the 16th floor.

WHEREAS, the applicant failed to appear; and

WHEREAS, the committee was unable to judge the merits of the application; and

THEREFORE BE IT RESOLVED, that Community Board 8M recommends disapproval of the application, but invites the applicant to present the proposal at a future meeting of the Landmarks Committee.

Community Board 8M passed this resolution by a vote of 28 in favor, 1 opposed and 3 abstentions.

4. 765 Park Avenue – The application is for the installation of a rooftop garden.

Whereas the applicant failed to appear; and

Whereas the committee was unable to judge the merits of the application; and

Therefore Be It Resolved that Community Board 8M recommends disapproval of the application, but invites the applicant to present the proposal at a future meeting of the Landmarks Committee.
Community Board 8M passed this resolution by a vote of 28 in favor, 1 opposed and 3 abstentions.

12. New Business:

Community Board 8 discussed the need to support Manhattan Neighborhood Networks “Save Public Access.” The following resolution was passed by a vote of 31 in favor, 0 opposed and 0 abstentions.

WHEREAS, the Congress of the United States is developing telecommunications and broadband legislation that will have a far reaching impact on our local community in the City of New York in the Borough of Manhattan; and

THEREFORE BE IT RESOLVED, that Manhattan Community Board 8 urges the Congress of the United States of America to adopt legislation that:

- a) Mandates the establishment of adequate, as determined by the local community, electronic-bandwidth capacity on all telecommunications infrastructure for Public, Education and Government (PEG) communications.
- b) Mandates that all infrastructure providers contribute sufficient funding, as determined by the local community, support of the equipment, facilities and training that will allow public participation in PEG activities.
- c) Guarantee’s local government authority to protect consumers and the public interest, and does not allow the FCC or any Federal agency to usurp that authority.
- d) Recognizes local government authority over the public rights-of-way to allow the determination of access policies at the local level.
- e) Maintains local government authority to require universal service to all customers so that there is no social or economic discrimination against residential and commercial areas by infrastructure providers.
- f) Upholds the public interest and public ownership of the airwaves and public right of way.
- g) Upholds the principal that all citizens of the United States have access to public telecommunications services through all appropriated telecommunications distribution technologies.

With no further business the meeting was adjourned at 9:05 pm.