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The City of New York
Manhattan Community Board 8

LAND USE/FULL BOARD MEETING
WEDNESDAY, April 15, 2009 – 6:30PM
HUNTER COLLEGE SCHOOL OF SOCIAL WORK
129 EAST 79TH STREET
AUDITORIUM

Present: Joie Anderson, Elizabeth Ashby, Michael Auerbach, Michele Birnbaum, Deirdre Breslin, Richard Burg, Barbara Chocky, Sarah Chu, Christina R. Davis, George Fuchs, David Paul Helpern, Jonathan Horn, Lorraine Johnson, Dave Kleckner, Edward Kramer, Laura Lijewski, David Liston, Domenico Minerva, Jane Parshall, Mary Boresz Pike, Ellen Polivy, N. Sharon Pope, Rita Lee Popper, Margaret Price, William Sanchez, Judith Schneider, M. Barry Schneider, Helene Simon, Teri Slater, Marco Tamayo, Alexander Tish, Nicholas Viest, Betty Wallerstein, Elaine M. Walsh, Charles Warren, Hedi White, David L. Rosenstein.

Absent (Excused): Jacqueline Ludorf, Kenneth w. Austin, Roy H. Carlin, Debra Teitelbaum, Ruth Halberg, Matthew Bondy, Cos Spagnoletti,

Absent (Unexcused): Ann Lori Bores,

Left Prior to Adjournment: Elizabeth Ashby

1. **Public Session:**
   - Ms. Evelyn E. David, spoke in opposition for 64th Street parking alt. side change.
   - Mr. Dean Evans, spoke about the 92nd Street dumpster.
   - Mr. Bob Loeser, spoke about the 92ns Street dumpster.
   - Ms. Elizabeth Littlefield, spoke about the 92nd Street dumpster.
   - Mr. Merced Baumer, spoke in favor for 66th E. 93rd Street wheelchair lift and Elevator bulkhead.
   - Ms. Brenda Levin, spoke in favor for Liquor License application for the Rose group.
   - Ms. Alissa Yohey, spoke in favor for Liquor License application for the Rose group.
   - Mr. Victor Kouner, spoke in favor for Liquor License application for the Rose group.
   - Mr. Thomas Draper Jr., spoke in favor for Liquor License application for the Rose group.
   - Ms. Dora Redman, spoke in favor for Liquor License application for the Rose group.
   - Ms. Gloria I. Lerner, spoke in favor for Liquor License application for the Rose group.
   - Ms. Joyce Horman, spoke in favor for Liquor License application for the Rose group.
   - Ms. Theresa Russo, spoke in favor for Liquor License application for the Rose group.
   - Mr. Chris O'Malley, spoke about the 92nd Street dumpster.
   - Ms. Phyllis Weisberg, spoke in opposition for Liquor License application for the Rose group.

- Ms. Dana Conroy, spoke in opposition for Liquor License application for the Rose group.
- Mr. George Davis, spoke in opposition for Liquor License application for the Rose group.
- Mr. Alberto Mariaca, spoke in opposition for Liquor License application for the Rose group.
- Mr. Jim Rosenfield, spoke in opposition for Liquor License application for the Rose group.
- Mr. Bernard Leventhal, spoke in opposition for Liquor License application for the Rose group.
- Mr. Tony Bowers, spoke in opposition for Liquor License application for the Rose group.
- Mr. William Williams, spoke in opposition for Liquor License application for the Rose group.
- Mr. Douglas Paul, spoke in opposition for Liquor License application for the Rose group.
- Ms. Susan Relyca, spoke in opposition for Liquor License application for the Rose group.
- Ms. Beverly McLay, spoke in favor for Liquor License application for the Rose group.
- Mr. Hunter Armstrong, spoke in favor for resolution on 583 Park Avenue.
- Ms. Adele Hogan, spoke in opposition for Liquor License application for the Rose group

2. Manhattan Borough President's Report: Is talking "Green". As New Yorkers look to create a sustainable future in our city, it will mean moving the desire for green living beyond theory and into practice. Scott M. Stringer part take in "The Politics of Food" New York City's next policy challenge. A food shed analysis to assess the local food production and distribution capacity of the New York City Metropolitan Region. The designation of "food enterprises zones" with special tax incentives and bonuses to encourage farmer's markets and supermarkets in neighborhoods without healthy food retailers. Also reducing the administration barriers that delay food stamps eligibility for families who are out of work; and zoning and tax incentives to support community backyard and rooftop gardens.

3. Elected Official Reports:
a) Council Member Daniel Garodnick – The Court ruled that landlords who take so-called J-51 tax breaks for building with rent stabilized apartments cannot take those apartments out of rent stabilization. Council Member Garodnick called for the DHCR to abide by the ruling and stop the deregulation of stabilized units through high income-high rent decontrol.
b) NYS Assembly Member Jonathan Bing – 2009-10 New York State Budget how proposed cuts could be reduced to a level that would allow important programs to survive, Assemblyman Bing spoke on the floor of the Assembly on the health care budget bill concerning that the cuts to health care have been borne disproportionately by our academic medical centers such as Lenox Hill, NYU, and NY Presbyterian.
c) Council Member Jessica S. Lappin- Council pushes DOE to address school overcrowding as situation reaches crisis at two schools. Council Member Lappin believe that the only real long term solution to the overcrowding problem plaguing out neighborhood is to open or build more schools.
d) NYS Assembly Member Micah Kellner- Assemblyman voted for the reform of the 35-year-old Rockefeller Drug laws, a move that will usher in an era of a more fair and just response to drug related offenses.
e) NYS Senator Liz Krueger- Expresses the positive impact that the budget recognized the economic crisis on the most in need by protecting SSI benefits for the elderly and disabled poor and unemployment benefits for New Yorker who have lost their jobs. Further taking advantage of federal stimulus funds we were able to increase food stamp and public assistance benefits.
f) NYS Senator Jose Serrano- Senator Serrano sponsored a Diabetes Workshop at the Highbridge Senior Center. Issues involving public health, working on efforts to protect supermarkets in Harlem and fighting diesel emissions related to the asthma epidemic.
g) Congresswomen Carolyn Maloney- Rep. Maloney announces federal funding for NYC's visually impaired; these grants will make a life-changing difference for visually impaired New Yorkers. The grant for JBI International will fund the organization's Access to the Written Word for the Visually Impaired and Blind program.

4. Chair's Report Jacqueline Ludorf:

Street Life Committee- *Reported by Cos Spagnoletti and Nicholas D. Viest, (Co-Chair)*

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

a) Gracie's Marketplace, Inc. d/b/a Grace's Trattoria Café & Grill, 201 East 71st Street (@ 3rd Ave)

WHEREAS there are no changes to the café,

WHEREAS the representative agreed to have the cash register for the flower stand moved inside and to remove the ATM machine,

BE IT RESOLVED THAT the application is approved

Community Board 8M passed this by vote of 37 in favor, 0 opposed and 0 Abstain

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

b) JTN Riviera Corp. d/b/a Bistro 61, 1113 First Avenue (@ 61st Street)

WHEREAS the applicant previously had a café,

WHEREAS the owner stated that the permit lapsed because DCA paperwork delays,

BE IT RESOLVED THAT the application is approve

Community Board 8M passed this by vote of 37 in favor, 0 opposed and 0 Abstain

c) 1702 Rathbones Inc.d/b/a Rathbone's, 1702 Second Avenue (@ 88th Street)

WHEREAS the establishment previously had a café,

WHEREAS this café will have the same number of tables and chairs as the previous one,

BE IT RESOLVED THAT the application is approved

Community Board 8M passed this by vote of 37 in favor, 0 opposed and 0 Abstain

d) Maz Mezcal Inc. d/b/a Maz Mezcal Restaurant, 316 East 86th Street (1st/2nd Avenues)

WHEREAS numerous residents wrote email and letters in support of this café,

WHEREAS numerous residents signed a petition supporting the café,

WHEREAS the 86th Street Merchants and Residents organization fully supports this application,

WHEREAS the establishment has shown itself to be a very good neighbor with strong local support,

BE IT RESOLVED THAT the application is approved pending the zoning change approval,

Community Board 8M passed this by vote of 37 in favor, 0 opposed and 0 Abstain

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

a) Notte Restaurant Corp.d/b/a Café Notte, 1626 Second Avenue (84th/85th Streets)

WHEREAS the applicant currently has a wine and beer license,

WHEREAS the establishment is requesting a liquor license to serve drinks for late night diners,

WHEREAS no members of the public appeared to object,

BE IT RESOLVED THAT the application is approved.

Community Board 8M passed this by vote of 30 in favor, 6 opposed and 2 Abstain

b) Wok 88 Inc. d/b/a Wok on 88 Restaurant, 570 Third Avenue (88th/89th Streets)

WHEREAS *the application is due to a change in ownership,*

WHEREAS there will be no changes to the establishment,

BE IT RESOLVED THAT the application is approved

Community Board 8M passed this by vote of 37 in favor, 0 opposed and 0 Abstain

c) 1111 East River, Ltd. d/b/a East River Café, 1111 First Avenue (61st Street)

WHEREAS there were no members of the public present who objected,

BE IT RESOLVED THAT the application is approved.

Community Board 8M passed this by vote of 37 in favor, 0 opposed and 0 Abstain

d) Caravaggio Inc. d/b/a Caravaggio (currently Coco Pazzo), 23 East 74th Street (5th/Madison Aves.)

WHEREAS the applicant also owns Sistina on 2nd Ave and 80th Street,

WHEREAS there were no members of the public present who objected,

BE IT RESOLVED THAT the application is approved.

Community Board 8M passed this by vote of 37 in favor, 0 opposed and 0 Abstain

e) Rose Group Park Avenue, LLC, Third Church of Christ, Scientist, 583 Park Avenue (N.E. corner of 63rd St.)

WHEREAS the application was originally approved in December of 2005 for a few events and weddings a month,

WHEREAS Community Board 8 requested that the SLA withhold action on that approval until the use of the site is permissible,

WHEREAS the applicant is requesting a license for this location as opposed to using a catering license for each event,

WHEREAS the applicant wishes to use the Third Church for corporate event, weddings, parties and other social occasions,

WHEREAS the applicant did not list hours of operation on the SLA application,

WHEREAS the applicant did not limit the days of use,

WHEREAS did not state any limit of the number of people per event,

WHEREAS the local residents expressed strong opposition to the granting of a license,

WHEREAS local residents complained about noise and traffic problems from events that have been held at the Third Church in the last two years,

WHEREAS this neighborhood is residential as opposed to other areas where Rose Group operates,

WHEREAS several committee members expressed concerns about the change in the quality of life that this use would cause,

WHEREAS this use is substantially different than the original use proposed by the Rose Group in 2005,

BE IT RESOLVED THAT the application is disapproved.

Community Board 8M passed this by vote of 26 in favor, 6 opposed, 5 Abstain, 1 NVFC

Transportation Committee: *Reported by Charles S. Warren and Jonathon Horn (Co-Chairs)*

8. **Parking Regulation for Memorial Sloan Kettering Breast and Imaging Center (300 East 66th Street) on East 65th and East 66th Street between First and Second Avenues.**

a) **WHEREAS** Memorial Sloan Kettering will be opening their new Breast and Imaging Center at 300 East 66th Street, and
WHEREAS there will need to be adjustments made to the parking regulations on East 65th Street and East 66th Street to accommodate patient pickups and drop-offs, as well as building deliveries, and
WHEREAS, Community Board 8M and area residents participated in a discussion with Memorial Sloan Kettering on their needs,
THEREFORE BE IT RESOLVED that Community Board 8M approves the following changes on the south side of East 66th Street: From Second Avenue east until a point aligned with the western edge of the entrance canopy for 300 East 66th Street to be designated "No Standing Except Passenger Loading and Unloading 7am to 7pm, Monday to Friday". From that point east until approximately 20 feet east of entry driveway to be designated "No Standing Anytime".

Community Board 8M passed this by vote of 37 in favor and 0 opposed

b) **WHEREAS** Memorial Sloan Kettering will be opening their new Breast and Imaging Center at 300 East 66th Street, and
WHEREAS there will be need to be adjustments made to the parking regulations on East 65th Street and East 66th Street to accommodate patient pickups and drop-offs, as well as building deliveries, and
WHEREAS, Community Board 8M and area residents participated in a discussion with Memorial Sloan Kettering on their needs,
THEREFORE BE IT RESOLVED that Community Board 8M approves the following changes on the north side of East 65th Street: From Second Avenue east until a point approximately 20 feet west of the loading bay entrance to be designated "Alternate Side Parking". From that point east until fire hydrant just east of the driveway exit to be designated "No Standing Anytime" and
THEREFORE BE IT FURTHER RESOLVED that Community Board 8M approves the following change on the south side of East 65th Street: The area directly across from the "No Standing Anytime" section on the north side of the street to be designated "No Standing 7am to 7pm, Monday to Friday"

Community Board 8M passed this by vote of 37 in favor and 0 opposed

Landmarks Committee Members- *Reported by David Liston and Jane Parshall (Co-Chair)*

1. **Park Avenue (75th/76th Streets) – Upper East Side Historic District**

Application is to install tree-pits with metal bollards.

WHEREAS, 829 Park Avenue is a neo-Classical style apartment building designed by Pickering & Walker and built in 1910-11.
WHEREAS, 5 tree pits along Park Avenue have already been approved by the Landmarks Preservation Commission
WHEREAS, the applicant is seeking permission from the Landmarks Preservation Commission for 5 tree pits along 76th Street, on the sidewalk along the north elevation of 829 Park.
WHEREAS, since the applicant is requesting bollards for these tree pits along the curb side of the pits, LPC permission is required.
WHEREAS, the location of the tree pits along 76th Street and across from the delivery entrance/bay for Lenox Hill Hospital makes the trees and surrounding plantings vulnerable to truck traffic making deliveries to the hospital and bollards along the curb side of the pits will insure that trees are protected.
WHEREAS, 3" Belgium block will surround the perimeter of each pit; a metal railing 17" high will be placed on top of the Belgium block.
WHEREAS, the design at the top of the metal railing will replicate a design on the detailing of the apartment building – the overall height of the metal railing plus the Belgium block will be 20".

WHEREAS, the bollards will be on the curb side of the tree pits and will be 20" high – the same height as the metal railing (17") plus the Belgium block (3") and will be the same length as each tree pit. (The side of the tree pit where the bollard is to be installed will read as if there are two barriers in place that are the same exact size.)
WHEREAS, once the plantings are mature both the bollards and the metal railings will be practically invisible.
THEREFORE BE IT RESOLVED that this application is approved as presented.

Community Board 8M passed this by vote of 18 in favor, 14 opposed, and 5 abstain

2. **19 East 72nd Street (northwest corner of Madison Avenue – Upper East Side Historic District**

Application is for modification of one door and two windows on the ground floor on the Madison Avenue elevation which is located in the Special Madison Avenue Preservation District.

WHEREAS, 19 East 72nd Street is a 16-story Art Modern building designed by Rosario Candela with Mott Schmidt and built in 1936-37
WHEREAS, the applicant is seeking permission from the Landmarks Preservation Commission to modify one door and two windows on the ground floor of the Madison Avenue façade in order to attract commercial tenants of the sort permitted within the Special Madison Avenue Preservation District wherein the property is located
WHEREAS, the applicant proposes to convert the an existing door on the ground floor which has five panels with the lowest and highest panels made of wood and the middle three panels made of glass to a single pane made of glass
WHEREAS, the applicant also proposes to convert two existing windows on the ground floor from double hung to single pane
WHEREAS, the above-described door and windows, as modified, would be in conformity with a master plan the applicant proposes to apply to future changes to the remaining doors and windows on the ground floor of the Madison Avenue façade
WHEREAS, the above-described proposal is contrary to the character of the building as originally designed.
THEREFORE BE IT RESOLVED, that this application is disapproved as presented.

Community Board 8M passed this by vote of 25 in favor, 11 opposed, and 1 abstain

3) **4 East 66th Street (Fifth/Madison Avenues)**

a) Changing existing window openings to create French doors with balconies.

WHEREAS, 4 East 66th Street is a neo-Italian Renaissance apartment building designed by J. E. R. Carpenter and built in 1919-20.
WHEREAS, the proposed work to be done on the building is on the 6th floor.
WHEREAS, at the south elevation the applicant proposes changing 5 existing multi-paned double hung windows with multi-paned French doors, each with a balcony with a decorative metal railing that will project 18" from the windows.
WHEREAS, these windows are virtually invisible from the public way because of a decorative limestone wall with arches set directly against the south facing wall of 4 East 66th Street and belonging to Temple Emanuel.
WHEREAS, the decorative wall containing the arches (property of Temple Emanuel) is fastened directly onto two parts of the south elevation of 4 East 66th Street; behind the part of the decorative wall that is not attached to the south elevation is a courtyard. The windows to be changed into French doors with balconies look out to the courtyard and then through the arches of the decorative screen.
WHEREAS, behind the decorative wall of arches and looking into the courtyard from the public way, there is a partial view of two of the windows.
WHEREAS, the applicant proposes creating a French door from an existing window in the dining room with the same 18" balcony and decorative metal railing, also on the south elevation.
WHEREAS, the proposed French doors/balconies to be created from existing windows are on a secondary elevation and will present as multi-paned windows where they are visible from the public way.

THEREFORE BE IT RESOLVED, that Part A of this application, changing existing multipaned windows into French doors and adding balconies, be approved as presented.

Community Board 8M passed this by vote of 32 in favor, 3 opposed, and 1 abstain

b) New window on west elevation

WHEREAS, the applicant proposes creating a new window on a blank wall on the west elevation.

WHEREAS, the new window is a lot line window and will cut through two sets of walls – the rear wall of the apartment building and the decorative wall with arches owned by Temple Emanuel and set directly against the west elevation of 4 East 66th Street.

WHEREAS, the proposed new window will be a traditional multi-paned double hung window and will respect the design of other original windows in the building.

THEREFORE BE IT RESOLVED, that Part B of this application, the proposed new window on the west elevation, be approved as presented.

Community Board 8M passed this by vote of 32 in favor, 3 opposed, and 1 abstain

4) **117 East 69th Street (Park/Lexington Avenues)**

Application is to modify the rear façade

WHEREAS, 117 East 69th Street is a neo-Georgian style townhouse designed by Julius F. Gaynor and built in 1928-29

WHEREAS, the rear façade, has for several years been in a state of disrepair with various windows, several of which are unaligned with any other windows, in a mix of sizes and configurations including single pane and multipane

WHEREAS, the applicant is seeking permission from the Landmarks Preservation Commission to install multipane French doors over which will be Hopes windows and to widen certain of the rear yard windows so as to align them with other windows and to modify all of the windows so that they have a consistent multipane pattern

WHEREAS, the applicant's proposal does not involve extending beyond the footprint of the building into the rear yard and the proposal as to the doors and windows will restore order and balance and harmony to the rear façade.

THEREFORE BE IT RESOLVED, that this application is approved as presented.

Community Board 8 M passed this by vote of 36 in favor, 0 opposed and 1 abstain

5) **66 East 93rd Street (Madison/Park Avenues)**

Application is to alter the areaway, install a barrier-free access lift, and construct a rooftop bulkhead.

WHEREAS, 66 East 93rd Street is a Queen Anne style rowhouse designed by A. B. Ogden & Son and built in 1890-91.

WHEREAS, the applicant proposes to remove the exterior fire escape on the front elevation since a sprinkler system will be installed inside 66 East 93rd Street.

WHEREAS, the applicant proposes installing an exterior lift to create handicapped access to the building.

WHEREAS, part of the 1939 original railing was stripped off; the applicant will restore the railing and include a wheelchair lift behind it that will be accessed by a decorative metal mechanical gate that will match the restored railing. When in use, the platform of the lift will measure 36"x48".

WHEREAS, when not in use, the lift will be stored vertically at grade behind the restored wrought iron gate and inside the property line and will measure, when folded up, 8" x 48 ".

WHEREAS, to accommodate the lift as it goes up the railing to the front door, the applicant proposes altering the entryway so that the front door can by recessed by 9". The recessed front door will be exactly the same as the existing front door.

WHEREAS, the applicant studied different designs for handicapped accessible lifts and chose a solution that is least obtrusive and least damaging both to the original fabric of the building and to a building within a historic district, on a street notable for its individual landmarks.

WHEREAS, the proposed bulkhead for the elevator sits 4' above the roof and is hidden behind the parapet and not visible from the public way.
THEREFORE BE IT RESOLVED, that this application is approved as presented.

Community Board 8 M passed this by vote of 36 in favor, 0 opposed and 0 abstain

6) **651-657 Park Avenue, aka 101-109 East 67th Street**

Application is to construct a rooftop addition

WHEREAS, the applicant failed to appear in connection with this application.
THEREFORE BE IT RESOLVED, that this application is disapproved.

Community Board 8 M passed this by vote of 36 in favor, 0 opposed and 0 abstain

Environment & Sanitation Committee- *Reported by Dave Kleckner and Debra Teitelbaum (Co-Chair)*

1) Ban hydraulic fracturing around the 9% of drillable area

Community Board 8 M passed this by vote of 35 in favor, 0 opposed and 1 abstain