

Jacqueline Ludorf  
Chair

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## The City of New York Manhattan Community Board 8

### LAND USE/FULL BOARD MEETING WEDNESDAY, FEBRUARY 18, 2009 – 6:30PM MEMORIAL SLOAN KETTERING 410 EAST 67TH STREET AUDITORIUM

**Present:** Elizabeth Ashby, Kenneth W. Austin, Matthew A. Bondy, Lori Ann Bores, Deirdre Breslin, Roy H. Carlin, Barbara Chocky, Sarah Chu, James Gerard Clynes, Christina R. Davis, George Fuchs, Ruth Halberg, David Paul Helpern, Jonathan Horn, Lorraine Johnson, Dave Kleckner, Laura Lijewski, David Liston, Jacqueline Ludorf, Mary Boresz Pike, Ellen Polivy, N. Sharon Pope, Rita Lee Popper, David L. Rosenstein, Barbara Rudder, William Sanchez, Judith Schneider, M. Barry Schneider, Helene Simon, Teri Slater, Cos Spagnoletti, H. Patrick Stewart, Debra Teitelbaum, Nicholas Viest, Elaine Walsh, Charles S. Warren, Hedi White

**Absent (Excused):** Joie Anderson, Michele Birnbaum, Richard Burg, Edward Kramer, Laura Mayer, Jane Parshall, Margaret Price, Dan Quart, Betty Cooper Wallerstein,

#### **Left Prior to Adjournment:**

**Jacqueline Ludorf, Chair - Called the meeting to order at 6:30pm**

#### **1. Public Session:**

- **Informational Presentation by Metropolitan Museum of Art on Capital Projection at the Museum.**
- Mr. Greg Brooks spoke in favor of the 92<sup>nd</sup> Street Y obtaining a liquor license.
- Mr. Jim Clynes spoke about universal pre-k.
- Mr. J. Palmer spoke about no heat, building being used as a transient hotel.
- Ms. Lena Vollaro from York Avenue Preschool spoke of her street fair request on East 81<sup>st</sup> Street between York and East End Avenue for a charity event on Sunday May 3, 2009 between the hours of 10:00am and 4:00pm.
- Mr. Mark Merriman spoke in opposition to the public toilets.
- Mr. Daniel Pollay spoke in opposition to the application for a newsstand on East 70<sup>th</sup> and York Avenue.
- Ms. Willa Brody spoke in opposition to the application for a newsstand on East 70<sup>th</sup> and York Avenue.
- Ms. Mary Stock spoke in opposition of Bailey's Bar at 1607 York Avenue causing disruption to the community.
- Ms. Lore R. Schlager spoke in favor of Bailey's Bar at 1607 York Avenue.
- Mr. George Fontas spoke in favor of the Certificate of Appropriateness Application for 75 East 93<sup>rd</sup> Street.
- Ms. Helen Strilec Schatiloff spoke in favor of the Certificate of Appropriateness Application for 75 East 93<sup>rd</sup> Street.
- Mr. Stephen L. Kass spoke in opposition of the Certificate of Appropriateness Application for 75 East 93<sup>rd</sup> Street.

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- Ms. Mary Dierickx spoke in opposition of the Certificate of Appropriateness Application for 75 East 93<sup>rd</sup> Street.
- Mr. Josh Leuchtenburg spoke in opposition of the Certificate of Appropriateness Application for 75 East 93<sup>rd</sup> Street.
- Ms. Sarah O’Keefe, Friends of The Upper East Side Historic District spoke in opposition of the Certificate of Appropriateness Application for 75 East 93<sup>rd</sup> Street.
- Mr. Bob Jenkins spoke in opposition of the Certificate of Appropriateness Application for 75 East 93<sup>rd</sup> Street.
- Mr. Anatoli Samochorou spoke in opposition of the Certificate of Appropriateness Application for 75 East 93<sup>rd</sup> Street.
- Mr. Porter Bibb spoke in opposition of the Certificate of Appropriateness Application for 75 East 93<sup>rd</sup> Street.
- Mr. Lo van der Valk of Carnegie Hill Neighbors spoke in opposition of the Certificate of Appropriateness Application for 75 East 93<sup>rd</sup> Street.

**2. Public Hearing: 421-a Partial Tax Exemption for 151 East 85<sup>th</sup> Street, Block 1514, Lots 1101, 1102, 1103-** Application for Preliminary Certification of Eligibility for Partial Tax Exemption under Section 421-a of the New York State Real Property Tax Law and 11-245 of the New York City Administrative Code.

**WHEREAS**, this is an application for preliminary certification of eligibility for partial tax exemption under section 421-a of the New York State Real Property Tax Law and 11-245 of the New York City Administrative Code; and

**WHEREAS**, Community Board 8M held a public hearing regarding this matter;

**WHEREAS**, the applicant and their representative did not attend these meetings,

**BE IT RESOLVED**, that Community Board 8M recommends **denial** of this application.

*Community Board 8M passed this resolution to **disapprove** this application by a vote of 32 in favor, 0 opposed, 2 abstentions and 1 not voting for cause.*

**4. Manhattan Borough President’s Report:** Mr. Dan Benjoya represented the Borough President. Mr. Benjoya reported the economic benefits created by the construction of the Second Avenue Subway and East Side Access. Mr. Benjoya reported that the Second Avenue Subway and East Side Access are moving forward and creating thousands of jobs. The Second Avenue Subway and East Side Access have already created tens of thousands of jobs and generated billions in revenue.

### **5. Elected Officials Report:**

a) Council Member Carolyn Maloney – Mr. Byre Peyre represented the Council Member. Mr. Peyre reported that on February 3, 2009, the Congresswoman issued a report outlining the jobs and other economic benefits created by the construction of the Second Avenue Subway and East Side Access.

b) NYS Senator Liz Krueger – Mr. Kyle Sklerov represented the Senator. Mr. Sklerov announced that on Sunday, February 22, 2009 at Julia Richman Education Complex Auditorium located at 317 East 67<sup>th</sup> Street between the hours of 2:00 – 5:00pm there will be a launching of the East Side Housing Coalition. To address this need the Senator will join leaders in the fight for affordable housing in a meeting to establish a new East Side Tenants Coalition.

c) NYS Senator Jose Serrano – Ms. Yvonne Przybyla represented the Senator. Ms. Przybyla reported that the Senator is interviewing for a Policy Intern. Anyone interested send an email to [serranojr@gmail.com](mailto:serranojr@gmail.com) or call 212-828-5829. The Senator sponsors not-for-profit workshop. The event offers vital information on how organizations can apply for 501© (3) tax exemption status.

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d) NYS Assembly Member Micah Kellner – Ms. Ashley Roberts represented the Assembly Member. Ms. Roberts reported that for almost ten years children living in the PS 151 zone have been without a zoned elementary school. Ms. Roberts reported that tenants at a large apartment complex on Roosevelt Island grew so accustomed to one perk that they tended to overlook it: They never paid separately for electricity because it was included in the rent. But that is set to change. Residents of the 1,003 –unit complex, formerly known as Eastwood and now called Roosevelt Landings, will receive electricity bills for the first time in April.

e) NYS Assembly Member Jonathan Bing – Mr. Adam Brickman represented the Assembly Member. Mr. Brickman announced that on February 2, 2009 the Assembly passed two bills authored by Assembly Member Bing aimed at protecting tenants from exorbitant rent increases. Mr. Brickman reported that the Department of Buildings announces new procedures that will reform the development process to give a stronger voice in the development of neighborhoods, create greater transparency, and clarify the process for the public and for developers.

f) Council Member Daniel Garodnick - Mr. Segun Akande represented the Council Member. Mr. Akande reported that the Council Member reaffirmed his support for the continued construction of the Second Avenue Subway and East Side Access, which have combined to create 38,000 jobs according to a new report released by the Congresswoman Maloney. “The Second Avenue Subway and East Side Access will relieve the strain on our mass transit system and be the foundation of economic growth,” the Council Member said at a press conference to mark the report’s release. Mr. Akande reported that the Council Member will host the third in his series of free, monthly housing workshops, “How To Keep Co-op Costs Down” on Thursday, March 12, at 6:30p.m. at Marymount College located at 221 East 71<sup>st</sup> Street. For more information, contact Council Members office at 212-818-0580.

g) Council Member Jessica Lappin – Ms. Jane Swanson represented the Council Member. Ms. Swanson reported that the Council Member over the last year has worked hard to reform the Department of Buildings and to change the way the city approaches construction safety. The Council Member fourth construction safety bill was passed unanimously by the City Council on January 28, 2009. That means that the Council Member entire package of construction safety legislation has now been approved. Ms. Swanson also announced that the Council Member opposed MTA fare hike plan. Ms. Swanson reported that at the Council Members urging, Council takes up food allergies. That’s why the Council Member has introduced legislation that would help educate restaurant workers on the dangers of food allergies.

h) Comptroller William Thompson - Ms. Sandra Duque represented the Comptroller. Ms. Duque reported that the Comptroller testified at a public hearing on January 14, 2009 on the proposed fare hikes and service cuts being discussed by the Metropolitan Transportation Authority.

**6. Chair’s Report Jacqueline Ludorf:** Ms. Jacqueline Ludorf reminded the Board Members that the Annual Report is due on March 10, 2009 at the Borough Presidents office.

**7. District Manager’s Report:** Ms. Latha Thompson reported that the Annual Report for the Borough President’s office for 2008 is due on March 10, 2009. Ms. Thompson reminded board members that their committee agendas are due by Friday, February 20, 2009. Ms. Thompson announced that the office is being renovated within the next few and it is possible that the office will be closed for a few days. Ms. Thompson asked if anyone is interested to volunteer please contact the board office. Ms. Thompson reported that the email is now working thanks to Benjamin Kallos. Ms. Thompson also reported there was a meeting with Benjamin Kallos, David Rosenstein and Will Sanchez at the board office and thanked them all for their assistance and input.

### **8. Committee Reports & Action Items:**

***Street Fairs Committee: Reported by Barbara Chocky and Laura Lijewski – Co-Chairs of the Street Fairs Committee:***

**1. Application by the Council on the Environment for the renewal of a Greenmarket located on the south side of East 82<sup>nd</sup> Street between First and York Avenues, Saturdays beginning July 11, 2009 – November 21, 2009.**

WHEREAS, there was no negative report during discussion of the request  
**THEREFORE BE IT RESOLVED**, to approve the greenmarket application at its current size.  
*Community Board 8M passed this resolution by a vote of 35 in favor, 0 opposed, and 0 abstentions.*

**2. Application by the Council on the Environment for the renewal of a Greenmarket located on the East side of First Avenue, between East 92<sup>nd</sup> and 93<sup>rd</sup> Streets, Sundays beginning July 5, 2009 – November 22, 2009.**

WHEREAS, the ETV (food stamp program) will be in place throughout the market's season, and  
WHEREAS, the Council on the Environment agreed to meet with Stanley Isaacs residents, and  
WHEREAS, the product offerings are well received,  
**THEREFORE BE IT RESOLVED**, to approve the greenmarket application.

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

**3. Application by the Temple Israel of the City of New York for a Street Activity Permit to close East 75<sup>th</sup> Street between Lexington and Park Avenues on Sunday, March 8, 2009 for a Purim Carnival.**

WHEREAS, this is a new application and the applicant understands and will abide by the Single Block Street Fair and Event Guidelines, and

WHEREAS, most of the activity will be indoors, and

WHEREAS, there was no negative report during discussion of the application,

**THEREFORE BE IT RESOLVED**, to approve the Street Activity application.

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

**4. Application by York Avenue Pre-School to partially close the sidewalk at East 80<sup>th</sup> Street between York and East End Avenue on May 3, 2009 for a Community Charity Fundraiser.**

WHEREAS, this is a new application and the applicant understands and will abide by the Single Block Street Fair and Event Guidelines, and

WHEREAS, the activity will be confined to the just part of the East 81<sup>st</sup> Street block between York and East End Avenues,

**THEREFORE BE IT RESOLVED**, to approve the Street Activity application.

*Community Board 8M passed this resolution by a vote of 29 in favor, 1 opposed, and 5 abstentions.*

**Transportation Committee: Reported by Charles S. Warren and Jonathan Horn - Co-Chairs of Transportation Committee:**

**1. A presentation by the East Side Access Project on upcoming construction activities at the MTA-owned lot at East 63<sup>rd</sup> Street and Second Avenue.**

Margaret Forgione  
Manhattan Borough Commissioner  
NYC Department of Transportation  
59 Maiden Lane, 35<sup>th</sup> Floor  
New York, NY 10038

Dear Commissioner Forgione:

The East Side Access project has reached a stage where their facility at Second Avenue and E. 63rd Street will become an active work site.

On February 3rd representatives of the MTA and the contractor presented their plans for this phase of the project to Community Board 8's Transportation Committee. During Stage 1, from March through mid-May, work will proceed to create the hatch in the curb lane, excavate the sidewalk, and so on to prepare for the "Drop Concrete for TBM Plug and Tunnel Lining". That process will require a 24-hour lane closure throughout Stage 1.

During Stage 2, the actual concrete drop calls for 6 to 9 concrete trucks per day to make drop-offs at the site. Work will be done from 7 am to 7 pm, Monday through Friday. Work is scheduled to last from mid-May 2009 through December 2011, although the cement pouring will not be continuous.

Following their presentation, members of the public and the committee expressed a number of concerns regarding the impact on vehicular and pedestrian traffic around the work site. The committee members also suggested a

number of conditions they felt should be made part of the permits issued by the Office of Construction Mitigation and Coordination for this project.

The specific recommendations made are:

- 1) Extend the hours during which Traffic Control Agents are present to cover the entire project work day (7am to 7pm, Monday to Friday).
- 2) Flag men should be posted at the site to facilitate traffic and pedestrian crossing during street activities (excavation, truck movement, etc.)
- 3) The pedestrian guard rails on the south side of 63rd Street should be left in place, if possible. Should it be necessary to remove them during Stage 1, they should be restored immediately after the hatch excavation is completed in mid-May 2009.
- 4) Staging of trucks on Second Avenue should be minimized. If it is necessary for a truck to idle on the street for over 5 minutes, the vehicle should circle rather than block traffic. They should be staged between 62nd and 63rd Street, rather than 63rd and 64th Street to minimize the disruption.

The concerns which have not been addressed or resolved are:

- 1) We are very concerned over the loss of a lane during the evening rush hour (4pm to 7 pm). Is there any way to arrange the work schedule for Stage 2 to avoid lane closures during these hours?
- 2) We would like reassurances that any possible interaction with the work zones and traffic re-routings resulting from the nearby Roosevelt Island Tram project later this year be taken into account.
- 3) The MTA had indicated that their trucks would be routed north on First Avenue, west on 66th Street and then south on Second Avenue to the work site. Is this correct?

The committee was also very concerned that MTA has developed their plans without consulting with your department and are looking to start work in just a few weeks. As you are well aware, traffic issues on the East Side, especially around the 59th Street Bridge are complex and inter-related. We would hope that both DOT and the MTA will be open to revising plans should the actual impact be greater than expected.

Thank you for your attention in this matter.

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

**2. Discussion of Bicycle Safety and Regulation. Review of pending legislative proposals concerning bicycles.**

**WHEREAS**, a recent study by Hunter College shows an exceptionally high level of traffic violations by bicycle riders on the Upper East Side, and

**WHEREAS**, Community Board 8M regularly receives complaints and concerns from residents regarding illegal actions by commercial bicycle riders, and

**WHEREAS**, while increased enforcement of existing laws would help reduce violations, there is a need for enhancements to this laws,

**THEREFORE BE IT RESOLVED**, that Community Board 8M urges the City Council to approve *Introduction 0624-2007, Use of bicycles for commercial purposes*, proposed by Councilmember Jessica Lappin

**THEREFORE BE IT FURTHER RESOLVED**, that Community Board 8M urges the City Council to approve *Introduction 0813-2008, Creating a public online database regarding violation incurred by businesses that operate delivery bicycles*, proposed by Councilmember Daniel Garodnick

**THEREFORE BE IT FURTHER RESOLVED**, that Community Board 8M urges the New York State Legislature to approve *A00863, an Act to amend the vehicle and traffic law, in relation to commercial bicycles*, introduced by Assembly Member Jonathan Bing

**THEREFORE BE IT FURTHER RESOLVED**, that Community Board 8M believes that there is an urgent need for additional discussion between the community, enforcement agencies and elected officials to determine ways of increasing enforcement of existing bicycle regulations and consider whether additional legislative action is required.

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

**6. A request to change the current "No Standing Anytime" parking regulations to "Metered Parking" on the SW corner of East 68<sup>th</sup> Street and Third Avenue.**

**WHEREAS**, the SW corner of East 68<sup>th</sup> Street and Third Avenue is signed “No Standing” for reasons that no longer exist, and

**WHEREAS**, Community Board 8M desires to restore parking spaces for community use whenever possible,  
**THEREFORE BE IT RESOLVED**, that Community Board 8M requests that DOT restore “Metered Parking” on the SW corner of East 68<sup>th</sup> Street and Third Avenue.

*Community Board 8 M passed this by a vote of 34 in favor, 2 opposed and 0 abstentions.*

**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. Splendido New Foods, LLC d/b/a Mangiarini, 1593 Second Avenue (82<sup>nd</sup>/83<sup>rd</sup> Streets)** – Renewal application for an unenclosed sidewalk café with 4 tables and 8 seats, DCA #1273753 **Hours: Weekdays 5p – 12a, Weekends 5p – 1a. 80/20 - Food/Drink**

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

**WHEREAS**, there were no objections from members of the public,

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

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**b. 60<sup>th</sup> Street Restaurant Corp. d/b/a Patsy Pizzeria, 206 East 60<sup>th</sup> Street (2<sup>nd</sup>/3<sup>rd</sup> Avenues)** – Renewal application for an unenclosed sidewalk café with 9 tables and 18 seats, DCA #1106418. **Hours: Weekdays 12p – 12a, Weekends 12p – 1a. Food/Drink: 75/25.**

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

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

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

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

**a. Steven Jay, LLC d/b/a Parlor Steakhouse, 1600 Third Avenue (90<sup>th</sup> Street)** – New application for an unenclosed sidewalk café with 13 tables and 26 seats **Hours: 12p – 11p Weekdays, 12p – 12a. Food/Drink: 80/20.**

**WHEREAS** this application is for a sidewalk café on Third Avenue only,

**WHEREAS** a member of the public expressed concern about the clearance space especially at the corner of 90<sup>th</sup> and 3<sup>rd</sup> Ave,

**WHEREAS**, the café plans show the only one table at the corner and that the café is beveled to allow greater space,

**WHEREAS**, the waiter aisle is adjacent to stanchions so that patrons would not be able to push out beyond the 8ft clearance border,

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

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**3. New Applications to the Department of Consumer Affairs for Proposed Newsstands:**

**a. SEC York Avenue & East 70<sup>th</sup> Street (North East side)** – New application for a proposed newsstand on the northeast side of York Ave. & E. 70<sup>th</sup> Street, DCA #1305050 (**Laid over from the Jan. '09 hearing, at Committee's request**)

**WHEREAS**, requested location of this café is actually south of 70<sup>th</sup> Street on the east side of York Ave,

**WHEREAS**, this location at York Avenue is extremely congested,

**WHEREAS**, there is significant pedestrian traffic at this location from the hospitals,

**WHEREAS**, a representative from NY Hospital stated opposition to the Newsstand at either location,

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

*Community Board 8M passed this resolution by a vote of 34 in favor, 2 opposed, and 0 abstentions.*

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

**a. East 14<sup>th</sup> Street of Brooklyn, LLC d/b/a Riverbank Bar & Grill, 425 Main Street (Roosevelt Island)** – New application for an on-premises liquor license Hours:

**WHEREAS**, the applicant is opening a “sports pub” type of establishment,

**WHEREAS**, the applicant also owns the pizza restaurant across the street,

**WHEREAS**, Roosevelt Island needs more restaurant type establishments,

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

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**b. Young Men's & Young Women's Hebrew Association / 92<sup>nd</sup> Street Y, 1395 Lexington Avenue (@ 92<sup>nd</sup> Street)** – New application for an on-premises liquor license (*Laid over from the Jan. '09 hearing, at applicant's request*)

**WHEREAS**, the applicant is requesting a Liquor License in order to be able to serve drinks at specific events,  
**WHEREAS**, the 92<sup>nd</sup> St Y will not have a bar open unless there is a specific event where drinks will be served, the bar will be locked up during non event times,

**WHEREAS**, the applicant stated there will be no catering,

**WHEREAS**, the roof bar will be open only for specific events,

**WHEREAS**, the "Y" will not serve alcohol on the roof past 12a,

**WHEREAS**, several residents objected to an on going problem with a dumpster on 92<sup>nd</sup> Street,

**WHEREAS**, the dumpster has been on the street for several years,

**WHEREAS**, the "Y" stated that the dumpster has been used for on going construction and renovation projects,

**WHEREAS**, the residents also cited problems with noise in front of the "Y" where people often congregate,

**WHEREAS**, the "Y" stated that they have moved vigorously to correct any noise problem and that did not renew an invitation to a school whose students had created a disturbance,

**WHEREAS**, the applicant has agreed to change the hours of operation for the roof to midnight on the SLA application,

**PART 1:**

**BE IT RESOLVED THAT**, the dumpster issue be referred to the Sanitation and Environment Committee.

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**PART 2A:**

**BE IT RESOLVED THAT** the application is approved for all indoor locations.

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**c. Banna Strand, LLC d/b/a Bailey's Corner Pub, 1607 York Avenue (85<sup>th</sup> Street)** – New application for an on-premises liquor license. Hours: 12p – 4a. Food/Drink: 10/90

**WHEREAS** this is an application from a new owner who previously worked as a bartender at the establishment,  
**WHEREAS** the previous owner of Bailey's is also the owner of the building and will be the new bar owners landlord,

**WHEREAS** two residents of the building complained of numerous problems with the previous owner son regarding noise and drug use,

**WHEREAS** the two owners expressed reservations about the new owner as he had previously worked in the establishment,

**WHEREAS** the two residents had no dealings with the new owner while he worked as a bartender at Bailey's,

**WHEREAS** the new owner will not make any major changes to the establishment,

**WHEREAS** there is no kitchen in the establishment but light snacks will be served,

**WHEREAS** new owner has no business relationship with the previous owner or the owners son,

**WHEREAS** the new owner agreed to make a good faith effort into reducing the sound from his inside his bar and possible sound proofing,

**WHEREAS** there will be no live music,

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

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**d. Ombu Enterprises Corp. d/b/a Gauchas, 1748 First Avenue (90<sup>th</sup>/91<sup>st</sup> Avenue)** – New application for an upgrade to an on-premises liquor license Hours: Weekdays: 12p – 11p Weekends: 12p – 11:30p Food/Drink:80/20

**WHEREAS**, the restaurant establishment currently operates with a beer and wine license,

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

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**e. Alberobello Caffè Inc. d/b/a Espresso's Café, 1135-1137 First Avenue (62<sup>nd</sup>/63<sup>rd</sup> Street)** – New application for an on-premises liquor license Hours: Sun – Wed: 10a – 10p Th – Sat: 10a – 11p Food/Drink: 70/30.

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**WHEREAS**, this is a new application for Café,

**WHEREAS**, the applicant previously worked at the restaurant “Angels”,

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

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**f. 1754 Tavern Corp. d/b/a TBD, 1754 Second Avenue (90<sup>th</sup>/91<sup>st</sup> Street)** – New application for an on-premises liquor license Hours: 11a – 4a. Food/Drink: 60/40

**WHEREAS** this is a new establishment opening at the former “Ruby’s” location,

**WHEREAS** the is also associated with “Nice Guy Eddies” and “Doc Holidays”,

**WHEREAS** there will be jukebox music,

**WHEREAS** the applicant has served as Chair of Community Board 3,

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

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**g. Mab Bar Inc. d/b/a Tool Box, 1742 Second Avenue (90<sup>th</sup>/91<sup>st</sup> Streets)** – New application for and on-premises liquor license (*Did not submit paperwork last month*) Hours: 8p – 4a. Food/Drink: 5/95.

**WHEREAS**, this is a new application,

**WHEREAS**, the establishment has soundproofing,

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

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**h. Ravagh Restaurant Corp. d/b/a Ravagh Persian Grill, 1237 First Avenue (@ 67<sup>th</sup> Street)** – New application for a restaurant beer and wine license (*Laid over to the Feb. ‘09 hearing, at Committee’s request*)Hours: 11a – 11p. Food/Drink: 90/10.

**WHEREAS**, this is a new application,

**WHEREAS**, the applicant owns three other restaurants,

**WHEREAS**, there will be only piped music,

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

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**Parks Committee: Reported by Margaret Price – Co-Chair of the Parks Committee:**

**1. Proposal for the Development and Operation of an Indoor Tennis Facility in Central Park:**

**WHEREAS**, the proposal for tennis bubbles over 26 existing clay tennis courts in Central Park would provide the public with access to tennis facilities in Central Park during winter months, enabling these courts to be used year-round; and

**WHEREAS**, the tennis bubbles would be temporary, seasonal structures, in place only from November 15 to March 24; and

**WHEREAS**, the City of New York would benefit from the expected revenues derived from the winter use of these tennis courts; therefore,

**BE IT RESOLVED**, that Community Board 8 approves of the concept of having tennis bubbles covering 26 clay tennis courts in Central Park during the wintertime. CB8M also approves of the Parks Dept.’s plan to hire an outside organization to develop, maintain and operate the proposed indoor tennis facility in Central Park; and **BE IT FURTHER RESOLVED**, that Community Board 8’s final recommendation on this indoor tennis plan will depend on the details in both the final RFP and the concession award for it; and

**BE IT FURTHER RESOLVED**, that any final CB8M approval will be contingent upon the bubbles using opaque materials that would prevent the courts’ lighting from spilling into Central Park, an area of special historical character and designation as a scenic landmark.

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

**Landmarks Committee: Reported by Jane Parshall – Chair of the Landmarks Committee:**

**1. 75 East 93<sup>rd</sup> Street, Synod of Bishops of the Russian Orthodox Church Outside of Russia (NW corner of Park Avenue) – Carnegie Hill Historic District – Ms. Sherida Paulsen, Architect.** Application is for a 2-story rooftop addition (to the 1928 northern addition) and a new doorway in the brick wall along the garden on 93<sup>rd</sup>

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Street. Application also includes lowering the window sills on the east courtyard façade and installing a cellar (requiring excavation and reconstruction of the existing courtyard).

**WHEREAS**, 75 East 93<sup>rd</sup> Street, originally the Francis F. Palmer House and later the George F. Baker, Jr. House, is an individual landmark and is part of a complex including 67 E. 93<sup>rd</sup> Street, 69 East 93<sup>rd</sup> Street (private homes), and 71-73 East 93<sup>rd</sup> Street (courtyard and ballroom wing).

**WHEREAS**, 75 East 93<sup>rd</sup> Street was constructed in 1917-1918 with a northern addition added in 1928, both by Delano & Aldrich (architects for all the buildings in the complex.)

**WHEREAS**, the entire complex is a superb example of Delano & Aldrich's sophisticated handling of English and 18<sup>th</sup>-century architectural forms; the Baker complex is remarkable within the historic district and within the firm's urban work.

**WHEREAS**, 75 East 93<sup>rd</sup> Street and its ballroom wing were converted for use as a Russian Orthodox church in 1958.

**WHEREAS**, the 2-story addition over the ballroom wing and the 1-story addition over the townhouse facing Park Avenue destroy the cohesive design of the complex of buildings that form the "Baker complex"; both are very visible from the public way along both Park Avenue and along 93<sup>rd</sup> Street and the roofs do not recede, a trademark of Delano & Aldrich and used by them to reduce the height presented to the street. Thus, the rooftop additions would completely transform the scale and proportion of the existing complex.

**WHEREAS**, the 2-story addition, as high as the main building and without setbacks over the ballroom wing, overwhelms the courtyard façade where there is on the west side of the façade, eight magnificent fluted Ionic columns on a raised platform.

**WHEREAS**, excavating the courtyard to provide space for the proposed cellar space/rooms below necessitate a glass tile flooring for most of the courtyard and the removal of mature Linden trees in order to provide light for the rooms below.

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

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

**2. 20 East 76<sup>th</sup> Street, Surrey Hotel (between Fifth and Madison Avenues) – Upper East Side Historic District – Mr. Paul Weremchuk, Architect** -- Application is for exterior renovations including the addition of a new hotel marquee, new street-level windows and doors, including renovated hotel entry doors and a renovated hotel entry doors and a renovated penthouse level guardrail.

**THIS APPLICATION IS DIVIDED INTO FOUR PARTS: A) THE NEW MARQUEE B) THE CHANGES TO THE FRONT ELEVATION C) THE SIDEWALK IN FRONT OF THE ENTRANCE AND D) THE REPLACEMENT OF THE RAILING AT THE ROOF.**

### **Part A: The new marquee**

**WHEREAS**, 20 East 76<sup>th</sup> Street is a sixteen-story neo-Classical apartment hotel, designed by Schwartz & Gross and built in 1925-26.

**WHEREAS**, the applicant proposes to replace the existing canopy in front of the entrance with a new marquee. The marquee will have no side supports and a glass ceiling. An interior drainage system controls the depth of the marquee at 24", thus preventing a preferred lighter feeling to the marquee.

**WHEREAS**, with the new marquee the handsome limestone carvings that frame the entryway will now be visible.

**THEREFORE BE IT RESOLVED**, that Part A of this application is approved as presented.

### **Part B: The changes to the front elevation**

**WHEREAS**, the applicant, on the first floor, will replace the existing windows with 6 over 6 double hung windows. The windows will have wooden mullions.

**WHEREAS**, the applicant will relocate the existing through-the wall air conditioners from all the windows on the front elevation

**WHEREAS**, the existing green awnings will be replaced with awnings brown/black in color on the first floor.

**WHEREAS**, the existing awnings on the 2<sup>nd</sup> floor will be removed.

**WHEREAS**, to the east of the entrance a window will be enlarged so that it matches both the window opening to the west of the entrance and the window above it in order to provide more symmetry to the front elevation.

**WHEREAS**, the doors at the entrance, now an anodized bronze with a contemporary retail look, will be replaced with new ornamental metal and glass doors.

**WHEREAS**, the existing doors at either side of the entrance will be replaced with new glass and metal doors.

**THEREFORE BE IT RESOLVED**, that Part B of this application, the changes to the front elevation, is approved as presented.

**Part C: The sidewalk in front of the entrance**

**WHEREAS**, the applicant proposes to replace the existing green and gray tiles at the entrance sidewalk with a poured cement sidewalk.

**WHEREAS**, the scoring of the poured cement sidewalk will present a distinctive look to inform and enhance the entrance to the hotel.

**WHEREAS**, the tiles that will be replaced are not original to the design of the building.

**THEREFORE BE IT RESOLVED**, that Part C of this application, the changes to the sidewalk in front of the entrance, be approved as presented.

**Part D: The railing at the roof**

**WHEREAS**, the existing roof railing atop the existing parapet borders the entire roof and is minimally visible from the public way.

**WHEREAS**, the roof railing is in disrepair and needs to be replaced.

**WHEREAS**, the applicant proposes a new custom decorative railing fence with the same basic picket style as the existing railing – only a top cap (a steel tube top rail) will be added.

**THEREFORE BE IT RESOLVED**, that Part D of this application, the roof railing, be approved as presented.

*Community Board 8M passed this resolution by a vote of 30 in favor, 3 opposed, and 3 abstentions to bring this back to the committee.*

**3. 690 Madison Avenue, Hermes Men's Store (northeast corner of East 62<sup>nd</sup> Street) – Upper East Side Historic District – Mr. Aaron Lamport, Architect** – Application is to replace current storefront with a 2-story brick & stucco façade with the main entrance on Madison Avenue. Application also includes replacement of non-original windows on the above floors with aluminum double-hung units. Rooftop modifications include updating current roof terrace materials and adding a split-unit air conditioning unit beside the existing cooling tower at the western end.

**THIS APPLICATION IS DIVIDED INTO FOUR PARTS: A) THE DESIGN FOR THE FIRST TWO FLOORS BOTH ON MADISON AVENUE AND ON 62<sup>ND</sup> STREET, B) THE MADISON AVENUE ELEVATION – FLOORS 3 THROUGH 5, C) THE 62<sup>ND</sup> STREET ELEVATION – FLOORS 3 THROUGH 5 AND D) THE ROOFTOP MODIFICATIONS.**

**Part A: The design for the first two floors both on Madison Avenue and on 62<sup>nd</sup> Street**

**WHEREAS**, 690 Madison Avenue is a five-story brownstone-faced townhouse built in 1878 and designed by Jacob H. Valentine for Isaac E. Doying.

**WHEREAS**, there is an existing bump out of 3 feet at the first floor – done to create the storefronts in 1900.

**WHEREAS**, the applicant proposes removing the existing truncated corner and squaring it off and then creating a new doorway to the retail space centered on Madison Avenue.

**WHEREAS**, the two-story base of the building, with its storefront retail windows, will have a brick cladding with reddish-brown stucco for the 3 above floors.

**WHEREAS**, the applicant is wrapping the materials around the corner—thus both the Madison Avenue façade and the 62<sup>nd</sup> Street façade will be clad in the exact same materials.

**WHEREAS**, at the top of the 2<sup>nd</sup> floor there will be “Greek-key” style detailing.

**WHEREAS**, two of the four existing windows on East 62<sup>nd</sup> Street (the middle two) will be reduced in width to match the width of the windows on the floors directly above them.

**WHEREAS**, there is very little historic fabric left on the first two floors.

**THEREFORE BE IT RESOLVED**, that Part A of the application, the design for the first two floors both on Madison Avenue and on 62<sup>nd</sup> Street is approved as presented.

*Part A of this resolution was passed by a vote of 28 in favor, 7 opposed, and 0 abstentions.*

**Part B: The Madison Avenue elevation – Floors 3 through 5**

**WHEREAS**, the applicant proposes to replace the existing original window frames with aluminum window frames that will be “milled” and will replicate a historic wood window profile.

**THEREFORE BE IT RESOLVED**, that Part B of the application, the Madison Avenue elevation – Floors 3 through 5, be approved as presented.

*Part B of this resolution was passed by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**Part C: The 62<sup>nd</sup> Street elevation – Floors 3 through 5**

**WHEREAS**, the applicant is introducing a new set of window openings on the 62<sup>nd</sup> Street façade, just in from the corner on 62<sup>nd</sup> Street that will match in width the retail window at the ground level below.

**WHEREAS**, the applicant proposes moving the adjacent set of windows to the east so that they will also line up with the retail window at the ground level. (On the south elevation there are now 4 sets of windows; the applicant proposes adding one new set of windows and realigning a second set of windows so that there will now be 5 sets of windows.)

**WHEREAS**, the framing for all of the windows on floors 3 through 5 will match the framing for the retail windows at the ground level.

**WHEREAS**, the proposed new surrounds do not reflect the prior history of the building.

**WHEREAS**, the applicant should consider framing the windows on East 62<sup>nd</sup> Street with the same “milled” framings that will be used for the windows on Madison Avenue.

**WHEREAS**, the building has been altered over the years and is not distinguished within the historic district.

**THEREFORE BE IT RESOLVED**, that Part C of the application, the 62<sup>nd</sup> Street elevation – Floors 3 through 5, be approved as presented.

*Part C of this resolution was passed by a vote of 14 in favor, 21 opposed and 1 abstention.*

**Part D: The Rooftop Modifications**

**WHEREAS**, the proposed decorative lattice for the rooftop terrace is only minimally visible from the south side of East 62<sup>nd</sup> Street.

**WHEREAS**, the existing cooling tower is not visible from the public way; the split-unit air conditioner steps down low to the cornice and is not visible from the public way.

**THEREFORE BE IT RESOLVED**, that Part D of the application, the rooftop modifications, be approved as presented.

*Part D of this resolution was passed by a vote of 36 in favor, 0 opposed and 0 abstentions*

**4. 62 East 92<sup>nd</sup> Street, Brick Presbyterian Church Parish House and School (between Madison and Park Avenues)-Carnegie Hill Historic District- Mr. Jeffrey S. Lydon, Architect –**

A neo-Renaissance style townhouse, with five stories and a mezzanine. Designed by Lawrence F. Peck for Jean Ferry and built in 1924. Application is to remove HVAC equipment from the 6<sup>th</sup> floor rear roof and reinstall the unit on the 7<sup>th</sup> floor front roof and install a glazed art studio structure over the rear 6<sup>th</sup> floor roof.

**WHEREAS**, 62 East 92<sup>nd</sup> Street is a neo-Renaissance style townhouse, with five stories and a mezzanine, designed by Lawrence F. Peck for Jean Ferry and built in 1924.

**WHEREAS**, the applicant proposes installing a glazed greenhouse structure (“art studio”) made of fiberglass with two sets of French doors that open to decorative metal 42” high railings that are set flush to the wall.

**WHEREAS**, the art studio is 650 sq. ft. and stops 6’ below the roofline.

**WHEREAS**, the glazing on the art studio matches glazing on existing “Hopes” windows on the rear elevation.

**WHEREAS**, the construction of the art studio requires that HVAC equipment be moved from the 6<sup>th</sup> floor rear roof and reinstalled on the 7<sup>th</sup> floor front roof.

**WHEREAS**, the height of the existing equipment on the front part of the 7<sup>th</sup> floor is 9'1" and is slightly visible from the public way.

**WHEREAS**, the equipment to be relocated will be set back 8' from the parapet and is lower than the existing mechanical equipment on the front of the 7<sup>th</sup> fl. at a height of 4' ½".

**WHEREAS**, the equipment to be relocated will project above the cornice line by 1'2".

**WHEREAS**, the equipment to be relocated does not run in the summer and will be located and screened in such a way as to be discreet as possible.

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

*Community Board 8M passed this resolution by a vote of 33 in favor, 1 opposed, and 0 abstentions and 1 not voting for cause.*

**Youth and Education Committee: Reported by Jim Clynes and Judith Schneider, Co-Chairs of the Youth & Education Committee:**

**1. Discussion of the need for a school building for students zoned for PS 151:**

**WHEREAS**, in Manhattan Community District 8 there is no school for the children zoned for PS 151, and

**WHEREAS**, the former site of PS 151 will now be East Side Middle School with no resolution of a physical structure for the former PS 151 that occupied the site, and

**WHEREAS**, families do not know what school their children will attend until the very last minute and possibly even after school has opened, and

**WHEREAS**, in Manhattan Community District 8 the missing school building for PS 151 increases the overcrowding in all other elementary schools in the district; and

**WHEREAS**, Community District 8 has the most residential development without an increase in school seats, and

**WHEREAS**, the Department of Education's letter of May 16, 2008 to the Community Education Council states that the projected utilization of all schools in Manhattan Community District 8 in 2008-2009 range from 109 to 145% over capacity, and

**WHEREAS**, while the same DOE letter asks the CEC to consider rezoning, it does not specifically make arrangements for a physical building for the children zoned for PS151, and

**WHEREAS**, in Community District 8M PS 290 is so overcrowded that the DOE has proposed to split the upper grades and send them to a different location, and

**WHEREAS**, taking into consideration the current economic climate the necessity for a building for the PS 151 zone may become more important if parents can not afford private school, and

**WHEREAS**, this Fall, the DOE and the School Construction Authority proposed a new five-year capital plan for new school construction, which will chart the future course of the City's public education system; and

**WHEREAS**, the City's 5-year Capital Plan for Education consists of "\$3.8 billion for New Capacity, adding more than 25,000 new seats in an estimated 44 buildings, which will help respond to ongoing demographic growth in targeted neighborhoods, while continuing to alleviate school overcrowding, reduce class size, and strategically reduce our reliance on temporary facilities", yet has no physical plan for the PS 151 Zone, and

**WHEREAS**, the DOE has zoned the City so that young children can attend a school near where they live, and high school students are older and can travel to school,

**THEREFORE BE IT RESOLVED**, Community Board 8M strongly urges that the Department of Education to immediately select a permanent site for the elementary school for students zoned for PS 151.

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**2. The second resolution will go to the DOE and to the Mayor regarding the 5-Year Capital Plan for Education concerning PS 151.**

**WHEREAS**, this Fall, the DOE and the School Construction Authority proposed a new five-year capital plan for new school construction, which will chart the future course of the City's public education system; and  
**WHEREAS**, the City's 5-year Capital Plan for Education consists of "\$3.8 billion for New Capacity, adding more than 25,000 new seats in an estimated 44 buildings, which will help respond to ongoing demographic growth in targeted neighborhoods, while continuing to alleviate school overcrowding, reduce class size, and strategically reduce our reliance on temporary facilities", yet has no physical plan for the PS 151 Zone since 2000,  
**THEREFORE BE IT RESOLVED**, Community Board 8M strongly urges the Department of Education immediately to select a permanent site for an elementary school for students zoned for PS 151, which has not had a building since 2000.

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**3. The second resolution will go to the DOE and to the Mayor regarding the 5-Year Capital Plan for Education concerning PS 151.**

**WHEREAS**, the budget proposed by the office of the Mayor has no provision for a school building for PS 151 on the Upper East Side of Manhattan, and

**WHEREAS**, PS 151 has been without a building since 2000,

**THEREFORE BE IT RESOLVED**, Community Board 8M strongly urges that the Mayor and the Department of Education immediately to select a permanent site for an elementary school for students zoned for PS 151.

*Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 0 abstentions.*

**Budget Committee: Reported by Barbara Chocky and Roy Carlin, Co-Chairs of the Budget Committee:**

**WHEREAS**, Community Board 8M recognizes the difficult financial conditions facing New York City, New York State and the Federal government require sacrifices and possible service cuts, as well as new funding sources, and

**WHEREAS**, Community Board 8M believes that it is important that the effect of these cuts on our most vulnerable citizens be minimized, and

**WHEREAS**, Community Board 8M believes that it is important that the safety and security of all New Yorkers must not be compromised,

**THEREFORE BE IT RESOLVED**, that Community Board 8M opposes all the Mayor's proposed cuts in the areas of Social Services, Education and Emergency Service, and

**BE IT FURTHER RESOLVED**, that Community Board 8M urges the Governor and the State Legislature to restore their proposed cuts to New York City's Education funding and prevent cutbacks in teacher staffing levels, and

**BE IT FURTHER RESOLVED**, that Community Board 8M recommends that the Mayor's office and the Department of Citywide Administrative Services absorb their fair share of any funding or staffing cutbacks required, and

**BE IT FURTHER RESOLVED**, that Community Board 8M supports the restoration of some form of non-resident income tax for New York City, a new statewide "Millionaire's tax", effective use of the expected Federal economic stimulus funds and the proposed Tier 5 Pension reforms for new city employees.

**BE IT FURTHER RESOLVED**, that Community Board 8M recommends that the Mayor's office and the Department of Citywide Administrative Services absorb their fair share of any funding or staffing cutbacks required, and

**BE IT FURTHER RESOLVED**, that Community Board 8M supports the restoration of some form of non-resident income tax for New York City, a new statewide "Millionaire's tax", effective use of the expected Federal economic stimulus funds and the proposed Tier 5 Pension reforms for new

*Community Board 8M passed this resolution by a vote of 29 in favor, 4 opposed, and 2 abstentions.*

*With no further business the meeting was adjourned at 11:00 pm.*