

**Nicholas D. Viest**  
Chairman

**Latha Thompson**  
District Manager



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

**LAND USE-FULL BOARD MEETING**  
**Chapel of the Good Shepherd**  
**543 Main Street**  
**Roosevelt Island, NY**  
**Wednesday, April 16, 2014**  
**6:30PM**

**Community Board Members Present:** Elizabeth Ashby, Albert Barrueco, Lowell Barton, John Bartos, Lori Ann Bores, Roy Carlin, Barbara Chocky, Sarah Chu, James Clynes, Christina Davis, Jeffrey Escobar, Susan Evans, A. Scott Falk, Edward Hartzog, David Helpert, Jonathan Horn, Sophia James, Lorraine Johnson, Dave Kleckner, David Liston, Jacqueline Ludorf, Domenico Minerva, Ellen Polivy, Rita Lee Popper, Margaret Price, Hattie Quarntstrom, David Rosenstein, Barbara Rudder, Abraham Salcedo, William Sanchez, Judith Schneider, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo, Nicholas Viest, Elaine Walsh, Hedi White,  
**Community Board Members (Excused):** Michele Birnbaum, Lorance Hockert, Laurence Parnes, Jane Parshall, Rebecca Seawright, Teri Slater, Debra Teitelbaum, Charles Warren, Timothy Yeo  
**Community Board Members (Unexcused):** Matthew Bondy, Cory Evans  
**Total Attendance: 37**

**Chair Nicholas D. Viest called the meeting to order at 6:30PM.**

**1. Public Session:**

- Member of the public, Elizabeth Quaranta, representing Americana Homestay, spoke on students and Homestay on the upper-east-side.
- Member of the public, Jordon Wouk, spoke in opposition to Ichiro Sushi.
- Member of the public, Alex Schoeneck, representing Relay for Life of Roosevelt Island/American Cancer Society, spoke in favor of Relay for Life.
- Member of the public, representing East River Community Recreation and Education on the Water, spoke in favor of the Esplanade.
- Member of the public, Caitlin Goodspeed, representing Bike New York, spoke on Bike New York's Spring Kick-off Party on May 17<sup>th</sup>, 11am-4pm.
- Member of the public, David Rosenstein, spoke on 311's failing regarding bicycles on the sidewalk.
- Member of the public, Tori Gilbert, representing East River Crew, spoke on free community rowing.
- Member of the public, Jeffrey Escobar, representing Roosevelt Island Residents Association, welcomed everyone to Roosevelt Island.
- Member of the public, Jennifer Ratner, representing Friends of the East River Esplanade, spoke on their upcoming events.
- Member of the public, Alvin Wang, representing Ichiro Sushi, spoke.
- Member of the public, Judith Berdy, representing Roosevelt Island Historical Society, spoke about the organization.
- Member of the public, Janet Falk, spoke in opposition to the gravel on the Roosevelt Island Bridge.
- **Public Hearing-BSA Application No. 42-14-BZ, 783 Lexington Avenue, Block 1396, Lot 22-** Application for a Special Permit to operate a Physical Culture Establishment (PCE), Lush Cosmetics, filed pursuant to Zoning Regulation 73-03. The application seeks authorization to occupy a total of 2,310 square feet on the cellar, first and second floor of a five story building in a C1-8X zoning district.

**Whereas** Application for a Special Permit to operate a Physical Culture Establishment (PCE), Lush Cosmetics, filed pursuant to Zoning Regulation 73-03. The application seeks authorization to occupy a total of 2,310 square feet on the cellar, first and second floors of a five story building in a C1-8X zoning district, and

**Whereas** Community Board 8M held a public hearing regarding this matter; therefore

**Be It Resolved** that Community Board 8 approves the application to occupy a total of 2, 310 square feet on the cellar, first and second floors of 783 Lexington Avenue.

**Community Board 8M adopted the resolution by a vote of 36 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.**

- **Update on the Cornell Technion Project**

**2. Adoption of the Agenda** – Agenda adopted.

**3. Adoption of the Minutes** – January 15, 2014 Full Board and March 12, 2014 Land Use meeting minutes adopted.

**4. Manhattan Borough President’s Report:**

Jesus Perez, a representative from the Manhattan Borough President’s Office, reported on her latest initiatives.

**5. Elected Official’s Reports:**

- Brad Usher, a representative from Senator Liz Krueger, reported on her latest initiatives.
- Jose Ramon Perez-Lopez, a representative for Senator Jose Serrano’s office, reported on his latest initiatives.
- Will Brightbill, representative for Council Member Daniel Garodnick, reported on the Council Member’s latest initiatives.
- Joseph Strong, a representative from Council Member Ben Kallos’ office, reported on his latest initiatives.
- Rebecca Godlewicz, a representative from Comptroller Scott Stringer’s office, reported on his latest initiatives.
- Alize Beal, a representative from Mayor Bill de Blasio’s office, introduced herself to the community and reported on the Mayor’s latest initiatives.

**6. Chair’s Report – Nick Viest:**

Chair Nick Viest gave his report. Nick thanked the Roosevelt Island community for hosting the meeting and thanked Judith Berdy in particular for the nice food and refreshment spread. He reported that the Community Board office received 150 resumes for the open Community Associate position and said he would be reviewing the resumes along with Latha Thompson tomorrow. He will form a committee of board members to review the people that will be interviewed to get input from them. He also congratulated the new board members who will be starting on May 1<sup>st</sup>.

**7. Committee Reports and Action Items:**

- **Parks Committee – Margaret Price and Barbara Rudder**

**Re: Request to Allow Evening Roller Hockey at McDermott/Stanley Isaacs Park**

**WHEREAS** the Manhattan Roller Hockey League has provided roller hockey to 300 players at Paul McDermott rink in Stanley Isaacs Park; and

**WHEREAS** that roller hockey league now wishes to expand its use of the rink in Stanley Isaacs Park to include evening hours from March until late November; and

**WHEREAS** the association has agreed that all roller hockey play in Stanley Isaacs Park, which is located in a residential area, will end by 10 pm; and

**WHEREAS** the roller hockey league has promised to provide adequate lighting for evening hockey play; therefore

**BE IT RESOLVED** that CB8M approves the request by the Manhattan Roller Hockey League for evening roller hockey play at Stanley Isaacs Park, provided that all night-time hockey play end by 10 pm.

**Manhattan Community Board 8 approved the resolution by a vote of 36 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.**

• **Landmarks Committee – David Helpern and Jane Parshall, Co-Chairs**

**Re: 45 East 66<sup>th</sup> Street – NE corner Madison Avenue [INDIVIDUAL LANDMARK] – Upper East Side Historic District – Jeffrey Cole, Architect.** Application is for a penthouse rooftop addition.

**WHEREAS** 45 East 66<sup>th</sup> Street was designed by Harde & Short and completed in 1908.

**WHEREAS** 45 East 66<sup>th</sup> Street, which turns the corner onto Madison Avenue and was designated an Individual Landmark in 1977, is a 10-story unusual perpendicular red and white gothic building with a center court for light, a distinctive rounded corner tower and 12 over 12 double hung windows including on the tower.

**WHEREAS** 45 East 66<sup>th</sup> Street is also on the National Register of Historic Places.

**WHEREAS** the applicant proposes the construction of an extra story on top of an existing penthouse addition [existing secondary rooftop structure]; the existing penthouse addition is not visible because it is hidden behind an exquisite and distinctive parapet wall.

**WHEREAS** the proposed addition would rise 11' above the existing rooftop addition and 4' above the parapet.

**WHEREAS** the proposed addition will be set back 17' from the eastern edge of the existing building, 9' from the existing addition and 30' back from the property line.

**WHEREAS** because the proposed addition would rise above the free-standing parapet wall and be visible from the public way, it will alter the view of the building from the street, especially from East 66<sup>th</sup> Street.

**WHEREAS** the application was first presented to the Landmarks Committee in January, 2014 and was disapproved as presented; the new application, with a few minor alterations, is virtually identical to the January application.

**WHEREAS** while the applicant made a more complete presentation with the inclusion of many more detailed drawings than in January, the applicant did not include a montage of the streetscape which would have provided for a contextual view of the addition.

**WHEREAS** the applicant is proposing a new addition that mimics the existing inappropriate addition. While the proposed addition is minimally visible from the public way and the committee has approved rooftop additions that are minimally visible, 45 East 66<sup>th</sup> Street has one of the city's grandest facades with its distinctive windows along both 66<sup>th</sup> Street and Madison Avenue.

**WHEREAS** the proposed addition is out of context and inappropriate for both an INDIVIDUAL LANDMARK of this caliber and within the historic district.

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

**Manhattan Community Board 8 adopted this recommendation by a vote of 36 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.**

**Re: 1016 Lexington Avenue (between 72<sup>nd</sup> and 73<sup>rd</sup> Streets)-Upper East Side Historic District - Jon David Libasci, Architect-**A Neo-Grec style building designed by Thom & Wilson and built in 1880-81. The application is for a new restaurant entry door, storefront and awning.

This Application is divided into two parts:

**Part A:** To approve as presented with the exception of the color of the awning

**Whereas** this storefront has been renovated many times and there are no remnants of the original storefront;

**Whereas** the current storefront added simulated Greek columns that are unrelated to the original design;

**Whereas** the new door and storefront are composed of four vertical panels with black metal frames and base panels;

**Whereas** one of the four panels is a door and the other three are folding panels that enable the restaurant to open up to the sidewalk;

**Whereas** the new door, storefront, and awning are similar to those of other restaurants in the neighborhood;

**Whereas** the new door, storefront, and awning are a major improvement to the building;

**Whereas** the proposed sign for the awning is about eight inches high;

**Whereas** the proposed color for the new awning is a pinkish red;

**Therefore** be it resolved that Part A of this application is approved

**Manhattan Community Board 8 adopted this recommendation by a vote of 36 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.**

**Part B:** To disapprove the color of the awning

**Whereas** the proposed color of the awning is a pinkish red;

**Whereas** this color is brighter than that of any of the other awnings in the immediate neighborhood;

**Whereas** the color of the awning is not integral to the overall design;

**Therefore** be it resolved that part B of this application is **disapproved**.

**Manhattan Community Board adopted this recommendation by a vote of 35 in favor, 1 opposed, 0 abstentions, and 0 not voting for cause.**

**Re: 105 East 73<sup>rd</sup> Street (between Lexington Avenue and Third Avenue – Upper East Side Historic District -- Jose Ramirez, Architect.** Application is for restoration work, a change to 2nd floor window at the front elevation, and changes to the curtain wall at west elevation and rear elevation

**WHEREAS** 105 East 63<sup>rd</sup> Street and its twin, 107 East 73<sup>rd</sup> Street, were designed by Thom and Wilson in a neo-Georgian style and completed in 1881-82; the present façade was designed by Grovesnor Atterbury and completed in 1903.

**WHEREAS** at the front, the applicant proposes to repoint and repair the street/front brick façade, return the front 2<sup>nd</sup> level window to the original Atterbury window, replace all other front elevation windows with in-kind wooden windows and repair all ironwork.

**WHEREAS** at the side or west elevation, the applicant proposes to repoint and repair brick façade as required and replace existing wooden windows with in-kind wooden windows.

**WHEREAS** at the side or west elevation, there is a service way/alley for the adjacent apartment building on Park Avenue; thus, the side or west elevation is highly visible from the public way.

**WHEREAS** the side or west elevation, the applicant proposes to extend or “bump out” two recesses between two existing additions to increase width of the building; to accommodate the “bump outs”, there will be a new curtain wall from the 2<sup>nd</sup> level to the bulkhead and a new curtain wall from the cellar level to the 1<sup>st</sup> level towards the rear of the building.

**WHEREAS** the proposed “bump outs” will accommodate a proposed interior stairway; two recessed walls will be pulled out so that the plane of the west elevation is the same. The proposed bump-outs will be visible from the public way because of the adjacent service way. The proposed windows on the side elevation will match in detail the windows on the front elevation

**WHEREAS** at the rear, the applicant proposes to re-point and repair the rear brick façade and construct a new curtain wall from the cellar level to the 1<sup>st</sup> level at the rear façade (as part of the accommodation for the new proposed interior stairway).

**WHEREAS** at the rear elevation, the proposed new curtain wall from the cellar level to the 1<sup>st</sup> level is needed to accommodate the stairwell (see above).

**WHEREAS** at the rear, there will be larger windows at the ground and cellar levels; the details of these windows will mimic the details on the front elevation windows.

**WHEREAS** the proposed changes, including the bump outs at the west elevation and the return of the 2<sup>nd</sup> floor window to the original Atterbury design, are contextual and appropriate within the historic district.

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

**Manhattan Community Board 8 adopted this recommendation by a vote of 36 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.**

**Re: 910 Fifth Avenue-(East 72<sup>nd</sup> Street)-Upper East Side Historic District - Stewart Ackerman, Project Manager** –A Neo- Italian Renaissance style building designed by Fred F. French and built in 1919. Application to amend existing master plan to allow the installation of casement pivot windows.

**Whereas** no photos or elevations of the building were provided;

**Whereas** the applicant stated that the original facades and windows had been replaced with white brick and double hung windows;

**Whereas** there is a master plan for Skyline tilt and turn windows that was approved By the Landmarks Preservation Commission in 1996;

**Whereas** the use of Panorama pivot windows has been approved at staff level in lieu of the Skyline windows;

**Whereas** the Landmarks Preservation Commission will not approve the Panorama windows at staff level in the future;

**Whereas** the Panorama pivot windows are being proposed as an alternate to the Skyline tilt and turn windows so that apartment owners have a choice of window type from an operational perspective;

**Whereas** the Panorama windows have a narrower frame than the Skyline windows;

**Whereas** the Panorama windows are installed with aluminum trim to equalize the apparent thickness of the frames and to align the sightlines from Panorama windows with sightlines from Skyline windows;

**Whereas** master plans for windows should not have two options for window types;

**Therefore** be it resolved that this application is approved.

**Manhattan Community Board 8 adopted this recommendation by a vote of 20 in favor, 15 opposed, 1 abstention, and 0 not voting for cause.**

**Re: 20-22 East 71<sup>st</sup> Street (between 5<sup>th</sup> and Madison Avenues) – Upper East Side Historic District -- Peter Marino and Judith Saltzman, Architect.** Application is for restorative work and a report to the City Planning Commission for a 74-711 special permit to revert the building back to single family residential use.

**WHEREAS** 20-22 East 71<sup>st</sup> Street, the former Forstmann house, is a five-story neo-Italian Renaissance house designed by C. P. H. Gilbert and completed in 1923.

**WHEREAS** 20-22 East 71<sup>st</sup> Street is a double-width limestone house with expansive proportions and a mansard roof pierced by dormers.

**WHEREAS although** built as a single family residence, in 1979, after several owners, 20-22 East 71<sup>st</sup> Street became offices; the Certificate of Occupancy was changed to reflect commercial use and no longer permits a residential use.

**WHEREAS** the applicant is seeking a special permit pursuant to Section 74-711 of the Zoning Resolution to allow the modification of the rear yard requirement and the inner court dimensions requirement so that a C of O changing the use to residential is obtained from the City Planning Commission.

**WHEREAS** the applicant, to change to the C of O, requires a report from the Landmarks Preservation Commission to the City Planning Commission stating that a continuing maintenance program has been established that will result in the preservation of 20-22 East 71<sup>st</sup> Street and that the proposed use modification contributes to a preservation purpose.

**WHEREAS** the special permit is required because the rear yard, at 11'5', does not meet the rear yard requirement (30') for a residential use; there is no inner courtyard (required for light and air to the sleeping rooms when the rear yard is so narrow).

**WHEREAS** all of the proposed restoration work has been approved at the staff level at the Landmarks Preservation Commission, including the removal of a non-historic greenhouse at the rear, adding a black painted iron fence at the roof at the rear that will match the iron painted fence on the floor below and adding new mechanical equipment at the roof that will be invisible from the public way.

**WHEREAS** the restoration work will include window replacement and restoration; all windows will match the 4 remaining original windows.

**WHEREAS** the applicant is requesting a report from the Landmarks Preservation Commission to the City Planning Commission resulting from a proposed preservation plan to be outlined in a restrictive declaration – this report will request the CPC to waive both the required inner court dimensions and the rear yard requirement as set forth in the zoning resolution for residential properties so that the required C of O will be approved at the CPC.

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

**Manhattan Community Board 8 adopted this recommendation by a vote of 36 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.**

• **Street Life Committee – Jonathan Horn and Domenico Minerva, Co-Chairs**

1a. **Vietnaam LLC., 1700 Second Avenue (@ 88<sup>th</sup> Street)** - Renewal application for unenclosed sidewalk café with 9 tables and 20 chairs, DCA # 2003371-DCA. Due Date: April 24, 2014

**WHEREAS** there are no changes to the café and no one from the public objected,

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

**Manhattan Community Board 8 adopted the recommendation by a vote of 35 in favor, 0 opposed, and 0 abstentions.**

1b. **Wknapp Ltd., dba Table D'Hote, 44 East 92<sup>nd</sup> Street (Fifth/Madison Avenue)**-Renewal application for a small unenclosed sidewalk café with 2 tables and 8 chairs, DCA # 1430367-DCA. Due Date: May 12, 2014  
**WHEREAS** there are no changes to the café and no one from the public objected,  
**BE IT RESOLVED THAT** the application is Approved.  
**Manhattan Community Board 8 adopted the recommendation by a vote of 35 in favor, 0 opposed, and 0 abstentions.**

1c. **E.A.T. is owned by Eli Zabar, Inc., 1064 Madison Avenue (80<sup>th</sup>/81<sup>st</sup>)**-Renewal application for a small unenclosed sidewalk café with 6 tables and 12 chairs, DCA # 1172157-DCA. Due Date: May 11, 2014  
**WHEREAS** there are no changes to the café and no one from the public objected,  
**BE IT RESOLVED THAT** the application is Approved.  
**Manhattan Community Board 8 adopted the recommendation by a vote of 35 in favor, 0 opposed, and 0 abstentions.**

2a. **Paola's Restaurant Group LLC, dba Paola's Restaurant, 1295 Madison Avenue (@92<sup>nd</sup> Street)**-New application for an unenclosed sidewalk café with 6 tables and 24 chairs, DCA # 2773-2014-ASWC. Due Date April 25, 2014  
**WHEREAS** this application is solely to reinstate a previously licensed sidewalk café following sidewalk and building repairs, and  
**WHEREAS** there are no changes to the café and no one from the public objected,  
**BE IT RESOLVED THAT** the application is Approved.  
**Manhattan Community Board 8 adopted the recommendation by a vote of 35 in favor, 0 opposed, and 0 abstentions.**

2b. **SL & H Express Corp., dba Bagel Express 11, 1228 Second Avenue (64<sup>th</sup>/65<sup>th</sup>)**-New application for an unenclosed sidewalk café with 9 tables and 18 chairs, DCA#3493-2014-ASWC. Due Date May 12, 2014  
**WHEREAS** this is solely to accommodate a change of corporate ownership, and  
**WHEREAS** there are no changes to the café and no one from the public objected,  
**BE IT RESOLVED THAT** the application is Approved.  
**Manhattan Community Board 8 adopted the recommendation by a vote of 35 in favor, 0 opposed, and 0 abstentions.**

3a. **TOV TAAM Inc., dba 18 Restaurant, 240 East 81<sup>st</sup> Street (Second/Third Avenue)** -Corporate Change for a Liquor, Wine and Beer **Food/Drink: 90/10**  
**WHEREAS** this is a change of ownership for an established restaurant, and  
**WHEREAS** there were no objections from the public, and  
**WHEREAS** the applicant agreed to the following hours of operation:  
**Sunday to Thursday – Noon to 11:00pm**  
**Friday to Saturday – 6:00pm to 11:30pm**  
**BE IT RESOLVED THAT** the application is Approved  
**Manhattan Community Board 8 adopted the recommendation by a vote of 35 in favor, 0 opposed, and 0 abstentions.**

3b. **Ichiro Sushi Inc., 1694 Second Avenue (87<sup>th</sup>/88<sup>th</sup>)** -Corporate Change for Wine and Beer **Food/Drink: 95/5**  
**WHEREAS**, a member of the public reported observing several bicycle delivery violations by employees of this establishment, and  
**WHEREAS**, the applicant acknowledged that some of his deliverymen may not have followed proper procedures recently, and  
**WHEREAS**, the applicant agreed to reinforce and institute retraining for his employees regarding the rules and regulations for bicycle delivery, and  
**WHEREAS**, the applicant recommitted himself and the establishment to abiding by the bicycle delivery rules and regulations, as per his notarized affidavit to the Community Board, and  
**WHEREAS**, the applicant acknowledge that a future violation(s) could result in revocation of his SLA license, and  
**WHEREAS** the applicant agreed to the following hours of operation:  
**Sunday – Noon to 11:30pm**  
**Monday to Thursday - 11:30am to 11:30pm**  
**Friday to Saturday – 11:30am to Midnight**  
**BE IT RESOLVED THAT** the application is Approved  
**Manhattan Community Board 8 adopted the recommendation by a vote of 35 in favor, 0 opposed, and 0 abstentions.**

4a. **Kobeyaki 3 LLC, dba Kobeyaki, 215 East 86<sup>th</sup> Street (Second/Third Avenue)**-New application for Wine & Beer **Food/Drink: 95/5**

**WHEREAS** there were no objections from the public, and  
**WHEREAS** the applicant agreed to the following hours of operation:

**Monday to Saturday – 11:00am to 10:00pm**

**Sunday – Noon to 10:00pm**

**BE IT RESOLVED THAT** the application is Approved

**Manhattan Community Board 8 adopted the recommendation by a vote of 35 in favor, 0 opposed, and 0 abstentions.**

4b. **Divine NYC, Inc., 116 East 60<sup>th</sup> Street (Park/Lexington Avenue)**-New application for a Liquor, Wine and Beer **Food/Drink: 50/50**

**WHEREAS** approximately 25 residents of 118 East 60<sup>th</sup> Street appeared before the committee to express concerns about this application, and

**WHEREAS** these concerns focused on the possibility of ill-behaved and/or drunk patrons of the establishment creating excessive noise, particularly at late hours, or blocking access to their building's circular driveway, and

**WHEREAS** they were also concerned about trash and food odors that would be produced by the establishment, and

**WHEREAS** the application as submitted to CB8M at the meeting was incomplete, missing several critical portions including the design and floor plans for the proposed establishment, and

**WHEREAS** the applicant was dismissive of several proposed stipulations designed to address community concerns, and

**WHEREAS** the applicant was asked to return to the May 2014 meeting of CB8M's Street Life Committee to continue the discussion, by which time they indicated a complete application including the architect's plans for establishment would be available, and

**WHEREAS** the applicant agreed to do so and not to submit their applicant to the SLA until after re-appearing before CB8M's Street Life Committee in May 2014 and also agreed to provide confirmation of such in writing to the Board office, and

**WHEREAS** the applicant has not only failed to provide such confirmation, but on April 15, 2014 his attorney informed CB8M's District Manager that there would be an additional delay in providing the plans, that the applicant would not be ready to reappear at the May 2014 meeting and that the applicant nor his attorney had never agreed to hold off on submitting the application to SLA until they re-appeared before CB8M's Street Life Committee,

**THEREFORE BE IT RESOLVED**, that the application is **DISAPPROVED**.

**Manhattan Community Board 8 adopted the recommendation by a vote of 32 in favor, 3 opposed, and 0 abstentions.**

4c. **Masoud Tehrani or Entity to be formed, dba Ravagh Persian Grill, 1135 First Avenue (62<sup>nd</sup>/63<sup>rd</sup>)**-New application for a Liquor, Wine and Beer **Food/Drink: 80/20**

**WHEREAS** there were no objections from the public, and

**WHEREAS** the applicant agreed to the following hours of operation:

**Monday to Saturday – 11:00am to 10:00pm**

**Sunday – Noon to 10:00pm**

**BE IT RESOLVED THAT** the application is Approved

**Manhattan Community Board 8 adopted the recommendation by a vote of 35 in favor, 0 opposed, and 0 abstentions.**

4d. **1268 Second Avenue LLC, 1268 Second Avenue (66<sup>th</sup>/67<sup>th</sup>)** -New application for a Liquor, Wine and Beer **Food/Drink: 80/20**

**WHEREAS** there were no objections from the public, and

**WHEREAS** the applicant agreed to the following hours of operation:

**Sunday to Saturday – 4:00pm to 11:00pm**

**BE IT RESOLVED THAT** the application is Approved

**Manhattan Community Board 8 adopted the recommendation by a vote of 35 in favor, 0 opposed, and 0 abstentions.**

- **Transportation Committee – A. Scott Falk and Chuck Warren, Co-Chairs**

**Re: A request for a bike corral at Le Bilboquet, 20 East 60<sup>th</sup> Street**

**WHEREAS**, the restaurant Le Bilboquet has operated in the East 60s for nearly 30 years, most of that time continuously; and

**WHEREAS**, Le Bilboquet has recently relocated to 20 East 60th Street, between Park and Madison Avenues; and

**WHEREAS**, there are currently no bicycle parking racks on that block, leading to a chronic problem of bikes being chained to scaffolding, sign posts, and bus stops, interfering with the flow of pedestrians; and  
**WHEREAS**, Le Bilboquet has applied to NYC Department of Transportation for an on-street bike parking corral in front of their restaurant; and  
**WHEREAS**, the proposed location for this bike corral meets DOT's siting requirements, namely that the curbside lane in front of the applicant's business is never used for through traffic; the corral is not within 15 feet of a hydrant; and the racks will be located so as not to obstruct any utility covers, crosswalks, or driveways; and  
**WHEREAS**, the corral will provide parking for eight bicycles, helping to clear the sidewalks of illegally parked bikes; and  
**WHEREAS**, Le Bilboquet has agreed to maintain the corral by keeping it clear of debris and snow, maintaining the planters, and reporting abandoned bikes; and  
**WHEREAS**, 109 people have signed petitions and five other businesses on the same block have written letters of support of this application;  
**THEREFORE BE IT RESOLVED** that Community Board 8 Manhattan supports the proposal for a bike parking corral in front of Le Bilboquet at 20 East 60th Street.  
**Manhattan Community Board 8 APPROVED the resolution by a vote of 20 in favor, 12 opposed, 1 abstentions and 0 not voting for cause.**

**Re: A request for a revocable consent to install a fenced-in area and steps at 63 East 92<sup>nd</sup> Street**

**WHEREAS**, the applicant has requested a revocable consent for a fenced-in area and steps at 63 East 92nd Street, and  
**WHEREAS**, there is a tree pit located in front of this building, and  
**WHEREAS**, there would only be 5' 7" of clearance between the proposed fence and the tree pit, and  
**WHEREAS**, all public comments were in opposition to the application, including opposition from the neighbors living immediately adjacent to this building on both sides,  
**THEREFORE BE IT RESOLVED** that Community Board 8 Manhattan DISAPPROVES the applicant's request for a revocable consent to install a fenced-in area and steps in front of 63 East 92nd Street.  
**Manhattan Community Board 8 passed the resolution of disapproval by a vote of 32 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.**

**Re: A request for a revocable consent to install a fenced-in area at 155 East 79<sup>th</sup> Street**

**WHEREAS**, the applicant has requested a revocable consent for a fenced-in area at 155 East 79th Street, between Lexington and Third Avenues, and  
**WHEREAS**, the applicant proposes to install a planted area in the sidewalk that will extend three feet from this building, echoing a similar planted area in front of the neighboring building at 151-153 East 79th Street, and  
**WHEREAS**, there is a wide sidewalk on East 79th Street, with more than 19 feet of additional clearance remaining, and  
**WHEREAS**, the applicant says they will not be placing any planters along the curb in front of their building,  
**THEREFORE BE IT RESOLVED** that Community Board 8 Manhattan approves the applicant's request for a revocable consent to install a fenced-in area at 155 East 79th Street.  
**Manhattan Community Board 8 APPROVED the resolution by a vote of 31 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.**

**8. Old Business**

No new business.

**9. New Business**

**Re: Manhattan Borough Board Resolution Regarding Department of Buildings After Hour Variance Authorization Process**

**Whereas**, The City of New York needs to reform the current after-hours variance (AHV) authorization process which has no level of effective transparency or any means to effect meaningful community consultation and/or review; and  
**Whereas**, Extensive constituent complaints suggests that the use of AHV's has been increasing across the City, with numerous *non-emergency* projects being granted permission to work until 10:00 PM and/or 12:00 Midnight—on weeknights and all day long on the weekends—in addition to all legally permitted hours; and  
**Whereas**, In the case of *non-emergency* projects, the practice of granting AHVs has become rampant and has severely impacted on the quality of life in the communities that surround construction sites; and

**Whereas,** Excessive use of AHV's in *non-emergency* situations has created and exacerbated noise, health and habitability issues; and

**Whereas,** A more transparent system is needed that eliminates the overbroad category of "undue hardship" and puts in place notification, review and consultation provisions; and

**Whereas,** Int. 17-2014 introduced by Council Members Mendez and Garodnick mandates:

(1) Repealing the overbroad category of "undue hardship" which currently provides discretion that is too broad and requirements that are not precise enough;

(2) That applicants seeking an AHV under the categories of "emergency work," "public safety" and "city construction projects" must submit a detailed explanation of the conditions that warrant it, the DOB must make a written decision that spells out the rationale for approval/disapproval and all documents must be posted online;

(3) For projects that seek AHV's under the category of "construction projects with minimal noise impact" the DOB must make the applicant's detailed explanation of the material conditions that warrant it available for five days and allow members of the public to submit comments on it (online or via regular mail). The DOB must take these comments into account (and whether or not other AHV's have been permitted in a five block radius of the underlying site) when issuing their decision and such decision must spell out the rationale for approval/disapproval and all related documents must be posted online;

(4) The DOB must implement an e-mail subscription system/database to allow interested individuals to sign up for notifications of AHV applications in their geographical area;

(5) Any AHV's granted for work under the category of "construction projects with minimal noise impact" must be limited to the following conditions: no work whatsoever after 8:00 PM on weekdays; work on Saturdays only between the hours of 11:00 AM and 4:00 PM; and no work whatsoever on Sundays;

(6) All fines for violations of the underlying AHV section are increased by a factor of 2.3 times (the maximum increase currently allowable); and

(7) The applicant's noise mitigation plan, a required component of any permissible AHV approval must be posted onsite and visible to the public.

**Now, Therefore, Be it known** that the Manhattan Borough Board supports and calls for the passage of Int. 17-2014.

**Community Board 8M passed the resolution by a vote of 30 in favor, 1 opposed and 0 abstentions.**

The meeting was adjourned at 8:55 PM.

**Nicholas D. Viest, Chair**