

Jacqueline Ludorf
Chair

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

**LAND USE/FULL BOARD MEETING
WEDNESDAY, APRIL 21, 2010
HUNTER COLLEGE SCHOOL OF SOCIAL WORK
129 East 79th Street
ROOM 1010**

Present: Joie Anderson, Elizabeth Ashby, Michael Auerbach, Kenneth W. Austin, Michele Birnbaum, Deirdre Breslin, Roy Carlin, Barbara Chocky, Sarah Chu, James Gerard Clynes, Susan Evans, A. Scott Falk, Ruth Halberg, David Paul Helpern, Jonathan Horn, Lorraine Johnson, Dave Kleckner, Laura Lijewski, Jacqueline Ludorf, Domenico Minerva, Mary Pike, Laurence Parnes, Jane Parshall, Ellen Polivy, N. Sharon Pope, Rita Lee Popper, Margaret Price, David L. Rosenstein, Barbara Rudder, Judith Schneider, M. Barry Schneider, Helene Simon, Teri Slater, Cos Spagnoletti, Marco Tamayo, Debra Teitelbaum, Alexander Tisch, Nicholas Viest, Charles S. Warren, Hedi White

Absent (Excused): Lori Ann Bores, George Fuchs, David Liston, Patrick Stewart, Elaine Walsh

Absent (Unexcused): Matthew Bondy, Lorange Hockert, William Sanchez,

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

1. Public Session:

- Ms. Cassidy Jones is the new Education Coordinator at the Park Avenue Armory and spoke in favor of the Education programs at the Armory
- Commissioner William Castro, Manhattan Borough Commissioner spoke in favor of the Parks Department Expressive Matter Vendor rule change
- Mr. Doug Jones spoke about the Hunter Helpers program at Hunter College
- Mr. Michael Reilly spoke regarding Danny & Eddie's Liquor License renewal application
- Ms. Tamla Robbins spoke in favor of Parks Department rule change
- Mr. Lo Van Der Valk spoke in favor of the Parks Department rule change
- **Public Hearing: 421-a Partial Tax Exemption for 333 East 91st Street, Block 1554, Lot 23**-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 two 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 by a vote of 22 in favor, 5 opposed, 6 Abstentions and 1 Not Voting for Cause.

2. Committee Reports & Action Items:

Second Avenue Subway Task Force-M. Barry Schneider and H. Patrick Stewart, (*Co-Chairs*)

MTA Attendance

WHEREAS, the MTA, its contractors and other participants in the Second Avenue Subway (“SAS”) project have committed to regular public meetings with affected communities in Manhattan Community Board 8 (“CB8M”), and

WHEREAS, there were a number of issues of current concern to CB8M and the community unrelated to the SAS ancillary facilities and the ongoing litigation over the facilities, and

WHEREAS, CB8M does recognize that the MTA holds meetings directly with those affected by some of these other issues, and

WHEREAS, the only opportunity for many members of the community and the members of the Community Board to interact directly with the MTA and its contractors over these issues is a meeting of CB8M’s Second Avenue Subway Task Force,

THEREFORE BE IT RESOLVED, that CB8M wishes to express its disappointment that the MTA and its contractors failed to attend the March 24, 2010 SAS Task Force meeting under the belief that only the ancillary facilities were going to be discussed, and

BE IT FURTHER RESOLVED, that CB8m requests that the MTA commit to attend all future SAS Task Force meetings so that they are available to address community concerns that may not be listed on the formal agenda, with the understanding that representatives of the MTA and its contractors may not be able to discuss issues which are the subject to pending litigation.

Community Board 8M passed this resolution by a vote of 36 in favor, 2 opposed, and 2 abstentions.

Street Fair Committee-Barbara Chocky and Laura Lijewski, (*Co-Chairs*)

- a. Convent of the Sacred Heart, East 91st Street between Madison and Fifth Avenues on Tuesday, June 8, 2010 from 4:00 PM to 7:00 PM for a Graduation Reception.

Whereas, the College is a community institution,

Therefore, be it resolved to approve this application.

Community Board 8M passed this resolution by a vote of 29 in favor, 4 opposed, and 6 abstentions.

- b. Central Park Precinct, East 60th Street between Fifth and Madison Avenues on Saturday, July 24, 2010 from 10:00 AM to 6:00 PM for a Block Party.

Whereas, this event is open to the public, and

Whereas, the funds raised are in support of Central Park Precinct Community outreach,

Therefore, be it resolved to approve the application.

Community Board 8M passed this resolution by a vote of 38 in favor, 0 opposed, and 1 abstention.

- c. The Browning School, East 62nd Street between Madison and Park Avenues on Thursday, May 29, 2010 from 9:00 AM to 4:00 PM for a Block Party.

Whereas, neither the applicant nor a representative of the applicant did not appear, and

Whereas, this is a new application, and

Whereas, it is unknown who will benefit from the funds raised at the block party, and

Whereas, there is concern the event may not be open to the public,

Therefore, Be It Resolved, that the committee disapproves the application.

Community Board 8M passed this resolution by a vote of 36 in favor, 0 opposed, and 3 abstentions

- d. Ronald McDonald House, East 73rd Street between First and York Avenues on Saturday, October 2, 2010 from 10:00 AM to 6:00 PM for a Block Party.

Whereas, Ronald McDonald House has held this event in the past, and

Whereas, they are a community institution, and

Whereas, the funds raised are in support of their program serving the children with cancer and their parents, and

Therefore, Be It Resolved, the committee approves the application.

Community Board 8M passed this resolution by a vote of 38 in favor, 0 opposed, and 1 abstention

Street Life Committee-Cos Spagnoletti and Nicholas Viest, (Co-Chairs)

2. New or Re-Apply Applications to the Department of Consumer Affairs for Sidewalk Cafes:

- a. **1460 Second Avenue Restaurant Group, LLC d/b/a Southern Hospitality, 1460 Second Avenue (76th/77th Streets)** – Re-apply application for an unenclosed sidewalk café for 12 tables and 26 seats, DCA #1249978. Due date: April 23rd Hours: 12p – 4a, Food/drink: 65/35.

WHEREAS the committee has received noise complaints in the past on this establishment,

WHEREAS several residents attended the meeting to complain about excess noise the night of the NCAA Finals,

WHEREAS the residents have concerns about the establishment controlling the noise for similar events,

WHEREAS the residents did state that the noise problems have improved in since the Fall,

WHEREAS the establishment eliminated live music except in rare instances where a charity or organization rents out the space,

WHEREAS frequency of live music will be 2 or 3 times in a year and the band will be in the back of the restaurant,

WHEREAS the applicant agreed to close the front doors/windows at 10p,

WHEREAS a sign has been posted requesting that patrons be considerate of the neighbors,

WHEREAS speakers have been relocated to face the rear of the restaurant,

WHEREAS maximum internal music will be capped at 110 decibels,

WHEREAS the establishment has purchased a decibel meter to keep external sound no more than 7 decibels above ambient street noise,

WHEREAS management has instructed security to actively clear the sidewalk of lingering guests,

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

Community Board 8M passed this resolution by a vote of 30 in favor, 5 opposed, and 4 abstentions.

- b. **Amber Asian One, Inc. d/b/a Amber, 1406 Third Avenue (@ 80th Street)** – New application for an unenclosed sidewalk café with 20 tables and 43 seats, DCA #1346272. Due date: April 19th Hours: 11a – 12a Food/Drink: 95/5

WHEREAS the application results from a change of ownership,

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

Community Board 8M passed this resolution by a vote of 35 in favor, 0 opposed, and 4 abstentions.

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

- a. **Oui Cater Inc., d/b/a Heavenly Rest Stop, 2 East 90th Street (@ Fifth Avenue)** – New application for a beer and wine license (*Laid over from the March '10 hearing, at the applicant's request on 2/25/10*) Hours: 10a – dusk. Food/Drink: 75/25.

WHEREAS the beer and wine license is for the small café with the property of the Heavenly Rest Church,

WHEREAS the café may be used for private church events but not for non church use,

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

Community Board 8M passed this resolution by a vote of 37 in favor, 1 opposed, and 2 abstentions.

- b. **Imperial Feast III Corp d/b/a Fuji Asian Restaurant, 1367 First Avenue (73rd/74th Streets)** – New application for a beer and wine license (*Laid over from the March '10 hearing, at the applicant's request on 3/2/10*) Hours: 11a – 11p. Food/Drink: 85/15.

WHEREAS this the applicant has managed other restaurants in Manhattan,

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

Community Board 8M passed this resolution by a vote of 39 in favor, 0 opposed, and 1 abstention.

- c. **PQ Carnegie Hill Inc. d/b/a Le Pain Quotidien, 1309 Lexington Avenue (87/88th Streets)** – New application for a beer and wine license Hours: 7:30a – 8:30p Food/Drink: 85/15

WHEREAS the establishment is requesting beer and wine licenses at their other locations,

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

Community Board 8M passed this resolution by a vote of 39 in favor, 0 opposed, and 1 abstention.

- d. **Jasmine on 2nd Ave., Ltd. d/b/a Jasmine Restaurant, 1619 Second Avenue(@ 84th Street)** – Upgrade application from a beer and wine license to an on-premises liquor license (*Adjourned until the May meeting, on 4/5/10*) Hours: 12p – 1a weekdays, 12p – 2a weekends Food/Drink: 70/30.

WHEREAS the applicant is impacted negatively by Second Ave subway construction,

WHEREAS the applicant has patrons who request mixed drinks,

WHEREAS the applicant hopes to generate additional revenue

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

Community Board 8M passed this resolution by a vote of 39 in favor, 0 opposed, and 1 abstention.

- e. **Mike Burns or Corp to be formed, DBA Tin Lizzy 1647 Second Avenue (85th/86th Streets)** – New application for a transfer of an on-premises liquor license Hours: 2p – 4a weekdays and 12p – 45a weekends. Food/Drink: 10/90

WHEREAS the application is from new owners of Tin Lizzy,

WHEREAS the applicants will only make cosmetic changes to the inside of the bar,

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

Community Board 8M passed this resolution by a vote of 35 in favor, 3 opposed, and 2 abstentions.

- f. **Polo Restaurant Inc. d/b/a Polo Restaurant, 1593 Second Avenue (82nd/83rd Streets)** –
New application for an on-premises liquor license Hours: 12p – 12a weekdays and 12p – 2a weekends. Food/Drink: 80/20

WHEREAS this is an application from a new owner with 10 years experience in the restaurant business,

WHEREAS the establishment will have 18 tables and 36 seats,

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

Community Board 8M passed this resolution by a vote of 39 in favor, 0 opposed, and 1 abstention.

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

- a. **Provo Services, LLC d/b/a Danny & Eddie’s, 1643 First Avenue (85th/86th Streets)** -
- Renewal application for an on-premises liquor license
 - Discussion of noise complaints and other quality of life issues

WHEREAS the Board Office received complaints from a resident about late night noise in the rear yard,

WHEREAS there was a representative from the board of the building across the street who cited complaints of noise and fighting from several residents in the building,

WHEREAS the owner’s liquor license allows rear yard use,

WHEREAS the owner agreed to close his front doors/windows at 10p,

WHEREAS the owner agreed to close the rear yard at 12p,

WHEREAS the owner agreed to lower the volume on his music and monitor the sound regularly,

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

Community Board 8M passed this resolution by a vote of 36 in favor, 1 opposed, and 3 abstentions.

Transportation Committee- Jonathan Horn and Charles Warren, (*Co-Chairs*)

1. A request for additional lighting on East 88th Street between First and Second Avenues.
(Requested by Ms. Auletta, agent for 360 East 88th Street)

WHEREAS, there are reportedly large stretches of East 88th Street between First and Second Avenue which are poorly lighted, and

WHEREAS, this condition creates safety issues for the residents in the community,

THEREFORE BE IT RESOLVED that Community Board 8M requests that DOT install additional street lights, as necessary, on East 88th Street between First and Second Avenues to provide better illumination to the sidewalk areas.

Community Board 8M passed this resolution by a vote of 38 in favor, 0 opposed, and 0 abstentions

Parks Committee-Margaret Price and Barbara Rudder, (*Co-Chairs*)

3. Proposal for Limiting “Expressive Materials” Vendors in Parks –*in conjunction with the Landmarks and Vendors committees.*

WHEREAS over the past decade, the number of expressive materials vendors has proliferated in certain city parks, including areas of Central Park in the CB8M district; and

WHEREAS this rising number of vendors has increased congestion on public sidewalks and park paths, enhancing the potential for safety hazards; and

WHEREAS the proliferation of art vendors could undermine the design integrity of parks as well as impede the public's usage and enjoyment of them; and

WHEREAS the Parks Department has proposed rules to limit such vendors in four city parks to 81 vendors in total, including 49 in Central Park; therefore,

BE IT RESOLVED that Community Board 8, Manhattan, supports the Parks Department's proposed rules to limit expressive materials vendors in Battery Park, Union Square Park, High Line Park and designated portions of Central Park.

BE IT FURTHER RESOLVED that Community Board 8 Manhattan urges the Parks Department to ensure that any such new rules include enforcement provisions.

Community Board 8M passed this resolution by a vote of 20 in favor, 17 opposed, and 2 abstentions
Landmarks Committee- David Liston and Jane Parshall, (Co-Chairs)

1. 923 Fifth Avenue (between East 73rd and East 74th Streets) – Mr. Steven Kratchman, Architect. Application is to install a pergola on the 12th floor terrace.

WHEREAS 923 Fifth Avenue is an apartment building designed by Sylvan Bien and constructed in 1949-51.

WHEREAS the application is to install a pergola on a 12th floor apartment terrace where an illegal solarium has been demolished.

WHEREAS the pergola will be 13' long and 10' wide.

WHEREAS the pergola will be made of a mahogany wood known as "ipe" that will be stained a light gray to match the window frames.

WHEREAS the structure will not be attached to the building and will sit on the terrace.

WHEREAS the pergola will be marginally visible from the public way on 73rd Street.

WHEREAS the pergola adds a charming element to the building.

THEREFORE BE IT RESOLVED that this application be approved as presented.

Community Board 8M passed this resolution by a vote of 38 in favor, 0 opposed, and 1 abstention

2. 730 Park Avenue (SW corner Park Avenue) – Mr. Peter Folsom, Panarama Windows. Application is to replace 2 existing casement windows with two new fiberglass casement windows.

WHEREAS 730 Park Avenue is a neo-Renaissance/neo-Jacobean apartment building designed by Lafayette A. Goldstone in 1928-29.

WHEREAS the windows are on the 13th floor on a secondary façade.

WHEREAS the windows are two original steel casement windows made shorter (than the rest of the windows in the building except for the bathroom windows) because of the steel beam supporting the terrace of the apartment above.

WHEREAS the windows are being replaced with fiberglass casement frames that are more energy efficient.

WHEREAS the new casement frames will match the proportioning and profiles of the original windows.

WHEREAS the appearance of the new windows will be virtually the same as the appearance of the original windows.

THEREFORE BE IT RESOLVED that this application be approved as presented.

Community Board 8M passed this resolution by a vote of 38 in favor, 0 opposed, and 1 abstention

3. 1048 Fifth Avenue (SW corner 67th Street) – Metropolitan Museum Historic District – Mr. Matthew Conrad, Architect and Mr. Mark Demairo, Neue Gallery. Application is to install a banner.

WHEREAS 1048 Fifth Avenue is a French Classic style mansion designed by Carrere & Hastings and constructed in 1912-14.

WHEREAS 1048 Fifth Avenue is now the Neue Gallery.

WHEREAS the application is to install a banner on 5th Avenue at the corner of the building.

WHEREAS the banner would be 6' wide by 12' high and supported by a black aluminum post with two support braces and would be at a 90 degree angle to the façade.

WHEREAS the banner would be attached to the brickwork, not the decorative limestone.

WHEREAS the purpose of the banner would be to advertise shows and events at the museum.

WHEREAS while there are precedents for banners at other museums and other institutions, the unique design of the Carrere and Hastings mansion does not easily accommodate a banner.

THEREFORE BE IT RESOLVED that this application be disapproved as presented
Community Board 8M passed this resolution by a vote of 35 in favor, 0 opposed, and 3 abstentions

**4. 790 Madison Avenue (SW corner 67th St.)-- Upper East Side Historic District--
Mr. Paul Madden, Architect, Mr. Case Stachelberg, architectural historian.**

Application is to re-clad the base and second floor and establish a master plan for storefront infill and signage.

WHEREAS 790 Madison is a 7-story brick apartment building constructed in 1960.

WHEREAS 790 Madison is considered a "no-style" building in the designation report for the Upper East Side Historic District.

WHEREAS the base of 790 Madison is now clad in granite with disparate storefronts that have different kinds of awnings.

WHEREAS the applicant is proposing a marble fronted two story base with the bases of the piers between the windows covered in dark granite, regularizing the storefronts with stainless steel doors and windows, and creating a signage band with 12' letters above the 2nd floor.

WHEREAS there would also be a steel band 14' off the sidewalk 18" high and 4" deep that would hide indirect lighting and a new awning at the entrance to the commercial space above the retail space at the ground level.

WHEREAS the applicant is also proposing a Masterplan for the storefronts that would "live" with the building; thus as spaces turn over, all storefronts would eventually look the same.

WHEREAS the original architect had a better feel for the proportions of the building.

WHEREAS marble in general doesn't hold up well in New York City.

WHEREAS the proposed design of the base relates to the spirit of other contemporary storefronts along Madison Avenue.

WHEREAS the proposed design of the base does not detract from the rest of the building above.

WHEREAS the band that incorporates the indirect lighting echoes the intent of the original architect of the building.

THEREFORE BE IT RESOLVED that this application be approved as presented
Community Board 8M passed this resolution by a vote of 31 in favor, 4 opposed, and 3 abstentions

Youth and Education Committee-Cos Spagnoletti and Nick Viest, (Co-Chairs)

C. Update on Teaching Assistant in the classroom.

WHEREAS the matter of the Teaching Assistant in the classroom has been discussed by the DOE and the UFT during one meeting, and

WHEREAS the matter has yet to be resolved thereby depriving our students and teachers of the benefits afforded by the presence of the Teaching Assistant in the classroom, and

WHEREAS there have been no further meetings scheduled by the Department of Education or the United Federation of Teachers to discuss this subject,

THEREFORE BE IT RESOLVED the Community Board 8 strongly urges this matter to be resolved expeditiously by the Department of Education.

THEREFORE BE IT FURTHER RESOLVED that until the status of the Teaching Assistant is resolved that the position remain the same for the school year 2010- 2011, as it is for the current school year.

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

With no further business the meeting was adjourned at 10:30 pm.