

Jacqueline Ludorf
Chair

Latha Thompson
District Manager



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The City of New York Manhattan Community Board 8

LAND USE/FULL BOARD MEETING WEDNESDAY, JULY 21, 2010 Memorial Sloan Kettering 430 East 67th Street Auditorium

Present: Joie Anderson, Elizabeth Ashby, Michael Auerbach, Kenneth Austin, Michele Birnbaum, Matthew Bondy, Deirdre Breslin, Barbara Chocky, Sarah Chu, James Gerard Clynes, Christina Davis, Susan Evans, A. Scott Falk, George Fuchs, David Paul Helpern, Lorance Hockert, Jonathan Horn, Lorraine Johnson, Dave Kleckner, David Liston, Jacqueline Ludorf, Domenico Minerva, Laurence Parnes, Jane Parshall, Mary Pike, Ellen Polivy, Margaret Price, David L. Rosenstein, William Sanchez, Judith Schneider, M. Barry Schneider, Helene Simon, Teri Slater, Cos Spagnoletti, Patrick Stewart, Marco Tamayo, Alexander Tisch, Nicholas Viest, Betty Cooper Wallerstein, Charles S. Warren, Hedi White

Absent (Excused): Roy Carlin, Rita Lee Popper, Debra Teitelbaum, Elaine Walsh

Absent (Unexcused): Lori Ann Bores, Ruth Halberg, Laura Lijewski, N. Sharon Pope

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

1. Public Session:

- Mr. Bill Kahn spoke in opposition to 980 Madison Avenue
- Mr. Howard Blum spoke in opposition to 980 Madison Avenue
- Ms. Leslee Browning spoke in favor of the 93rd Street Beautification RFE
- Ms. Susan Heft spoke in favor of the 93rd Street Beautification RFE
- Mr. David Katz spoke in opposition to the Hellgate designation
- Mr. Doug Jones spoke regarding the Hunter Helpers program
- Mr. Lo Van der Valk spoke regarding the Hellgate Hill Historic District
- Ms. Betrice Mitchell spoke in favor of Landmarking
- Mr. Michael McIvor spoke in favor of Landmarking
- Mr. Paul Sperry spoke in favor of Landmarking
- Ms. Julie Herzog spoke regarding 93rd Street and Hellgate
- Mr. Jared Store spoke regarding the Second Avenue Subway
- Ms. Sarah O'Keefe spoke in opposition to the 45 East 70th Street Landmark application

Public Hearing: An application for a Special Permit to Modify Bulk Regulations at 45 East 70th Street, Block 1385, Lot 29-70th Street Holdings, LLC (the "Applicant) requests approval of an application for a special permit to allow the enlargement of a single-family residential building located at 45 East 70th Street, Block 1385, Lot 29 in the Borough of Manhattan, contrary to Sections 23-462, 23-663, 23-691, and 23-692 of the Zoning Resolution of the City of New York.

Whereas, An application for a Special Permit to Modify Bulk Regulations at 45 East 70th Street, Block 1385, Lot 29-70th Street Holdings, LLC (the “Applicant) requests approval of an application for a special permit to allow the enlargement of a single-family residential building located at 45 East 70th Street, Block 1385, Lot 29 in the Borough of Manhattan, contrary to Sections 23-462, 23-663, 23-691, and 23-692 of the Zoning Resolution of the City of New York.

THEREFORE BE IT RESOLVED that Community Board 8M approves application C100140 ZSM requesting a special permit to allow the enlargement of a single-family residential building at 45 East 70th Street.

Community Board 8M passed this resolution by a vote of 26 in favor, 12 opposed, and 2 Abstentions

2. District Manager’s Report-Latha Thompson

Request to place ad for 2 Community Assistants positions

JOB OPENING

Community Assistant

Please Post and/or Distribute

Manhattan Community Board 8 is a small city agency, representing the Upper East Side and Roosevelt Island. The Board plays an advisory role on a wide range of issues affecting this district. The Community Board office plays a support role for the all-volunteer Board and assists local residents, businesses and institutions with municipal service delivery complaints. We are currently seeking 2 full-time Community Assistants to work in the Community Board 8 Upper East Side office beginning on or about September 1, 2010. As a staff member, the Community Assistant’s responsibilities include:

PRIMARY RESPONSIBILITIES:

- Answering phones
- Drafting correspondence and transcribing Land Use and Full Board minutes
- Filing, faxing, and making copies
- Organizing/sorting mail
- Greeting constituents
- Website maintenance
- Community notification via posting

REQUIREMENTS:

- HS or equiv. education; some college preferred
- One year or more of office experience required
- Must have strong administrative and organizational skills
- Through knowledge of Microsoft Word, Excel, Access and the Internet
- Ability to work independently, take initiative and work effectively with others

OTHER QUALIFICATIONS:

The ideal candidate should enjoy interacting with people on a daily basis, be able to adapt to change in a fast-paced environment, like being part of a team, communicate clearly and effectively, and be passionate about public service and helping others.

SALARY:

\$27,500-\$29,000 Commensurate with education & work experience

APPLICATION INFORMATION:

Resumes and cover letters are accepted by mail, fax or email. No phone calls please. Only applicants scheduled for an interview will be contacted.

Mail Address: Manhattan Community Board 8
505 Park Avenue, Ste. 620
New York, NY 10022

Fax number: 212-758-4616

Email address: info@cb8m.com

3. Committee Reports & Action Items:

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

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

- a. **SL & H Bagel Inc. d/b/a Bagel Express II, 1228 Second Avenue (64th/65th Streets)** – Renewal application for an unenclosed sidewalk café with 10 tables and 20 seats, DCA #1286845 *Hours: 6a – 8p. Food/Drink: 80/20.*

WHEREAS there are no changes to the application and no one from the public objected,
BE IT RESOLVED THAT the application is **approved**.

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 0 Abstentions

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

- a. **Jasper Hospitality LLC d/b/a East End Bar & Grill 1664 First Avenue (86th/87th Streets)** – New application for an unenclosed sidewalk café with 5 tables and 10 seats, DCA #1356297 *Hours: 4a Close Mon – Sat, 2a Close Sunday. Food/Drink:30/70*

WHEREAS residents appeared earlier in the year to complain about significant noise and garbage problems regarding this establishment,

WHEREAS the owners agreed to make improvements such as adding bouncers to help control the noise and disruptions, finding ways to mitigate the disturbance from the speaker system and cleaning up in front of the building to address these problems,

WHEREAS three (3) residents stated that no changes have been made and the problems have gotten worse,

WHEREAS one (1) resident stated that the establishment did alter the speaker system but still has not addressed putting in sound proofing and that the music is often louder than before,

WHEREAS the Board office received half a dozen complaints via email citing noise, garbage, public urination and patrons buzzing apartments in the building late at night,

WHEREAS the residents stated that none of the problems occurred with the prior establishments,

WHEREAS eleven 311 calls have been recorded for noise in the first half of this year,

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

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 0 Abstention

- b. **Ging Restaurant, Inc. d/b/a Ging Restaurant, 1564 Third Avenue (88th/87th Streets)** – New application for an unenclosed sidewalk café with 6 tables and 12 seats, DCA #1356239 *Hours: 11a – 11p weekdays and 11a – 12a weekends. Food/Drink: 85/15.*

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 40 in favor, 0 opposed, and 0 Abstentions

4. New Applications to the Department of Consumer Affairs for Newsstands:

- a. **1470 Second Avenue (Southeast corner of Second Avenue & 77th Street)** – New application for a newsstand, DCA #1356832

WHEREAS this is a very congested location,

WHEREAS there are already 3 newsstands within a 2 block radius,

WHEREAS there is also a fruit stand and truck currently at this corner,

WHEREAS four (4) residents from 300 East 77th Street, including the President of this Condo Board, stated strong opposition to the location of this newsstand,

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

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

5. **Alterations or Transfer Applications to the New York State Liquor Authority for Liquor Licenses:**

- a. **Edge Dream Lounge LLC, 1542 Second Avenue (80th/81st Streets)** - Application to make alternations to an on-premises liquor license by adding a sidewalk café ***Hours: 11a – 2a. Food/Drink: 60/40.***

WHEREAS this application is only include the sidewalk café which is approved,

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

Community Board 8M passed this resolution by a vote of 21 in favor, 15 opposed, and 5 Abstentions

- c. **Club at 60th Street, Inc d/b/a Sapphire New York, 333 East 60th Street (First/Second Avenues)** – Transfer application of an on-premises liquor license ***Hours: 6p – 4a. Food/Drink: 30/70.***

WHEREAS the building owner is taking over the business,

WHEREAS the owner has committed to running the business the same way as it has been run previously with no changes to the use,

WHEREAS the owner has acted responsibly in working with the local residents,

WHEREAS there have not been traffic problems or noise complaints in recent years,

WHEREAS members of the committee who live in the area spoke favorably about how the establishment has been managed,

WEHREAS 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 34 in favor, 4 opposed, and 2 Abstentions

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

- c. **Yves Jadot d/b/a The Blue Nun, 401 East 76th Street (First/York Avenues)** – New application for a wine and beer license ***Hours: 11a – 11p. Food/Drink: 70/30.***

WHEREAS this application is for a Bistro type establishment run by a former chef at la Goulue,

WHEREAS the establishment will have only piped in music,

WHEREAS there will be a small courtyard area between the bar and dining room,

WHEREAS this area will seat 4 tables,

WHEREAS the owner has had positive feedback from the residents he has spoken to,

WHEREAS the owner agreed to add soundproofing if needed,

WHEREAS the owner agreed to re assess his plan if there are complaints from the residents,

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

Community Board 8M passed this resolution by a vote of 39 in favor, 0 opposed, and 2 Abstentions

- d. **NY-Trin Caterers, LLC d/b/a Pyramisa Grill, 1402 Second Avenue (72nd/73rd Streets)** – New application for a wine and beer license ***Hours: 9a – 11p. Food/Drink: 80/20.***

WHEREAS there were no complaints from members of the public,

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

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 0 Abstentions

- e. **AJ Bistro Corp., currently known as L'byane, 1136 First Avenue (62nd/63rd Streets)** – New application for an on-premises liquor license ***Hours: 8:30a – 10:30p weekdays and 8a – 11:30p weekends. Food/Drink: 80/20.***

WHEREAS this application is for a new establishment,

WHEREAS the owner is going to make improvements to the establishment,

WHEREAS there is an existing backyard use for 20 seats,

WHEREAS the owner will replace the old noisy compressor with a quiet unit,

WHEREAS he will add a canopy to further reduce noise levels,

WHEREAS two residents spoke in support of the establishment,

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

Community Board 8M passed this resolution by a vote of 37 in favor, 0 opposed, and 1 Abstentions

- f. **Corp to be Formed d/b/a T.B.D., 1538 Second Avenue (@ 80th Street)** – New application for an on-premises liquor license ***Hours: Weekdays 11:30a – 12a, Weekends 11:30a – 1a Food/Drink: 70/30***

WHEREAS the DBA is TACO,

WHEREAS the applicant agreed to close the front door by 10p,

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

Community Board 8M passed this resolution by a vote of 34 in favor, 1 opposed, and 4 Abstentions

- g. **LLC to be Formed d/b/a Bar Italia, 1477 Second Avenue (@ 77th Street)** – New application for an on-premises liquor license ***Hours: Mon/Tues: 4p – 2a Wed – Sun: 12p – 2a. Food/Drink 70/30.***

WHEREAS the owner also owns Le Colonial, La Goulue and Orsay,

WHEREAS the owner agreed to remove the speakers in the front of the restaurant,

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

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 0 Abstentions

- h. **768 Mad Restaurant LLC d/b/a Bar Italia (formerly known as Fredrick's), 768 Madison Avenue (65th/66th Streets)** – New application for an on-premises liquor license ***Hours: 12p – 12a. Food/Drink: 70/30.***

WHEREAS the owner also owns Le Colonial, La Goulue and Orsay,

WHEREAS the previous establishment was not a continuous use and will trigger a 500 ft rule hearing,

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

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 0 Abstentions

- i. **Maharaja Palace Inc., 1350 Madison Avenue (94th 95th Streets)** – New application for a wine and beer license ***Hours: 5p – 10p Weeknights and 5p – 11p weekends. Food/Drink: 80/20.***

WHEREAS this is a new establishment with only foot delivery,

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

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 0 Abstentions

- j. **Tenzan Sushi Corp., 1714 Second Avenue (@ 89th Streets)** – New application for a wine and beer license ***Hours: 11a – 11p weekdays and 11a – 12a weekends. Food/Drink: 95/5.***

WHEREAS this is a new application and the applicant agreed to comply with bicycle safety rules of the Precinct,

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

Community Board 8M passed this resolution by a vote of 40 in favor, 0 opposed, and 0 Abstentions

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

1.Review of the Parks Dept.'s plan for up to 4 specialty food carts and bicycle vendor at or around Central Park's Tavern on the Green at 67th St. and Central Park West--a joint issue with the Landmarks Committee.

WHEREAS the Parks Dept. has informed the CB8M Parks and Landmarks Committees in a timely manner about plans for up to 4 specialty food/beverage carts on the terrace of Central Park's Tavern on the Green, and about extending the contract on a bicycle rental concession near Tavern on the Green; and

WHEREAS few details of these plans were available to be considered at CB8M's July Parks-Landmarks Committee meeting; and

WHEREAS this lack of information prevented CB8M Committee members from being able to vote on the proposals; and

WHEREAS Community Board 8 believes that it is vitally important to be able to discuss and vote on proposed concessions in CB8M-district parks; therefore,

BE IT RESOLVED that Community Board 8M urges the Parks Dept. to postpone issuing any RFPs for vendors of specialty food and beverage carts in and around the terrace of Tavern on the Green restaurant in Central Park until the Parks Dept. presents CB8M with detailed plans for these concessions.

BE IT FURTHER RESOLVED that Community Board 8M urges the Parks Dept. not to extend a contract for bicycle rentals in the area near Tavern on the Green restaurant until the Parks Dept. presents CB8M with detailed plans for this concession.

Community Board 8M passed this resolution by a vote of 35 in favor, 3 opposed, and 0 Abstentions

2. Plan for a Public Art Display on the Park Avenue Mall at 67th St. and at 70th St.

WHEREAS the NYC Parks Dept. has presented a plan for the display of two large sculptures designed by Yoshimoto Nara on the Park Avenue Mall, installed at 67th St. and at 70th St., in recognition of the artist's first retrospective in the United States; and

WHEREAS these installations would be temporarily on display on the Park Ave. Mall, from August 28 to November 6, 2010; and

WHEREAS The Fund for Park Avenue has expressed its support for this public art display; therefore,

BE IT RESOLVED that Community Board 8, Manhattan approves of the plan for a temporary display of two sculptures designed by Yoshimoto Nara on the Park Avenue Mall, at 67th St. and at 70th St.

Community Board 8M passed this resolution by a vote of 35 in favor, 3 opposed, and 0 Abstentions

Landmarks Committee- David Liston and Jane Parshall, (Co-Chairs)

1. **229 East 62nd Street (between 2nd and 3rd Avenues) Treadwell Farms Historic District** - Mr. Donald Cantillo, Architect – Application is for a façade renovation and a rooftop addition.

THIS APPLICATION IS DIVIDED INTO TWO PARTS: Part 1: Front elevation and Part 2: Rooftop addition

Part 1: Front Elevation

WHEREAS 229 East 62nd Street is a four story brownstone built in 1874-75 by Thomas and John D. Crimmins

WHEREAS 229 East 62nd St. was renovated in the 1960s and now has a red brick façade that causes it to stand out from the brownstone facades of most of the other townhouses on 62nd St., some of which were designed by Richard Morris Hunt.

WHEREAS the applicant proposes restoring the façade back to its original appearance with the exception of the original wrought iron balcony.

WHEREAS the restored façade will be of carved stucco and the cornice will be rebuilt.

WHEREAS the applicant will also place 4 painted escutcheons (medallions) – two on either side of the front entrance door and two on either side of the ground floor window) that would hold the brackets for a future balcony restoration.

WHEREAS the ironwork balcony should be restored at the front elevation.

THEREFORE BE IT RESOLVED that Part 1 of this application – the front elevation -- is approved as presented.

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

Part 2 – Rooftop addition

WHEREAS the rooftop addition will be set back 6 ½' from the front of the house; there will be mechanical equipment on top of the rooftop addition.

WHEREAS the height of the house to the top of the chimney is now 44'6"; the new height to the top of the mechanical equipment will be 58'4". [The addition rises from behind the parapet so that the height of the addition from the top of the parapet is 7'3" with an overall height of 10'.]

WHEREAS the mechanical equipment on top of the new roof is set back even further from the street.

WHEREAS the rooftop addition is minimally visible from the public way.

WHEREAS the rooftop addition has been designed with sensitivity in the historic district and has been setback to almost eliminate visibility from the street.

WHEREAS the rooftop addition continues the language of the front elevation which itself matches the details of the original front elevation.

THEREFORE BE IT RESOLVED that Part 2 of this application – the rooftop addition -- is approved as presented.

Community Board 8M passed this resolution by a vote of 21 in favor, 13 opposed, and 2 Abstentions

2. 58 East 66th Street – Upper East Side Historic District – Mr. Stephen Wang Architect. Application is for a rear yard extension and window replacement.

WHEREAS 58 East 66th Street is a five-story Beaux Arts building designed by Buchman and Fox and constructed in 1908-09.

WHEREAS the existing backyard is at the cellar level; the applicant proposes to raise up the backyard/rear yard so that it will be level with the rear yards of the neighboring properties.

WHEREAS a "lid" will be placed over the space at the cellar level and in this way storage space/mechanical space will be created beneath the new rear yard which will have a garden on top of the concrete "lid".

WHEREAS there are leaded/stained glass windows in the back of the house in various locations.

WHEREAS the applicant hired an outside expert to determine if the windows are of historical importance – this was required by the Landmarks Preservation Commission.

WHEREAS the expert determined that the windows are not significant in any way and are not old and were cut to fit into aluminum frames.

WHEREAS the applicant wants to remove all of the leaded/stained glass windows and replace them with traditional double hung wooden windows that will match the windows on the front elevation.

WHEREAS the changes proposed by the applicant both at the rear yard and for window replacement at the rear elevation are contextual and appropriate within the historic district.

THEFORE BE IT RESOLVED that f this application is approved as presented

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

3. **1056 Fifth Avenue – Carnegie Hill Historic District- Mr. Carl Pucci, Architect –**
Application is to create a master plan for window replacement.

WHEREAS 1056 Fifth Avenue is a modern apartment building designed by George F. Pelham, Jr. and constructed in 1948.

WHEREAS 1056 Fifth Avenue presented an application for a Master Plan for the enclosure of the building's balconies at the May 12, 2010 which was approved by the Landmarks Committee at its May, 2010 meeting.

WHEREAS at that time the applicant stated that a Master Plan for the windows was already in place.

WHEREAS the Landmarks Preservation Commission determined that a Master Plan for the windows was not yet in place and requested that the building present a Master Plan for the windows.

WHEREAS 1056 Fifth Avenue contains 600 windows – a large percentage have been replaced and only a few of the original windows are left.

WHEREAS the Master Plan now proposed to be presented to the LPC was approved by the board of 1056 Fifth Avenue in 1992; the dominate style of the window in the Master Plan is a fixed picture window twice as wide as a side tilt and turn window on either side of the fixed picture window.

WHEREAS there are some asymmetrical windows on all of the building's elevations; replacements for these windows would fit within the general guidelines of the dominate style of window in the Master Plan – the fixed window with two side tilt and turn windows.

WHEREAS the window design in the Master Plan is correct for the architecture of the building.

WHEREAS there is a correlation between the design for the window Master Plan and the design for the balcony Master Plan (approved at the May Landmarks Committee meeting).

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

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

4. Proposal from the East 93rd Street Beautification Association to present its Request for Evaluation (RFE) to extend the Carnegie Hill Historic District one block east to include the collection of historic structures on East 93rd Street between Lexington and Third Avenues to the Landmarks Preservation Commission.

WHEREAS the north and south sides of 93rd Street between Lexington and Third Avenues contain some of the finest and oldest examples of rowhouses in Carnegie Hill.

WHEREAS the row houses on the south side of the block were built in four distinct groups from 1865 to 1876.

WHEREAS one of the most notable historic details of these houses is the unique “stepped-down” design of the roofs and the windows to accommodate the street's steep slope.

WHEREAS the north side of the block features three four-story apartment buildings constructed in 1881. The famous Marx brothers grew up in one of these buildings and like the rowhouses on the south side of the block, these apartment buildings also feature a stepped-down roofscape reflecting the steep slope of the street.

WHEREAS landmarking East 93rd Street between Lexington and Third Avenues as an extension of the Carnegie Hill Historic District would compliment the rowhouse history in Carnegie Hill as preserved in the original Carnegie Hill Historic District (1974), the expanded Carnegie Hill Historic District (1993) and the Hardenbergh/Rhinelanders Historic District (1998).

WHEREAS two houses on the south side of East 93rd Street have already been demolished for a new condominium.

WHEREAS this important block needs immediate protection from further demolition.

THEREFORE BE IT RESOLVED that Community Board #8 **approves** the East 93rd Street Beautification Association in their effort to include East 93rd Street between Lexington and Third Avenues in the Carnegie Hill Historic District.

*Community Board 8M **defeated** this resolution by a vote of 15 in favor, 20 opposed, and 0 Abstentions*

4. New Business-Manhattan Borough Board resolution denouncing Arizona's new Immigration Law

Community Board 8M tabled this resolution by a vote of 18 in favor, 13 opposed, and 1 Abstention

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