

Jacqueline Ludorf
Chair

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

**LAND USE/FULL BOARD MEETING
WEDNESDAY, MAY 12, 2010
HUNTER COLLEGE SCHOOL OF SOCIAL WORK
129 East 79th Street
Auditorium**

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

Absent (Excused): Lori Ann Bores, Lorange Hockert, David Liston, Nick Viest, Hedi White

Absent (Unexcused): George Fuchs, Ruth Halberg,

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

1. Public Session:

- Ms. Lucy Appert spoke in favor of the motion for parent choice for alternate placements
- Mr. Carl Pucci spoke in favor of the Landmark Committee review of the Master plan for balcony enclosures
- Mr. Jim Hill spoke in favor of window replacement

Public Hearing: Car Share Text Amendment, CEQR No. 10DCP032Y, ULURP No.

N100284ZRY- The Department of City Planning is proposing a text amendment to Article 1 Chapter 2 (12-10); Article 1 Chapter 3 (13-012, 13-14, 13-42, 13-144, 13-551, 13-561); Article 2 Chapter 2 (22-323); Article 2 Chapter 5 (25-412, 25-42, 25-68); Article 3 Chapter 6 (36-46, 36-51, 36-52, 36-523); Article 4 Chapter 4 (44-35, 44-41, 44-42). These changes would allow car share vehicles to park in parking facilities accessory to residential, commercial and manufacturing use and in public parking lots and garages. The car share spaces would not be considered a commercial use. The purposed of this proposal is to alleviate any ambiguity about the permissibility of car sharing and to establish clear and appropriate guidelines for such facilities with this zoning text amendment.

Whereas, The Car Share Text Amendment, CEQR No. 10DCP032Y, ULURP No.

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(22-323); Article 2 Chapter 5 (25-412, 25-42, 25-68); Article 3 Chapter 6 (36-46, 36-51, 36-52, 36-523); Article 4 Chapter 4 (44-35, 44-41, 44-42). These changes would allow car share vehicles to park in parking facilities accessory to residential, commercial and manufacturing use and in public parking lots and garages. The car share spaces would not be considered a commercial use. The purposed of this proposal is to alleviate any ambiguity about the permissibility of car sharing and to establish clear and appropriate guidelines for such facilities with this zoning text amendment.

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

Be it resolved, that Community Board 8M approved this application.

Community Board 8M passed this resolution by a vote of 34 in favor, 2 opposed, and 2 Abstentions

2. Committee Reports & Action Items:

Housing Committee-N. Sharon Pope, (*Chair*)

Whereas, New York City suffers from a shortage of affordable housing; and

Whereas, Manhattan community boards have always considered the preservation and development of affordable housing a top priority; and

Whereas, illegal hotels are units that are meant to be apartments but are illegally used as transient hotel rooms; and

Whereas, illegal hotels take available apartments from an already tight housing market, and disrupt the lives of the residents who still live in the building; and

Whereas, many tourist are unaware that the buildings in which they are staying are built for permanent residential use and do not meet hotel fire-safety codes; and

Whereas, illegal hotels often do not conform to the safety regulations for hotels set forth by the New York State Multiple Dwelling Law (MDL) and the New York City Building Code such as fire sprinklers and secondary egress; and

Whereas, illegal hotels often do not conform to the regulations set forth by the People with Disabilities Act, thereby failing to ensure accessibility; and

Whereas, the proliferation of illegal hotels has become so prevalent that Mayor Bloomberg created an Office of Special Enforcement to investigate complaints; and

Whereas, the Appellate Court's decision in the City of New York v. 330 Continental LLC prevents effective enforcement against "illegal hotels"; and

Whereas, Mayor Bloomberg's administration participated in the drafting of legislation which closes loopholes to make it possible to prosecute and close down "illegal hotels"; and

Whereas, Assembly Member Richard N. Gottfried and State Senator Liz Krueger have introduced A.10008/ S. 6873, which clarify the Multiple Dwelling Law and New York City Administrative code to disallow transient occupancy (less than 30 days) of class A dwelling and provide a path to compliance for certain hotels that have class A certificates of occupancy, but were built prior to the enactment of the MDL in 1929 and were used as hotels prior to the enactment of the New York City Zoning resolution in 1961; and

Whereas, Mayor Bloomberg supports this legislation as indicated in the "Memorandum in Support" from his Office of State Legislative Affairs;

Therefore be it resolved that Manhattan Community Board 8 heartily supports the passage of A. 10008/S. 6873; and

Therefore be it further resolved that Manhattan Community Board 8 urges all Manhattan State legislators to co-sponsor A. 10008/S. 6873

Community Board 8M passed this resolution by a vote of 42 in favor, 0 opposed, and 0 Abstentions

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

- a. **1226 Second Avenue Realty Corp d/b/a Primola Restaurant, 1226 Second Avenue (64th/65th Streets)** – Renewal application for an unenclosed sidewalk café with 11 tables and 21 seats, DCA #1167555 Hours: 11a – 11p. Food/Drink: 85/15

WHEREAS there are no changes to the café 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 42 in favor, 0 opposed, and 0 Abstentions

- b. **Louya Corp d/b/a Jacques, 204-206 East 85th Street (@ Third Avenue)** – Renewal application for an unenclosed sidewalk café with 13 tables and 27 seats, DCA #1173625
Hours: 12p – 11p Weekdays 11:30a – 12a Weekends

WHEREAS there are no changes to the café 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 42 in favor, 0 opposed, and 0 Abstentions

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

- c. **EP Properties d/b/a Per Lei Restaurant, 1347 Second Avenue (@ 71st Street)** – Renewal application for an unenclosed sidewalk café with 15 tables and 33 seats, DCA #1220381
Hours: 11a – 12a weekdays 11a – 1a weekends. Food/Drink: 80/20.

WHEREAS the applicant stated that there are no changes to the café,

WHEREAS there was a noise complaint from a member of the public,

WHEREAS the applicant agreed to install sound proof curtains,

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

WHEREAS the applicant has lived up to previous commitments regarding other establishments she manages,

BE IT RESOLVED THAT the application is approved.

Community Board 8M passed this resolution by a vote of 42 in favor, 0 opposed, and 0 Abstentions

- d. **E.A.T. is Owned by Eli Zabar Inc. d/b/a EAT, 1064 Madison Avenue (80th/81st Street)** – Renewal application for an unenclosed sidewalk café with 6 tables and 12 seats, DCA #1172157
Hours: 7a – 10p. Food/Drink: 90/10.

WHEREAS there are no changes to the café 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 42 in favor, 0 opposed, and 0 Abstentions

- e. **Hailey Grace Corp d/b/a Genesis, 1708 Second Avenue (88th/89th Streets)** – Renewal application for an unenclosed sidewalk café with 9 tables and 18 seats, DCA #1219287
Hours: 12p – 12a weekdays 12p – 1a weekends. Food/Drink:50/50

WHEREAS the applicant purchased the space next door,

WHEREAS the applicant is adding 2 tables and 6 seats which will be in front of the new space,

WHEREAS there is 11' of clearance for his café,

WHEREAS no members of the public objected,

BE IT RESOLVED THAT the application is approved.

Community Board 8M passed this resolution by a vote of 25 in favor, 3 opposed, and 14 Abstentions

- f. **Eli's Manhattan Warehouse Inc d/b/a Taste Restaurant & Wine Bar 1411 Third Avenue (@ 80th Street)** – Renewal application for an unenclosed sidewalk café with 5 tables and 20 seats, DCA #1159625
Hours: 7a – 12a. Food/Drink: 75/25.

WHEREAS the board office received a complaint regarding the status of the C of O and also regarding food smells,

WHEREAS the representative for the establishment agreed to refer this back to the owner,

WHEREAS there are no changes to the café,

BE IT RESOLVED THAT the application is approved.

Community Board 8M passed this resolution by a vote of 42 in favor, 0 opposed, and 0 Abstentions

- g. **Skibereen Bar, Inc d/b/a The Kinsale Tavern, 1672 Third Avenue (93rd/94th Streets)** – Renewal application for an unenclosed sidewalk café with 6 tables and 12 seats, DCA #1277937. Hours: 6p – 4a. Food/Drink: 50/50.

WHEREAS there are no changes to the café 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 42 in favor, 0 opposed, and 0 Abstentions

- h. **1326 Restaurant, LLC d/b/a Beach Café, 1326 Second Avenue (@ 70th Street)** – Renewal application for an unenclosed sidewalk café with 20 tables and 40 seats, DCA #1217877

WHEREAS no one from the public objected,

BE IT RESOLVED THAT the application is approved.

Community Board 8M passed this resolution by a vote of 42 in favor, 0 opposed, and 0 Abstentions

- j. **Enterprises Restaurant, LLC d/b/a Amaranth, 21 East 62nd Street (Madison/Fifth Avenues)** – Renewal application for an unenclosed sidewalk café with 4 tables and 10 seats, DCA #1170995

WHEREAS there are no changes to the café 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 42 in favor, 0 opposed, and 0 Abstentions

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

- b. **IHMS LLC d/b/a The Pierre New York, 2 East 61st Street (@ Fifth Avenue)** – New application for an unenclosed sidewalk café with 13 tables and 26 seats, DCA #1348086
Hours: 7a – 12a. Food/Drink: 70/30.

WHEREAS the application is for a new café on this site,

WHEREAS the tables will all be two seat tables single file,

WHEREAS there were no complaints from the public,

BE IT RESOLVED THAT the application is approved.

Community Board 8M passed this resolution by a vote of 42 in favor, 0 opposed, and 1 Abstention

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

- a. **IHMS LLC d/b/a The Pierre New York, 2 East 61st Street (@ Fifth Avenue)** – New application for alternations to a liquor license to include a sidewalk café on East 61 Street

WHEREAS this application is for the new café,

WHEREAS there were no objections from the public,

BE IT RESOLVED THAT the application is approved.

Community Board 8M passed this resolution by a vote of 41 in favor, 1 opposed, and 0 Abstentions

- b. **Holden Seafood II Corp d/b/a Luke's Lobster, 242 East 81st Street (@ Second Avenue)** – New application for a beer and wine license Hours: 11a – 11p weekdays 11a – 1a weekends.
Food/Drink:90/10

WHEREAS the applicant also operates an establishment downtown,

BE IT RESOLVED THAT the application is approved.

Community Board 8M passed this resolution by a vote of 42 in favor, 0 opposed, and 0 Abstentions

- d. **To Be Assigned, 1698 Second Avenue (88th Street) 88 Fusion Link**– New application for a liquor license. Hours: 11a –12a weekdays 11a – 2a weekends. Food/Drink: 95/5.

WHEREAS this is a new application for a liquor license,

WHEREAS the establishment will have only recorded background music,

BE IT RESOLVED THAT the application is approved.

Community Board 8M passed this resolution by a vote of 42 in favor, 0 opposed, and 0 Abstentions

- f. **1446 First Café Inc d/b/a Citi Bar, 1446 First Avenue (75th/76th Streets)** – New application for the transfer of an on-premises liquor license

BE IT RESOLVED THAT the application is approved.

Community Board 8M passed this resolution by a vote of 42 in favor, 0 opposed, and 0 Abstentions

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

1. **57 East 75th Street (Park-Madison) – Upper East Side Historic District-** *Mr. Jim Hill, Architect* – Application is for a façade renovation.

This application is divided into two parts: 1. Changing windows on the center section of the front elevation and 2. Changing the windows at the balconies on the center section to doors

Part 1 – Changing windows on the center section of the front elevation.

WHEREAS 57 East 75th Street is a Brutalist-style apartment building constructed in 1973-79.

WHEREAS “Brutalism” refers to a pared down, strict, formal architectural style that refers back to Le Corbusier

WHEREAS the applicant proposes replacing the existing windows on the center section of 57 East 75th Street with larger windows to allow more light and air into the interior.

WHEREAS the existing four sets of windows on the center section would be replaced with larger sets of double hung windows that would match an existing window on the upper floor

WHEREAS the proposed change to the windows on the center section of the elevation would change the character of the original “Brutalist” façade

WHEREAS the architect did provide windows on the angled sides that flank the center section that are larger and that provide light and a view to the apartments behind.

THEREFORE BE IT RESOLVED that Part 1 of this application is **disapproved** as presented.

Community Board 8M passed this resolution by a vote of 28 in favor, 11 opposed, and 3 Abstentions

Part 2 – Changing the windows at the balconies on the center section to doors

WHEREAS the applicant proposes extending the windows on the existing balconies on the front elevation into doors so that access to the balconies would be provided.

WHEREAS the applicant also proposes to add railings to the balconies so that building code safety requirements would be met.

WHEREAS the bottoms of the windows are not visible behind the balconies; the bottoms of the proposed doors would also not be visible behind the balconies.

THEREFORE BE IT RESOLVED that Part 2 of this application be **approved** as presented

PROVIDED THAT the color of the railings matches the color of the existing window frames and that the horizontal mullions of the windows be repeated in the doors.

Community Board 8M passed this resolution by a vote of 41 in favor, 0 opposed, and 1 Abstention

2. **1056 Fifth Avenue (SE corner 87th Street) – Carnegie Hill Historic District** – *Mr. Carl Pucci, Architect*. Application is to create a Master Plan for the enclosure of the building’s balconies.

WHEREAS 1056 Fifth Avenue is a modern-style apartment building designed by George F. Pelham, Jr. and constructed in 1948-49.

WHEREAS 30 of the 34 balconies on the building are now enclosed

WHEREAS there is no consistency among the 30 balconies that are now enclosed

WHEREAS the applicant would like to create consistency of design for the remaining 4 and when renovations are planned for existing enclosures

WHEREAS the proposed Master Plan calls for large scale tilt-and-turn windows – each enclosed balcony would have 4 windows that would replicate the floor-to-ceiling openings of the existing balconies and bring consistency to the façade.

WHEREAS the building already has Master Plans for the windows and for air conditioners

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

Community Board 8M passed this resolution by a vote of 32 in favor, 2 opposed, and 8 Abstentions

3. **910 Fifth Avenue (NE corner 72nd Street)– Upper East Side Historic District- Mr. Peter Folsom, Architect** – Application is for window replacement.

WHEREAS 910 Fifth Avenue is a neo-Italian Renaissance apartment building designed by Fred F. French and constructed in 1919.

WHEREAS in 1958, the façade was changed and the building is now considered to be a “no-style” building

WHEREAS the applicant proposes to change one bay of windows on the 5th floor

WHEREAS the bay now has a group of six windows and the applicant proposes to change this to a group of five windows since a 5-window bay is the dominant window style in the building.

WHEREAS the windows will be aluminum windows and match the existing windows

WHEREAS the applicant’s proposed change introduces more uniformity to the façade.

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

Community Board 8M passed this resolution by a vote of 42 in favor, 0 opposed, and 0 Abstentions

4. **12 East 78th Street (between Fifth and Madison) Metropolitan Museum Historic District – Ms. Sarah Lopergolo, Architect** – Application is for restoration of the front façade including replacement of all windows and for a new rear façade.

This application is divided into two parts: 1. The front elevation and 2. The rear elevation

Part 1: The front elevation

WHEREAS 12 East 78th Street is one of a row of six brownstones constructed by Charles Graham in 1886-87

WHEREAS the applicant proposes to keep the front elevation exactly as it is

WHEREAS the applicant proposes to restore the stoop and to replace all existing windows with in-kind wooden windows

WHEREAS the existing stucco finish and existing color of the stucco finish will be maintained

(The Landmarks Preservation Commission is not open to changing the paint color and usually prefers the paint color that was in place when the district was designated)

THEREFORE BE IT RESOLVED that Part 1 of this application is **approved** as presented

Community Board 8M passed this resolution by a vote of 41 in favor, 1 opposed, and 0 Abstentions

Part 2: The rear elevation

WHEREAS at the rear, the height is 60’ [at the front the height is 50’]

WHEREAS the proposed new rear elevation presents as an overglazed modern façade that uses sliding windows

WHEREAS there is no reference at the back to the building to the front of the building

WHEREAS there are precedents to contemporary facades in the rear; the Landmarks Preservation Commission is open to contemporary facades that are sympathetic to the environment.

WHEREAS in this case, however, the applicant is proposing too much glass and too little masonry

WHEREAS the proposed new rear elevation does not make any reference to the front elevation.

THEREFORE BE IT RESOLVED that Part 2 of this application is **approved** as presented.

Community Board 8M passed this resolution by a vote of 30 in favor, 9 opposed, and 3 Abstentions

Youth and Education Committee-Jim Clynes and Judith Schneider, (*Co-Chairs*).

A. Sarah Chu Report on Community Education Council District 2 (CECD2) and Wait List Issue

WHEREAS the Department of Education has indicated in the past that waitlisted UES families may indicate a preference for an alternative placement due to overcrowding, and

WHEREAS it is appropriate for the Department of Education to make this accommodation to children who are unable to attend their first choice school due to overcrowding, and

WHEREAS the number of waitlisted students at PS 59, PS 183, and PS 290 are approximately double that of the number of students waitlisted last year, and

WHEREAS the Department of Education plans alternate placement assignments for waitlisted students by geographical location,

THEREFORE BE IT RESOLVED that Community Board 8M requests that the Department of Education to allow those students in Community District 8M who are zoned for PS59, PS 183, and PS290 and who, because of overcrowding, are Wait Listed the option to indicate a school in Community District 8M that they would prefer to attend, should there be space, for the school year of 2010 – 2011 and beyond.

Community Board 8M passed this resolution by a vote of 41 in favor, 0 opposed, and 1 Abstentions

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