

Jacqueline Ludorf  
Chair

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District Manager



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

**LAND USE MEETING**  
Wednesday, January 13, 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, Matthew Bondy, Lori Ann Bores, Deirdre Breslin, Barbara Chocky, James Gerard Clynes, Christina R. Davis, Susan Evans, George Fuchs, Ruth Halberg, David Paul Helpern, Jonathan Horn, Dave Kleckner, Laura Lijewski, David Liston, Jacqueline Ludorf, Jane Parshall, Mary Boresz Pike, Ellen Polivy, Rita Lee Popper, Margaret Price, Dan Quart, David L. Rosenstein, Barbara Rudder, Helene Simon, Teri Slater, Cos Spagnoletti, Marco Tamayo, Debra Teitelbaum, Alexander Tisch, Nicholas Viest, Charles S. Warren, Hedi White

**Absent (Excused):** Richard Burg, Sarah Chu, Lorraine Johnson, Edward Kramer, Domenico Minerva, William Sanchez, Judith Schneider, M. Barry Schneider, Betty Cooper Wallerstein, Roy H. Carlin, N. Sharon Pope, H. Patrick Stewart, Elaine Walsh,

**Left Prior to Adjournment:** Marco Tamayo

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

**1. Residential Streetscape Preservation Text Amendment – CEQR No. 10DCP013Y, ULURP No. 100139ZRY-**

**Whereas,** Residential Streetscape Preservation Text Amendment-CEQR No. 10DCP013Y, ULURP No. N100139ZRY-The application by the NYC Department of City Planning for a city-wide text amendment to clarify, revise, and introduce new regulations to preserve and enhance the streetscape character or residential neighborhoods. The proposed amendment aims to meet a number of goals with regard to front-yard planting, parking allowances and requirements, curb cuts, and open space in residential districts. In addition, the proposal responds to a recent court decision regarding the applicability of the word “development” and its effect on residential parking and planting rules. The proposal also fills the gaps in the existing regulations by establishing curb cut rules in districts where none exist. The text amendment includes revisions primarily to the following ZR Sections: 23-451, 25-621, 23-44, 25-633, 25-631, 36-532, 28-50, 13-551, 13-553, 25-211, 25-64. The text amendment will generally apply to all residential districts in the city in all of its 59 community districts.

**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 30 in favor, 1 opposed, and 2 abstentions*

**2. Public Hearing: ULURP Application N 080103 ZAM, 161 East 94<sup>th</sup> Street, Block 1523, Lot 125**

**Whereas**, ULURP Application N 080103 ZAM, 161 East 94<sup>th</sup> Street, Block 1523, Lot 125- This is an application for a zoning authorization pursuant to Section 13-551 of the Zoning Resolution of the City of New York, as amended to allow a single nine foot two inch (9'2") curb cut and one off-site accessory parking space within the basement of an existing one-family townhouse. The home is located at 161 East 94<sup>th</sup> Street in Manhattan. The site is mapped within an R8B zoning district on the Upper East Side. Andreas Gruson (the applicant) is renovating and enlarging the home on an as-of-right basis, and the Home serves as the primary residence of his family. This application (N080103 ZAM) is not subject to the Uniformed Land Use Review Procedure (ULURP) and does not require a public hearing by the Community Board or the City Planning Commission.

**Whereas**, the proposed curb cut and accessory garage are out of character with the R8B Mid-Block Contextual Zoning, and

**Whereas**, numerous members of the community expressed serious concerns over the safety of neighborhood residents, including students at nearby school facility, and

**Whereas**, numerous members of the community expressed serious concerns over traffic congestion that would be caused by vehicles entering and leaving the proposed accessory garage,

**THEREFORE BE IT RESOLVED** that Community Board 8M disapproves application N 080103 ZAM requesting an authorization by the City Planning Commission pursuant to Section 13-551 of the Zoning Resolution to allow an accessory parking garage at 161 East 94<sup>th</sup> Street.

*Community Board 8M passed this resolution by a vote of 34 in favor, 1 opposed, and 2 abstentions*

**3. Street Life Committee-**

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

**a. Starbucks Corporation d/b/a Starbucks Coffee Co., 1559 Second Avenue (@ 81<sup>st</sup> Street)** -- Renewal application for an enclosed sidewalk café with 14 tables and 23 seats, DCA #0924263 (Disapproval)

**WHEREAS** there applicant failed to show for the third time,

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

*Community Board 8M passed this resolution by a vote of 33 in favor, 1 opposed, and 0 abstentions.*

**b. 1337 Third Avenue, LLC d/b/a Atlantic Grill, 1337 Third Avenue (@ 76<sup>th</sup> Street)** – Renewal application for an unenclosed sidewalk café with 9 tables and 28 seats, DCA #0979320

**WHEREAS** there were no objections from the public and no changes to the café,

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

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

**c. LLB, Inc. d/b/a Pascalou, 1308 Madison Avenue (@ 93<sup>rd</sup> Street)** – Renewal application for an unenclosed sidewalk café with 2 tables and 4 seats, DCA #1197788

**WHEREAS** there were no objections from the public and no changes to the café,

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

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

**d. Sofia 61<sup>st</sup> Street Corp. d/b/a Serafina, 29 East 61<sup>st</sup> Street (Madison/Park Avenues)** – Renewal application for an unenclosed sidewalk café with 4 tables and 7 seats, DCA #1200150

**WHEREAS** there were no objections from the public and no changes to the café,

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

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

**e. Bread of Life, LLC d/b/a Cilantro, 1712 Second Avenue (88<sup>th</sup>/89<sup>th</sup> Streets)** – Renewal application for an unenclosed sidewalk café with 6 tables and 16 seats

**WHEREAS** there were no objections from the public and no changes to the café,

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

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

**f. Trumlin Restaurant Corp. d/b/a Divino Ristorante, 1556 Second Avenue (80<sup>th</sup>/81<sup>st</sup> Streets)** – Renewal application for an unenclosed sidewalk café with 5 tables and 10 seats, DCA #0908218

**WHEREAS** there were no objections from the public and no changes to the café,

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

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

**g. Café Focaccia, Inc. Felice Wine Bar, 1166 First Avenue (@ 64<sup>th</sup> Street)** – Permission to modify consent for an unenclosed sidewalk café with 9 tables and 18 seats vs. 6 tables and 12 seats

**WHEREAS** there were no objections from the public and no changes to the café,

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

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

**h. Haru Third Avenue Corp. d/b/a Haru, 1329 Third Avenue (@ 76<sup>th</sup> Street)** – Renewal application for an unenclosed sidewalk café with 8 tables and 16 seats, DCA #102714

**WHEREAS** there were no objections from the public and no changes to the café,

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

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

**i. KMG Group, LLC d/b/a Molly Pitcher’s Ale House, 1641 Second Avenue (@ 85<sup>th</sup> Street)** – Renewal application for an unenclosed sidewalk café with 20 tables and 40 seats

**WHEREAS** there were no objections from the public and no changes to the café,

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

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

**j. BZ Thai Restaurant, Inc. d/b/a Land, 1565 Second Avenue (81<sup>st</sup>/82<sup>nd</sup> Streets)** – Renewal application for an unenclosed sidewalk café with 10 tables and 22 seats, DCA #1274348

**WHEREAS** there were no objections from the public and no changes to the café,

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

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

**k. SLD Deli Grill, Inc. d/b/a Gracie’s Café, 1530 York Avenue (@ 81<sup>st</sup> Street)** – Renewal application for an unenclosed sidewalk with 18 tables and 36 seats, DCA #1256574

**WHEREAS** there were no objections from the public and no changes to the café,

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

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

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

a. **PB & J Group LLC d/b/a Candle Café, 154 East 79<sup>th</sup> Street (Lexington/Third Avenues)** – New application for an on-premises liquor license

**WHEREAS** this application is for an upgrade from beer & wine,

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

*Community Board 8M passed this resolution by a vote of 33 in favor, 0 opposed, and 0 abstention.*

b. **1571 Second Avenue Corp. d/b/a The Brews Brothers, 1571 Second Avenue (@ 82<sup>nd</sup> Street)** – New application for an on-premises liquor license

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

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

*Community Board 8M passed this resolution by a vote of 33 in favor, 0 opposed, and 0 abstention.*

*With no further business the meeting was adjourned at 10:00 pm.*