

Nicholas D. Viest
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The City of New York
Manhattan Community Board 8

LAND USE MEETING
WEDNESDAY, JUNE 13, 2012
Christ Church
520 Park Avenue
Phillips Hall
6:30PM

Community Board Members Present: Elizabeth Ashby, Kenneth Austin, Albert Barrueco, John Bartos, Michele Birnbaum, Molly Blayney, Lori Ann Bores, Roy Carlin, Barbara Chocky, Sarah Chu, James Clynes, Christina Davis, Cory Evans, Susan Evans, A. Scott Falk, Edward Hartzog, Lorange Hockert, Jonathan Horn, Lorraine Johnson, David Liston, Jacqueline Ludorf, Domenico Minerva, Laurence Parnes, Jane Parshall, Mary Boresz Pike, Ellen Polivy, Rita Lee Popper, Margaret Price, Hattie Quarnstrom, Barbara Rudder, William Sanchez, Judith Schneider, M. Barry Schneider, Helene Simon, Teri Slater, Cos Spagnoletti, Marco Tamayo, Debra Teitelbaum, Nicholas Viest, Elaine Walsh, Charles Warren, Hedi White
Community Board Members (Excused): Matthew Bondy, Deirdre Breslin, George Fuchs, David Helpern, Dave Kleckner, David Rosenstein
Community Board Members (Unexcused): Jeffrey Escobar, Patrick Stewart
Total Attendance: 42

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

- 1. Public Hearing: BSA Calendar No. 137-12-BZ, Hospital for Special Surgery Properties Corporation, 515-523 East 73rd Street and 512-518 East 74th Street, Block 1485, Lots 11, 14 and 40-** Application for the development of a thirteen-story ambulatory care facility at a through-block development site located at 515-523 East 73rd Street and 512-518 East 74th Street. The Bulk variance, pursuant to Section 72-21, varying sections 42-12, 43-122, 43-23, 43-28, 43-44 and 13-133 to waive the rear-yard equivalent along East 73rd Street, allow community facility Use Group 4 in a 5.59 foot wide strip of the premises, waive a 20 foot setback along East 73rd Street, increase floor area ratio and increase the number of parking spaces permitted.

Whereas, Application for the development of a thirteen-story ambulatory care facility at a through-block development site located at 515-523 East 73rd Street and 512-518 East 74th Street. The Bulk variance, pursuant to Section 72-21, varying sections 42-12, 43-122, 43-23, 43-28, 43-44 and 13-133 to waive the rear-yard equivalent along East 73rd Street, allow community facility Use Group 4 in a 5.59 foot wide strip of the premises, waive a 20 foot setback along East 73rd Street, increase floor area ratio and increase the number of parking spaces permitted.

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

Be It Resolved that Community Board 8M approves this application.

Community Board 8M adopted the resolution by a vote of 36 in favor, 0 opposed, 4 abstentions and 1 not voting for cause.

2. **Public Hearing: BSA Calendar No. 301-85-BZ, 58 East 86th Street, Block 1497, Lot 49**-Special Order Calendar application for an amendment to a previously approved variance pursuant to Cal No. 301-85-BZ which permitted in an R10(Pl) residential district ground floor and partial cellar several specific retail uses at the building. There has been commercial use on the ground floor of this building since before the enactment of the 1916 Zoning Resolution. Variances have re-established ground floor commercial use for over 30 years. The building is located 13 feet east of a C5-1 commercial district. The amended application seeks to add several additional use group 6 uses to the list of permitted retail uses and extend the hours of operation.

Whereas, Special Order Calendar application for an amendment to a previously approved variance pursuant to Cal No. 301-85-BZ which permitted in an R10 (Pl) residential district ground floor and partial cellar several specific retail uses at the building. There has been commercial use on the ground floor of this building since before the enactment of the 1916 Zoning Resolution. Variances have re-established ground floor commercial use for over 30 years. The building is located 13 feet east of a C5-1 commercial district. The amended application seeks to add several additional use group 6 uses to the list of permitted retail uses and extend the hours of operation.

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

Be It Resolved that Community Board 8M approves this application.

Community Board 8M adopted the resolution by a vote of 28 in favor, 9 opposed, 4 abstentions and 0 not voting for cause.

3. **Informational Presentation: The Manhattan Core Parking Study**-The Department of City Planning is exploring revisions to the off-street parking regulations in the Manhattan Core, which includes Community Boards 1-8. Since the spring of 2009, the Department has been studying these regulations to better understand how they have affected the supply of parking and how public parking is being utilized today.

3. Street Life Committee

1a. **CBN IV, Inc. d/b/a Ciao Bella Napoli, 1477 York Avenue (78th/79th Streets)** – Renewal application for an unenclosed sidewalk café with 8 tables and 20 seats, DCA #1350971. Due date: June 8th. Hours: Mon. – Sat. 11am – 11pm and Sun. 11am – 10pm. Food/Drink: 90/10.

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

WHEREAS the applicant has agreed to remove the barrier when the café is not in operation,

BE IT RESOLVED THAT the application is Approved.

Manhattan Community Board 8 adopted the resolution by a vote of 41 in favor, 0 opposed, and 0 abstentions.

1b. **Enterprise Restaurant, LLC d/b/a Amaranth, 21 East 62nd Street (Fifth/Madison Avenues)** – Renewal application for an unenclosed sidewalk café with 8 tables and 16 seats, DCA #1170995. Due date: June 29th. Hours: 12pm – 12am. Food/Drink: 65/35.

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 resolution by a vote of 41 in favor, 0 opposed, and 0 abstentions.

2a. **Starbucks Corporation d/b/a Starbucks Coffee, 1515 York Avenue (80th/81st Street)** – New application for an unenclosed sidewalk café with 18 tables and 31 seats, DCA #1427775. Due date: June 22nd. Hours: 8am – 10pm. Food/Drink: 15/85.

WHEREAS the applicant wishes to expand the size of the café,

WHEREAS there were several complaints about noise & early opening of the café in the private area,

WHEREAS the applicant will furnish to CB8 all permits for the use of the current location in the public space,

WHEREAS the applicant will keep to the legal DCA sidewalk café times for the whole of café,

WHEREAS the applicant will clean the area on a regular basis, every 20 minutes or so,
WHEREAS tables will not be out for use before agreed hours of operation (the tables will be placed on site for the night but only on the property area),
WHEREAS the applicant will not place A-frames in front of the establishment,
WHEREAS the applicant will be denied if they participate in bar-crawls,
WHEREAS the applicant will not use electronic bikes,
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 41 in favor, 0 opposed, and 0 abstentions.

2b. **WKNAPP, Ltd. d/b/a Table D'Hote, 44 East 92nd Street (Madison/ Park Avenues)** – New application for an unenclosed sidewalk café with 2 tables and 8 seats, DCA #1430367. Due date: July 5th (See item 3a) Hours: Mon. – Thurs. 12pm-10pm, Fri. & Sat. 11am – 10pm, Sun. 12pm – 10pm. Food/Drink: 80/20
WHEREAS the applicant will reduce the seats from 8 to 6, or 8 to 4, depending on DCA approval,
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 41 in favor, 0 opposed, and 0 abstentions.

3a. **WKNAAP, Ltd. d/b/a Table D' Hote, 44 East 92nd Street (@ Madison Avenue)** - Application to alteration a liquor, wine and beer license to include a sidewalk café (See item 2b) Hours: Mon. – Thurs. 12pm-10pm, Fri. & Sat. 11am – 10pm, Sun. 11am – 10pm. Food/Drink: 80/20
WHEREAS this is a change to include the café area,
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 41 in favor, 0 opposed, and 0 abstentions.

4a. **GJG First Avenue Rest, LLC d/b/a Café 79, 1514 First Avenue (@ 79th Street)** – New application for a wine and beer only license. Hours: 12am – 12am (24/7). Food/Drink: 90/10
WHEREAS this is for beer & wine only and no one from the public objected,
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 41 in favor, 0 opposed, and 0 abstentions.

4b. **Ayama Fusion Cuisine, Inc. d/b/a TBD, 1164 First Avenue (63rd/64th Streets)** – New application for a wine and beer only license. Hours: Mon. – Fri. 11am – 11pm, Sat. & Sun. 12pm – 11pm. Food/Drink: 95/5
WHEREAS this is for beer & wine only and no one from the public objected,
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 41 in favor, 0 opposed, and 0 abstentions.

4c. **Tanoshi, Inc. d/b/a Tanoshi Sushi Sake Bar, 1372 York Avenue (73rd/74th Streets)** – New application for a wine and beer only license. Hours: Mon. – Sat. 11am – 11pm. Food/Drink: 90/10
WHEREAS this is for beer & wine only and no one from the public objected,
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 41 in favor, 0 opposed, and 0 abstentions.

4d. **Mahavirji, Inc. d/b/a Dakshin, 1713 First Avenue (88th/89th Streets)** – New application for a wine and beer only license. Hours: 12pm – 10pm. Food/Drink: 85/15
WHEREAS this is for beer & wine only and no one from the public objected,
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 41 in favor, 0 opposed, and 0 abstentions.

4e. **Emilio Barletta's Corp. - Victor NYC Rest, LLC d/b/a Dopo Teatro, 345 East 62nd Street (Second/First Avenues)** – New application for a liquor, wine and beer license (*Adjourned from the May meeting, at the Committee's request*). Hours: Mon. – Thurs. & Sun. 12pm – 12am, Sat. 12pm -1am. Food/Drink: 80/20

WHEREAS there is an existing liquor license at this location,

WHEREAS the new applicant owns the building & the prior licensee was evicted,

WHEREAS the applicant will not use the rear yard,

WHEREAS the applicant will keep the back door & rear yard windows closed, except when used for normal business functions & not for patron use,

WHEREAS the applicant will furnish CB8 with a new SLA application with the 500' licenses,

WHEREAS the applicant has already furnished CB8 with the public assembly certificate,

WHEREAS the hours will be 12PM-12AM Monday thru Thursday & 12PM-1AM Friday thru Sunday,

WHEREAS the applicant will keep to existing C of O with 74 persons at ground level & 20 persons in the basement,

WHEREAS no one from the public objected,

BE IT RESOLVED THAT the application is Approved.

Manhattan Community Board 8 adopted the resolution by a vote of 28 in favor, 6 opposed, and 8 abstentions.

4g. **Roosevelt Island Hospitality Group, LLC d/b/a Pier NYC, West Promenade Pier, Roosevelt Island** - New application for an liquor, wine and beer (on-premises) liquor license. Hours: 11am – 9pm. Food/Drink: 30/70

WHEREAS this is for a short time frame – until October 2012,

WHEREAS there were several people in support of the establishment,

WHEREAS the applicant will furnish to CB8 all permits for the use of the current location in the public space,

BE IT RESOLVED THAT the application is Approved.

Manhattan Community Board 8 adopted the resolution by a vote of 41 in favor, 0 opposed, and 0 abstentions.

5. Old Business

No old business.

6. New Business

There was a discussion of NYS Liquor Authority's 200 foot rule policy.

Manhattan Community Board 8 Resolution Endorsing the June 17th Silent March to End "Stop and Frisk"

Whereas, New York city Police Officers conducted 685,724 street stops in 2011, 600% more than the 97,000 that were conducted in Mayor Bloomberg's first year in office; and,

Whereas, no gun is retrieved in 99.9% of these stops; and,

Whereas, the proportion of gun seizures to stops has fallen – with only 780 guns confiscated in 2011, juxtaposed to 604 in 2003, when officers made 160, 851 stops; and,

Whereas, a 2011 report by the New York Civil Liberties Union indicates that 71% of the "stops" by the 19th Precinct on the Upper East Side of Manhattan were of black and Latino males, while only 9% of the total population in the same area is black or Latino; and,

Whereas, the Manhattan Borough Board passed a resolution – approved by all 12 community boards – calling for reform of stop and frisk; and,

Whereas, 237 Civil Rights, Faith, Labor and Community Groups – including B'nai B'rith; Common Cause New York; the Center for Constitutional Rights; the New York Civil Liberties Union; and Manhattan Community Board 2 – have come together to organize a "Silent March," for Father's Day June 17th, to illustrate both the tragedy and serious threat that stop and frisk and other forms of racial profiling present to our society; and,

Whereas, Manhattan Borough President Scott Stringer has agreed to participate in the "Silent March" as part of an effort to build bridges of trust and respect in every neighborhood; and,

Whereas, Borough President Stringer has asked members of Community Board 8 and residents of Community District 8 to join him on June 17th; and,

Whereas, the march will commence on 110th Street and Fifth Avenue proceeding south to Fifth Avenue and 78th Street; and,

Whereas, the march will pass by the residence of Mayor Bloomberg on East 79th Street and Fifth Avenue, inside the boundaries of Community District 8; and,

Whereas, Manhattan Community Board 8 approved the Manhattan Borough Board Resolution Regarding NYPD's Stop and Frisk Program, at its February 15, 2012 Full Board Meeting;

Therefore Be It Resolved that Manhattan Community Board 8 joins with more than 237 Civil Rights, Faith, Labor and Community Groups in endorsing the June 17th Father's Day Silent March to "End Stop and Frisk."

Manhattan Community Board 8 adopted the resolution by a vote of 21 in favor, 15 opposed, 4 abstentions, and 2 not voting for cause.

The meeting was then closed to the public for Executive Committee session on budget and compensation issues.

The meeting was adjourned at 9:20PM.

Nicholas D. Viest, Chair