

Nicholas D. Viest
Chairman

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DRAFT

The City of New York
Manhattan Community Board 8

LAND USE MEETING
WEDNESDAY, MARCH 14, 2012
310 East 67th Street
Auditorium
6:30PM

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

Community Board Members (Unexcused): Deirdre Breslin, Ruth Halberg, Hattie Quarnstrom

Total Attendance: 40

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

1. **Public Hearing: BSA Calendar No. 183-11-BZ; CEQR No. 12-BSA-045M, Memorial Hospital for Cancer and Allied Diseases-1133 York Avenue, Block 1456, Lot 21-**Application for bulk variances pursuant to NYC Zoning Resolution Sec.72-21 with respect to the proposed construction on the site of a new Memorial Sloan Kettering Outpatient Surgical Center. The proposed 261 ft tall new building will exceed the maximum floor area permitted for community facility building in a c1-9 district by FAR 1.97; does not provide a rear yard in the interior portion of the zoning lot; does not comply with the maximum height of a front wall and the required front setback regulation applicable in a C1-9 district on both York Avenue and East 61st Street; and does not comply with curb cut and signage regulations.

Whereas, this is an application for bulk variances pursuant to NYC Zoning Resolution Sec.72-21 with respect to the proposed construction on the site of a new Memorial Sloan Kettering Outpatient Surgical Center.

Whereas, the proposed 261 ft tall new building will exceed the maximum floor area permitted for community facility building in a c1-9 district by FAR 1.97; does not provide a rear yard in the interior portion of the zoning lot; does not comply with the maximum height of a front wall and the required front setback regulation applicable in a C1-9 district on both York Avenue and East 61st Street; and does not comply with curb cut and signage regulations.

Whereas, Community Board 8M held four public hearings regarding this matter;

Be It Resolved that Community Board 8M approves the BSA application for bulk variances pursuant to NYC Zoning Resolution Sec. 72-21 with respect to the proposed construction on the site of a new Memorial Sloan Kettering Outpatient Surgical Center.

The resolution FAILED by a vote of 14 in favor, 25 opposed, and 1 abstention.

2. **Public Hearing: BSA Special Order Calendar (SOC) No. 161-99-BZ, 349 East 76th Street, Block 1451, Lot 14**-Application to extend the term of a previously granted special permit allowing the operation of a physical culture establishment (PCE) New York Sports Club. The site is occupied by a four story commercial building. The facility occupies the entire subject premises.

Whereas, BSA Special Order Calendar (SOC) No. 161-99-BZ, 349 East 76th Street, Block 1451, Lot 14-Application to extend the term of a previously granted special permit allowing the operation of a physical culture establishment (PCE) New York Sports Club. The site is occupied by a four story commercial building. The facility occupies the entire subject premises; and

Whereas, BSA Special Order Calendar (SOC) No. 162-99-BZ, 353 East 76th Street, Block 1451, Lot 16-Application to extend the term of a previously granted special permit allowing the operation of a physical culture establishment (PCE) New York Sports Club. The site is occupied by a four story mixed use residential and commercial building. The facility occupies the first floor of the building; and

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

Be It Resolved that Community Board 8M approves the BSA application 161-99-BZ and BSA application 162-99-BZ to extend the term of previously granted special permit allowing the operation of a physical culture establishment (PCE) New York Sports Club.

The resolution was approved by a vote of 30 in favor, 0 opposed, and 1 abstention.

3. **Pubic Hearing: BSA Special Order Calendar (SOC) No. 162-99-BZ, 353 East 76th Street, Block 1451, Lot 16**-Application to extend the term of a previously granted special permit allowing the operation of a physical culture establishment (PCE) New York Sports Club. The site is occupied by a four story mixed use residential and commercial building. The facility occupies the first floor of the building.

Whereas, BSA Special Order Calendar (SOC) No. 161-99-BZ, 349 East 76th Street, Block 1451, Lot 14-Application to extend the term of a previously granted special permit allowing the operation of a physical culture establishment (PCE) New York Sports Club. The site is occupied by a four story commercial building. The facility occupies the entire subject premises; and

Whereas, BSA Special Order Calendar (SOC) No. 162-99-BZ, 353 East 76th Street, Block 1451, Lot 16-Application to extend the term of a previously granted special permit allowing the operation of a physical culture establishment (PCE) New York Sports Club. The site is occupied by a four story mixed use residential and commercial building. The facility occupies the first floor of the building; and

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

Be It Resolved that Community Board 8M approves the BSA application 161-99-BZ and BSA application 162-99-BZ to extend the term of previously granted special permit allowing the operation of a physical culture establishment (PCE) New York Sports Club.

The resolution was approved by a vote of 30 in favor, 0 opposed, and 1 abstention.

4. **Public Hearing: 421-a Partial Tax Exemption, 335 East 91st Street (Preliminary & Final Applications Docket No.: TE09723)** - 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 a public hearing regarding this matter;

Whereas, Community Board 8 has historically opposed 421 – a applications as they do not necessarily provide low income housing in the Community Board 8M district.

Whereas, the applicant and their representative did not attend this meeting,

Be it resolved that Community Board 8M recommends **denial** of this application.

Community Board 8M voted to Disapprove this application by a vote of 32 in favor, 4 opposed, 3 abstentions and 1 not voting for cause.

5. **Public Hearing: BSA Application 22-12-BZ, 1470 Third Avenue, Block 1512, Lot 33**-Application to enlarge a previously approved, pursuant to BSA No. 20-10-BZ, health club known as Soul Cycle. The health club presently occupies 1,480 square feet (SF) and the enlarged health club would occupy 3,425 SF on a portion of the ground floor and cellar of the subject premises.

Whereas, Application to enlarge a previously approved, pursuant to BSA No. 20-10-BZ, health club known as Soul Cycle. The health club presently occupies 1,480 square feet (SF) and the enlarged health club would occupy 3,425 SF on a portion of the ground floor and cellar of the subject premises.

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

Be It Resolved that Community Board 8M approves the BSA application to enlarge a previously approved health club know as Soul Cycle.

The resolution was approved by a vote of 24 in favor, 15 opposed, and 0 abstentions.

6. **Street Life Committee**

1a. **Artaki Corp. d/b/a Peter's on 83rd, 1606 First Avenue (83rd/84th Streets)** – Renewal application for an unenclosed sidewalk café with 6 tables and 12 seats, DCA #1191822. Due date: Mar. 19th

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 27 in favor, 0 opposed, and 0 abstentions.

1b. **Steven Jay, LLC d/b/a Parlor, 1600 Third Avenue (@ 90th Street)** – Renewal application, for an unenclosed sidewalk café with 13 tables and 26 seats, DCA #1306814. Due date: Mar. 26th

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

WHEREAS the owner stated that he would remove the café barriers at night,

BE IT RESOLVED THAT the application is Approved.

Manhattan Community Board 8 adopted the resolution by a vote of 27 in favor, 0 opposed, and 0 abstentions.

1c. **Lumi Corporation d/b/a Lumi Restaurant, 963 Lexington Avenue (@ 70th Street)** – Renewal application for an unenclosed sidewalk café with 7 tables and 14 seats, DCA # 0930600. Due date: Mar. 26th

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 27 in favor, 0 opposed, and 0 abstentions.

2a. **Manna Madison Avenue, LLC d/b/a Gina La Fornarina, 26 East 91st Street (Madison/ Fifth Avenues)** – New application for an unenclosed sidewalk café with 5 tables and 20 seats, DCA #1419681. Apr. 2nd

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 27 in favor, 0 opposed, and 0 abstentions.

2b. **Paul's Corner, Inc. d/b/a Mon Petit Café, 801 Lexington Avenue (@ 62nd Street)** – New application for an unenclosed sidewalk café with 4 tables and 8 seats, DCA #1420012. Due date: Apr. 9th

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

WHEREAS this is only a corporation ownership change

Manhattan Community Board 8 adopted the resolution by a vote of 27 in favor, 0 opposed, and 0 abstentions.

3a. Olimpist Turkish, Inc. d/b/a Uskudar, 1405 Second Avenue (73rd/74th Streets) – Application for a corporate name change to a liquor license
WHEREAS there are no changes to establishment and no one from the public objected,
WHEREAS this is only a corporation ownership change
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 28 in favor, 0 opposed, and 1 abstention.

3b. Corp. to be formed by Hamimi- Jacques Ouari d/b/a Jacques Bar & Grill, 1606 First Avenue (83rd/84th Streets) – Transfer application for an on-premises liquor license
WHEREAS there are no changes to the establishment and no one from the public objected,
WHEREAS this is only a corporation ownership change
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 28 in favor, 0 opposed, and 1 abstention.

4a. 1st Avenue Gourmet, Inc., 1274 First Avenue (68th/69th Streets) – New application for a beer only license
WHEREAS this is only a beer license
WHEREAS this establishment has seats, so is required to have a license,
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 28 in favor, 0 opposed, and 1 abstention.

4b. Xing Wong Gourmet, Inc., 1395 Second Avenue (72nd/73rd Streets) – New application for a liquor, wine and beer license (*Laid over from the Feb. '12 meeting, at applicant's request. First layover.*)
WHEREAS there are no changes to the establishment and no one from the public objected,
WHEREAS this is only a transfer of ownership
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 28 in favor, 0 opposed, and 1 abstention.

4c. Delite Food Service d/b/a Sunberry's Euro Food Bar, 106 East 60th Street (Lexington/Park Avenues) – New application for a wine and beer only license
WHEREAS there are no changes to the establishment and one member of the public objected to their use of tables and chairs outside the establishment,
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 28 in favor, 0 opposed, and 1 abstention.

4d. Shanti Devi Restaurant, Inc. d/b/a Swagat, 1154 First Avenue (63rd/64th Streets) – New application for an on-premises liquor license
WHEREAS there will be some minor changes to the establishment and one member of the public objected to the old establishment,
WHEREAS the applicant has decided to file for a beer & wine only license rather than an on-premises license
BE IT RESOLVED THAT the application is Approved.
Manhattan Community Board 8 adopted the resolution by a vote of 28 in favor, 0 opposed, and 1 abstention.

4e. The York Restaurant Bar, Inc., 200 East 60th Street (@ Third Avenue) – New application for an on-premises liquor license
Manhattan Community Board 8 adopted the resolution by a vote of 28 in favor, 0 opposed, and 1 abstention.
WHEREAS there are no changes to the establishment no one from the public objected,
BE IT RESOLVED THAT the application is Approved.

2. Old Business

No old business.

3. New Business

No new business.

The meeting was adjourned at 9:30PM.

Nicholas D. Viest, Chair