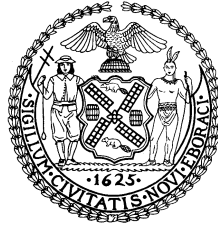


**James G. Clynes**  
Chairman

**Latha Thompson**  
District Manager



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

**LAND USE MEETING**  
**Wednesday, September 9, 2015**  
**Nightingale-Bamford School**  
**20 East 92<sup>nd</sup> Street (Madison-Fifth)**  
**Student Center**  
**6:30PM**

**Community Board Members Present:** Elizabeth Ashby, Gayle Baron, Albert Barrueco, Michele Birnbaum, Alida Camp, Barbara Chocky, James Clynes, Christina Davis, Daniel Dornbaum, Susan Evans, A. Scott Falk, Edward Hartzog, David Helpern, Lorraine Johnson, Andrew Kalloch, Allison Kopf, Craig Lader, Jacqueline Ludorf, Zoe Markowitz, David Menegon, Glen Pandolfino, Laurence Parnes, Peter Patch, Sharon Pope, Rita Lee Popper, Margaret Price, Hattie Quarnstrom-Figueroa, David Rosenstein, Abraham Salcedo, William Sanchez, M. Barry Schneider, Cos Spagnoletti, Marco Tamayo, Debra Teitelbaum, Carolina Tejo, Nicholas Viest, Elaine Walsh, Charles Warren, Hedi White

**Community Board Members (Excused):** Lori Ann Bores, Loraine Brown, Sarah Chu, Jeffrey Escobar, Sophia James, David Liston, Jane Parshall, Ellen Polivy, Barbara Rudder

**Community Board Members (Unexcused):** Matthew Bondy, Katherine LaGuardia

**Total Attendance: 39**

**Chairman Jim Clynes called the meeting to order at 6:30PM.**

**1. Street Life Committee**

**1a. Mezzaluna Associates 1295 Third Avenue (74th/75th) Renewal application for an unenclosed sidewalk café with 2 tables and 4 chairs. DCA# 0811193-DCA. Due Date September 21, 2015**

**WHEREAS** there are no changes to the café; and

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED**.

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

**1b. PK & Son LLC dba Match 65, 27 East 65th Street (Madison/Park) Renewal application for an unenclosed sidewalk café with 6 tables and 12 chairs. DCA# 1200796-DCA. Due Date September 25, 2015**

**WHEREAS** there are no changes to the café; and

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED**

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

**1c. Lenox Room Corp., 1278 Third Avenue (73rd/74th) Renewal application for an unenclosed sidewalk café with 4 tables and 8 chairs. DCA# 1136163-DCA. Due Date October 1, 2015**

**WHEREAS** there are no changes to the café; and

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED**  
**Manhattan Community Board 8 adopted the recommendation by a vote of 27 in favor, 0**  
**opposed, and 0 abstentions.**

**1d. 1475 Second Avenue Bagel LLC., dba Pick A Bagel, 1475 Second Avenue (76th/77th) Renewal application for an unenclosed sidewalk café with 10 tables and 20 chairs. DCA# 1381059-DCA. Due Date September 28, 2015**

**WHEREAS** there are no changes to the café; and

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED**

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

**1e. 1431 Restaurant, Inc., 1435 Second Avenue (74th/75th) Renewal application for an unenclosed sidewalk café with 6 tables and 12 chairs. DCA# 1232028-DCA. Due Date September 28, 2015**

**WHEREAS** there are no changes to the café; and

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED**

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

**1g. East 87 Burgers LLC, dba Bareburger, 1681 First Avenue (87th/88th) Renewal application for an unenclosed sidewalk café with 8 tables and 16 chairs. DCA# 1466666-DCA. Due Date October 4, 2015**

**WHEREAS at the September Street Life Committee meeting** a member of the public stated that there was an A frame advertising sign within the café; and

**WHEREAS** there are no changes to the café; and

**WHEREAS** the applicant agreed to remove the A frame and also has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED**

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

**1h. Ma.Vi. Do. Rest. Inc., dba Mediterraneo, 1260 Second Avenue (@66<sup>th</sup> Street) Renewal application for an unenclosed sidewalk café with 32 tables and 60 chairs. DCA#1138459-DCA. Due Date October 4, 2015**

**WHEREAS at the September Street Life Committee meeting** a committee member expressed concern that the café might not be providing the required 9 foot clearance at the corner of 66<sup>th</sup> Street and that the café had wait stations that are not permitted; and

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED** subject to review by the Department of Consumer Affairs that the café complies with all regulations

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

**2a. Citilights Café Inc., 500 East 62nd Street (@ York Avenue)-Alteration application for Liquor, Wine and Beer**

**WHEREAS** the Bentley Hotel wishes to amend its license to include a new ground floor restaurant; and

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls and will close all operable doors and windows at 10 pm; therefore

**BE IT RESOLVED** that the application is **APPROVED** subject to the stipulation that the hours for the license shall be 11 am to 11 pm daily.

**Manhattan Community Board 8 adopted the recommendation by a vote of 28 in favor, 0 opposed, and 0**  
**abstentions.**

**2b. Uncle Abies Deli on First Inc., dba 2nd Avenue Deli, 1442 First Avenue (@ 75th Street)-Alteration application for Liquor, Wine and Beer**

**WHEREAS** the applicant wishes to expand the existing restaurant to the second floor and extend the liquor license to that floor; and

**WHEREAS** Application # 120152244 was filed with the New York City Department of Buildings (DOB). The application was denied on March 6, 2012 with an objection pursuant to Section 32-421 of the Zoning Resolution stating that:

*"Proposed construction of convenience stair connecting the first and second story thereby extending the Use Group 6 commercial use above the first story in a building constructed prior to September 17, 1970 with residential uses on the third and fourth floors is contrary to zoning."*; and

**WHEREAS** an application (67-12 BZ) was consequently filed with the Board of Standards and Appeals (BSA) on March 21, 2012, for a variance to allow Use Group 6 in the second story of 1442 Second Avenue; and **WHEREAS** on April 18, 2012, Manhattan Community Board 8 voted to **disapprove** the variance application by a vote of 34 in favor, 2 opposed 2 abstentions and 2 not voting for cause. Community Board 8 had concerns regarding open violations at the location, the relocation of former tenants on the second floor, a non ADA compliant ramp built in the middle of the sidewalk, an expired Temporary Certificate of Occupancy (TCO); the owner changing the usage on the second floor from the existing two apartments to one apartment and a non-commercial art gallery; the application fails to be in compliance with Local Law 5887 when modifying a building entrance; and the applicant has failed to comply with Local Law 19 and no Certificate of Non Harassment has been filed with HPD as required when a change of use is made; and

**WHEREAS** on March 23, 2013, the application was withdrawn at the BSA; and

**WHEREAS** the applicant appeared at the Street Life Committee of Community Board 8 on September 2, 2014, requesting extension to the 2<sup>nd</sup> floor of the liquor license at 1442 2<sup>nd</sup> Avenue. The committee had concerns about the zoning issue raised by the above mentioned BSA variance and requested that the applicant return to the October committee meeting with more information. The applicant returned to the committee's meeting on October 7, 2014 stating that the issue related to stair construction and DOB had now issued a building permit. The applicant did not directly respond to questions relating to Section 32-341 of the Zoning Resolution and the committee requested the applicant return to a subsequent meeting; and

**WHEREAS** the applicant failed to appear at subsequent committee meetings; and

**WHEREAS** Community Board 8 requested DOB to reconsider the issue of Section 32-421 of the Zoning Resolution as it pertains to this application; and

**WHEREAS** after a special audit, on October 28, 2014 DOB indicated the applicant failed the special audit and requested that the applicant provide BSA approval to address Section 32-421 of the Zoning Resolution; and

**WHEREAS** on or after January 15, 2015 DOB revoked the building permit for the subject site and issued a stop work order; and

**WHEREAS** in January, 2015 Community Board 8 became aware that the applicant had proceeded to the State Liquor Authority (SLA) unbeknownst to CB 8 and that SLA granted a license for the second floor of the establishment; and

**WHEREAS** Community Board 8 informed SLA of the revocation and stop work order issued by DOB; and **WHEREAS** on February 12, 2015 SLA rescinded its approval of a license for the 2<sup>nd</sup> floor of the subject premises; and

**WHEREAS** the applicant appeared before the Street Life Committee on September 1, 2015 requesting again to extend the liquor license to the second floor and to extend the hours of the license to 4 am; and

**WHEREAS** the applicant's architect indicated there is DOB approval for this extension: and.

**WHEREAS** committee members expressed concern that while currently the restaurant generally closes at midnight and the applicant is requesting that the hours for the liquor license be 4 am; and

**WHEREAS** the application was considered by the full Community Board 8 at the Land Use Committee meeting on September 9, 2015 and;

**WHEREAS** the community believes that granting extension of the restaurant to the second floor is not permitted by the Zoning Resolution and has requested the Department of Buildings to investigate this issue again and;

**WHEREAS** the community board believes that permitting the extension legitimized the loss of residential units and;

**WHEREAS** Community Board 8 remains concerned about the provision of handicapped access to the existing restaurant, and the other concerns of the community board when it disapproved the BSA variance for this establishment and that DOB records indicate that ECB Violation Number 34949662N remains open although a penalty of \$500 was imposed and paid and;

**WHEREAS** Community Board 8 believes that the applicant has not worked cooperatively with the board; therefore

**BE IT RESOLVED THAT** this application is **DISAPPROVED**.

**Manhattan Community Board 8 adopted the recommendation by a vote of 35 in favor, 0 opposed, 2 abstentions and 1 not voting for cause.**

**2c. 1629 Second Avenue, dba Wild Horse Tavern, 1629 Second Avenue (84th/85th)-Alteration application for Liquor, Wine and Beer**

**WHEREAS** the applicant is seeking an alteration to his license in order to permit live music; and  
**WHEREAS** there are many recent 311 noise complaints for the establishment as well as one made directly to the board office; and

**WHEREAS** the applicant has agreed to contact the person who made the complaint to the board office; and  
**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls and will close all operable doors and windows at 10 pm; therefore

**BE IT RESOLVED** that the application is **APPROVED** subject to the stipulation that all operable doors and windows be closed at 10 pm.

**Manhattan Community Board 8 adopted the recommendation by a vote of 28 in favor, 0 opposed, and 0 abstentions.**

**3a. Prosperity 89, dba TBD, 1718 Second Avenue (89th/90th)-New application for Liquor, Wine and Beer**

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED** subject to the stipulation that the hours for the license shall be 11 am to 12 am Monday-Thursday and Sunday, and 11 am to 1 am Friday and Saturday

**Manhattan Community Board 8 adopted the recommendation by a vote of 28 in favor, 0 opposed, and 0 abstentions.**

**3b. Yong Lee Inc., dba Spice Saigon, 1237 First Avenue (66th/67th )-New application for Wine and Beer**

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED** subject to the stipulation that the hours for the license shall be 11:30 am to 10:30 pm, Monday to Saturday and 12 noon to 10:30 pm, Sunday

**Manhattan Community Board 8 adopted the recommendation by a vote of 28 in favor, 0 opposed, and 0 abstentions.**

**3c. Teng Fei Restaurant Group Inc., dba Raku Raku, 1714 Second Avenue (88th/89th)-New application for Wine and Beer**

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED** subject to the stipulation that the hours for the license shall be 11 am to 11 pm.

**Manhattan Community Board 8 adopted the recommendation by a vote of 28 in favor, 0 opposed, and 0 abstentions.**

**3d. James Perse, dba James Perse, 1128 Madison Avenue (@84th Street)-New application for Wine and Beer**

**WHEREAS** James Perse wishes to add a café at its clothing store; and

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED** subject to the stipulation that the hours for the license shall be 10 am to 7 pm Monday-Saturday and 11 am to 6 pm on Sunday

**Manhattan Community Board 8 adopted the recommendation by a vote of 28 in favor, 0 opposed, and 0 abstentions.**

**3e. Coffee House Holdings Inc., dba Starbucks Coffee #817, 1445 First Avenue (75th/76th)-New application for Wine and Beer**

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant's representative stated that beer and wine would not be served before 2 pm and that all baristas would be 21 and older and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED** subject to the stipulation that the hours for the license shall be from 2 pm to 9 pm Monday-Thursday and Sunday and from 2 pm to 10 pm Friday and Saturday. .

**Manhattan Community Board 8 adopted the recommendation by a vote of 28 in favor, 0 opposed, and 0 abstentions.**

**3f. Coffee House Holding Inc., dba Starbucks Coffee #20679, 1542 Third Avenue (86th/87th)-New application for Wine and Beer**

**WHEREAS** no one from the public objected; and

**WHEREAS** the applicant's representative stated that beer and wine would not be served before 2 pm and that all baristas would be 21 and older and

**WHEREAS** the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls; therefore

**BE IT RESOLVED** that the application is **APPROVED** subject to the stipulation that the hours for the license shall be from 2 pm to 11 pm daily.

**Manhattan Community Board 8 adopted the recommendation by a vote of 28 in favor, 0 opposed, and 0 abstentions.**

**4a. S/E/C East 96th Street and Third Avenue, 232 East 96th Street-Application for a newsstand. Application # 10504-2014-ANWS. Modification to original resolution submitted in December 2014.**

**WHEREAS** on December 14, 2014, by a vote of 22-13-2, Community Board 8 approved an application for a newsstand at 205-215 E. 96<sup>th</sup> Street on the south side of E. 96<sup>th</sup> Street between 2<sup>nd</sup> and 3<sup>rd</sup> avenues; and

**WHEREAS** this application is solely an address correction; and

**WHEREAS** no one from the public objected; therefore

**BE IT RESOLVED** that the application is **APPROVED**

**Manhattan Community Board 8 adopted the recommendation by a vote of 30 in favor, 7 opposed, and 1 abstention.**

**4b. S/W/C Second Avenue and East 76<sup>th</sup> Street-Application for a newsstand. Application #9691-2015-ANWS. Due Date September 10, 2015.**

**WHEREAS** at the August 4, 2015 Street Life Committee meeting several area residents appeared in opposition to the application. Their concern was that this site has heavy pedestrian traffic, especially due the location of MS 167 on E. 76<sup>th</sup> Street between 2<sup>nd</sup> and 3<sup>rd</sup> avenues. Although, they also stated that an application for a newsstand at this location was previously disapproved by Community Board 8, the board office was unable to verify that there was a previous application for this location; and

**WHEREAS** subsequent to the August Street Life Committee meeting, the board office has received several letters and e mails in opposition to the application; and

**WHEREAS** the application package does not include the necessary plans to determine the exact location of the proposed newsstand; and

**WHEREAS** the applicant was not present at the Street Life Committee meetings in August and September; and

**WHEREAS** because of the heavy pedestrian traffic and the location of MS 167, this is an inappropriate location for a newsstand; therefore

**BE IT REOLVED** that the application is **DISAPPROVED**

**Manhattan Community Board 8 adopted the recommendation by a vote of 26 in favor, 0 opposed, and 2 abstentions.**

- 2. Public Hearing: BSA Calendar No. 382-80-BZ, 316-318 East 91st Street, Block 1553 Lot 41-Special Order Calendar application to request an extension of the term of a previously granted variance that allowed the operation of a theater on the mezzanine and second floor levels of the subject premises.**

**Whereas**, a Special Order Calendar application to request an extension of the term of a previously granted variance that allowed the operation of a theater on the mezzanine and second floor levels of the subject premises, therefore

**Be It Resolved** that Community Board 8 approves the application for a Special Order Calendar application to request an extension of the term of a previously granted variance at 316-318 East 91st Street.

**Community Board 8 adopted the resolution (to approve the application) by a vote of 27 in favor, 0 opposed, 1 abstention and 0 not voting for cause.**

**3. Old Business**

No old business.

**4. New Business**

No new business.

The meeting was adjourned at 7:08PM.

**James G. Clynes, Chairman**