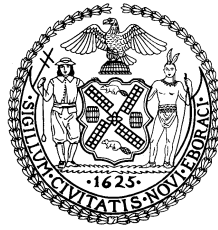


James G. Clynes
Chairman

Latha Thompson
District Manager



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The City of New York
Manhattan Community Board 8

LAND USE-FULL BOARD MEETING

Ramaz School
125 East 85th Street (Lexington-Park)
Heyman Auditorium
Wednesday, March 15, 2017
6:30PM

Community Board Members Present: Elizabeth Ashby, Michele Birnbaum, Matthew Bondy, Lori Ann Bores, Loraine Brown, Alida Camp, Sarah Chu, James Clynes, Daniel Dornbaum, Susan Evans, A. Scott Falk, Edward Hartzog, David Helpern, Lorraine Johnson, Craig Lader, Katherine LaGuardia, David Liston, Jacqueline Ludorf, Zoe Markowitz, Michael Mellamphy, David Menegon, Glen Pandolfino, Peter Patch, Ellen Polivy, Sharon Pope, Rita Lee Popper, Margaret Price, Hattie Quarnstrom-Figueroa, David Rosenstein, Barbara Rudder, Abraham Salcedo, William Sanchez, M. Barry Schneider, Tricia Shimamura, Sara Solomon, Cos Spagnoletti, Marco Tamayo, Debra Teitelbaum, Carolina Tejo, Nicholas Viest, Charles Warren

Community Board Members (Excused): Gayle Baron, Barbara Chocky, Sophia James, Jane Parshall, Elaine Walsh

Community Board Members (Unexcused): Jeffrey Escobar, Lynne Strong-Shinozaki

Total Attendance: 41

Chairman James G. Clynes called the meeting to order at 6:30PM.

1. Public Session – Those who wish to speak during the Public Session must register to do so by 6:45 pm

- Member of the public, Conor Greene, representing The Doe Fund, spoke on street cleaning.
- Member of the public, Craig Trott, representing The Doe Fund, spoke on street cleaning.
- Member of the public, Ellen Polivy, spoke in favor of signing the New York Health Act postcards.
- Member of the public, Liz Patrick, representing the East 72nd Street Neighborhood Association, spoke in opposition of the newsstand application at East 72nd Street and 2nd Avenue.
- Member of the public, John Winston, spoke in opposition to the restaurant at 27 East 62nd Street.
- Member of the public, Alan Rogers, spoke in opposition to 27 East 62nd Street.
- Member of the public, Phillipe Delagrang, representing 27 East Restaurant Holding LLC, spoke in favor of the liquor license.
- Member of the public, Julie Moses, spoke on the new residential building on East 78th/79th Street and an impact study for potential 1,000 + on the block – services, especially garbage, school and parking.
- Member of the public, Jennifer Link, representing La Nuit, spoke in opposition to the liquor license renewal.
- Member of the public, Edmund O'Donnell, representing Goodwill Industries, spoke in favor of donation bins.
- Member of the public, Vanessa Mack, representing Goodwill Industries, spoke in favor of donation bins.
- Member of the public, Joshua Malas, spoke in opposition to La Nuit.
- Member of the public, Linda Przyodsk, spoke in opposition to 1134 First Avenue/La Nuit.
- Member of the public, Sarah Gallagher, spoke in opposition to La Nuit.

- Member of the public, Ina Donath, spoke in opposition to Lu Nuit.
- Member of the public, Jordan Wouk, spoke in favor of the Second Avenue Subway accessibility.
- Member of the public, Valerie Mason, spoke on the street vendor resolution.
- Member of the public, Paula Mikwaya, spoke on the Close Rikers Campaign.
- Member of the public, Judy Schneider, representing the East Sixties Neighborhood Association, spoke in opposition to Lava/La Nuit.
- Member of the public, Shelly Friedman, representing 27 East Restaurant Holding LLC, spoke in favor of the liquor license.
- **Public Hearing-BSA Application No. 107-06-BZ, 140 East 63rd Street**-Application for an extension of term of a special permit previously granted pursuant to 73-36 of the NYC Zoning Resolution allowing a physical culture establishment (PCE) operated as Equinox within portions of an existing mixed use building.

Whereas, Application for an extension of term of a special permit previously granted pursuant to 73-36 of the NYC Zoning Resolution allowing a physical culture establishment (PCE) operated as Equinox within portions of an existing mixed use building, therefore

Be It Resolved that Community Board 8 approves the application for an extension of term of a special permit previously granted at 140 East 63rd Street.

Community Board 8 adopted the resolution (to approve the application) by a vote of 40 in favor, 0 opposed 0 abstentions.

2. Adoption of the Agenda – Agenda adopted.

3. Adoption of the Minutes – December 14, 2016 Land Use-Full Board meeting minutes adopted.

4. Manhattan Borough President’s Report

Yissely Ortiz, a representative from Manhattan Borough President Gale Brewer’s office reported on her latest initiatives.

5. Elected Officials’ Reports

Shelby Garner, a representative from Congresswoman Carolyn Maloney’s office, reported on her latest initiatives. Katarina Matic, a representative of Assembly Member Rebecca Seawright reported on her latest initiatives. Will Brightbill, a representative from Council Member Dan Garodnick’s office, reported on his latest initiatives. Genevieve Marcy, a representative from Assembly Member Dan Quart’s, office, reported on his latest initiatives. Eric Holguin, a representative from Comptroller Scott Stringer’s office, reported on his latest initiatives. Sarra Hale Stern, a representative from Senator Liz Krueger’s office, reported on her latest initiatives. Tendrina Alexandre, a representative from Senator Jose Serrano’s office, reported on his latest initiatives. Isabel Smith, a representative from Council Member Ben Kallos’ office, reported on his latest initiatives.

6. Chair’s Report – Jim Clynes

Jim Clynes gave his report. He announced that sadly, some board members will not be reapplying to Community Board 8. He thanked Hattie Quarnstrom, Glen Pandolfino, Andrew Kalloch, Ellen Polivy and Zoe Markowitz for their service and wished them well. He also announced that Glen Pandolfino and Barry Schneider were celebrating their birthdays and wished them both a Happy Birthday.

7. Committee Reports and Action Items:

a. Street Life Committee – Abraham Salcedo, Chair

1a. Paola’s Restaurant Group LLC, dba Paola’s Restaurant, 1295 Madison Avenue (92nd/93rd) – Renewal application for unenclosed sidewalk café with 6 tables and 24 tables. DCA #2007744-DCA. Due Date April 1st.

WHEREAS this is a renewal application for a sidewalk cafe; and
WHEREAS there are no changes to the application; 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 stipulations above.

Manhattan Community Board 8 adopted the recommendation by a vote of 41 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

2a. **1483 First Avenue Restaurant Inc, dba TBA, 1483 1st Avenue (77th/78th) – New application for unenclosed sidewalk café with 8 table and 16 chair. DCA # 1159-2-17-ASWC. Due Date March 18th.**

WHEREAS this is a new application for a sidewalk cafe; 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 stipulations above.

Manhattan Community Board 8 adopted the recommendation by a vote of 41 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

2b. **Phillippos Restaurant Inc, dba The Barking Dog, 1678 3rd Avenue (94th/95th) – New application for unenclosed sidewalk café with 23 tables and 46 chairs. DCA # 1291-20170ASWC. Due Date March 23rd.**

WHEREAS this is a new application for a sidewalk cafe; 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 stipulations above.

Manhattan Community Board 8 adopted the recommendation by a vote of 41 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

2c. **OLA' NYC Inc, dba OLA VIVABAR, 453 East 78th Street (1st/York Ave) – New application unenclosed sidewalk café with 10 Tables & 18 Chairs DCA #1306-2017-ASWC. Due Date March 24th.**

WHEREAS this is a new application for a sidewalk cafe; 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 stipulations above.

Manhattan Community Board 8 adopted the recommendation by a vote of 41 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

2d. **PLJ Rest Corp., 1814 2nd Avenue (93rd/94th) – New application unenclosed sidewalk café with 19 Tables and 40 Chairs. DCA #735-2017-ASWC. Due Date April 8th.**

WHEREAS this is a new application for a sidewalk cafe; 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 stipulations above.

Manhattan Community Board 8 adopted the recommendation by a vote of 41 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

3a. **S and M Lounge Corp, dba La Nuit Restaurant, 1134 1st Avenue (62nd/63rd) – Renewal application for Liquor, Wine, Beer & Cider.**

WHEREAS this is a renewal application; and

WHEREAS there were members of the public present to voice their opposition to the renewal for this venue due to a consistent and persistent issue with rowdy patron; safety concerns due to fights, stabbings and other incidents requiring police to arrive; and

WHEREAS the committee received a petition with approximately 60 names opposing the application as well as several email complaints about the establishment, it's noise and citing further safety concerns; and

WHEREAS the committee noted that there were approximately 150 311 complaints for this location; and

WHEREAS the representative for the applicant sought to express that the venue had hired new security and is under new management and it willing to work with the community; and

WHEREAS the committee noted that despite the applicant's representations, the facts did not coincide with those assertions and heard further public comment that since the last time the applicant appeared for this location the circumstances have only gotten worse; and

WHEREAS the committee was not moved by the claims of the applicant about their desire to be a good neighbor and due to the at least year of concerns the committee has heard about the venue, as well as renewed questions

about whether the venue is legally operation in according with its certificate of occupancy and the increasing concerns about public safety as a result of the operation of this establishment; therefore

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

Manhattan Community Board 8 adopted the recommendation to disapprove by a vote of 41 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

3b. Naima Corp, dba Cozy Corner, 1161 2nd Avenue (61st/62nd) – Renewal application for Beer & Cider.

WHEREAS this is a renewal application; and

WHEREAS there are no other changes to the application; 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 stipulations above.**

Manhattan Community Board 8 adopted the recommendation by a vote of 41 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

3c. Colony Club, 564 Park Avenue (62nd/63rd) – Renewal Application for Liquor, Wine, Beer & Cider.

WHEREAS this is a renewal application; and

WHEREAS there are no other changes to the application; 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 stipulations above.**

Manhattan Community Board 8 adopted the recommendation by a vote of 41 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

3d. Alex Slobodski, dba PJ Bernstein, 1215 3rd Avenue (70th/71st) – Renewal application for Wine, Beer & Cider.

WHEREAS this is a renewal application; and

WHEREAS there are no other changes to the application; 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 stipulations above.**

Manhattan Community Board 8 adopted the recommendation by a vote of 41 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

4a. Uncle Abies Deli on First Inc, dba 2nd Avenue Deli, 1442 1st Avenue (74th/75th) – Alteration application for Liquor, Wine, Beer & Cider.

WHEREAS this is an alteration application to allow for liquor, wine, beer and cider to be served on the second floor of the venue; and

WHEREAS there are no other changes to the application; and

WHEREAS no one from the public objected; and

WHEREAS applicant does have a temporary C of O for the venue, there was concern from some of the committee regarding prior ADA corrections that continue outstanding; and

WHEREAS there was additional concern from some committee members about the loss of housing in the community; 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 stipulations above.**

Manhattan Community Board 8 adopted the recommendation by a vote of 23 in favor, 14 opposed, 3 abstentions and 1 not voting for cause.

5a. 27 East Restaurant Holdings LLC, dba TBD, 27 East 62nd Street (Madison/Park) – New Application for Liquor, Wine, Beer & Cider

WHEREAS this is a new application; and

WHEREAS there were several members of the public in attendance concerned about potential noise that may emanate from a new restaurant on a side street, the public were also concerned about the increased traffic and potential trash; and

WHEREAS there was concern from the committee about the proximity to a nearby school; and

WHEREAS the applicant agree to the stipulation that it would provide the community board with a copy of its 200ft rule survey; 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 stipulations above.

Manhattan Community Board 8 adopted the recommendation by a vote of 30 in favor, 7 opposed, 2 abstentions and 1 not voting for cause.

5b. Cornell University & Galaxy Restaurants Catering Group Lp, dba TBD, 2 West Loop Road (Bloomberg Center) – New Application for Liquor, Wine, Beer & Cider.

WHEREAS this is a new application; 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 stipulations above.

Manhattan Community Board 8 adopted the recommendation by a vote of 41 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

5c. David Elli Inc., dba Famous Famiglia Pizzeria, 133 East 84th Street, Store S2 (Park/Lexington) – New Application for Wine, Beer & Cider.

WHEREAS this is a new application; 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 stipulations above.

Manhattan Community Board 8 adopted the recommendation by a vote of 41 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

7a. SWC East 86th Street / 2nd Avenue (244 East 86th Street) – Application for a newsstand. Application #1136-2017-ANWS. Due Date March 31st, 2017.

WHEREAS this is a new application for a newsstand; and

WHEREAS no one from the public objected; and

WHEREAS several committee members expressed concern about the location of this proposed newsstand due to the recent addition of the new 2nd Avenue Subway station at 86th Street; and

WHEREAS several committee members believed it was preferable to not approve a newsstand at this location until the Community Board has a better understanding of the pedestrian traffic at that location due to the new 2nd Avenue Subway station; therefore

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

Manhattan Community Board 8 adopted the recommendation to disapprove by a vote of 35 in favor, 4 opposed, 2 abstentions and 0 not voting for cause.

7b. NEC East 83rd Street / 2nd Avenue (303 East 83rd Street) – Application for a newsstand. Application #1207-2017-ANWS. Due Date April 5th, 2017.

WHEREAS this is a new application for a newsstand; and

WHEREAS no one from the public objected; and

WHEREAS several committee members expressed concern about the location of this proposed newsstand due to the recent addition of the new 2nd Avenue Subway station at 86th Street; and

WHEREAS several committee members believed it was preferable to not approve a newsstand at this location until the Community Board has a better understanding of the pedestrian traffic at that location due to the new 2nd Avenue Subway station; therefore

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

Manhattan Community Board 8 adopted the recommendation by a vote of 23 in favor, 18 opposed, 0 abstentions and 0 not voting for cause.

7c. NEC East 72nd Street / 2nd Avenue (1396 2nd Avenue) – Application for a newsstand. Application #1320-2017-ANWS. Due Date April 7th, 2017.

WHEREAS this is a new application for a newsstand; and

WHEREAS a couple of members from the public objected to the application; and

WHEREAS several committee members expressed concern about the location of this proposed newsstand due to the recent addition of the new 2nd Avenue Subway station at 72nd Street; and

WHEREAS several committee members believed it was preferable to not approve a newsstand at this location until the Community Board has a better understanding of the pedestrian traffic at that location due to the new 2nd Avenue Subway station; therefore

BE IT RESOLVED that the application is **DISAPPROVED**.
Manhattan Community Board 8 adopted the recommendation to disapprove by a vote of 33 in favor, 5 opposed, 3 abstentions and 0 not voting for cause.

b. Transportation Committee – A. Scott Falk and Charles S. Warren, Co-Chairs

Re: A modification to a Revocable Consent for a Telecommunications conduit at East 69th Street and York Avenue. (Requested by DOT, Franchises, Concessions and Consents).

WHEREAS New York Presbyterian Hospital seeks a modification of an existing revocable consent for a chilled water manhole under York Avenue, south of East 69th Street, for a telecommunications conduit; and

WHEREAS there were no objections presented;

THEREFORE BE IT RESOLVED that Community Board 8M approves the request to modify this existing revocable consent as presented.

Manhattan Community Board 8 unanimously approved the resolution by a vote of 41 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

c. Parks and Recreation Committee – Susan Evans and Margaret Price, Co-Chairs

RE: Funding to Continue the Repair and Upgrade of the East River Esplanade on Manhattan’s Upper East Side

WHEREAS the need for repairs and upgrades to the East River Esplanade on Manhattan’s Upper East Side has become increasingly urgent as the area continues to deteriorate, creating ever more dangerous conditions; and

WHEREAS such eroding conditions range from missing barriers along the highway side of the Esplanade; to broken fencing; to sinkholes on the pathway; to worsening blight around the former Con Edison area of the Esplanade; and

WHEREAS an engineering study several years ago had identified the need for \$115—an amount that has since risen to \$210 million to repair the Esplanade on the Upper East Side, but so far, the City has allocated only \$41 million of that total; therefore,

BE IT RESOLVED that Community Board 8-Manhattan urges the City to allocate an additional \$169 million in its fiscal 2018 budget to complete urgently needed infrastructure repairs to the East River Esplanade on Manhattan’s Upper East Side.

The full CB8M board voted to adopt resolution by a unanimous vote of 44 in favor, 0 opposed and 0 abstentions.

RE: Extending the Hours that the NYC Roller Hockey League Can Use the Roller Hockey Rink at Stanley Isaacs Park

WHEREAS the New York City Roller Hockey League has requested approval to expand by one hour—to 11 pm—the time it can play roller hockey at the Paul McDermott rink in Stanley Isaacs Park; and

WHEREAS this change would enable the league to add an extra game, starting at 9:30 pm, to its weekday game schedule; and

WHEREAS the local community supports this request, noting that the league, so far, has created no noise disturbance or lighting problems for local residents; therefore,

BE IT RESOLVED that Community Board 8-Manhattan approves the request by New York City Roller Hockey League to expand by one hour-- to 11pm-- the weekday hours it can use the roller hockey rink in Stanley Isaacs Park.

The full CB8M board voted to adopt the resolution by a unanimous vote of 44 in favor, 0 opposed and 0 abstentions.

RE: Funding Requests to Convert the Queensboro Oval to a Multi-Use Public Park

RESOLUTIONS (A and B)

A. Request of City Council Speaker Melissa Mark-Viverito and Council Member Ben Kallos, representing Council District 5:

WHEREAS Community Board 8-Manhattan has among the least parkland of any district in New York City, despite its huge and growing population; and

WHEREAS Community Board 8-Manhattan (CB8M), as well as CB6M and much of the Upper East Side community, have strongly urged the City to de-privatize the Queensboro Oval Park to allow this space—already funded by the City’s taxpayers—to become a year-round public park; and

WHEREAS the City’s Parks Dept. has stated that it requires obtaining full funding before such a conversion of the Queensboro Oval could take place; and

WHEREAS the City’s Parks Dept. has cited a cost of more than \$6 million to convert the Queensboro Oval to a multi-use public park; therefore,

BE IT RESOLVED that Community Board 8-Manhattan asks New York City Council Speaker Melissa Mark-Viverito and City Council Member Ben Kallos to designate \$6 million from the City’s fiscal 2018 budget to ensure that the Queensboro Oval is quickly converted to a multi-use park that is open year-round to the public.

B. Request of Manhattan Borough President Gale Brewer:

WHEREAS Community Board 8-Manhattan has among the least parkland of any district in New York City, despite its huge and growing population; and

WHEREAS Community Board 8-Manhattan (CB8M), as well as CB6M and much of the Upper East Side community, have strongly urged the City to de-privatize the Queensboro Oval Park to allow this space—already funded by the City’s taxpayers—to become a year-round public park; and

WHEREAS the City’s Parks Dept. has stated that it requires obtaining full funding before such a conversion of the Queensboro Oval could take place; and

WHEREAS the City’s Parks Dept. has cited a cost of more than \$6 million to convert the Queensboro Oval to a multi-use public park; and

WHEREAS CB8M is seeking \$6 million of funding from the New York City Council Speaker Melissa Mark-Viverito and Council Member Kallos, but needs an additional \$4 million, since the City’s park projects often face cost overruns after a project has begun; therefore,

BE IT RESOLVED that Community Board 8-Manhattan asks Manhattan Borough President Gale Brewer to designate \$4 million from the City’s fiscal 2018 budget to ensure that the Queensboro Oval is quickly converted to a multi-use park that is open year-round to the public.

The full CB8M board voted to adopt the resolutions by a unanimous vote of 44 in favor, 0 opposed and 0 abstentions.

d. Vendor Task Force Committee – Michele Birnbaum and Marco Tamayo, Co-Chairs

RE: Street Vendor Locations

WHEREAS, there is currently no protocol in the City of New York for assigning locations where a street vendor can do business, and

WHEREAS, Intro # 1303 is calling for an increase in the number of food vendor licenses that are issued each year to 630, 30 of which are for Veteran Vendors, in each of the years until 2025, and

WHEREAS, after this period of time, the cap may be removed on the recommendation of the Department of Transportation, and

WHEREAS, Community Board 8 has already commented on their objections to the increase in the number of licenses until other concerns, such as location and enforcement of existing vendor law are addressed, and

WHEREAS, neither this Intro nor any city entity addresses concerns about street vendor location, and

WHEREAS, Community Board 8 has been receiving numerous complaints about the locations of street vendors, and

WHEREAS, clusters of street vendors cause pedestrian crowding and impede access to subway entrances, and

WHEREAS, customers of businesses with heavy foot traffic are impeded, and

WHEREAS, it would serve the business, residential and vendor community well to have assigned locations for vendors so that vendor clustering could be controlled, and

WHEREAS, vendors would not have to “fight” for their spot each day or remain on the street for 24 hours in order to hold their spot,

THEREFORE, BE IT RESOLVED that a city entity be formed to address and assign locations for food and general merchandise street vendors, and

BE IT FURTHER RESOLVED that such an entity have significant input from the Community Board and residents and businesses in the community.

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

The meeting was adjourned at 9:50PM.

James G. Clynes, Chairman