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Chair

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

**Zoning & Development Committee
Thursday, February 27, 2020 – 6:30PM
New York Blood Center - Auditorium
310 East 67th Street**

Please note: The resolutions contained in the committee minutes are recommendations submitted by the committee chair to the Community Board. At the monthly full board meeting, the resolutions are discussed and voted upon by all members of Community Board 8 Manhattan.

Minutes:

Committee members present: Vanessa Aronson, Michele Birnbaum, Barbara Chocky, Anthony Cohn, Craig Lader, Valerie Mason, Jane Parshall, Rita Popper, Barbara Rudder, Marco Tamayo, Adam Wald, Shari Weiner, William Freeland, Barry Schneider, Jack Zimmerman, Elizabeth Ashby-co chair, Elaine M. Walsh, co chair

Resolutions for Approval:

Item 4: Application for a Zoning Text Amendment (N200078ZRM) for the Mansion Restaurant 86st and York Ave) to have an unenclosed outdoor sidewalk café on East 86th St from York Ave to 125 feet east of York Ave

1-Update on the CB8 Application for First Second, Third, and York Avenues - for a 210' height limit and for the preservation of tenements and small businesses

It was reported that three CB8 representatives, our planner, and representatives of all our elected officials, except Senator Serrano met with 4 staff of the Department of City Planning (DCP) to discuss our Pre-Application. Tuck Edelstein presented CB8 application and then there was discussion of next steps. DCP, is not supportive of our initiative and said that given the 2nd Avenue subway costs that the community needed to pay by having more density and taller buildings and give our fair share- this comment was not explained. We challenged that position and stated we would move forward with application and work with DCP staff to submit our application.

After much discussion, the DCP staff stated they were sympathetic to the aims of our proposal and would work with CB8 on it. They also said they would consider the 210' height limit if CB8 could “prove” that it was the right thing to do.

DCP mentioned that there had been another proposal for 350' from a civic group. DCP was informed that we are aware of this and that the group CIVITAS does not represent the community. Our application for 210' height limits and 2 special districts has the full support of MCB8, all of the block associations

and community residents. The meetings held were SRO all in support of our position and continue to garner support from other civic groups – a petition has been circulated from the East 79th Street Neighborhood Association in support. DCP was surprised about our support and that the CIVITAS plan did not have support from the community.

A member of the public spoke about the extensive environmental damage caused by buildings taller than 210 feet.

A speaker from the East 79th Street Neighborhood Association spoke in support of the proposal and urged its immediate enactment. She provided 70 copies of a petition that asks for the support of the Upper East Side elected officials. There was such demand for the petitions that 70 copies were not enough.

There is widespread, overwhelming public support for the CB8 Application.

Members of the public and CB8 board members felt that there is great urgency to enact these zoning changes because of the enormous threat to the community from super-tall buildings. People were asked by community members to organize: sign petitions and ask all running for public office what their position was and to demand their support.

2-Northwell/Lenox Hill Hospital - Update and presentation by community of their study

Andrew Gaspar, of the Committee to Protect Our Lenox Hill Neighborhood, restated the organization's position on the hospital's proposal and on the damaging effects that it would have on the community. He thanked the committee and CB8 for their support and vote against Northwell. There was continued and extensive discussion of the Northwell proposal and their need to be transparent and present alternative plans and conform to the current zoning. A member of the neighborhood group explained the damage that the proposal would cause to the community and questioned the hospital need for such a project.

There is widespread, nearly unanimous public opposition to the hospital's proposal and CB8 is on record as voting against it.

The community is asking for the City Council Member Keith Powers to support the community in denying the Northwell application.

Joshua Strugatz presented the position of Northwell and their willingness to work with the committee.

Discussion covered the task force deliberations (3 meetings have occurred and projected 3 more). The Task Force is made up of: co-chairs MBP Gale Brewer and City Council Member Keith Powers, representatives of community and CB8 also attending. Our representatives of our local elected officials currently focused on programs for hospital and their need to have a hospital that meets the medical needs of patients. No decisions or conclusions are currently on the table. Asked about the Park Avenue tower, the community was informed that the community board is not aware that any decision has been made. It is hoped that Northwell will come back with a plan that conforms to zoning. Questions continue to be raised re the 3rd Avenue site and what is that timeline and what is happening.

The Future

Community Board 8 is the Applicant for the First Second, Third and York Avenue zoning proposal and

has voted, nearly unanimously, to oppose Northwell/Lenox Hill Hospital's plan. There was a consensus at the meeting that the Upper East Side, Community District 8, is in serious danger of being overwhelmed by over-development and super-tall buildings. There was also a consensus that the active and engaged help and involvement from our elected officials is badly and immediately needed – to enact the zoning proposal and to prevent the implementation of the hospital's current plans.

3) George Janes presentation and discussion of the zoning implications for two developments on Madison Avenue: 1045 Madison Ave and 1230 Madison Avenue

1045 Madison Avenue concerns the required space between buildings on the same zoning lot; 1230 Madison Avenue concerns the height of permitted roof-top obstructions; and 50 West 66th Street and 200 Amsterdam Avenue concern the merger of zoning lots that are partial and/or are not fully contiguous. Update on the 63rd Street site where developers had built over the FAR allowed so they have removed 8' exterior walls and putting in balconies to be in compliance

4) PUBLIC HEARING: Application for a Zoning Text Amendment (N 200078ZRM) for Mansion Restaurant (1634 York Avenue) to operate an unenclosed outdoor sidewalk cafe on East 86th Street from York Avenue to 125 feet east of York

Applicant represented by Neil Weisbard, Pryor Cashman, LLP. presented their request for a Zoning Text Amendment section number 14-41&14-42-locations where certain sidewalk cafés are not permitted and certain locations where enclosed sidewalk cafes are not permitted. The request is for an outdoor sidewalk café in the area from York Avenue to 125' east of the avenue. They are requesting 24 tables and 47 chairs in the identified area. The slides shown were difficult to read and the presentation by the planner was challenged by the public.

The public spoke on both the pros and cons of request with the cons challenging the request on zoning regulations and the pros more on grounds of their liking for the restaurant.

Concerns with the request:

The project area is in an R10A residential area with a C1-5 commercial overlay located at 1634 York Avenue (86st & York Ave.-north/east corner) Outdoor cafés are prohibited on the 86street corridor as they are on other wide streets in the community- to name a few East 72, 79, 86 & 96th Streets.

Concerns included: zoning is considered correct for the area, spot zoning, change is in perpetuity, public safety, insufficient space, congestion, size of the request, the 125' area east of York Avenue continued into the 511 building (the applicant stated CPC requested the 125' to cover the C1-5 commercial overlay). There was also concern that the photos were not current and the Mansion owner stated a tree had been removed since the photo taken. Complaints regarding bicycles, a sculpture were also raised.

The committee discussed the concerns and asked the applicant questions such as why they did not look at the 14-43 zoning section- this was the appropriate zoning section. There was limited response to any questions raised by the committee. Their description of what occurred with Maz Mezcal was not accurate

and their statement that when the CPC wanted to amend the Zoning resolution #N040197 ZRY, to include small unenclosed outdoor cafes, CB8 requested that East 86th Street not be included as there was a “street scape project in place.” It was clarified to the applicant that the request not to have small outdoor cafés was due to the congestion and safety concerns as well as a streetscape project. The statement that it could be revisited had to do with small outdoor cafes only and not what was being proposed. The situation with Maz Mescal occurred as there had been an error in filings and the property line had been in error; given the location and the building stoops to the west, and their having had a liquor license and outdoor café permit and paid all of the taxes for years, CB8 approved an outdoor café. This occurred after numerous meetings with the zoning committee before this request moved forward. It was clear in the meeting that this is a zoning issue and not a small business application

WHEREAS the zoning for the area east of York Ave and East 86 Street is correct;

WHEREAS the regulations for East 86th Street north and south sides, East River to Fifth Avenue, prohibit unenclosed and enclosed cafés except for the south side between Second and First Avenues which is zoned for small café

WHEREAS the 125’ request east of York Avenue continues on to the next building

WHEREAS the text amendment requested is spot zoning

WHEREAS any zoning change would be in perpetuity

WHEREAS the applicant is asking for an unenclosed outdoor café that is unreasonable 24 tables and 47 chairs

WHEREAS the photos and site plan do not reflect current conditions

WHEREAS plan calls for making tree pits have brick pavers flush with sidewalk and eliminating one tree

WHEREAS the applicant ignored zoning section 14-43

WHEREAS community is concerned with safety and over use of city sidewalk

Therefore the application is denied

(There were two motions – the motion to disapprove the application passed).

A motion was made to approve the application with 24 tables and 47 chairs. A friendly amendment was made to limit the site to 75’ east of York Avenue. The motion failed

Yes: Craig Lader, Barbara Rudder, Barry Schneider, Vanessa Aronson, Adam Wald, William Freeland, Jack Zimmerman (7)

No: Michele Birnbaum, Barbara Chocky, Anthony Cohn, Valerie Mason, Rita Popper, Marco Tamayo, Shari Weiner, Elizabeth Ashby, Elaine Walsh (9)

Abstention: Jane Parshall (1)

Motion made to disapprove the application with 24 tables, 47 chairs and located within 75' east of York Ave. The motion was approved

Yes: Michele Birnbaum, Barbara Chocky, Anthony Cohn, Valerie Mason, Rita Popper, Marco Tamayo, Shari Weiner, Elizabeth Ashby, Elaine Walsh (9)

No: Craig Lader, Barbara Rudder, Barry Schneider, Vanessa Aronson, Adam Wald, William Freeland, Jack Zimmerman (7)

Abstention: Jane Parshall (1)

5. New Business

A. Discussion of Target's expansion on the Upper East Side

It was reported that Target has plans to build another store on the Upper East Side.

A member of the public reported that the current Target store is being a terrible neighbor. It has constant deliveries; its rubbish blocks the sidewalk and racks etc. left on the street and its staff is unresponsive to neighbors' concerns. They are not using the old garage space as they are using it for storage of merchandise. (photos were available to document conditions.) The member has contacted the office numerous times and felt she received little support. Recommended to refer back to office and also to transportation and sanitation committees

Meeting Adjourned

Elizabeth Ashby and Elaine Walsh co-chairs