

Russell Squire
Chair

Will Brightbill
District Manager



505 Park Avenue, Suite 620
New York, N.Y. 10022-1106
(212) 758-4340
(212) 758-4616 (Fax)
www.cb8m.com – Website
info@cb8m.com – E-Mail

**The City of New York
Community Board 8 Manhattan
Full Board Meeting
PUBLIC HEARING**

Wednesday, November 15, 2023 - 6:30 PM

**This meeting was conducted in a hybrid format in person and via Zoom
Memorial Sloan Kettering's Rockefeller Research Laboratories
430 East 67th Street - Auditorium**

MINUTES:

Community Board Members Present: Michael Anderson, Bill Angelos, P. Gayle Baron, Jennifer Bayer Michaels, Michele Birnbaum, Lori Ann Bores, Taina Borrero, Alida Camp, Juno Chowla-Song, Anthony Cohn, Saundra Coleman, Lindsey Cormack, Rebecca Dangoor, Felice Farber, Billy Freeland, Edward Hartzog, Bradley Hershenson, David P. Helpern, Sahar Husain, Wilma Johnson, Paul Krikler, Craig M. Lader, Rebecca Lamorte, Addeson Lehv, Valerie Mason, John McClement, Evan Meyerson, CJ Mossman, Jane Parshall, John Philips, Sharon Pope-Marshall, Rita Popper, Margaret Price, Elizabeth Rose, Barbara Rudder, Abraham Salcedo, William Sanchez, Jack Sasson, Judy Schneider, Robin Seligson, Cos Spagnoletti, Russell Squire, Marco Tamayo, Adam Wald, and Charles Warren.

Community Board Members Virtual: Elizabeth Ashby (Health) and Sharon Weiner (Health).

Community Board Members Excused: Sarah Chu

Total Attendance: 45

Chairman Russell Squire called the meeting to order at 6:30 PM.

1. Public Session

- Evelyn David spoke in opposition to congestion pricing.
- Elizabeth Rose Daly representing Frick Madison spoke about the museum's newest updates.
- Ted Anastasiou representing The Hootch LLC spoke in favor of the approval of a dispensary license application for that business.
- Connie Ranocchia representing The Hootch LLC spoke in favor of the approval of a dispensary license application for that business.
- Janry Hernandez spoke in favor of a New York State bill to require sugar-sweetened beverages to be labeled with a safety warning.
- Beth Goldman spoke against the approval of a liquor license application for City Swiggers LLC.
- Kimberly Lynch spoke against the approval of a liquor license application for City Swiggers LLC.
- Christina Arez representing Verde NYC LLC spoke in favor of the approval of a dispensary license application for that business.
- Rafael Urena representing Verde NYC LLC spoke in favor of the approval of a dispensary license application for that business.
- Stephanie Reckler representing the Committee to Protect Our Lenox Hill Neighborhood spoke against Lenox Hill Hospital's proposed building.
- Marking Wollin spoke against the approval of a dispensary license application for EHCNYC HOLDING LLC.

- Tahmin Ullah spoke in favor of comprehensive agriculture and nutrition education programs in New York State.
- Jyoti Grover spoke in favor of a New York State bill related to agriculture and nutrition education programs in New York State.
- Andrew Fine representing E-Vehicle Safety Alliance spoke against the curtailing of Community Board input in bike lane implementation and spoke in favor of a New York City Bill registering e-bikes.
- Mubeen Siddiqui representing Muslim Volunteers for New York, Inc. spoke about that organization's upcoming Thanksgiving Food Drive for NYC event.
- Rich O'Malley spoke in favor of the approval of a dispensary license application for EHCNYC HOLDING LLC.
- Judith Berdy representing the Roosevelt Island Historical Society spoke about updates on the island.
- Erica Vladimer spoke in favor of the approval of a dispensary license application for EHCNYC HOLDING LLC.
- Lo van der Valk representing Carnegie Hill Neighbors spoke about that organization's updated correspondence with the applicants seeking a landmark site change at 1149 Park Avenue.
- Sam Lo spoke about a urine and fecal matter issue around 59th Street and First Avenue.
- Judith Schneider member of CB8 and representing the East Sixties Neighborhood Association spoke about that organization's upcoming holiday party.
- Alida Camp member of CB8 spoke about the Arts Committee's upcoming Crafts Show.
- Saundrea Coleman member of CB8 offered her opinion about ongoing national political issues.

2. Public Presentation – Department of City Planning will present City of Yes for Economic Opportunity. The NYC Department of City Planning is proposing a citywide zoning text amendment to support economic growth and resiliency in New York City. This text amendment would facilitate the repurposing of existing nonresidential space by providing businesses with additional zoning flexibility to locate and expand. The proposed zoning text amendment would apply to all 59 of the city's Community Districts. [See companion ZR amendment in 2024Y0161.](#)

A. [PROJECT DOCUMENTS](#)

B. [Dept of City Planning's COY ZEO Presentation](#)

Representatives for the Department of City Planning presented on the City of Yes for Economic Opportunity.

3. Adoption of the Agenda – Agenda Adopted

4. Adoption of the Minutes – Minutes Adopted

5. Manhattan Borough President's Report

Manhattan Borough President Mark Levine reported on his latest initiatives.

6. Elected Officials' Reports

- State Assembly Member Rebecca Seawright
- Council Member Julie Menin
- Council Member Keith Powers
- Representative Jerry Nadler
- State Senator Liz Krueger
- State Assembly Member Alex Bores
- State Senator Jose Serrano
- Manhattan District Attorney Alvin Bragg

7. Chair's Report – Russell Squire

Chair Russell Squire gave his report.

8. District Manager's Report – Will Brightbill

District Manager Will Brightbill gave his report.

9. Election of Board Officers

- Chair
 - Valerie Mason*
 - Abraham Salcedo
- First Vice Chair
 - Rebecca Dangoor*
 - Edward Hartzog
- Second Vice Chair
 - Felice Farber*
- Secretary
 - Lindsey Cormack*
 - Craig Lader*
 - Addeson Lehv*

Valerie Mason was elected Chair. The vote was 30 for Valerie Mason, 14 for Abraham Salcedo, 2 abstentions, and 0 not voting for cause.

Rebecca Dangoor was elected First Vice Chair. The vote was 12 for Edward Hartzog, 31 for Rebecca Dangoor, 3 abstentions, and 0 not voting for cause.

Felice Farber was elected Second Vice Chair. The vote was 46 for Felice Farber.

Lindsey Cormack, Craig Lader, and Addeson Lehv were elected Secretaries. The vote was 46 for Lindsey Cormack, 43 for Craig Lader, and 46 for Addeson Lehv.

*Indicates Elected Winner

10. Committee Reports and Action Items

A. Street Life Committee – Abraham Salcedo, Chair

SL-1: Items 1A-1E Unanimous Approvals

SL-2: Item 2A Substitute Motion to Disapprove

SL-3: Items 4A-C

SL-4: Item 3C

SL-5: Item 3E

SL-6: Item 3F

SL-7: Item 3A Motion to Disapprove

SL-8: Item 3A Substitute Motion to Approve

SL-9: Item 3B

SL-10: Item 3D

Item 1A: **Pineapple Consulting LLC., dba Café Commerce, 964 Lexington Avenue (Between East 70th and East 71st Streets)** New Application and Temporary Retail Permit for Liquor, Wine, Beer and Cider

WHEREAS this is a New application for a Liquor, Wine, Beer, and Cider License and Temporary Retail Permit; and

WHEREAS no one from the public objected; and

WHEREAS the applicant has agreed i) file with the Department of Building and obtain approval use of the space; and ii) to Community Board 8's stipulations concerning delivery bikes and bar crawls and; therefore

BE IT RESOLVED that the application is APPROVED, subject to the stipulations above.

Item 1B: **Joseph Salimeni or Entity to be Formed, dba TBD 1642 Third Avenue (Between East 91st and 92nd Streets)** New Application and Temporary Retail Permit for Liquor, Wine, Beer and Cider

WHEREAS this is a New application for a Liquor, Wine, Beer, and Cider License and Temporary Retail Permit; 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; therefore

BE IT RESOLVED that the application is APPROVED, subject to the stipulations above.

Item 1C: **1568 Gyro LLC., dba Yasouvlaki, 171 East 88th Street (Between Third and Lexington Avenues)** New Application and Temporary Retail Permit for Wine, Beer and Cider

WHEREAS this is a New application for a Wine, Beer, and Cider License and Temporary Retail Permit; 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; therefore

BE IT RESOLVED that the application is APPROVED, subject to the stipulations above.

Item 1D: **1379 Water and Wheat LLC., dba TBD, 1379 Third Avenue (Between East 78th and East 79th Streets)** New Application and Temporary Retail Permit for Wine, Beer and Cider

WHEREAS this is a New application for a Wine, Beer, and Cider License and Temporary Retail Permit; 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; therefore

BE IT RESOLVED that the application is APPROVED, subject to the stipulations above.

Item 1E: **BF NY 82, LLC., dba BurgerFI, 240 East 82nd Street (Between Second and Third Avenues)** New Application and Temporary Retail Permit for Wine, Beer and Cider

WHEREAS this is a New application for a Wine, Beer, and Cider License and Temporary Retail Permit; 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; therefore

BE IT RESOLVED that the application is APPROVED, subject to the stipulations above.

Community Board 8 Manhattan unanimously approved these resolutions by a vote of 45 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.

Item 2A: **City Swiggers LLC., dba City Swiggers, 320 East 86th Street (Between First and Second Avenues)** 30 Day Waiver Renewal Application for Wine, Beer & Cider License

Following constituent complaints that were received by the Board Office after the November Street Life Committee meeting, a substitute motion was made to disapprove this application.

WHEREAS this is a renewal application for a Liquor, Wine, Beer, and Cider License; and

WHEREAS there were two members of the public that raised concerns about noise with respect to the venue; and

WHEREAS CB8 and the Street Life Committee have received complaints about this applicant multiple times in the past; and

WHEREAS the applicant at the CB8 Street Life Committee agreed to the following stipulations: i) continue to undertake measures to ensure noise is not an issue for the neighbors, ii) to ensure there is no music playing in the establishment after 10pm, including any music after hours by staff, iii) not to allow anyone to congregate outside either in front of the establishment or in any rear space which would create noise for neighbors; iv) not to have any live music; v) to provide a contact number where a manager or owner can address issues that may arise in real time; and

WHEREAS a few days later on November 10, the owner of the venue nonetheless hosted a loud live music event at their establishment, which prompted several complaints from the surrounding neighbors; and

WHEREAS the applicant was not forthcoming with CB8 and misrepresented to CB8 that it would abide by the stipulations when it knowingly had no intention of doing so;

BE IT RESOLVED that the application is **DISAPPROVED**, subject to the stipulations above

Community Board 8 Manhattan approved these resolutions by a vote of 37 in favor, 2 opposed, 7 abstentions, and 0 not voting for cause.

Item 4A: New York THC Company, 128 East 86th Street (Between Lexington and Park Avenues)

Application to the Office of Cannabis Management for a New Provisional Adult-Use Retail Dispensary License

WHEREAS this is a new application for a retail dispensary; and

WHEREAS the applicant was invited to the November 6th CB8 Street Life Committee Meeting, and the applicant failed to submit any application materials to Community Board 8, including failing to provide proof of control over the proposed establishment or proof of flyering to notify neighbors; and

WHEREAS Community Board 8 emailed the applicant on October 11, 17, 27, 30, November 2, and 3, and Community Board 8 called the applicant on October 20, 30, November 3, and 6 and the applicant never responded; and

WHEREAS the applicant failed to attend the Street Life Committee meeting or otherwise appear before Community Board 8; therefore

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

Item 4B: Encore Retailer XXVI LLC., 307 East 60th Street (Between First and Second Avenues) Application to the Office of Cannabis Management for a New Provisional Adult-Use Retail Dispensary License

WHEREAS this is a new application for a retail dispensary; and

WHEREAS applicant failed to submit any application materials to Community Board 8, including failing to provide proof of control over the proposed establishment; and

WHEREAS Community Board 8 emailed the applicant on October 11, 17, 27, 30, November 2, 3; and Community Board 8 called the applicant on October 20 and November 3 and the applicant never responded

WHEREAS the applicant failed to attend the Street Life Committee meeting or otherwise appear before Community Board 8; therefore

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

Item 4C: Entity to be formed, 1022 Lexington Avenue (Between East 72nd and East 73rd Streets)

Application to the Office of Cannabis Management for a New Provisional Adult-Use Retail Dispensary License

WHEREAS this is a new application for a retail dispensary; and

WHEREAS the applicant was invited to the November 6th CB8 Street Life Committee Meeting, and the applicant failed to submit any application materials to Community Board 8, including failing to provide proof of control over the proposed establishment or proof of flyer to notify neighbors; and
WHEREAS Community Board 8 emailed the applicant on October 16, 19, 27, 30, November 2, and 3, and Community Board 8 called the applicant on October 16, and November 3, and the applicant never responded; and
WHEREAS the applicant failed to attend the Street Life Committee meeting or otherwise appear before Community Board 8; therefore
BE IT RESOLVED that the application is DISAPPROVED.

Community Board 8 Manhattan approved these resolutions by a vote of 45 in favor, 0 opposed, 1 abstention, and 0 not voting for cause.

Item 3C: **The Hootch , dba TBD, 1662 First Avenue (Between East 86th and East 87th Streets)** Application to the Office of Cannabis Management for a New Adult-Use Retail Dispensary License

WHEREAS this is a new application for a retail dispensary; and
WHEREAS no one from the public objected; and
WHEREAS the applicant has agreed to Community Board 8's stipulations and agreed to have security outside the venue during operating hours; therefore
BE IT RESOLVED that the application is APPROVED, subject to the stipulations above.

Community Board 8 Manhattan approved this resolution by a vote of 35 in favor, 9 opposed, 0 abstention, and 0 not voting for cause.

Item 3E: **Wall Street Canna Holdings LLC., 802 Lexington Avenue (Between East 61st and East 62nd Streets)** Application to the Office of Cannabis Management for a New Adult-Use Retail Dispensary License

WHEREAS this is a new application for a retail dispensary; and
WHEREAS no one from the public objected; and
WHEREAS the applicant has agreed to Community Board 8's stipulations; therefore
BE IT RESOLVED that the application is APPROVED, subject to the stipulations above

Community Board 8 Manhattan approved this resolution by a vote of 33 in favor, 11 opposed, 1 abstention, and 0 not voting for cause.

Item 3F: **EHCNYC Holding LLC., 1308 Second Avenue (Between East 68th and East 69th Streets)** Application to the Office of Cannabis Management for a New Provisional Adult-Use Retail Dispensary License

WHEREAS this is a new application for a retail dispensary; and
WHEREAS the applicant has agreed to Community Board 8's stipulations; therefore
BE IT RESOLVED that the application is APPROVED, subject to the stipulations above

Community Board 8 Manhattan approved this resolution by a vote of 28 in favor, 16 opposed, 1 abstention, and 0 not voting for cause.

Item 3A: **Cloud 69 Convenience Store Inc, 1317 Second Avenue (Between East 69th and East 70th Streets)** Application to the Office of Cannabis Management for a New Adult-Use Retail Dispensary License

A motion to disapprove this application failed by a vote of 21 in favor, 23 opposed, 1 abstention, and 0 not voting for cause. A substitute motion was then made to approve this applicant.

WHEREAS this is a new application for a retail dispensary; and
WHEREAS the applicant has agreed to Community Board 8's stipulations; therefore
BE IT RESOLVED that the application is APPROVED, subject to the stipulations above.

Community Board 8 Manhattan approved this resolution by a vote of 25 in favor, 18 opposed, 1 abstention, and 0 not voting for cause.

Item 3B: **My Way Convenience Smoke Shop Inc, 1594 Third Avenue (Between East 89th and East 90th Streets)** Application to the Office of Cannabis Management for a New Adult-Use Retail Dispensary License

WHEREAS this is a new application for a retail dispensary; and
WHEREAS no one from the public objected; and
WHEREAS the applicant has agreed to Community Board 8's stipulations; therefore
BE IT RESOLVED that the application is APPROVED, subject to the stipulations above.

Community Board 8 Manhattan approved this resolution by a vote of 26 in favor, 14 opposed, 2 abstentions, and 0 not voting for cause.

Item 3D: **Verde NYC LLC., dba Mama Verde 1276 Lexington Avenue (Between East 85th and East 86th Streets)** Application to the Office of Cannabis Management for a New Adult-Use Retail Dispensary License

WHEREAS this is a new application for a retail dispensary; and
WHEREAS no one from the public objected; and
WHEREAS the applicant has agreed to Community Board 8's stipulations; therefore
BE IT RESOLVED that the application is APPROVED, subject to the stipulations above.

Community Board 8 Manhattan approved this resolution by a vote of 26 in favor, 15 opposed, 1 abstention, and 0 not voting for cause.

B. Landmarks Committee – David Helpern and Jane Parshall, Co-Chairs

LM-1: Item 1

LM-2: Item 2 Part A

LM-3: Item 2 Part B

Item 1: **1020 Fifth Avenue (Metropolitan Museum Historic District)** - *Acheson Doyle Partners Architects* - Neo-Italian Renaissance-style building designed by Warren & Wetmore and constructed in 1924-25. Application is for a 200 SF addition on a north-facing non-primary facade and an exterior roof access stair concealed by a chimney stack.

WHEREAS 1020 Fifth Avenue is a neo-Renaissance style building designed by Warren and Wetmore, the designers of Grand Central Station, and constructed in 1924-1925;
WHEREAS 1020 Fifth Avenue is located at the NE corner of 83rd Street and Fifth Avenue across from the Metropolitan Museum of Art and Central Park;
WHEREAS 1020 Fifth Avenue has 14 floors with just 13 apartments - ceiling heights vary from 10 feet to 18 feet; the building's penthouse is among the grandest ever built;
WHEREAS the north-facing elevation looks out over the National Registrar-listed Marymount School;
WHEREAS the applicant proposes a 200 SF addition at the top floor of the 2-story penthouse;
WHEREAS the applicant also proposes a new stairway to the roof with a roof access gate; the roof is not a green roof but presents as a walkable roof;
WHEREAS the exterior wall at the existing family room at the second floor, now set back by about 10' 5" will be pushed out onto part of an existing terrace to add 200 SF of interior space;
WHEREAS part of the existing terrace will disappear and a new Hope's steel casement window will be inserted on the new exterior wall;
WHEREAS by bringing the wall forward, the recess or visual set back to brought forward will be reduced to 18" (formerly 10' 5" wide) and will present as a Juliette balcony;

WHEREAS the addition is minimally visible at the north facing elevation; the most visible part is the new window and door — the Hope’s steel casement window and French door configuration measuring 10’3” high x 7’2” wide — which will present as coming off the face of the existing penthouse;

WHEREAS the applicant also proposes a 62 SF exterior staircase to the roof to be located behind the existing chimney stack for the building to provide access to the roof;

WHEREAS the proposed exterior stair would connect to a proposed interior stair that is at the west end of the proposed 200 SF addition; the proposed stair will provide access to the roof from the enlarged family room;

WHEREAS the proposed exterior stair is not visible; there is a proposed stairway bulkhead — also to be hidden behind the chimney stack and not visible;

WHEREAS the proposed new window and door system is sufficiently recessed with an 18” setback;

WHEREAS the proposed penthouse enlargement is modest;

THEREFORE BE IT RESOLVED that this application is approved as presented.

Community Board 8 Manhattan unanimously approved this resolution by a vote of 43 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

Item 2: **1149 Park Avenue (Expanded Carnegie Hill Historic District)** – *RAMSA (Robert A.M. Stern Architects)* – A Modern Classical-style rowhouse that was built in 1885 and redesigned in 1917 by Emery Roth. Application is to expand an existing penthouse and reconfigure existing rear yard extensions.

WHEREAS 1149 Park Avenue was built as the northernmost house of four four-story rowhouses in 1885;

WHEREAS the rowhouse was redesigned in 1917 by Emery Roth in a modern classical style;

WHEREAS the rowhouse is built on a site that is 16’-5” wide by 70’-4” deep;

WHEREAS the context for the rowhouse is the three rowhouses to the south built at the same time and a townhouse on the southeast corner at East 91st Street, also built at the same time;

WHEREAS the rowhouse is bordered on the north by 1155 Park Avenue, a 15-story apartment house;

WHEREAS the renovation of the townhouse is extensive and complex, this resolution is divided into two parts.

THIS APPLICATION IS DIVIDED INTO TWO PARTS: Part A — the Front Façade and Rear Façade, Part B — the New Penthouse.

Part A – Front Façade and Rear Façade

WHEREAS the front façade will be restored;

WHEREAS the existing limestone will be cleaned;

WHEREAS all windows and doors will be replaced;

WHEREAS the existing main wood and glass door with side lights will be replaced with a wood door with sidelights in a historic design;

WHEREAS the wood and glass service door will be replaced with a wood door in a historic design;

WHEREAS new lantern light fixtures will be installed either side of the main entrance door;

WHEREAS new double glazed wood windows to match historic muntin pattern will be installed;

WHEREAS the portions of the rear façade will be demolished and built with new massing;

WHEREAS the first two floors are built full, to the rear property line;

WHEREAS the second floor will be set back four feet;

WHEREAS the “L” shaped third and fourth floors, which is set back 9’-4 and extends 28’-5” from the rear property line, will be demolished;

WHEREAS the third and fourth floors will be rebuilt full width and set back 20’-0” from the rear property line;

WHEREAS the façade material for the four floors will be red brick;

WHEREAS new, divided lite, fire-rated wood windows and doors will be installed in the façade of the first and second floors;

WHEREAS operable skylights will be installed for legal light and air for the first and second floors;

WHEREAS new, divided lite wood windows and doors will be installed in the façade of the third and fourth floors;

WHEREAS new brick piers and a wood handrail will be installed at the third-floor roof level;

WHEREAS a new wood handrail and wood posts will be installed at the roof level;

WHEREAS the façade material on the exposed portion of the north side of the rear façade will be brick to match the brick on the rear façade;

WHEREAS the restoration of the front façade and the reconstruction of the rear façade are appropriate and contextual within the historic district;

THEREFORE, BE IT RESOLVED THAT Part A of this application is **approved** as presented.

Community Board 8 Manhattan unanimously approved Part A of this application by a vote of 43 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

PART B – New Penthouse

WHEREAS the existing penthouse is set back 28'-0" from the front façade and 28'-5" from the rear façade except for a narrow extension on the northern side of the penthouse that is set back 19'-0" from the front façade;

WHEREAS the new penthouse will be set back 15'-0" from the front façade and 24'-0" from the rear façade;

WHEREAS the front of the new penthouse will be clad in limestone to match the original front façade material;

WHEREAS the rear of the new penthouse will be clad in metal with a Kynar finish in a zinc color;

WHEREAS the mechanical equipment and elevator overrun will be screened in front, rear, and south side with a metal parapet that will be gray in color to minimize its visibility;

WHEREAS the metal parapet will be set back further from the front façade than the front of the penthouse;

WHEREAS the chimney extension will be through the south side of the penthouse at the southwest corner and in front of the metal parapet;

WHEREAS the top of the existing penthouse roof and the top of the proposed penthouse roof is 52'-1 ½" above the average grade and the elevator overrun is 56'-1 ½" above the average grade;

WHEREAS the mechanical equipment in the rear of the penthouse roof is about 62'-0" above the average grade;

WHEREAS the mock-up of the proposed penthouse is partially visible from along Park Avenue;

WHEREAS the façade materials for the proposed penthouse in both the front and rear use traditional materials that either match existing materials or are subdued in color;

WHEREAS the proposed new penthouse is appropriate and contextual within the historic district;

THEREFORE, BE IT RESOLVED THAT Part B of this application is **approved** as presented.

Community Board 8 Manhattan approved Part B of this application by a vote of 39 in favor, 4 opposed, 0 abstentions and 0 not voting for cause.

C. Transportation Committee – Craig M. Lader and Charles S. Warren, Co-Chairs

TR-1: Item 1 Part A

TR-2: Item 1 Part B

Item 1 Part A: **Dining Out NYC Program**

WHEREAS; Intro 0031-2022 Version C, passed into law by the New York City Council and signed into law by the Mayor in August 2023, created a permanent outdoor dining program; and

WHEREAS; NYCDOT issued proposed rules and a Notice of Public Hearing and Opportunity to Comment on Proposed Rules for the program, now known as Dining Out NYC, with comments due no later than November 20, 2023; and

WHEREAS; Community Board 8 Manhattan has extensively discussed the pros and cons of the sunsetting Open Restaurants program and its vision for the permanent outdoor dining program, including support for it as outlined in a series of resolutions in May 2022; and

WHEREAS; while the proposed Dining Out NYC rules incorporate much of the framework outlined by Community District 8 Manhattan, there are aspects that need further expansion or should be reconsidered by NYCDOT; and

WHEREAS; outdoor dining has generated complaints regarding the appearance, maintenance and cleanliness of dining areas; and

WHEREAS; the use of platforms for roadway cafes has been reported to be a source of vermin infestation; and

WHEREAS; Garbage bins for Dining Out NYC participating restaurants should be rodent proof while unobtrusive to the fullest extent possible; and

WHEREAS; the proposed rules include tiers of pricing for use of sidewalks and roadways based on geographic sectors, with Community District 8 located in sectors 3 and 4; and

WHEREAS; Community District 8 views its sidewalk and roadway space as a valuable commodity, and believes that NYCDOT is undervaluing it based on the price per square foot that is proposed to be assessed for roadway and sidewalk cafes; and

WHEREAS; Concerns were raised previously by Community Board 8 Manhattan about the use of potentially dangerous propane heaters and fire hazards caused by electrical elements of outdoor dining areas; and

WHEREAS; enforcement of the sunsetting open restaurants program has been perceived as insufficient, with illegal elements often remaining in place even after complaints were filed; and

WHEREAS; the proposed rules don't include any specific after-action reviews or assessments that should be required of any major program that is introduced; and

WHEREAS; language contained within the proposed rules regarding the siting of sidewalk and roadway cafes and whether they are permitted in front of adjacent properties or businesses or only directly in front of their own is ambiguous as to its intent; and

WHEREAS; Community Boards have historically had a formal role in the approval of sidewalk cafes, and given the same quality of life concerns, should have the same formal role in the review process of roadway cafes; and

WHEREAS; the residential nature of Community District 8 influences its preferred hours of operations for the Dining Out NYC programs, which is not as late as what other community districts may prefer;

THEREFORE, BE IT RESOLVED, that Community Board 8 Manhattan offers the following suggestions upon its review of the proposed rules for Dining Out NYC:

1. Community Boards should have the same formal role in advising NYCDOT on roadway cafes as it does with sidewalk cafes;
2. The hours of operation for sidewalk and roadway cafes extend too late for residential communities such as Community District 8, and should not be determined by a one-size fits all approach;
3. A specific approval process for applications for late-operating businesses such as bars should be provided to Community Boards;
4. A required comprehensive post-implementation review of the Dining Out NYC should be required after 3 years, and every 3 years thereafter;
5. The fee schedule for geographic sectors 3 and 4 for both sidewalk and roadway cafes should be increased to better reflect the value of the public space that is being provided to private uses;
6. Specific staffing levels of enforcement agents should be specified, which should be significantly higher than the levels that provided enforcement of the temporary Open Restaurants program;
7. The use of propane heaters should be explicitly prohibited;
8. Any decisions regarding permissible electrical and heating elements, such as lighting, should be approved by the Fire Department of New York;
9. Garbage bins for Dining Out NYC shall be rubber, rodent-proof, have a tight lid, and be narrow enough to avoid taking too much roadway space;
10. There should be explicit prohibition of any infringement of roadway and sidewalk cafes on neighboring businesses or property unless written permission has been provided, as the use of the phrase "immediately adjacent to its premises" isn't clear as to its intent;
11. The use of platforms in the roadbed should be discouraged to the fullest extent possible.

Community Board 8 Manhattan unanimously approved this resolution by a vote of of 43 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

Item 1: Part B **Dining Out NYC Program and Siting of Bike Racks and Transportation Infrastructure**

WHEREAS; Prospective and existing restaurants will likely be considering the Dining Out NYC Rules as part of its business plan; and

WHEREAS; Community Board 8 Manhattan has previously requested that NYCDOT be required to flexible and take the needs of restaurants into account in the siting of new and existing bike racks and other transportation; and

WHEREAS; the proposed rules for Dining Out NYC don't explicitly discuss such considerations;

THEREFORE, BE IT RESOLVED, that Community Board 8 Manhattan reiterates its May 2022 resolution requesting that NYCDOT be flexible and take the needs of restaurants into account in the siting of new and existing bike racks and other transportation infrastructure.

BE IT FURTHER RESOLVED, that restaurants should not be charged the costs for removal of any bike infrastructure in front of their premises.

Community Board 8 Manhattan unanimously approved this resolution by a vote of 42 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

D. Parks and Waterfront Committee – Felice Farber and Judy Schneider, Co-Chairs

PW-1: Item 2

Item 2: **Presentation by the Central Park Conservancy on the West 85th Street Playground Reconstruction project by: Nick Koster and Diane Jackier**

BE IT RESOLVED Community Board 8M approves the Central Park Conservancy proposal as presented for the reconstruction of the West 85th Street Playground.

Community Board 8 Manhattan unanimously approved this resolution by a vote of 43 in favor, 0 opposed, 0 abstentions and 0 not voting for cause.

E. Street Fairs Committee– Wilma Johnson and Barbara Rudder, Co-Chairs

SF-1: Items 1 and 2 – Unanimous Approvals

Item 1: **Annual Tree Lighting Ceremony (Sponsored by 225 East 73rd Owners Corp.)** — Full Street Closure at East 73rd Street between Second Avenue and Third Avenue on Wednesday, November 15, 2023 from 6pm to 7pm.

Item 2: **Annual Park Avenue Tree Lighting (Sponsored by The Brick Presbyterian Church)** — Full Street Closure at Park Avenue between East 91st Street and East 92nd Street on Sunday, December 3, 2023

Community Board 8 Manhattan unanimously approved these resolutions by a vote of 43 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.

10. **Old Business** – No items of Old Business were discussed

11. **New Business** – No items of New Business were discussed.

The meeting was adjourned at 10:30 PM

Russell Squire, Chair

