



Community Board 12M

711 West 168th Street – New York, NY 10032

Phone (212) 568-8500 Fax (212) 740-8197

www.nyc.gov/mcb12

Pamela Palanque-North - Chair
Ebenezer Smith, District Manager

December 22, 2010

Hon. Amanda M. Burden
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

RE: Key Terms Clarification Zoning Text Amendment

Dear Commissioner Burden,

Please be advised that at the General Board Meeting of Community Board 12- Manhattan, held on Tuesday, December 21, 2010, the following resolution in support of the "Key Terms Clarification Zoning Text Amendment" proposed by the New York City Department of City Planning was passed by a majority vote of 38 In Favor, 0 Opposed and 1 Abstaining.

- Whereas: The terms "development" and "building" are used throughout the 1961 New York City Zoning Resolution (the "ZR") but are not used or defined consistently. These two terms are central to the ZR. Therefore, the New York City Department of City Planning ("DCP") has examined each section of the ZR which uses the terms "development" or "building" and has concluded that in order to clarify the meaning of the zoning regulations consistent with their intent, it is necessary to amend the definition of these two terms and to modify other zoning text to clarify the intent of the ZR, resolve conflicting regulations or to bring a regulation in to accordance with current Department of Buildings practice. To implement these zoning text clarifications and modifications DCP has drafted and referred for review the Key Terms Clarification Zoning Text Amendment (the "Key Terms Amendment" or the "Amendment"); and
- Whereas: When the ZR was adopted the term "development" was intended to refer to a new building constructed under the then-new zoning regulations. However, the continued applicability of the zoning regulations to buildings after they are constructed, i.e.: buildings that are existing thus no longer new, has been questioned. Also, amendments to the ZR have used the term "development" inconsistently - in some instances intended to mean only new construction on a zoning lot and in other instances new construction as well as existing buildings on a zoning lot; and
- Whereas: The ZR defines the term "building" as being bounded by open area or by lot lines. This definition has created a situation where if there a multiple abutting buildings on a single zoning lot they are considered, for zoning purposes, a single building. This definition of "building" has caused confusion and resulted in litigation. Also, when two or more abutting buildings on a

single zoning lot are defined as a single building, various zoning regulations such as location of uses, the sliver rule, the dormer rule, R7-2 / R8 tower rule and rules for rear yards in mixed-use buildings do not work as intended; and

Whereas: It is beneficial to Washington Heights and Inwood for the definition and intent of terms defined and used in the ZR to be clear and consistent so that property owners know what can be built on their property, the general public know what can be built in their neighborhoods, the Department of Buildings has clearer standards for zoning compliance and architects, developers and builders have regulations that remove ambiguities; and

Whereas: On June 30, 2010 DCP hosted an informational meeting to provide an overview of the Key Terms Amendment, on September 27, 2010 DCP referred the Amendment to community boards, Borough Presidents and the Borough Board for review and on December 1, 2010 DCP presented the Amendment to the Land Use Committee of Community Board 12-Manhattan; Now, therefore, be it

Resolved: Community Board 12-Manhattan supports the "Key Terms Clarification Zoning Text Amendment" proposed by the NYC Department of City Planning.

Please do not hesitate to contact me should you have any questions on this matter.

Sincerely,



for Pamela Palanque-North
Chair

cc: Hon. Michael J. Bloomberg, Mayor
Hon. Scott M. Stringer, Manhattan Borough President
Hon. Bill De Blasio, Public Advocate
Hon. John C. Lui, Comptroller
Hon. Charles B. Rangel, Congressman
Hon. Eric Schneiderman, NY State Senator
Hon. Bill Perkins, NY State Senator
Hon. Herman D. Farrell, Jr., Assembly Member
Hon. Adriano Espaillat, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Robert Jackson, Council Member
Brian Cook, Director-Land Use, MBPO
Wayne A. Benjamin, Chair, CB12-M, Land Use Committee
Edwin Marshall, Department of City Planning



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Pamela Palanque - North, Chair
Ebenezer Smith, District Manager

December 23, 2010

Hon. Dennis Rosen
Chairman
New York State Liquor Authority
80 South Swan Street
Albany, NY 12210-8002

**Re: Monkey Room Inc. dba The Monkey Room,
589 Fort Washington Avenue**

Dear Chairman Rosen:

Community Board 12 passed the following resolution with a vote of 12-25-1 at its December 21st 2010 general meeting not recommending the State Liquor Authority grant a Renewal of its On Premise Liquor License to Monkey Room Inc dba the Monkey Room.

WHEREAS, Monkey Room Inc. dba The Monkey Room, located at 589 Fort Washington Avenue (between W. 186th & W. 187th Sts), has duly notified Community Board 12 Manhattan of its intent to file an application for a renewal of its on premise liquor license; and

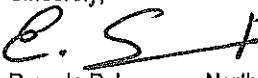
WHEREAS, the business owner Jesus Sosa was present to discuss the method of operation and address community questions and concerns; and

WHEREAS, the Economic Development Committee having met on December 7th to hear comments from the community, which raised concern about excessive noise and disorderly conduct from patrons of the establishment; and

WHEREAS, the 34th Precinct raised no objection since the business owner is working closely with the 34th precinct; therefore be it

RESOLVED, Community Board 12 (Manhattan) recommends that the State Liquor Authority deny a renewal of the on premise liquor license for Monkey Room Inc dba The Monkey Room.

Sincerely,


for Pamela Palanque – North
Chair

cc: Hon. Michael Bloomberg, Mayor
Hon. Scott Stringer, Manhattan Borough President
Hon. Charles Rangel, Congressman
Hon. Eric Schneiderman, State Senator
Hon. Bill Perkins, State Senator
Hon. Herman D. Farrell, Jr., Assembly Member
Hon. Adriano Espaillat, Assembly Member
Hon. Robert Jackson, Council Member
Hon. Ydanis Rodriguez, Council Member
Hon. Jeanique Greene, Commissioner, SLA
Hon. Noreen Healy, Commissioner, SLA



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December 23, 2010

Hon. Dennis Rosen
Chairman
New York State Liquor Authority
80 South Swan Street
Albany, NY 12210-8002

**Re: Javier & David Restaurant Corp. dba Caridad,
1618 St. Nicholas Avenue**

Dear Chairman Rosen:

Community Board 12 passed the following resolution with a vote of 37-1-0 at its December 21st 2010 general meeting recommending the State Liquor Authority grant a Renewal of its On Premise Liquor License to Javier & David Restaurant Corp.

WHEREAS, Javier & David Restaurant Corp. dba Caridad, located at 1618 St. Nicholas Avenue (between W. 191st & W. 192nd Sts), has duly notified Community Board 12 Manhattan of its intent to file an application for a renewal of its on premise liquor license; and

WHEREAS, the business owner Miguel Montas was present to discuss the method of operation and address community concerns and questions; and

WHEREAS, the Economic Development Committee having met on December 7th to hear comments from the community, which raised no objection to the establishment; and

WHEREAS, the 34th Precinct raised no objection to the establishment; therefore be it

RESOLVED, Community Board 12 Manhattan **recommends** that the state liquor authority grant a renewal of the on premise liquor license for Javier & David Restaurant Corp. dba Caridad.

Sincerely,

Pamela Palanque - North
Chair

cc: Hon. Michael Bloomberg, Mayor
Hon. Scott Stringer, Manhattan Borough President
Hon. Charles Rangel, Congressman
Hon. Eric Schneiderman, State Senator
Hon. Bill Perkins, State Senator
Hon. Herman D. Farrell, Jr., Assembly Member
Hon. Adriano Espaillat, Assembly Member
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December 23, 2010

Hon. Dennis Rosen
Chairman
New York State Liquor Authority
80 South Swan Street
Albany, NY 12210-8002

Re: **Pollo El Provocon Inc dba Provocon,
1495 St. Nicholas Avenue**

Dear Chairman Rosen:

Community Board 12 passed the following resolution with a vote of 37-1-0 at its December 21st 2010 general meeting recommending the State Liquor Authority grant a renewal of the Restaurant Wine license to Pollo El Provocon Inc.

WHEREAS, Pollo El Provocon Inc dba Provocon, located at 1495 St. Nicholas Avenue (bet W. 184th & W. 185th Sts), has duly notified Community Board 12 Manhattan of its intent to file an application for a renewal of its restaurant wine license; and

WHEREAS, the business owner Jorge Peralta was present to discuss the method of operation and address community concerns and questions; and

WHEREAS, the Economic Development Committee having met on December 7th to hear comments from the community, which raised no objection to the establishment; and

WHEREAS, the 34th Precinct raised no objection to the establishment; therefore be it

RESOLVED, Community Board 12 Manhattan **recommends** that the state liquor authority grant a renewal of the restaurant wine license for Pollo El Provocon Inc. dba Provocon.

Sincerely,

Pamela Palanque – North
Chair

cc: Hon. Michael Bloomberg, Mayor
Hon. Scott Stringer, Manhattan Borough President
Hon. Charles Rangel, Congressman
Hon. Eric Schneiderman, State Senator
Hon. Bill Perkins, State Senator
Hon. Herman D. Farrell, Jr., Assembly Member
Hon. Adriano Espaillat, Assembly Member
Hon. Robert Jackson, Council Member
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December 23, 2010

Hon. Dennis Rosen
Chairman
New York State Liquor Authority
80 South Swan Street
Albany, NY 12210-8002

Re: **Galicia Segundo Restaurant Corp.**
4083 Broadway

Dear Chairman Rosen:

Community Board 12 passed the following resolution with a vote of 37-1-0 at its December 21st 2010 general meeting recommending the State Liquor Authority grant a Renewal of the Restaurant Wine License to Galicia Segundo Restaurant Corp.

WHEREAS, Galicia Segundo Restaurant Corp., located at 4083 Broadway (bet. W. 172nd & W. 173rd Sts) has duly notified Community Board 12 Manhattan of its intent to file an application for a renewal of its restaurant wine license; and

WHEREAS, the business owner Ramon Caro was present to discuss the method of operation and address community concerns and questions; and

WHEREAS, the Economic Development Committee having met on December 7th to hear comments from the community, which raised no objection to the establishment; and

WHEREAS, the 33rd Precinct raised no objection to the establishment; therefore be it

RESOLVED, Community Board 12 Manhattan **recommends** that the state liquor authority grant a renewal of the restaurant wine license for Galicia Segundo Restaurant Corp.

Sincerely,

Pamela Palanque – North
Chair

cc: Hon. Michael Bloomberg, Mayor
Hon. Scott Stringer, Manhattan Borough President
Hon. Charles Rangel, Congressman
Hon. Eric Schneiderman, State Senator
Hon. Bill Perkins, State Senator
Hon. Herman D. Farrell, Jr., Assembly Member
Hon. Adriano Espaillat, Assembly Member
Hon. Robert Jackson, Council Member
Hon. Ydanis Rodriguez, Council Member
Hon. Jeanique Greene, Commissioner, SLA
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80 South Swan Street
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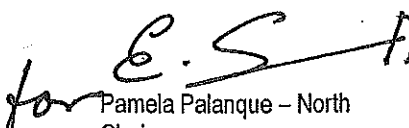
Re: **Victoria Deli Grocery Corp.,
1484 St. Nicholas Avenue**

Dear Chairman Rosen:

Community Board 12 passed the following resolution with a vote of 35-3-0 at its December 21st 2010 general meeting recommending the State Liquor Authority grant a New Restaurant Wine to Victoria Deli Grocery Corp.

- WHEREAS,** Victoria Deli Grocery Corp., located at 1484 St. Nicholas Avenue (bet. W. 184th & W. 185th Sts) has duly notified Community Board 12 Manhattan of its intent to file an application for a new restaurant wine license; and
- WHEREAS,** the business owner Carmelo Flores was present to discuss the method of operation and address community concerns and questions; and
- WHEREAS,** the Economic Development Committee having met on December 7th to hear comments from the community, which raised no objection to the establishment; and
- WHEREAS,** the 34th Precinct reserved judgment until the commander met with the business owner; therefore be it
- RESOLVED,** Community Board 12 Manhattan **recommends** that the state liquor authority grant a new restaurant wine license to Victoria Deli Grocery Corp.

Sincerely,


Pamela Palanque – North
Chair

cc: Hon. Michael Bloomberg, Mayor
Hon. Scott Stringer, Manhattan Borough President
Hon. Charles Rangel, Congressman
Hon. Eric Schneiderman, State Senator
Hon. Bill Perkins, State Senator
Hon. Herman D. Farrell, Jr., Assembly Member
Hon. Adriano Espaillat, Assembly Member
Hon. Robert Jackson, Council Member
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December 23, 2010

Hon. Dennis Rosen
Chairman
New York State Liquor Authority
80 South Swan Street
Albany, NY 12210-8002

Re: **Sqweez Juice Bar & Grill Corp.**
3868 10th Avenue

Dear Chairman Rosen:

Community Board 12 passed the following resolution with a vote of 36-2-0 at its December 21st 2010 general meeting recommending the State Liquor Authority grant a New Eating Place Beer License to Sqweez Juice Bar & Grill Corp.

- WHEREAS,** Sqweez Juice Bar & Grill Corp., located at 3868 10th Avenue, has duly notified Community Board 12 Manhattan of its intent to file an application for a new eating place beer license; and
- WHEREAS,** the business owner Felipe Balbuena was present to discuss the method of operation and address community concerns and questions; and
- WHEREAS,** the Economic Development Committee having met on December 7th to hear comments from the community, which raised no objection to the establishment; and
- WHEREAS,** the 34th Precinct raised no objection to the establishment; therefore be it
- RESOLVED,** Community Board 12 Manhattan **recommends** that the state liquor authority grant a new eating place beer license to Sqweez Juice Bar & Grill Corp.

Sincerely,

Pamela Palanque – North
Chair

cc: Hon. Michael Bloomberg, Mayor
Hon. Scott Stringer, Manhattan Borough President
Hon. Charles Rangel, Congressman
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Hon. Bill Perkins, State Senator
Hon. Herman D. Farrell, Jr., Assembly Member
Hon. Adriano Espaillat, Assembly Member
Hon. Robert Jackson, Council Member
Hon. Ydanis Rodriguez, Council Member
Hon. Jeanique Greene, Commissioner, SLA
Hon. Noreen Healy, Commissioner, SLA