FULL BOARD MEETING MINUTES
Wednesday, December 14, 2005
NYU MEDICAL CENTER
FIRST AVENUE

Hon. Carol A Schachter, Chair

ATTENDANCE

Members answering first roll call:
Arcaro, Boettcher, Bloch, Curtis, Disman, Fieber, Frank, Garland, Garodnick, Gruber, Haile, Hollister, Knowles, Lynn, McIntosh, Montoute, Moses, Papush, Peveri, Russo, Scala, Schachter, Schoor, Schwartz, Sepersky, Simon, Talbot, Thompson, Tu, Ursillo, West, Williams, Winfield

Members answering second roll call:
Arcaro, Boettcher, Bloch, Curtis, Disman, Fieber, Frank, Garland, Garodnick, Gruber, Haile, Hollister, Knowles, Lynn, McIntosh, Montoute, Moses, Papush, Peveri, Russo, Scala, Schachter, Schoor, Schwartz, Sepersky, Simon, Talbot, Thompson, Tu, Ursillo, West, Williams, Winfield

Excused
Buchwald, Imbimbo, Judge, Oddo, Reiss,

Absent (Members not present or not answering one or both roll calls):
Barrett, Cohen, Collins, Confessore, Monterossa, Ross, Rubin,

Member attendance Present: **33** Absent: **7** Excused: **5**

Guests signed in: A/M Steven Sanders; Pat McCandless representing Sen. Liz Krueger; Aliya Feldman representing Sen. Thom Duane; Barry Klein representing A/M Jonathan Bing; Jonathan Moody representing Council Spkr. Gifford Miller; Andrew Sullivan representing C/M Dan Garodnick; K. Bartow, Andrew Berger, Ted Bonanno, Minna Charles, Sandy Leiva-Davila, Mathew Grace-NY Observer, Sabina Saragoussi, Brian Thompson, Karen Weiss-NYPL

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Meeting Called to Order

Carol A. Schachter called the meeting to order.

Agenda Changes

JOINT COMMITTEES TRANSPORTAION & PUBLIC SAFETY

Added Resolution
6a. Majority Reso-Response to Draft Environmental Impact Statement on the 33B Shaft Third Water Tunnel.

6b. Minority Reso- Response to Draft Environmental Impact Statement on Shaft 33B of the Third Water Tunnel-Ted Lynn, Board parliamentarian stated that the minority resolution should not be put to the body and Carol Schachter, decided it should be withdrawn from the agenda. **The resolution was withdrawn.**

BUSINESS & GOVERNMENTAL AFFAIRS

Added Resolution
8d. Renewal, On-Premises liquor license for Concept II, Inc., d/b/a Proof, 239 3rd Ave., b/w E. 19th & 20th Sts.

Adoption of agenda changes and agenda

PUBLIC SESSION

A/M Steve Sanders in his farewell speech to the Board, he stated that he believes that public service is a noble undertaking and the people who are the most noble in this undertaking are those who volunteer their time and not receive any compensation for making sacrifices that affect their business and personal time. He knows that Community Board 6 members do this because they care deeply for this community, and he wants them to know how much this matter.

Additionally he thanked the Board Members for their support and that all of their hard work has made his job, for the last 28 years, much easier. Thank you CB6.

Pat McCandless representing Sen. Liz Krueger gave a brief update of the Senator's activities. He stated that she has been addressing the growing income inequality in New York City. The Senator believes city, and state leaders need to develop and implement policies that will provide opportunities for poor New Yorkers to succeed and enter the middle class. The poverty rate for our country has risen in the last few years; given this reality it would make sense to address the problem at the federal level. Legislation needs to be modified by the State and

Congressional conference committees. She has stated that action is needed to reverse the trend of growing poverty in NYC.
He then reported that the Disability Rent Increase Exemption (DRIE) applications were now available. This new program offers an exemption future rent increases to tenants with disabilities who meet all the eligibility criteria. It also provides abatements to landlords, a credit they can apply to their property taxes to compensate them for the rent increase.

The eligibility limit for DRIE varies by household size and source of income; however, there are certain work-related deductions that will be allowed. Contact the District office for information on the eligibility limit and criteria.

He additionally reported that Sen. Krueger was very disappointed to hear The Embassy Bar; 862 Second Ave was granted a liquor license by the SLA.

For more on these and other reports, read the Senator's Community Bulletin or call District office @ 212-490-9535.

Jonathan Moody representing City Council Spkr. Gifford Miller announced this would be his last night representing the speaker at CB6. On behalf of Spkr. Gifford Miller, he would like to thank you for all of your support and hard work.

He did announce however, that he would be working with C/M Jessica Lappin in the future and he does look forward to working again with CB6 on her behalf.

Barry Klein representing A/M Jonathan Bing reported that recently the SLA decided to grant a liquor license to Embassy Bar, 862 2nd Ave, which he has been opposing for over a year. Even though the license has been granted, A/M Bing's efforts and those of the community will not stop. The Assembly Member will hold a press conference ith Sen. Krueger and C/M elect Dan Garodnick on Wednesday, December 21st @ 11:00 a.m. outside of Embassy's proposed location, 862 2nd Ave. the NE corner of 2nd Ave.

He also reported that the MTA has dramatically scaled down the size of the proposed ventilation building on E. 50th Street b/w Park and Madison Aves., due to continued pressure from residents, A/M Bing, Cg/M Maloney and many other elected officials.

While the A/M is awaiting additional community input before making a final decision on this new proposal, he is pleased that the MTA has offered to reduce the size of the facility by two-thirds; created a new 40 by 60 foot Public Park, relocated the cooling towers, and rearranged the loading dock configuration to reduce traffic.

For further information on these and other reports, read the A/M's Community Bulletin or call the District office @ 212-605-0937.

Andrew Sullivan representing C/M elect Dan Garodnick introduced himself as the Council Member's Chief of Staff and stated that temporarily he would be the liaison to CB6. He stated that the Council Member is looking forward to working very closely with CB6 members.

Andrew announced that C/M Garodnick would conduct introductory tours throughout the community, to meet and greet his constituents; on Monday, December 19th @ Stanley Issacs Neighborhood Center, 93rd St. & 1st Ave, 10:30 a.m.-12-p.m.; Tuesday, December 20th @ Stein Senior Center, 340 E. 24th St. at 12:45 p.m. and the Lenox Hill Neighborhood Houses @ 331 E. 70th St.

For more information, call 212-260-0126.

Bradford Sussman representing Man. Borough President C. Virginia Fields announced the staff is in the office doing transitional work and he would continue to work at the Borough President's office under B.P. elect Scott Stringer. He did announce on behalf of B.P. Fields that she sends thanks to the Board Members for all of their hard work during her tenure.

Ronald Trost representing the East 50's Neighborhood Coalition (EFNC) spoke for several people in attendance who oppose the proposed 3rd Water Tunnel Shaft site 33B being placed on E. 59th St. and First Ave. He spoke in support of the joint Transportation & Public Safety committees' resolution 6a and wanted to encourage the Board Members to vote in favor of the resolution

Mary Claire Bergin representing Sutton Area Community Inc. (SAC) stated that the Third Water Tunnel Shaft 33B should be sited where it will cause the least amount of inconvenience to our residents. In the DEIS the question of how the mains connect from the shaft to the 3rd Ave. water tunnel is relegated to a decision by the DDC after the construction begins. SAC proposes the water main placement and shaft be resolved jointly by DEP & DDC. The results of this decision should then be presented to the community for comment before a final decision is made.

Roll Call – Harry Edward Ursillo

BUSINESS SESSION
Adoption of November 9th Full Board minutes
Minutes were adopted by voice vote.

Chair's Report – Carol A. Schachter
Carol announced that the holiday party would be held on Wednesday, December 21st after the Executive Committee meeting in the Board office at **7:**00 p.m. If

you are interested in attending the holiday party, and haven't seen Bea yet, please do so tonight. We look forward to seeing everyone there.

Carol then thanked Rebecca Haile & Letty Simon for giving their ideas on revamping the website. She also thanked the committee chairs for their input. She then stated the changes to the site would be incorporated very shortly.

District Manager's Report – Toni Carlina
Toni reported that Borough President elect Scott Stringer has sent all of us, the DM, Chair and Board members a questionnaire that he is requesting to be returned to his office by December 31st

She also reported that Con Edison is starting their investigation into possible Manufacturing Gas Plant contamination at Stuyvesant Cove and Robert Moses Park; core samples will be taken and if needed, remediation will be done.

Stuyvesant Cove Lights Update

Toni then reported that EDC has informed her that Lumac engineers, the manufactures, are flying in from Canada and will be on site December 20th to do additional repairs and investigation. They believe the problem now is the ballast; they will take parts back for examination. At the end of all this EDC has assured the Board that guarantees have to be given and the manufacture warrantee will be extended. Mr. Felix Ciampa, Senior VP of Intergovernmental Relations is now overseeing the project.

She additionally reported that NYU Medical Center is conducting a post card campaign to save the Manhattan VA Hospital. Thanks to Lyle Frank's involvement, NYU has recognized CB 6 as a leader in this issue and has requested our support of their campaign by filling out the post card in your packet and mailing it to the Secretary of the U.S. Department of Veterans Affairs.

Treasurer's Report – Bea Disman
Bea reported that based on Board Member contributions there are enough funds for the holiday party with money left over for the Sunshine Fund and thanked all Board Members for their generosity. She reviewed the purpose of the Sunshine Fund and stated that the Board recently sent Fred Arcaro a bouquet of flowers to cheer in up during his illness.

She then reported on the Board office OTPS budget; stating that there due to the diligence of the Board office there should be enough money to last until the end of the fiscal year.

COMMITTEE REPORTS

1. Youth & Education – Maxine McIntosh, Chair

a. **Report**

Maxine reported that the committee discussed problems with the Charter Schools and initiatives that are needed to assist these schools. They are hoping to have a forum on this issue possibly in March or April of 2006.

She then reported that the NYS Dept of Education has developed a new Parent Initiative Policy. The Regional offices are conducting meetings throughout the state to discuss what they think these policies should include; the meeting in NYC will be held January 11th @ the Schomberg Library & Museum from 6:00 p.m. to 8:00 p.m. We are asking people to inform their neighbors so that they may participate.

Maxine additionally reported that the NYS Dept. of Education is also drafting a policy to provide an early education for students in the global community. This policy would lower the age limit making kindergarten mandatory. She stated that the policy also includes a provision that would make early education available for all, in every community.

2. Land Use – Edward Rubin, Chair

In the absence of Mr. Rubin, John West gave the committee report.

a. **Report**

John West reported that the community needed to review the U.S. Mission's new building plans for 45th Street and 1st Ave. There will be a community meeting held Thursday, December 15th @ 140 E. 45th Street at 4:00 p.m. on the 8th Floor.

He then reported that a presentation by the applicant for the Con Ed Waterside site was given at committee which was suppose to talk about the bulk of the building. John stated that very little information was provided as to the shape and size of the building. Most of the presentation materials concerned site planning and open space, this was information stated in previous meetings. Two of the towers would stand between 500-600 ft. they would be considerably taller than their neighboring buildings. He stated that the general consensus from the committee members; was that the proposed mapping of the buildings was out of character with neighborhood and disrespectful of the United Nations.

For more information, see the Land Use committee minutes.

3. **Human Services –** Lyle Frank, Chair

a. **Report**

Lyle briefly updated the Board on the handicapped parking issue in Stuyvesant Town. He thanked Mr. Jim Roth for presenting the history and his comprehensive research of this issue to the committee. Mr. Roth impressed upon the committee that there are 120 people with handicapped licenses in Stuyvesant Town, but only 32 handicapped spaces have been set aside.

Lyle then gave a brief update on the V.A. Hospital situation. Mr. Peter Juliano of the V.A. Commission attended the November meeting as well. He informed the committee that the 2nd phase of the CARES Commission process had been completed.

For more information on these reports, see the Human Services committee minutes.

4. **Parks, Landmarks & Cultural Affairs –** Gary Papush, Chair

a. **Report**

Gary gave an update on 1 Sutton Place So., stating that there had been a meeting at the Board office with, NYS DOT, and DPR; followed by an on-site meeting. It is the position of NYS DOT that replacing the current garden with the city's current proposal would result in cost over-runs. The design presented to the committee last year had not been voted on by committee, therefore, DPR will probably change the design and present them to the committee at the January meeting.

He reported that the DPR has issued an RFP for Dag Hammarskjold Park to allow wireless Internet use in the park. He stated there has been no opposition from the community; and he suggests that there are additional open spaces and parks in our community that would be amiable to having this service. He has already spoken to CEC and they are willing to have it installed at Stuyvesant Cove Park as well.

5. **Housing & Homeless –** Claude Winfield, Chair

a. **421-a Partial Real Estate Tax Exemption for 205-209 East 57th Street**

Whereas, 205-209 East 57th Street Associates LLC has applied for a partial Real estate tax exemption under Section 421-a of the Real Property Tax Law for 205-209 East 57th Street, and

Whereas, the 36 story building, built as of right, contains 1 one bedroom, and 41 two bedroom, and 26 three bedroom condominium apartments, and

Whereas, the applicant did not submit a complete application for the community review process, and

Whereas, all pertinent data was not available for the committee review, and

Whereas, this program has contributed little towards the maintenance and furtherance of this community's economic diversity, now

Therefore be it

Resolved, that Community Board Six Manhattan opposes the granting of tax abatements for this application.

VOTE: 30 in Favor 0 Opposed 3 Abstention 0 Not Entitled

b. **Report**

Claude encouraged Board Member's to view a program called Solar Report to understand the process of Section 421-a Real Estate property tax laws. The program airs on channel 75, tonight @ 11:00 p.m., 1:00 a.m. and again December 17th @ 2:00 p.m., he stated it is a very interesting program; it has most of the major developers that are developing around this issue and this area on this particular show.

Claude reported that DHS would conduct a HOPE 2006 Street survey, Monday, February 27, 2006 @ 10:30 p.m. Volunteers will canvas the city to count the number of people living on the streets. Anyone interested may sign up.

6. Public Safety – Fred Arcaro, Chair

Fred thanked Toni, Carol & the Board Members for their well wishes, phone calls and the flowers he received while he was home recuperating from his operation.

6. Joint Committees-Transportation & Public Safety Committees
Lou Sepersky, Chair – Fred Arcaro, Chair

Lou presented the resolution to the Board Members.

a. **Response to the Draft Environmental Impact Statement for Shaft 33B of the Third Water Tunnel.**

Whereas, New York City's Department of Environmental Protection (DEP) has proposed the installation of a valving chamber (33B) as part of the distribution network from the Third Water Tunnel, which is designed to ensure adequate water at a sustainable pressure to the East Side of Manhattan, and

Whereas, DEP has offered as its "preferred location" an off street space, the northwest corner of 59th Street at First Avenue, and

Whereas, DEP has listed three other possible locations in the Draft Environmental Impact Statement (DEIS) including one in Community Board 6, which were not fully evaluated, and

Whereas, DEP has left the routing of the water main(s) which would join the Third Water Tunnel to the existing building delivery system for future consideration, and

Whereas, DEP has stated the routing of the water main(s) is the responsibility of the New York City Department of Design and Construction (DDC), and

Whereas, if the "preferred location" (a joint impact location sited in Community Board 8) is selected, the most likely routes for the connection would be through Community Board 6 (*see appendix below), and

Whereas, the water mains would be constructed without discussion or consideration of their impact on the communities and neighborhoods along any of the potential routes, and

Whereas, the bifurcation (separation) of these two elements deprives the affected communities and neighborhoods of a full and adequate opportunity to examine the implications and impacts of the entirety of the proposal, now

Therefore be it

Resolved, that Community Board 6 (Manhattan) objects to the selection of any location for the proposed Third Water Tunnel valving chamber (33B), by the New York City Department of Environmental Protection (DEP), without a consolidated presentation of both the proposed location of 33B and the complete routing plans of the associated water mains by the New York City Department of Design and Construction (DDC), and full community participation in the decision of the routing of those mains.

(* **Appendix):**

Possible First Avenue route for a pair of 48 inch water mains for three or four blocks southward on First Avenue to (one each) on 56th and 55th Streets then westward to Third Avenue;

A pair of mains eastward along 59th Street to Sutton Place and then south to 56th and 55th Streets and, as above, to Third Avenue;

Third: A possible routing northward on First Avenue to 61st Street and west to Third Avenue;

Others: Alternatives include west on 59th Street.

VOTE: 33 in Favor 0 Opposed 0 Abstention 0 Not Entitled

7. **Transportation –** Lou Sepersky, Chair

a. **Report**

Lou announced that the Transportation committee meeting for January 2, 2006 has been moved to January 5, 2006 due to the holiday. He did announce they would discuss the Bus Rapid Transit system (BRT) at the January meeting.

8. **Business & Governmental Affairs –** Harry Edward Ursillo, Chair

a. **New DCA appl. (#1214400), unenclosed sidewalk café with 5 tables and 10 seats for 51 Street Pasta Presto, d/b/a Pasta Presto, 959 2nd Ave, b/w 50th & 51st Sts.**

WHEREAS, Robert Callahan, Expeditor, and Shohei Yamamato, Owner, appeared before the Business & Governmental Affairs Committee of CB6 Manhattan on 12/1/05; and

WHEREAS, their presentation was for an unenclosed sidewalk café with 5 tables and 10 seats; and

WHEREAS, the sidewalk has a width of 15' 2", the café has a width of 6' 8", leaving 8' 6" clearance, which leaves at least 8 feet for a sidewalk 12' to 16' wide, which is legal per DCA, though CB6M prefers 10' of clearance; and

WHEREAS, the vault under the northernmost tables will be supported by a truss under it; and

WHEREAS, the establishment has been in operation 14 years with no community complaints; and

WHEREAS, the hours of operation will be 12 noon – 11 PM, with the windows open during the warmer months and only background music will be played; and

WHEREAS, the owner has agreed to reduce the number of tables to 4 and the number of seats to 8 to make pedestrian flow easier by signing the CB6M Sidewalk Café Applicant's Change agreement; now

THEREFORE, be it

RESOLVED, that Community Board 6 Manhattan at this time has no objection to the application for an unenclosed sidewalk café with 4 tables and 8 seats for 51 Street Pasta Presto, d/b/a Pasta Presto, 959 2nd Ave, b/w 50th & 51st Sts.

VOTE: 33 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b. **New on-premises liquor license for Aventura Rest LLC, d/b/a Vamos, 348 1st Ave @ E 20th St.**

WHEREAS, David Jadot and Yves Jadot, Owners, appeared before the Business & Governmental Affairs Committee of CB6 Manhattan on 12/1/05; and

WHEREAS, the establishment is a new restaurant operating 11 AM – 11 PM, with a capacity of 74 patrons; and

WHEREAS, the establishment is wheelchair accessible, playing recorded background music, with no dancing; and

WHEREAS, the there will be no staging area; and

WHEREAS, the establishment's windows will be open during the warmer months, but closed by 11 PM; and

WHEREAS, the adjacent Petite Abeille is owned by them and according to Town & Village newspaper holds community events that benefit the neighborhood; and

WHEREAS, the 500' rule will apply; now

THEREFORE, be it

RESOLVED, that Community Board 6 Manhattan at this time has no objection to the new on-premises liquor license for Aventura Rest LLC, d/b/a Vamos, 348 1st Ave @ E 20th St.

VOTE: 33 in Favor 0 Opposed 0 Abstention 0 Not Entitled

c. **New on-premises liquor license for RBG Village, LLC, d/b/a Reserve Restaurant, 380 3rd Ave, b/w 27th & 28th Sts.**

WHEREAS, John Roder, Owner, appeared before the Business & Governmental Affairs Committee of CB6 Manhattan on 12/1/05; and

WHEREAS, the establishment is a new restaurant operating 11 AM – 1 AM, weekdays/10 AM – 2 AM, weekends, with a capacity of 100 patrons and is the site of the old Tatany Restaurant; and

WHEREAS, the establishment is wheelchair accessible, playing recorded background music, with no dancing; and

WHEREAS, the there will be no staging area; and

WHEREAS, the establishment's windows will be open during the warmer months, but closed by 11 PM; and

WHEREAS, the owners also operate Remedy, 974 2nd Ave, b/w 51st & 52nd Sts in the CB6M area, and which the 17th Prct says has had no community complaints; and

WHEREAS, the 500' rule will apply; now

THEREFORE, be it

RESOLVED, that Community Board 6 Manhattan at this time has no objection to the new on-premises liquor license for RBG Village, LLC, d/b/a Reserve Restaurant, 380 3rd Ave, b/w 27th & 28th Sts.

VOTE: 33 in Favor 0 Opposed 0 Abstention 0 Not Entitled

d. **Renewal, on-premises liquor license for Concept II, Inc, d/b/a Proof, 239 3rd Ave, b/w E 19th & E 20th Sts.**

WHEREAS, Glen Cho, Owner, and Michael Sinesky, Mgr, appeared before the Business & Governmental Affairs Committee of CB6 Manhattan on 12/1/05; and

WHEREAS, the establishment has been a problem in the neighborhood since it 1st opened and appears to be a problem for neighbors still; and

WHEREAS, the establishment had to be taken to court to get its management to address concerns about noise from neighbors whose building abuts the establishment's; and

WHEREAS, these same neighbors have spent thousands of dollars not only on legal fees, but, on fees to hire acoustical engineers, et al to come up with plans to reduce the noise problem; and

WHEREAS, the establishment's management, according to its neighbors, seem to feel they are above the law and neither fix the identified and correctible problems, nor make sure whatever noise-suppressing technology that has been installed is actually functioning; and

WHEREAS, the cleaning crew that is there when the place closes plays loud music on the sound system; and

WHEREAS, the former managing partner responded to a male neighbor's complaints about the noise by telling him to "get out, old man"; and

WHEREAS, dancing has been observed in the establishment that was visible from the street; and

WHEREAS, on 4/2/05, a MARCH (Multi-Agency Response to a Community Hotspot) Operation was conducted by the 13th Prct Special Operations Unit along with members of Manhattan South Vice, FDNY, NYC DEP, NYC Health Dept and the Mayor's Office which resulted in the issuance of 1 summons by Vice for allowing underage drinking; now

THEREFORE, be it

RESOLVED, that Community Board 6 Manhattan, strongly and strenuously, objects to the renewal, on-premises liquor license for Concept II, Inc, d/b/a Proof, 239 3rd Ave, b/w E 19th & E 20th Sts; and

be it Further,

RESOLVED, that Community Board 6 Manhattan urges the new management team at the establishment to work with their neighbors to correct, rectify and ameliorate the conditions that cause all this litigation and all these complaints prior to the request for renewal of their other liquor license.

VOTE: 32 in Favor 0 Opposed 1 Abstention 0 Not Entitled

e. **Report**
Harry reported that the Board voted on a negative resolution in February 2005 for Embassy bar, 862 2nd Ave and the SLA still approved their license.

Old/new business

Second Roll Call

Adjournment – 9:15 p.m.