

**FULL BOARD MEETING MINUTES
Wednesday, June 8, 2005
NYU MEDICAL CENTER
FIRST AVENUE**

Hon. Carol A Schachter, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Bloch, Boettcher, Buchwald, Cohen, Collins, Curtis, Disman, Frank, Garland, Gruber, Haile, Imbimbo, Judge, Knowles, Lynn, Maynard, McIntosh, Montoute, Moses, Papush, Reiss, Ross, Russo Scala, Schachter, Schwartz, Sepersky, Simon, Talbot, Thompson, Tu, Ursillo, Winfield

Members answering second roll call:

Arcaro, Bloch, Boettcher, Buchwald, Cohen, Collins, Curtis, Disman, Frank, Garland, Gruber, Haile, Imbimbo, Judge, Knowles, Lynn, Maynard, McIntosh, Monterossa, Montoute, Moses, Oddo, Papush, Reiss, Ross, Russo Scala, Schachter, Schwartz, Sepersky, Simon, Talbot, Thompson, Tu, Ursillo, West, Winfield

Excused

McGinn, Torres

Absent (Members not present or not answering one or both roll calls):

Barrett, Confessore, Garodnick, Rubin, Schoor, Welter,

Member attendance Present: **37** Absent: **6** Excused: **2**

Guests signed in: Pat McCandless representing Sen. Liz Krueger; Aliya Feldman representing Sen. Thom Duane; Joe Soldevere representing Cg/M Carolyn Maloney; Barry Klein representing A/M Jonathan Bing; Eliyanna Kaiser representing A/M Richard Gottfried; Karen Acker, Vilma Harrigan Sandy Leiva-Davila, Larry Liebowitz, Esther Mitchell, Patrick Murphy, Jon Schachter, Sandra Stevens, Sophia Stevens, Eva Swan, George Haikilis & Roxanne Warren representing Vision42.

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Meeting Called to Order

Carol A. Schachter called the meeting to order.

Agenda Changes

EXECUTIVE COMMITTEE

Added Resolution

Removal for cause: (Lisa Welter) from Community Board Six for failure to meet attendance requirements.

HOUSING & HOMELESS

Deleted Resolutions

3a. - City Council Intro 316 (Apt. bldg. ID cards).

3b. - Assembly Bill A4523 to repeal the local emergency housing Rent Control Act (Urstadt Law).

TRANSPORTATION COMMITTEE

Deleted Resolutions

6a. - The 42nd Street trolley proposal.

6b. - 1st Ave. traffic impact due to the demolition of the Con Ed Waterside properties.

PUBLIC SAFETY, ENVIRONMENTAL & HUMAN RIGHTS COMMITTEE

Held over

7a. Pedestrian safety issues: Lex. Ave., b/w E. 24th & E. 25th Sts., a mid-block traffic light on E. 25th St., b/w Lex. & 3rd Aves.

HUMAN SERVICES

Added Resolution

8b. - VA Hospital CARES Commission.

Adoption of the Agenda

PUBLIC SESSION

Patrick McCandless representing Sen. Liz Krueger announced that the Senator would sponsor a Town Hall Meeting to discuss Medicare Prescription Drug Coverage-2006 on Friday, June 10th @ Marymount Manhattan College, 221 E. 71st St., b/n 2nd and 3rd Aves.

He then gave a brief report on the Help America Vote Act (HAVA). This federal law requires states to update their election law, and provides significant funding for the purchase of new voting technology; New York State must pass legislation by the end of 2005 or it will lose the funding. For additional information on these issues, see Sen. Krueger's Community Bulletin.

Aliya Feldman representing Sen. Tom Duane reported the Public Authorities Control Board (PACB) has decided to reject the proposal to use state funds to build the West Side Stadium. The West Side Stadium has been defeated.

She then reported that the Senator is again asking for support in the fight against the possible closing of the Manhattan Veteran's Hospital on East 23rd. St. and 1st Ave. He states that the Manhattan V.A. should not only remain open, but funding to expand its outstanding care should be increased. The Senator has a form letter attached to his Community Report that can be used by the public, he asks that you sign and send this letter to the U.S. Veterans Administration and copy the Duane.

She then announced that Sen. Duane, at the request of the Board, is sponsoring a SLA forum on Thursday, July 21st at 5:30 p.m., location to be announced.

For additional information, see Sen. Duane's Community Report.

Eliyanna Kaiser representing A/M Dick Gottfried reported that the A/M feels that the Assembly and Senate have done right by NY taxpayers by rejecting the proposed West Side Stadium.

She then reported that despite the Supreme Courts decision on medical marijuana A/M Gottfried and the Senate G.O.P. sponsors continue to fight for legalization in NYS; thousands of New Yorkers with life threatening illnesses are suffering needlessly. As Chair of the Assembly Committee on Health, he has introduced a bi-partisan bill (A8265) that would allow physicians to authorize marijuana, when other medications have not worked, for a patient with life threatening, degenerative, or a permanently disabling condition. The physician would be required to continually monitor the patient and provide periodic reports to the Health Department

Additionally A/M Gottfried is co-sponsoring A/M Jonathan Bing's Companion Bill (A3465) - Equal Right Amendment (ERA) for women. While New York was one of the 35 states that ratified the proposed Federal Equal Rights Amendment years ago, we have never amended our own state constitution. He stated that 21 states have an explicit prohibition against sex-based discrimination in their constitutions. While the Women's Rights Movement has made great progress, we are still far from real equality.

For more information, see A/M Gottfried's Community Update.

Joe Soldevere representing Cg/M Carolyn Maloney reported that she supports legislation (HR 376) that would grant Medicare the power to negotiate with drug companies for lower prices for seniors and people with disabilities. She states that currently Medicare is the only entity in this country that cannot bargain for lower drug prices.

He then reported that Cg/M Maloney joined with other representatives to announce an amendment to the Dept. of Homeland Security Authorization Act for 2006 (HR 1817) that would require the inspection of all cargo before it is transported on passenger planes. Cg/M Maloney stated that close to four years after 9/11, passenger planes continue to carry cargo that is never inspected.

Additionally on May 25, 2005, legislation advanced to provide military retirement credit to National Guard soldiers for their service in disaster zones. The provision was included in the National Defense Authorization Act for Fiscal Year 2006 (HR 1815), which has passed the House of Representatives. Cg/M Maloney stated that on 9/11 the National Guard soldiers responded immediately to the most dangerous sites, to protect New York and the nation

For more information, see Cg/M Maloney's Community Report.

Barry Klein representing A/M Jonathan Bing announced that the Assembly Member has just been appointed Chair of the Mitchell-Lama Housing Subcommittee and is pleased to have the opportunity to do his best to protect tenants and ensure affordable housing in NY.

Barry reported that beginning June 10th, on the second Friday of each month; A/M Bing invites constituents to visit his office to discuss community issues between the hours of 2:00 and 4:00 p.m. For more information, see A/M Bing's Community Bulletin.

Karen Acker representing the Manhattan V.A Hospital spoke in opposition of closing the 23rd St. V.A. facility and asked the Board Members to sign post cards she brought to the meeting addressed to the Secretary voicing that opposition. She is working to get over one hundred-thousand signatures sent to Washington.

Eva Swan representing Vocal Ease introduced herself and gave an overview of the not-for-profit group that performs at various city hospitals, senior centers and nursing homes enhancing the quality of life for the people in them. For information on this group contact her at 212-579-5386 or go to www.vocaleaseinc.org.

Patrick Murphy representing Project Peace & Quiet attended the meeting to request that people contact their City Council members and ask them to vote on the new Noise Code revisions. He stated that it has been in City Council for over six months and that with the new revisions come tougher noise code laws.

Sandra Stevens, resident of Phipps Houses, requested assistance from CB6 regarding various HPD code enforcement issues; she was previously and continues to be referred to various tenant groups.

Roll Call – Harry E. Ursillo

Public Hearing – Vision42, The 42nd Street trolley proposal.
George Haikalis & Roxanne Warren gave a visual presentation of the proposal.

BUSINESS SESSION

Adoption of the May 11th Full Board Minutes.
Minutes were adopted by voice vote.

Chair's Report – Carol A. Schachter

Carol Schachter discussed removal of board members who failed to meet the board's attendance requirements; therefore, Lisa Welter was removed from the board.

RE: Removal for cause (*Lisa Welter*) from Community Board Six for failure to meet attendance requirements.

WHEREAS, it is essential to the proper functioning of the Community Board that each of its members consistently attend meetings of the Board and committees to which they are assigned; and

WHEREAS, in order to ensure such consistent attendance, the By-Laws of Community Board Six provide that the Community Board may remove a member for cause from the Board following a record of poor attendance; and

WHEREAS, Article X of the By-Laws reads as follows:

"An appointed member may be removed from the Community Board for cause by the Borough President or by a majority vote of the Community Board. Three consecutive unexcused absences from regular meetings of the Board or the unexcused absences from regularly scheduled meetings in any 12-month period shall be sufficient cause for removal. All of the sanctions available for failure to attend Board meetings shall be equally applicable to failure to attend meetings of each committee"; and

WHEREAS, Lisa Welter has failed to meet the requirements to regularly attend meetings of the Board, specifically she has numerous unexcused absences from regularly scheduled meetings of Community Board Six in the last 12 month period; and

WHEREAS, the record of absences is sufficient to provide cause for removal from the Community Board, in accordance with the By-Laws of the Board; and

WHEREAS, letters regarding this record of attendance were sent to her; now

THEREFORE, be it

RESOLVED, that Lisa Welter be removed because of absences from Community Board Six upon the adoption of this resolution; and be it further

RESOLVED, that Community Board Six calls upon the Honorable C. Virginia Fields, Manhattan Borough President, to promptly appoint a new member to fill the resulting vacancy on the Board.

VOTE: 29 in Favor 2 Opposed 6 Abstention 0 Not Entitled

Carol made the following announcements:

- 1) Toni Carlina was home sick and would be out of the office for a week.
- 2) Tim McGinn would be in the hospital a little longer.
- 3) Jeanne Tregre, the president of the 13th Pct. Community Council passed away last weekend. There will be a funeral Mass held for her at Immaculate Conception on E. 14th Street, b/w 1st Ave & Ave A tomorrow morning at 11:00 a.m.
- 4) Carol chose the nominating committee - Ted Lynn, Chair, Gary Papush, Paige Judge, Ellen Imbimbo and Fred Arcaro. All those who want to run for executive office need to send a letter of intent within two-weeks to Ted Lynn.
- 5) The Full Board would recess for the summer.

Treasurer's Report – Bea Disman

Bea stated that, at the Board's request, a fruit basket has been sent to Tim.

Bea then read the office report and announced that the board was still in good shape as far as the budget was concerned.

Borough President's Report – Brad Sussman

Brad announced a few events the Borough President is sponsoring: 1.) Mandatory Arrest: Original Intentions, Outcomes in our Communities and Future Directions will be held at Columbia University, School of Law, 435 West 116th St., Friday, June 17th. 2.) The Manhattan Miniature Camera Club invites you to The Best of MMCC reception, Friday, June 24th at the Man. Borough President's Office.

For further information, see the Borough President's Community Board Report.

COMMITTEE REPORTS

1) Land Use – Ed Rubin, Chair

a. Report – 197-a Subcommittee – Ellen Imbimbo, Chair

Ellen stated that Ed Rubin was on vacation; then gave a brief update on the 197-a Plan, the draft plan presently on the Board's web site will be replaced with the final plan, which will be submitted to the Department of City Planning over the summer.

2) Youth & Education – Maxine McIntosh, Chair

a. Report

Maxine reported that the United Federation of Teachers (UFT) has joined the coalition of New Yorkers who are conducting a petition drive to amend the City Charter for reduced class sizes. If enough signatures were collected, a proposed charter amendment would appear on the November election ballot requiring that at least 25% of any funds from the Campaign for Fiscal Equity go to lowering class size.

3) Housing & Homeless – Claude Winfield, Chair

a. Report

Claude reported that there would be a 421-a partial Real Estate Tax Exemption proceeding at the next committee meeting. He invites all board members to attend so they could understand what this interesting process involves.

4) Business & Governmental Affairs – Harry Edward Ursillo, Acting Chair

a. On-premises liquor license for Gola, Inc, 153 E. 26th St, b/w 3rd & Lex. Aves.

WHEREAS, the applicant's attorney, Mary P. Flynn of Flynn & Flynn, contacted the CB6 office in early May via Certified Mail/Return Receipt Requested to advise the applicant was applying for an On-premises Liquor License; and

WHEREAS, the CB6 office responded with a Letter of Invitation to the attorney to attend the 6/2/05 meeting of the Business & Governmental Affairs Committee to review their application; and

WHEREAS, said Invitation contained the caveat that non-appearance by the applicant or the applicant's representative would result in a negative resolution; and

WHEREAS, neither the applicant nor the applicant's representative appeared at said B&GA meeting; now

THEREFORE, be it

RESOLVED, that Community Board 6 opposes the On-premises liquor license for Gola, Inc, 153 E. 26th St., b/w 3rd & Lex. Aves.

VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b. On-premises liquor license for Risk 613, Inc, d/b/a Risk, 613 2nd Ave, E. 33rd & E. 34th Sts.

WHEREAS, Bob Callahan (Expediter) and Tom Maiden (Owner) appeared before the committee; and

WHEREAS, Mr. Maiden lives in the community in Kipps Bay; and

WHEREAS, the establishment (with a capacity of 74 and currently known as the Recession Cafe) will be an upscale restaurant, bar and lounge catering to the 25 – 45 year-old-crowd; and

WHEREAS, the hours of operation will be 4 PM – 4 AM, offering appetizers and only recorded music with no DJ's; and

WHEREAS, the rear patio (with a capacity of 20 standees) will offer no music and will close at 11 PM or midnight; and

WHEREAS, the owner promised to make the premises wheelchair accessible; and

WHEREAS, should noise become an issue in the future, the owner agrees to meet with CB6 and representatives of the community and make phone numbers available to contact their management; now

THEREFORE, be it

RESOLVED, that Community Board 6 supports the On-premises liquor license for Risk 613, Inc, d/b/a Risk, 613 2nd Ave, b/w E 33rd & E 34th St.

VOTE: 34 in Favor 2 Opposed 1 Abstention 0 Not Entitled

c. New, unenclosed sidewalk café DCA appl (#1194128), 3 tables and 6 seats for Eros Restaurant Corp, d/b/a La Mediterranee, 947 2nd Ave, b/w E. 50th & E. 51st Sts.

WHEREAS, Ernesto Moral (Owner) and Donald Nussbaum (Attorney) appeared before the committee; and

WHEREAS, the restaurant is a bistro-type establishment with a capacity of 48 – 50; and

WHEREAS, the restaurant has been in business for 25 years; and

WHEREAS, members of the committee praised it; and

WHEREAS, the owner agreed to rearrange the café furniture to accommodate the 3-foot wait-service area and provide for the 10-foot clearance CB6 prefers to have for pedestrians on the sidewalk; now

THEREFORE, be it

RESOLVED, that Community Board 6 supports the New, unenclosed sidewalk café DCA appl (#1194128), 3 tables and 6 seats for Eros Restaurant Corp, d/b/a La Mediterranee, 947 2nd Ave, b/w E 50th & E 51st Sts.

VOTE: 36 in Favor 1 Opposed 0 Abstention 0 Not Entitled

- d. **Renewal revocable consent, enclosed sidewalk café DCA appl (#1133845), 19 tables and 35 – 40 seats for Tristan Co, Ltd, d/b/a Lenny’s, 1024 2nd Ave. at E. 54th St.**

WHEREAS, Bob Callahan (Expediter) appeared before the committee, but, the owner did not; and

WHEREAS, there is a history of concerns and problems with this establishment going back to at least the spring of 2004; and

WHEREAS, in its 11/04 report, DCP’s (Department of City Planning) Technical Review Division had numerous items it wanted corrected; and

WHEREAS, Mr. Callahan said they were working on those items to correct them; and

WHEREAS, several B&GA Committee members expressed extreme dissatisfaction with Lenny’s, citing such sidewalk impassibility issues as garbage out front, bicycles tied to trees and other things and street furniture like lamp posts, a mailbox and a phone booth adding to the mix; and

WHEREAS, committee members expressed their dismay that the owner was not present to discuss these issues since they are on-going; and

WHEREAS, the café extends to the south- and west-side of the building and makes using the sidewalks crowded and difficult; now

THEREFORE, be it

RESOLVED, that Community Board 6 strongly and emphatically opposes the Renewal revocable consent, enclosed sidewalk café DCA appl (#1133845), 19 tables and 35 – 40 seats for Tristan Co, Ltd, d/b/a Lenny’s, 1024 2nd Ave at # 54th St; and be it further

RESOLVED, that Community Board 6 urges that the café actually be shut down and dismantled.

VOTE: 33 in Favor 1 Opposed 3 Abstention 0 Not Entitled

- e. **July 23 (Sat) – Street activity permit for Cabrini Medical Center, 227 E. 19th St., b/w 2nd & 3rd Aves.**

WHEREAS, Kruan Keolamphu, MD, appeared before the committee; and

WHEREAS, this is to be a Health Fair and Street Fair from 8 AM – 6 PM; and

WHEREAS, the event will use the street, which they would like closed; and

WHEREAS, banners will be strung, but, no platforms will be erected; and

WHEREAS, the Pfizer bus will be on hand to provide blood pressure testing, etc.; and

WHEREAS, this is not viewed by Cabrini as a means to solicit funds; and

WHEREAS, this is on a side street that is also not a bus route; now

THEREFORE, be it

RESOLVED, that Community Board 6 supports the July 23 (Sat.) – Street activity permit for Cabrini Medical Center, 227 E. 19th St, b/w 2nd & 3rd Aves.

VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled

f. Report

Harry reported that on Sen. Liz Krueger’s website she cited CB6’s opposition to the Embassy lounge, 862 2nd Ave. He stated that he would like the committee to review and discuss legislation introduced by Sen. Krueger to amend the SLA laws; this legislation would give community boards specific powers to do something with problem bars.

5) Parks, Landmarks & Cultural Affairs – Gary Papush, Chair

a. STUYVESANT COVE PARK- ENFORCEMENT ISSUES

WHEREAS, Stuyvesant Cove Park is under the jurisdiction of the Economic Development Corporation and not the NYC Department of Parks; and

WHEREAS, Stuyvesant Cove is used as a park, is zoned for park usage but is not listed on the city map as parkland; and

WHEREAS, enforcement of public safety at the cove is totally the responsibility of the Police Department as the EDC does not have their own enforcement patrol as the Parks Department does; and

WHEREAS, at Stuyvesant Cove there are “Quality of Life” issues evident; and

WHEREAS, there is precedent for the NYC Parks Department entering into contract with other agencies to allow patrolling by the Parks Enforcement Patrol; now

THEREFORE, BE IT

RESOLVED, Community Board 6 urges the Economic Development Corporation to enter into the appropriate arrangement to permit PEP officers to patrol Stuyvesant Cove Park.

VOTE: 36 in Favor 0 Opposed 1 Abstention 0 Not Entitled

b. LPC Application for a Certificate of Appropriateness, 152 East 38th Street

WHEREAS, the owner of 152 East 38th Street has applied to the Landmarks Preservation Commission for a Certificate of Appropriateness to modify the front courtyard that was altered without permit; install a storage enclosure; and legalize the replacement of a door, the removal of shutters and the installation of an intercom panel, camera, window screens and a mailbox all done by a previous owner; and

WHEREAS, this is an individual landmark town house built in 1858 and altered in a neo-Federal style; and

WHEREAS, the proposed storage enclosure would be partially covered by shrubbery but the top would still be visible from the public way; and

WHEREAS, the Murray Hill Neighborhood Association opposes the storage container and recommends it be placed behind the building wall but does support the rest of the application; and

WHEREAS, this application was reviewed by Community Board 6; now

THEREFORE, be it

RESOLVED, Community Board 6 recommends rejection of the part of the application for the installation of the storage container as it is presently constituted but has no objection to the approval of the rest of the application.

VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled

c. Report

Gary gave a brief report on the ULURP for Robert Moses Park; stating that the UN still intends to obtain this site for a permanent building.

Additionally, last month the board passed a positive resolution on an LPC application for the restoration of 135 E. 36th Street, owned by the Republic of Namibia; LPC turned it down. The committee will go back to the drawing board on this issue.

6) Transportation – Lou Sepersky, Chair

c. Application for Planters a 205 East 22nd Street

Whereas the condominium residence at 205 East 22nd Street, in Community Board 6 has requested permission to place and replace planters along the building and curb lines of East 22nd Street as reflected in plans filed with the Department of Transportation (DOT) (date stamped April 4, 2005 at 11:47 a.m.), and

Whereas the original planters were removed due to the repairs of subsurface structures, and

Whereas the applicant claims the redwood planters will serve both beautification and security purposes for the building, and

Whereas the regulations of the DoT generally does not approve wood planters unless they are fire resistant (fire proof), now

Therefore, be it

Resolved, that Community Board 6 offers no objection to the placement of wood planter at 205 East 22nd Street, according to the plans filed with the Department of Transportation (DoT), (date stamped April 4,2005 at 11:47 a.m.);

provided the wood planters conform to the fireproof or fire retardant standards of the DoT, and
provided the planters are acceptable to the NYC Art Commission, and
provided the planters are determined to raise no security issues

VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled

d. Report

Lou reported that 18 new trees have been planted in our district. Some were planted in Murray Hill, Turtle Bay, and the Sutton Area; this was to replace the trees destroyed to make room for the FDR Drive rehabilitation.

7) Public Safety – Fred Arcaro, Chair

a. Report

Fred gave a brief report on the June 14th DEP meeting on shaft 33B. This meeting was held to provide the community with pertinent information on the site selection and the contractor's methodology of work; the meeting was organized by our District Manager Toni Carlina. DEP informed the Board and the community, that if needed, they would be willing to re-meet on the issue. He stated that most likely there would be joint Transportation and Public Safety committee meetings on both shaft sites 32B & 33B.

Fred announced that on Wednesday, June 22nd, he would attend the Dept. of City Planning's Perimeter Security & Urban Mobility advisory committee meeting on behalf of CB6. This meeting is to discuss the security measures needed to protect the perimeter of Manhattan.

8) Human Services – Lyle Frank, Chair

a. Support for Intro 84, handicapped accessibility of taxis.

WHEREAS, many residents of CB6 use taxicabs on a regular basis, and

WHEREAS, as it currently stands, there is no legal requirement that taxicabs be handicapped accessible, and

WHEREAS, in the near future, the City of New York has indicated it will issue numerous additional taxicab licenses, and

WHEREAS, the Councilmember Lopez has introduced legislation that would require all new and transferred taxicabs to be handicapped accessible (Intro 84 of 2004), and

WHEREAS, a very small number of taxicabs currently on the road are in fact handicapped, (29 out of close to 13,000, in a City with a population of close to 60,000 in wheelchairs) accessible, and,

WHEREAS, such a bill would not be a hardship for taxi drivers currently on the road, now

Therefore, be it

RESOLVED, that CB6 calls upon the City Council to enact as law Intro 84 of 2004 and for the mayor to sign such legislation.

VOTE: 29 in Favor 2 Opposed 6 Abstention 0 Not Entitled

b. VA Hospital CARES Commission

WHEREAS, in November, 2003, this Board called on the CARES Commission and the Department of Veterans Affairs to not close or scale back in any way the Department of Veterans Affairs Hospital on East 23rd Street, and

WHEREAS, since that time, the CARES Commission has continued to hold hearings focused on the feasibility of closing or scaling back services at the 23rd Street VA Hospital, and

WHEREAS, at hearings held, it has been readily apparent that such closure or scaling back would have a detrimental impact on the health of Veterans, as well as a detrimental impact on the overall providing of health care services in New York City, and

WHEREAS, such closure or scaling back has been denounced by virtually all of New York City's elected officials, including Senators Clinton and Schumer, and Congress Members Maloney, Nadler, and Velasquez, now

Therefore Be It

RESOLVED, that CB6 reiterate its previous position against closure or scaling back of the 23rd Street VA Hospital in the strongest possible terms.

VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled

c. **Report**

Lyle gave a brief report on the situation of the 23rd Street V.A. Hospital issue. He stated that he and Claude attended a meeting where on the city level the City Council is trying to find ways to keep the hospital open.

Old/new business

Second Roll Call

Meeting adjourned 10:00p.m.