

FULL BOARD MEETING MINUTES
Wednesday, November 9, 2005
NYU MEDICAL CENTER
FIRST AVENUE

Hon. Carol A Schachter, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Barrett, Bloch, Buchwald, Collins, Curtis, Disman, Frank, Haile, Hollister, Imbimbo, Judge, Knowles, Lynn, McIntosh, Montoute, Papush, Peveri, Reiss, Ross, Rubin, Scala, Schachter, Schoor, Schwartz, Sepersky, Talbot, Thompson, Ursillo, West, Williams, Winfield

Members answering second roll call:

Arcaro, Barrett, Bloch, Buchwald, Collins, Curtis, Disman, Fieber, Frank, Haile, Hollister, Imbimbo, Judge, Knowles, Lynn, McIntosh, Montoute, Papush, Peveri, Reiss, Ross, Rubin, Scala, Schachter, Schoor, Schwartz, Sepersky, Talbot, Thompson, Tu, Ursillo, West, Williams, Winfield

Excused

Moses, Russo Simon

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

Boettcher, Cohen, Confessore, Garland, Garodnick, Gruber, Monterossa, Oddo,

Member attendance Present: **34** Absent: **9** Excused: **3**

Guests signed in: Pat McCandless representing Sen. Liz Krueger; Aliya Feldman representing Sen. Thom Duane; Barry Klein representing A/M Jonathan Bing; K. Bartow, Andrew Berger, Ted Bonanno, 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

PARKS COMMITTEE

Will caucus.

LAND USE COMMITTEE

Added Resolution

- 6a.** Applications for the renewal of 2 special permits for the development of the ERSP.

BUSINESS & GOVERNMENTAL AFFAIRS

Laid over to December

- 7d.** New, On-premises liquor license for The Pierpont Morgan Library, 29 E. 36th St.
@ Madison Ave.

Deleted Resolution

- 7e.** Renewal, Restaurant wine license for Tompete Food Corp., d/b/a Tompete, 135 E. 50th St., b/w 3rd & Lex. Aves.

TRANSPORTATION COMMITTEE

Deleted Resolution

- 8a.** Local Law 24, review process of extended closures of mapped streets.

PUBLIC SESSION

Barry Kein reported A/M Jonathan Bing has introduced four important new pieces of legislation to be considered during the 2006 Assembly session. These bills include provisions that: **1)** Amend current law by eliminating the requirement that the Governor declare a “State of Emergency” before district attorneys and the Attorney General are permitted to prosecute people for price gouging. **2)** Create penalties for locking workers in the workplace without ability to exit in emergencies. **3)** Create the crime of financial exploitation of elderly or disabled by family members. **4)** Determines the need of a persons care in nursing homes, real and personal property owned by the recipient of care or his spouse not exceeding \$250,000 shall be exempt from consideration of eligibility for the care or the claim by the provider of such care and services. These are the first of a legislative agenda that the A/M looks forward to pushing when session begins in January 2006.

He also reported that DEP has released the DEIS for shaft 33B of the Third Water Tunnel Shaft; 59th Street and 1st Ave remains the preferred site. He stated that the A/M remains committed to working with the community and DEP to arrive at a safe resolution to this issue.

A/M Bing hopes that the community will join him in presenting testimony on the DEIS on December 5th @ the H.S. of Art & Design, 1075 2nd Ave. @ 57th Street from 7:00-10:00 p.m. In addition, DEP will be conducting two informational forums on 11/17 and 11/21 at NYU Medical Center, 550 1st Ave. in the Schwartz Lecture Hall, Room F, from 7:00-10:00 p.m.

For further information, see A/M Bing's Community Bulletin or call 212-605-0937.

Sabina Saragoussi representing Partnership for Parks invited the public to become more involved with their area parks. To find at how call 212-360-1357 or call 311.

Brian Thompson, Tudor City resident stated that the sanitation problem he reported a few months ago has improved a great deal and thanked the Board for their assistance.

Patrick McCandless representing Sen. Krueger reported that the Senator is continuing her series on the problem of growing economic polarization in New York City. A recent study by the USDA indicates that the number of Americans living in households suffering from hunger has increased for the 5th consecutive year.

For further information, see the Senator's Community Bulletin or call 212-490-9535.

Roll Call – Harry Edward Ursillo

BUSINESS SESSION

Adoption of the Oct. 19th Full Board Minutes.

Minutes were adopted by voice vote.

Chair's Report – Carol A. Schachter

Carol announced that Nicolette Torres has resigned from the Board because she has moved out of the district. She would be missed.

She then announced that Brad Sussman our representative from the Borough President's office would not be able to attend tonight's meeting. She announced that the Borough President's office and the Italian Heritage & Culture Committee of NY invite all to join them in honoring distinguished Italians at the Guiseppe Mazzini: (The Political Idealist of the Italian Struggle for Independence) celebration on Tuesday, November 15th at 6:00 – 7:30 p.m. in City Hall Chambers.

Additionally Carol announced Sen. Clinton's 200th Anniversary Commemoration of the Birth of Constantino Brumidi, the artist who painted the murals in the State Capitol. One

of his most notable other great works is found right here in our district at the Church of our Lady of Scapular and St. Stephen Church in the Gramercy Park area.

District Manager's Report – Toni Carlina

Toni reported that four hard copies & a number of CD's for the Draft EIS for proposed Shaft 33B to 3rd Water Tunnel has been delivered to the Board office and have been distributed. Anyone interested in reviewing the document, may go to DEP's web site @ www.nyc.gov/dep or stop by the office. See DEP flyer for Public Hearing & Forums.

She then reported that the E. 49th Street properties, 250-254 continues to have a stop work order on the site (as of 9/29), the excavation has undermined the integrity of 256 and until this building is shored up the stop order will remain in affect. She stated that the developer has also purchased the air rights. The property will consist of a 20-story building,

- 1st Floor will be retail
- 2nd - 14 will be regular apts.
- 15 – 20 will be duplex's.

Stuyvesant Cove Lights Update

Toni has now spoken with Mr. Felix Ciampa, Senior VP of Intergovernmental Relations who will be looking into the situation of the lights.

Treasurer's Report - Bea Disman

Bea reported that the Board office has been audited by the Comptroller's Office; she hasn't read the entire report, but so far, it looked good for the office. She congratulates the office staff on a great audit. She also gave a brief summary of the OTPS budget.

She announced that the holiday season was now approaching and that we have to prepare for the holiday party. She has requested a contribution from all members of \$30.00; this will cover the expenses for the food & refreshments as well as the thank you to the building staff. She is requesting that all checks are made out to her and sent to the Community Board office so that it can be recorded. The holiday party will be held at the Board office on December 21st at 7:00 p.m.

COMMITTEE REPORTS

1. Parks, Landmarks, & Cultural Affairs – Gary Papush, Chair

a. Report

Gary gave a brief update on 1 Sutton Place So., stating Toni was arranging a meeting with NYS DOT and DPR later in the month.

He also stated that the Morgan Pierpont Library construction work is nearly completed and the opening is expected to be on schedule.

For more on this report, see committee minutes.

2. Housing & Homeless – Claude L. Winfield, Chair

a. Report

Claude reported that on Monday, November 14th the committee would be meet with all of the Faith Based organizations that provide homeless services throughout the community. All are welcomed to attend.

For more on this report, see committee minutes.

3. Public Safety – Fred Arcaro, Chair

a. Report

Fred reported that the Draft EIS on shaft 33B has been issued and anyone who would like to read it or receive a copy of the disk, to please contact the Board office or go to the DEP website at www.nyc.gov/dep.

He then reported that the Public Safety & Transportation committees continue their discussions with NYPD regarding their public hearing on the E. 14th & 15th Street closures as required in Local Law 24. This will be NYPD's first public hearing under this newly enacted legislation.

For more on these reports, see committee minutes.

4. Human Services – Lyle Frank, Chair

a. Report

Lyle thanked Darren Bloch for his testimony at the HHC hearing for the East River Science Park. Lyle then stated that he attended a recent HHC hearing and Wil Weder spoke of the Bellevue CAB and supported the Boards position of the E. 28th St. ambulance access issue.

He announced that NYU is sponsoring a float in support of the community efforts to save the 23rd Street V.A. Hospital at the Veterans Day Parade.

Lyle then announced that at the Nov. 10th Human Services committee meeting there would be discussions on the 28th St. ambulance access to Bellevue Hospital and of the Stuyvesant Town Disability parking issue.

5. Youth & Education – Maxine McIntosh, Chair

a. Report

Maxine announced that Union Square Partnership in conjunction with Washington Irving H.S. is looking for volunteers to participate with Career Day at the school on Nov. 15th between 9:00 a.m. to 12:00 p.m.

6. Land Use – Edward Rubin, Chair

a. Applications for the renewal of two special permits (C010712 ZSM and C010713 ZSM) for the development of the East River Science Park

WHEREAS, Community Board Six in November 2001 rescinded its previous opposition to the East River Science Park and gave conditional support to an amended ULURP application which allowed for the development of a scientific and research facility on the northern two blocks of the Bellevue Hospital campus (see CB6 resolutions of July and November 2001); and

WHEREAS, the NYU School of Medicine, the applicant, at that time, retained the services of an architectural and planning firm, Ehrenkrantz, Ekstut & Kuhn to develop a revised plan for the East River Science Park which sought to integrate the site with the entire Bellevue Campus by providing a rational framework for development as well as a connection to the NYUSOM and hospital campus to the north; and

WHEREAS, CB6 worked closely with Ehrenkrantz, Ekstut & Kuhn in the development of the overall master plan; and

WHEREAS, all the planning and design recommendations articulated by Community Board Six in the July and November resolutions remain relevant and should be implemented as part of the overall Master Plan completed by Ehrenkrantz, Ekstut & Kuhn; and

WHEREAS, the master plan indicated key planning elements which, in the interests of time, were not incorporated in the approved ULURP plan, but were agreed by all to be essential for the proper implementation of the master plan; and

WHEREAS, in 2001, the City Planning Commission and the City Council approved the applications for special permits to enable the development of the East River Science Park at the north end of the Bellevue Hospital campus; and

WHEREAS, the Health & Hospitals Corporation is now seeking three year extensions to the special permits; and

WHEREAS, a new developer has been selected to build the East River Science Park; and

WHEREAS, the new developer of the ERSP, Alexandria, presented their proposal to CB6 and it was generally well received; and

WHEREAS, the proposal did not include a bridge across E. 30th St; ambulance access to the Bellevue Emergency Room from E. 28th St.; and a clear connection from the ERSP to the Bellevue campus, all essential elements of the Cooper Ekstut Plan and omitted from the special permits and RFP; now

THEREFORE, be it

RESOLVED, that CB6 supports the development of the ERSP by the Alexandria Group; and be it further

RESOLVED, that CB6 has no objection to the extension of the special permits, which enable the development to proceed; and be it further

RESOLVED, that CB6 urges the HHC and Alexandria to implement the missing key elements of the “Cooper Ekstut Plan” developed with input from CB6 and the DCP which include:

1. The bridge across E. 30th St. linking the NYU Medical campus to the ERSP.
2. A direct ambulance entrance to the Bellevue Emergency Room from E. 28th St.
3. A direct connection from the ERSP to the Bellevue campus; be it further

RESOLVED, that the Bellevue Psychiatric Building and the parcel retained by the Office of the Chief Medical Examiner be integrated into the ERSP Development in a sympathetic manner and in compliance with the Cooper Ekstut Master Plan goals and objectives.

VOTE: 32 in Favor 0 Opposed 0 Abstention 2 Not Entitled

b. **Report**

Ed Rubin waived his report

Con-Ed Subcommittee – John West, Co-Chair

John West reviewed the number of parking spaces being proposed for the Con Ed Waterside property and placed it in the context of actual need, existing regulations, and the Board’s 197a Plan. He stated that the developer is proposing nearly 1,600 parking spaces (based on census data) indicating that approximately 25% of households would be likely to have cars. However, of the existing street parking spaces within a five minute walk of the site, there are approximately 1,350 spaces that are not being used. This indicates a net need for maybe 250 spaces.

He also noted that the City’s Zoning Resolution does not require parking in Midtown Manhattan and allows accessory spaces of only 20%. Furthermore, the Board’s experience with applications to use accessory spaces for public parking has led it to believe that a 10% rate is adequate, and is, therefore recommending that limit in the 197a Plan.

John West concluded that based on the information available the 10% rate was probably more than adequate for the Con Ed site."

7. Business & Governmental Affairs – Harry Edward Ursillo, Chair

a. DCA appl (#1190138), enclosed sidewalk café, 8 tables & 18 seats for PMC Corp, d/b/a Vertigo, 354 3rd Ave @ E 26th St

WHEREAS, Michael O’Sullivan (Pres), Brendan Straw (VP) and Travis Terry (Capalino + Co, Consultant) appeared on behalf of the applicant before the 11/3/05 Business & Governmental Affairs Committee meeting; and

WHEREAS, construction of this café was under way in July 2005 before plans were filed with DCP; and

WHEREAS, the Board office received complaints at that time about before- and after-hours construction work taking place; and

WHEREAS, the original enclosed sidewalk café has subsequently been rebuilt to a size somewhat smaller than the original; and

WHEREAS, by October 2005, the owners and consultant had a hearing with DCA to inform them of their revised plans, which were approved by DCA; and

WHEREAS, since 9/14/05, 4 DCA violations have been issued, 2 of which Mr. O’Sullivan says they will settle; and

WHEREAS, Clare Construction (Dumont, NJ) has been contracted to do the revised work which will include replacing the frosted and broken windows with clear glass, replacing solid panels near the doors with clear glass and installing inward-opening hopper windows to comply with DCP’s requests and which is expected to be completed by the end of November; and

WHEREAS, the café has been roped off and is not in use at DCA’s request; and

WHEREAS, Mr. O’Sullivan signed the CB6 Sidewalk Café Change Agreement to stipulate windows/doors would be closed at 11 PM, smokers would be moved away from open windows/doors and he would keep the café closed until all violations are resolved; and

WHEREAS, the sidewalk on all sides of the café is a minimum 12’ or wider, with the front (3rd Ave) measurement 15’ 1” (clearance 8’ 9”) and the side (26th St) 12’ 8” (clearance 8’), though CB6 prefers clearances of 10’; now

THEREFORE, be it

RESOLVED, that CB6 at this time has no objection to DCA appl (#1190138), enclosed sidewalk café, 8 tables & 18 seats for PMC Corp, d/b/a Vertigo, 354 3rd Ave @ E 26th St, provided the applicant adheres to the Change Agreement.

VOTE: 32 in Favor 0 Opposed 0 Abstention 2 Not Entitled

- b. **Renewal, On-premises liquor license for Madison Bar Co, d/b/a Morgan's Bar, 237 Madison Ave, b/w E 37th & E 38th Sts.**

WHEREAS, Donald Bernstein and Debbie Riga appeared on behalf of the applicant before the 11/3/05 Business & Governmental Affairs Committee meeting; and

WHEREAS, there were no objections from the surrounding community; and

WHEREAS, some committee members praised the establishment's quiet and orderly operation; now

THEREFORE, be it

RESOLVED, that CB6 at this time has no objection to the Renewal, On-premises liquor license for Madison Bar Co, d/b/a Morgan's Bar, 237 Madison Ave, b/w E 37th & E 38th Sts.

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

- c. **Alteration, liquor license appl for SC Madison, LLC, d/b/a Asia de Cuba, 237 Madison Ave, b/w E 37th & E 38th Sts.**

WHEREAS, Donald Bernstein and Debbie Riga appeared on behalf of the applicant before the 11/3/05 Business & Governmental Affairs Committee meeting; and

WHEREAS, the alteration is to open an extant stairway to gain access to the basement level; and

WHEREAS, the basement space is currently licensed to Madison Bar Co, LLC, which will surrender its license upon approval and completion of the alteration; and

WHEREAS, the restaurant operates Noon – 2 AM weekdays/5 PM – 4 AM weekends, is wheelchair accessible, has recorded music with no dancing and has no staging area; now

THEREFORE, be it

RESOLVED, that CB6 at this time has no objection to the Alteration, liquor license appl for SC Madison, LLC, d/b/a Asia de Cuba, 237 Madison Ave, b/w E 37th & E 38th Sts.

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

- f. **Alteration, liquor license appl for Emstar Operating, LC, d/b/a W Tuscany, 130 E 39th St @ Lex Ave.**

WHEREAS, the applicant failed to appear before the 11/3/05 Business & Governmental Affairs Committee meeting; and

WHEREAS, it is the policy of CB6's Business & Governmental Affairs Committee to issue negative resolutions when applicants fail to appear; now

THEREFORE, be it

RESOLVED, that CB6 at this time has no objection to the Alteration, liquor license appl for Emstar Operating, LC, d/b/a W Tuscany, 130 E 39th St @ Lex Ave.

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

- g. **New, On-premises liquor license for Bash & Bash, Inc, d/b/a TBD, 637 2nd Ave, b/w E 34th & E 35th Sts.**

WHEREAS, Bashir Esmale appeared on behalf of the applicant before the 11/3/05 Business & Governmental Affairs Committee meeting; and

WHEREAS, this is a new restaurant which will operate 11 AM – 12 AM weekdays/11 AM – 2 AM weekends; and

WHEREAS, the capacity will be 75 and is wheelchair accessible; and

WHEREAS, there will be recorded music with no dancing and there is no staging area; and

WHEREAS, the applicant checked “yes” on his application pertaining to opening windows during warmer months, but, he informed the committee that is not the case: the windows will not be opened; now

THEREFORE, be it

RESOLVED, that CB6 at this time has no objection to the New, On-premises liquor license for Bash & Bash, Inc, d/b/a TBD, 637 2nd Ave, b/w E 34th & E 35th Sts.

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

- h. **Report**
Harry waived his report.

8. Transportation – Lou Sepersky, Chair

b. Removal of 51st Street/3rd Avenue Pedestrian Barricades

Whereas, the City of New York installed pedestrian barricades on the north side of East 51st Street, on both sides of Third Avenue, and an offset traffic light in Community Board 6 (CB6) in 1997, allegedly requested by the Police Department, and

Whereas, these barricades seem to have become permanent, and

Whereas, CB6 was not consulted about the placement of these traffic fixtures; nor was there an examination or discussion about their impacts; nor was there an examination of the impact on pedestrian movement; nor an assessment of community sentiment; nor review by the Department of Transportation about how such priorities were established, and

Whereas, no City agency has presented any standards, goals, criteria or justification for the installation of the barricades and the offset traffic light, and there was no discussion of the basis on which the decision was made and therefore they were not reviewed or subject to measure, and

Whereas, Community Board Six (Manhattan) (CB6), by Resolution (February, 1998) said it "vehemently protests the installation ... and, in the absence of an emergency, and urges these fences and barricades be removed," and

Whereas, when criteria and justification for the installation of a pedestrian barricade in CB6 have been presented to it, the Board has endorsed such a proposal (November, 2003), now

Therefore be it

Resolved that the pedestrian barricades at East 51st Street and Third Avenue, and the offset traffic light on Third Avenue, in Community Board 6 (C.B.6), should be removed forthwith, and

be it further

Resolved that any future placement of pedestrian street fences and barricades shall involve prior CB6 consultation and the documentation, standards, goals and criteria for their installation should be presented, as required by the City Charter.

Vote: For: 33 Against: 1 Abstain: 0 Not Entitled: 0

c. **Permanent retention of the existing Outerbridge Reliever Detour (ORD).**

Whereas New York State's Department of Transportation (NYSDoT) has constructed, from 53rd to 63rd Streets over the East River, a three lane, partially enclosed, \$55 million outerbridge reliever detour (ORD) for use during the Franklin D. Roosevelt (FDR) Drive reconstruction, and

Whereas the ORD is predominately in Community Board 6 (CB6), Manhattan, and

Whereas NYS DoT designed and built the ORD, in conformance with the requirements and regulatory concerns of the United States Environmental Protection Agency (USEPA), the U. S. Army Corps of Engineers (ACE) (which granted the permit until April 30, 2007), the U.S. Coast Guard, the New York State (NYS) Department of Environmental Conservation (DEC) and NYS DoT, for roadway use until (about) September, 2006, and

Whereas the ORD is under the control of the State of New York and at the completion of the rehabilitation of the FDR Drive could be transferred to the City of New York, and

Whereas it has been the policy of several city administrations and successive Manhattan Borough Presidents to create a continuous waterfront Greenbelt for use as a recreation resource, including walking and bicycling, around Manhattan, and

Whereas the ORD can be adapted for pedestrian and bicycle use once vehicular traffic is returned to the rehabilitated FDR Drive, and

Whereas the ORD has the potential to connect to the existing pedestrian and bikeway along the East River north of 59th Street and to a proposed bikeway and pedestrian esplanade which, when converted, would run from about 38th Street to about 49th Street, and

Whereas the cost of the demolition of the ORD is estimated at \$2.7 million, and

Whereas the estimated cost of conversion of the ORD to a pedestrian and bikeway is \$3 million (a differential of about \$300,000), which would include filling each of the 64 caissons with concrete (estimated total cost \$1.8 million) and which would extend the ORD's expected life from about ten years to about 100 years, and

Whereas the ORD is three feet inside the United States Pierhead Line (and is, therefore, out of the shipping channel) meaning that protective fendering could be conventional timber buffering, and

Whereas the structural steel could be painted or encased in plastic jackets for a suitable distance above and below the high and low points of the scrubbing action of the river, and

Whereas the ORD's sound attenuating siding and roofing can be removed, creating an

environment suitable for recreational use, and

Whereas the existing temporary Greenbelt bikeway route in CB6 brings cyclists onto dangerous avenues and streets and creates dangerous conditions for pedestrians, and

Whereas CB6 has included retention of the ORD in the appendix of its 197a Plan, which has been submitted to the New York City Department of City Planning, now

Therefore be it

Resolved that at the completion of the reconstruction and rehabilitation of the Franklin D. Roosevelt Drive, East 53rd to East 63rd streets, predominantly in Community Board 6, Manhattan, that the Outerbridge Reliever Detour (ORD) be retained for use as a permanent bikeway and pedestrian esplanade and park link in and the around Manhattan Greenbelt, and be it further

Resolved, that this link should be connected to each of the existing parks and esplanades to the north and south of the ORD.

Vote: For: 32 Against: 1 Abstain: 1 Not entitled: 0

c. **Report**

Lou announced on November 14th the Public Safety & Transportation committees would meet jointly to discuss the DEIS for the 3rd Water Tunnel Shaft 33B and the 14th & 15th St closures with NYPD.

Old/new business

Second Roll Call

Adjournment: 8:30.