

**FULL BOARD MEETING MINUTES**  
**Wednesday, May 10, 2006**  
**NYU MEDICAL CENTER**  
**FIRST AVENUE**

**Hon. Carol A Schachter, Chair**

**ATTENDANCE**

**Members answering first roll call:**

Arcaro, Bloch, Cervera, Confessore, Curtis, Disman, Fieber, Frank, Garland, Garodnick, Greenspan, Haile, Judge, Knowles, Lilien, Lynn, McGuire, McIntosh, Monterossa, Moses, Oddo, Papush, Parrish, Peveri, Reiss, Ross, Rubin, Russo, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Talbot, Thompson, Tu, Ursillo, West, Winfield

**Members answering second roll call:**

Arcaro, Bloch, Cervera, Confessore, Curtis, Disman, Fieber, Frank, Garland, Garodnick, Greenspan, Haile, Judge, Knowles, Lilien, Lynn, McGuire, McIntosh, Monterossa, Moses, Oddo, Papush, Parrish, Peveri, Reiss, Ross, Rubin, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Talbot, Thompson, Tu, Ursillo, West, Winfield

**Excused**

Barrett, Buchwald, Collins, Imbimbo,

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

Hollister, Howard, Parker, Russo, Schoor, Williams,

**Member attendance**            Present: **39**    Absent: **6**    Excused: **4**

**Guests signed in:** C/M Rosie Mendez; Amy Martinez-Miller representing BP Scott Stringer; Anna Rivera representing A/M Sylvia Friedman; Michael Kaplan representing A/M Gottfried; Laura Morrison representing Sen. Tom Duane; Pat McCandless representing Sen. Liz Krueger; Brice Peyre representing Cg/M Carolyn Maloney; Barry Klein representing A/M Jonathan Bing; Michael Kaplan representing A/M Richard Gottfried; Elizabeth Blatz & Pat Pardo, NYPL; Meryl Brodsky, Diana Byer, Kenneth Caulfield, Edith Charlton, Lt. R Crowe, FDNY; Bill Curtis, Sandy Leiva-Davila, Elizabeth Eyerman, Rose Forman, Mathew Grace, NY Observer; Yaron Halon, Thelma Infante, Allen & Jean Levy, Sasha Maher, Roberto Torres, Ophelia Torres, Betty Schwartz, Mathew Shotkin, Paul Stewart

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## **Meeting Called to Order**

Carol A. Schachter called the meeting to order.

### **Agenda Changes**

### **BUSINESS SESSION**

**VII. A.** **Adoption of April 19<sup>th</sup> Full Board Meeting**—For the first time in 4 years, the Full Board minutes are not ready and will have to be adopted at the June meeting.

### **TRANSPORTATION**

#### **Added Resolution**

**3a.** **TO BE CAUCUSED**--Maintenance of newsracks (honor boxes) on NYC streets.

### **HOUSING & HOMLESS**

#### **Deleted Resolution**

**4a.** 421a application, 310 E. 53<sup>rd</sup> Street

### **HUMAN SERVICES**

#### **Deleted Resolution**

**5a.** **Health Care Cuts.**

### **Jointly with Youth and Education**

**5c.** **TO BE CAUCUSED -Top Gun 4 Kids Pilot Program**

### **BUSINESS & GOVERNMENTAL AFFAIRS**

**6a.** **TO BE CAUCUSED**--Alteration, On-premises liquor license for 411 Rest. Corp., d/b/a Tonic East, 411 3<sup>rd</sup> Ave., b/w E. 28<sup>th</sup> & E. 29<sup>th</sup> Sts.

#### **Held-Over Resolutions**

**6d.** New, On-Premises liquor license for Waterside Bar Restaurant Inc., d/b/a tbd, 15 Waterside Plaza.

**6g.** Alteration & Additional bar for 60 Sweet Thing, Inc., d/b/a Redemption, 1003 2<sup>nd</sup> Ave., @ E. 53<sup>rd</sup> St.

### **Adoption of Agenda**

## **PUBLIC SESSION**

**Lt. R. Crowe** of the FDNY announced that the department recruitment office has applications available for FDNY. For information, call 718-999-3369.

**C/M Rosie Mendez** reported that A/M Glick and she would host a press conference/rally to protect rent-stabilized housing from phony demolitions on Thursday, May 18<sup>th</sup> on the steps of City Hall. C/M Mendez stated that in the past, building owners have used many means to evict rent-stabilized tenants and maximize profits. Now the owners are trying to twist the law and evict tenants by claiming to demolish when in reality they are only making renovations so that they can rent at a higher rate. C/M Mendez and A/M Glick are introducing legislation aimed at stopping these phony demolitions.

C/M Mendez also reported that she sent letters to area residents' promising her support for the CB6 resolution opposing an alteration liquor license for Tonic East, 411 3<sup>rd</sup> Ave. The Council Member has full confidence that the Board will reach a resolution that will be in the best interest of the community.

She additionally reported that when Beth Israel sells one of its buildings, several of its nursing staff would be displaced. She is working to find alternate living quarters, and requests that Beth Israel allot additional time in order to accomplish this task.

For complete reports, see the Council Members Community Board Reports or call 212-677-1077 to obtain a copy.

**Brice Peyre** representing Cg/M Carolyn Maloney reported that she would be testifying at the May 16<sup>th</sup> Con Ed Waterside scoping session on behalf of CB6.

He also reported that the Congress Member A/M Bing & C/M Garodnick have co-signed a letter to Comptroller Thompson on behalf of the Patio Café. The letter asks that his office take another look at the RFP and the manner in which the renewal of a license is considered.

He then reported that the Federal Transit Administration (FTA) has approved the final design for the Second Ave. Subway, this is a major step forward for the project. Cg/M Maloney is one of the project's strongest proponents and hails the move as a significant milestone. She is hoping that construction would begin December 2006.

Additionally, he reported that Cg/M Maloney's bill to aid Holocaust Education Programs has gained a champion in the Senate. The Wiesenthal Education Act would establish federal grants for institutions to teach about the Holocaust and its larger lessons. Currently only six states including NY and NJ, mandate these lessons.

For complete reports, see the Congress Members Reports or call 212-860-0606 to obtain a copy.

**Laura Morrison** representing Sen. Tom Duane introduced herself as the Senator's new Chief of Staff.

She reported that Sen. Duane urges the community and elected officials to attend the second scoping session on the development of the Con Ed Waterside Properties. Sen.

Duane will be expressing support for CB6 alternative 197-c Plan, which would ensure that the development of these sites adequately address the needs of the community.

She also reported that the Senator has been advocating for pedestrian safety throughout the city. This has been prompted by the death of Esther Levine, an 81-year old tenant of Peter Cooper Village who was killed by a bus at First Avenue and 20<sup>th</sup> Street. He has written a letter to the Mayor's Office requesting that the city take measures to improve pedestrian safety. He stressed the need for special pedestrian accommodations in areas with high concentrations of elderly residents.

For complete reports, see the Senators Community Bulletin or call 212-633-8052 to obtain a copy.

**Patrick McCandless** representing Sen. Liz Krueger reported that while the legislature did pass an on time 2006-2007 budget this year, the passage of the budget was then followed by over 200 vetoes from the Governor, most of which were promptly overridden by the legislature. One of the budget items vetoed was the one that would affect health care in New York State. Approximately \$1.27 billion in funding for the Medical Assistance Program has been cut and this would have a major impact on hospitals, nursing homes, and low to moderate income New Yorkers in need of health care. The Senator is most concerned with this.

For complete reports, see the Senators Community Bulletin or call 212-490-2151 to obtain a copy.

**Barry Klein** representing A/M Jonathan Bing reiterated what Mr. McCandless reported on the legislative 2006-07 budget, and stated that A/M Bing stated that this bi-partisan action would ensure a spending plan that would protect numerous line items in the budget and invest in the city's economy.

He also reported that on Friday May 5<sup>th</sup>, the Assembly Member hosted a Medicare Part D forum to help seniors better understand the program. The forum reminded seniors to enroll in the plan before the deadline, which is May 15<sup>th</sup>, in order to avoid paying a late enrollment fee. The forum has helped dozens of seniors in attendance get valuable information so they would not be denied their prescription medications.

Barry then reported that the A/M Bing has pressed DPR for answers regarding the new bidders proposal for the concession in Dag Hammarskjold Plaza and awarding a contract to the new establishment that has no relationship to the east side community. In April A/M Bing hosted a meeting with DPR and many community groups to address these concerns.

For complete reports, see the Assembly Member's Community Bulletin or call 212-605-0937 to obtain a copy.

**Anna Rivera** representing A/M Sylvia Friedman reported the Assembly Member has stated that she hopes there will be a happy resolution to the dispute between the community residents and the owner of Tonic East, 411 3<sup>rd</sup> Ave.

Anna also reported that the Assembly Member continues to monitor the situation with Robert Moses Park. She has stated that as the Assembly Member for this district she will only approve a plan that would give CB6 a replacement of equal or greater space.

She then reported that A/M Friedman is happy to report that the Assembly passed a plan to continue reforming New York's outdated Rockefeller Drug Laws. The plan would put emphasis on treating drug addiction and saving money.

Anna additionally reported that A/M Friedman would co-sponsor a bill that would remove the statute of limitations on rape. Eliminating the limitations will give the victims time to muster the courage to confront their attackers, more rights and help ensure that criminals don't get away with committing these crimes.

For complete reports see the Assembly Members Community Report or call 212-979-9696 to obtain a copy.

**Michael Kaplan** representing A/M Dick Gottfried briefly reported that the legislature acted quickly to override nearly all of the vetoes enacted by the Governor, including many important items relating to health care. The budget that was approved restored and added billions of dollars for health care, education, and other important programs.

He also reported that A/M Gottfried has joined C/M Mendez in the fight against phony demolitions. He has signed off on a letter circulated by C/M Mendez calling on the NYS Division of Housing and Community Renewal (DHCR) to hold adjudicatory hearings when considering applications to use demolition provision when scrutinizing these applications and to reveal statistical information about the demolition applications they do grant. They have established a Phony Demolition Task Force to discuss these issues with state agencies. They are also exploring enforcement options and legislative actions.

In March, NYCHA proposed to increase the Sales, Services and Excess Utility fees it charges tenants an average of over 30%. A/M Gottfried wrote a letter opposing these increases and presented testimony at an oversight hearing of the NYC Council's Housing and Buildings and Public Housing Committees. He is concerned that some tenants will not seek repairs because they cannot afford to pay for them. The fees approved still represent huge increases, but he is pleased that discounts for seniors, low-income residents, and the disabled have been increased.

For complete reports, see the Assembly Member's Community Bulletin or call 212-807-7900 to obtain a copy.

**Justine Almada** representing C/M Dan Garodnick stated he congratulates CB6 on a very successful Housing Clinic. His office has received a lot of positive feedback from the community.

She announced that C/M Garodnick would hold a Quality of Life Forum on Thursday, May 22<sup>nd</sup>, at the NY Blood Center, 310 E. 67<sup>th</sup> Street. The forum will feature a panel discussion by representatives from various city agencies and community activists to address issues of graffiti, poorly maintained news racks, illegal street vending and bicycles ridden on the sidewalks.

She reported that the Council Member sent a letter to DOT asking that improvements be made at the intersection of 20<sup>th</sup> Street and First Ave. Since then 3 "Yield to Pedestrian" signs have been added to the intersection, although no changes have been made to the timing of the lights. His office will continue to work on improvements.

She then reported that C/M Garodnick has joined with A/M Bing to keep the Patio Café in Dag Hammarskjold Plaza. They are raising questions about the bidding process and continue to fight for a café operator who can run a healthy business and meet the wishes of the community.

**Edith Charlton** representing Gramercy Neighborhood Association spoke in opposition of the many new honor boxes that have been placed in this community and would like new regulations that would limit the number of boxes placed in a community.

**Bill Curtis** President Turtle Bay Assoc., **Sherrill Kazan** President, & many other members of Friends of Dag Hammarskjold spoke in opposition to the process in which the Patio Café lost the RFP bid. They would like the DPR to reconsider and let the café remain in Dag Hammarskjold Plaza.

**Esther Yang** area resident spoke of issues with the Con Ed Waterside demolition site.

**Mathew Shotkin** spoke on issues of concern to him such as the proposed hospital closings and the loss of park space.

**Peter Lehrer, Susan Lilley, Carol Latman, & Mel Garskoff** residents of the Chesapeake House all spoke in opposition to Tonic's, 411 3<sup>rd</sup> Avenue rooftop bar and in favor of the Boards resolution.

**Kenneth Caulfield**, owner & **Elizabeth Eyerman**, General Manager spoke to explain the manner in which Tonic would operate and what they would do to make sure this establishment does not disturb the community.

**Roll Call** – Harry E. Ursillo

## **BUSINESS SESSION**

**Report from the Chair** – Carol A. Schachter

Carol made a few announcements:

- 1) She reminded those who wish to attend the memorial dinner for Timothy McGinn to please send a check in the mail, paid to the order of Frank Scala.
- 2) New board member Max Rettig resigned due to job obligations.
- 3) She has 8 or 9 invitations for the Friday, June 2<sup>nd</sup> 17<sup>th</sup> Pct Community Council dinner for any member who would like to attend.
- 4) All new members have been assigned to committees; your assignment letter is in your board member packet.

**District Manager's Report** – Toni Carlina

Toni announced that Marty Barrett, Chair of the Boards Budget sub-committee has requested that she inform Board Members that the next committee meeting is scheduled for May 31<sup>st</sup> @ 6:30pm in the district office. An OMB representative will be present.

She reported that the construction fence around the Dag Ham Public Plaza has been removed.

She then reported that after meeting with the DOS District Supervisor to discuss the sanitation conditions in the lower part of the district, he, decided to seek assistance from his superiors, as a result effective Monday May 22<sup>nd</sup>, commercial enforcement times have been changed in section one- 14<sup>th</sup> to 27<sup>th</sup> Sts. new time is 11-12noon & then 3-4pm,

section 2 - 28<sup>th</sup> -45<sup>th</sup> Sts. will be 10-11am & 2-3pm, section 3 – 46<sup>th</sup> -59<sup>th</sup> 10-11am & 1-2pm. This should improve sanitation conditions throughout the district.

She additionally reported that as she previously informed them, several community boards have obtained millions of dollars through the city's % for art program. As many of you are aware, we have two 3<sup>rd</sup> Water Tunnel shaft sites in our district. A meeting with DEP & Cultural Affairs has been arranged for June 19<sup>th</sup> at 2 pm in the district office, she would appreciate hearing from any board member with a project suggestion.

**Treasurer's Report – Bea Disman**

Bea reported that the board budget is still holding strong and that we would have enough to get our end of the year supplies and have enough in the budget to upgrade our website.

She informed our new board members that through the board's sunshine fund, which is maintained through board member contributions, the board is able to send flowers or plants to members who may become hospitalized and for various other reasons.

**Borough President's Report – Amy Martinez-Miller**

Amy reported that the Borough President thanks CB6 for the wonderful and successful Housing Clinic they held last night.

She then reported that the Borough President's office is offering to help community groups that are in search for funding on community projects. For those who are interested, you may contact Amy at 212-669-7877.

For these and other reports, see the Borough President's Community Board report, go to [www.mbpo.org](http://www.mbpo.org) or call 212-677-1077 to obtain a copy.

**COMMITTEE REPORTS**

**1. Public Safety, Environment, Human Rights – Fred Arcaro, Chair**

**a. Report**

Fred welcomed the new members to the Board. He explained some of the issues the committee works on and extended an open invitation to join.

**2. Youth & Education – Maxine McIntosh, Chair**

a. Maxine announced that applications for the Summer Youth Employment were now available. The application is also available on-line.

She then announced that on Thursday, June 8<sup>th</sup>, Pratt University would hold a conference to discuss ways to incorporate children with disabilities into the regular school population without consequence.

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

**a. Regarding unkempt and ill-maintained newsracks (honor boxes) on New York City Streets, including in Community Board 6, Manhattan**

**WHEREAS**, the proliferation of newsracks has created cluttered, dangerous, unsanitary and



unsightly conditions on the streets of New York City, and

**WHEREAS**, the owners of the various publications distributed by the newsracks have largely failed to maintain their newsracks according to the applicable regulations, and

**WHEREAS**, the (New York City) Department of Transportation (DoT) has not effectively enforced newsrack regulations because of deficiencies in the current law and lack of personnel, and

**WHEREAS**, use of the 311 system for complaints about unlawfully placed or improperly maintained newsracks has not produced meaningful results, and

**WHEREAS**, other cities have enacted legislation limiting the number of newsracks on each corner, mandating size, appearance, maintenance and other requirements and have imposed fair licensing fees to fund enforcement activities, now

**THEREFORE be it**

**RESOLVED**, that Manhattan Community Board 6 requests the New York City Council to study effective newsrack legislation in other municipalities and enact a newsrack law which will curb the current abuses and unsafe conditions on our sidewalks, and be it further

**RESOLVED**, that New York City's Department of Transportation (DoT) devote sufficient inspection and administrative personnel resources to satisfactorily enforce the newsrack regulations, and be it further

**RESOLVED**, that the Mayor take necessary action to encourage and enable DoT to more promptly and effectively respond to 311 newsrack complaints, and be it further

**RESOLVED**, that 311 operators be adequately trained to transfer newsrack complaints to DoT and for DoT to refer such complaints to the appropriate unit within the agency for prompt and effective action.

**Vote: 39 For 0 Against 0 Abstained 0 Not Entitled**

**b. Report**

Lou reported he wanted to clear up some misconceptions of what type of bus struck Mrs. Levine on E. 20<sup>th</sup> Street and 1<sup>st</sup> Ave. He stated that it was a commuter bus heading east on 20<sup>th</sup> Street and made a left turn onto 1<sup>st</sup> Ave to go north; Mrs. Levine was in the pedestrian crosswalk and was struck by the right rearwell of the bus. The NYPD has investigated and the driver will receive a summons.

He announced that on September 30<sup>th</sup>, the Borough President's office would hold a Transportation Conference. He asked the members to suggest topics they would like presented at this conference.

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

**a. Report**

Claude gave a brief report on the Housing Clinic Forum and thanked all who worked to make the forum a success.

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

**b. Hospital Closures Commission**

**WHEREAS**, in 2005, New York State established the Berger Commission to study the New York hospital system, and recommend hospitals for decertification of beds or full decertification, and

**WHEREAS**, CB6 has numerous hospitals under the auspices of this Commission, and

**WHEREAS**, presently, the Commission will make final recommendations on December 1, 2006, and if these recommendations are not acted upon by the State government, they will automatically take effect on January 1, 2007, and

**WHEREAS**, presently the separate CARES Commission at the federal level is looking at the possible downsizing and/or closure of the 23rd Street VA Hospital, and

**WHEREAS**, in addition to the financial well being of hospitals, there are other factors to consider in assessing the importance of hospitals, such as the availability of clinics, ambulance response times to emergency room, and reimbursement rates, and

**WHEREAS**, presently Assembly Bill A10186 and Senate Bill S6591 would mandate an affirmative act of the legislature to implement the Berger Commission Report, would require more openness in the Commission's deliberations and would mandate more input at the local level; now

**THEREFORE BE IT**

**RESOLVED**, that CB6 supports A10186 and S6591 and calls upon all state elected officials to supports its implementation as law, and be it further

**RESOLVED**, that CB6 calls upon the Berger Commission to study ambulance response times, preventive care, and reform of reimbursement rates as part of its overview of the New York State Hospital System.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**c. Top Gun 4 Kids Pilot Program**

**WHEREAS** Beth Israel Hospital has proposed a pilot program called “Top Gun 4 Kids”, and

**WHEREAS**, the purpose of this pilot program is to have children prepared to pursue careers in areas including healthcare and science, and

**WHEREAS**, studies have shown a correlation between video game skills and surgical skills, and

**WHEREAS**, women, minorities, and individuals with disabilities are all underrepresented in scientific fields versus their population in the workforce, and

**WHEREAS**, the “Top Gun 4 Kids” program is designed to introduce teenagers, particularly women, minorities, and teens with disabilities to health and related fields through the use of vide game technology, and

**WHEREAS**, a grant has been secured for this program, and Beth Israel seeks CB6’s support for this program before this money is released, now

**THEREFORE be it**

**RESOLVED**, that CB6 supports the "Top Gun 4 Kids" pilot program; and be it further

**RESOLVED**, that CB6 conditions this support on proper written parental consent and notification; and be it further

**RESOLVED**, that such video games should not be of a violent or graphic nature; and be it further

**RESOLVED**, that CB6 calls on Beth Israel Hospital to remove “Gun” from the name of the program.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**d. Report**

Lyle reported that there has been little movement on the issue of the 28<sup>th</sup> Street Ambulance Access.

He then reported that at the Human Services committee meeting being held tomorrow night there would be some discussion of the Beth Israel nursing issue.

**5. Business & Governmental Affairs – Harry E. Ursillo, Chair**

**a. Alteration, On-premises liquor license for 411 Restaurant Corp, d/b/a Tonic East, 411 3<sup>rd</sup> Ave, b/w E 28<sup>th</sup> & E 29<sup>th</sup> Sts.**

**WHEREAS**, Nicholas Kordas, Esq, Elizabeth Eyerman, GM, and Brian Mannett, Head Chef, appeared before the Business & Governmental Affairs (B&GA) Committee of Community Board 6 Manhattan on 5/3/06; and

**WHEREAS**, the establishment is a restaurant/bar that will operate 11 AM – 4 AM for lunch and dinner with a capacity of 369; that is partially wheelchair accessible (1<sup>st</sup> floor); which will play recorded music; which will have no dancing; which has a staging area (waiting lounge); which will open or remove the establishment’s windows and/or doors during the warmer months (but close them by 11 PM); and

**WHEREAS**, the establishment has opened and closed areas at the roof level, the enclosed area encompassing 600 sf (approximately 1/3) of roof area with the balance remaining open for exterior dining with a capacity of 75; the restriction on the enclosed space was determined by the Department of Buildings; and

**WHEREAS**, while the roof area is not yet open and a noise problem from it is not a foregone conclusion, the applicant proposed to stop serving food after 10:30 PM there if there were a problem; and

**WHEREAS**, per the applicant's attorney, with reference to the name of the establishment:

- The original name "The Kitchen" was changed to avoid conflict with a similarly named establishment in close proximity;
- The applicant will operate as "Tonic East";
- Oliver Caulfield (Owner) has no involvement in the Times Square establishment "Tonic Bar and Restaurant and Met Lounge" and will be primarily responsible for operating Tonic East;
- The applicant has no intention of providing live music (like the Times Square Tonic), nor are facilities for live entertainment available at the 411 3<sup>rd</sup> Ave location; and

**WHEREAS**, at the previous 4/6/06 meeting of B&GA, the presenters said they found the building to be in such bad shape it had to be rebuilt; and

**WHEREAS**, at the 5/3/06 meeting of B&GA attended by 70+ neighborhood residents, primarily from Chesapeake House, 201 E 28<sup>th</sup> St (a high-rise which overlooks the site and includes a courtyard), the concern was the potential noise problems that may exist when the rooftop is operating as an outside dining room; and

**WHEREAS**, to assess these issues, Chesapeake Owners Corp commissioned a study of "Noise from Tonic Rooftop Restaurant" by Acoustilog, Inc (19 Mercer St, NYC 10013), Alan Fierstein, Pres, in whose "Summary of Findings" he wrote: "Without a guarantee that those potential and actual problems will be taken care of, the Community Board and the State Liquor Authority should not approve this establishment" (i.e.: Alteration, On-premises liquor license); and

**WHEREAS**, potential noise issues (and suggestions for improvements) cited by Acoustilog included:

- HVAC equipment (2 Carrier 48TMF025 20-ton units)
  - There are no baffles or sound-absorbing screens, fences or barriers on the roof to muffle sound;
  - The fresh air intake fan produces some noise where a baffle (a wall-like shield) will be needed;
  - The kitchen exhaust fan needs a baffle as it's too loud; noise from the exhaust fan can also be reduced by aiming the discharge toward the street or avenue, which would also help odors (no precipitator was seen on the roof);
  - Discharge fans atop the units definitely need baffles to deflect the sound from traveling upwards;
  - The ducts serving all units are likely to be quiet.

- Music
  - During a sound check of the sound system 4/14/06 @ 1:15 PM in Apt 14S, the noise was considered a serious disturbance; it was explained by Kenny Caulfield (the Owner's son) that it was a maximum output test, not an example of the way the sound system would actually be used; Kenny had the speakers on the roof removed;
  - The speakers should not be reinstalled;
  - No portable sound system should be used on the roof, including for private parties;
  - The restaurant's music system must be designed and operated so no music leaks out through the glass partitions or through opening doors;
  - Speakers should not be near doorways;
  - These restrictions should also apply if there are private parties with outside personnel and music systems;
  - The bass on music in the restaurant should be toned down as it's highly penetrating.
  
- Voices
  - The stockade fencing and glass walls of the roof bulkhead will either allow or reflect the voices of patrons into the courtyard of Chesapeake House without any attenuation; additional soundproofing is needed;
  - In addition, the above comments apply to line-of-sight sounds where protecting higher apartments in the Chesapeake House will probably involve raising the fence.
  
- Acoustilog did mention that restaurant personnel were accommodating (Acoustilog was invited on-site), and they would probably do the necessary work rather than trying to operate with potential noise complaints and fines; and

**WHEREAS**, the chair of B&GA also found the applicant accommodating during his on-site visit 5/1/06, during the previous B&GA meeting 4/6/06, in phone conversations with Kenny Caulfield 5/8/06 and in a phone conversation with Oliver Caulfield 5/8/06 (Oliver called from Ireland); and

**WHEREAS**, the B&GA Committee's major concern was ultimately with the applicant's due diligence (the responsibility to investigate and identify issues) and due care (doing something about the findings from due diligence); and

**WHEREAS**, the report by Acoustilog focused the committee on a broader range of issues concerning not only the rooftop open space, but, also including the restaurant itself, beyond merely stopping dinner service at 10:30 PM on the roof; and

**WHEREAS**, the committee thinks that in the weeks to come, the applicant's own engineers, in conjunction with the Acoustilog recommendations, would implement substantive and permanent changes to the physical plant to minimize noise; and

**WHEREAS**, the applicant has said he would work on the problems identified, but did not give the B&GA Committee a timetable, plan or framework for such work; and

**WHEREAS**, the B&GA Committee honestly feels business is great for NYC, but, it shouldn't be "great" at the expense of the Quality of Life of its residents; we've been down this road so often in the past, paved as it is with broken and unfulfilled promises, followed by misery for the residents; now

**THEREFORE**, be it

**RESOLVED**, that Community Board 6 Manhattan strongly opposes the Alteration, On-premises liquor license for 411 Restaurant Corp, d/b/a Tonic East, 411 3<sup>rd</sup> Ave, b/w E 28<sup>th</sup> & E 29<sup>th</sup> Sts.

**VOTE: 32 in Favor 2 Opposed 5 Abstention 0 Not Entitled**

b. **Greenmarket at Phipps' Houses on 2<sup>nd</sup> Ave @ E 25<sup>th</sup> St on Tuesdays, 8 AM – 5 PM, July to November.**

**WHEREAS**, Kathy Chambers, Op Dir, appeared before the Business & Governmental Affairs Committee of Community Board 6 Manhattan on 5/3/06; and

**WHEREAS**, the site will be located b/w E 25<sup>th</sup> & E 26<sup>th</sup> Streets along 2<sup>nd</sup> Ave and operation will be 8 AM – 6 PM Tuesdays, 7/11/06 – 11/21/06; and

**WHEREAS**, a letter from Phipps Community Development Corp signed by Stephen Tosh was presented stating the organization fully supports the application for the Greenmarket as it will help them address the needs of residents and seniors at Plaza South, and they are eager to be a part of this effort; now

**THEREFORE**, be it

**RESOLVED**, that Community Board 6 Manhattan has no objection to the Greenmarket at Phipps' Houses on 2<sup>nd</sup> Ave @ E 25<sup>th</sup> St on Tuesdays, 8 AM – 5 PM, July to November.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

c. **New, On-Premises liquor license for 801 Second Ave. Rest. Corp., d/b/a Patsy's Pizzeria, 801 2<sup>nd</sup> Ave., b/w E. 42<sup>nd</sup> & E. 43<sup>rd</sup> Sts.**

**WHEREAS**, Nick Tsoulos (Owner), appeared before the Business & Governmental Affairs Committee of Community Board 6 Manhattan on 5/6/06; and

**WHEREAS**, the bar/restaurant's hours of operation are weekdays 11 AM – 11 PM, weekends 11 PM – Midnight; there will be no music and no dancing; and

**WHEREAS**, this is the site of a former Wendy's, across the street from McFadden's and Calico Jack's Cantina and is a commercial area; and

**WHEREAS**, the 500' ft. rule will not apply to this establishment; and

**WHEREAS**, the establish has windows that would be closed during warmer months; and

**WHEREAS**, there was no community opposition to the application; now

**THEREFORE**, be it

**RESOLVED**, that Community Board 6 Manhattan has no objection, at this time, to the New, On-Premises liquor license for 801 Second Ave. Rest. Corp., d/b/a Patsy's Pizzeria, 801 2<sup>nd</sup> Ave., b/w E. 42<sup>nd</sup> & E. 43<sup>rd</sup> Sts.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

e. **Restaurant wine license for True North, 25 Waterside Plaza.**

**WHEREAS**, Eli Elbaum, Esq, appeared before the Business & Governmental Affairs Committee of Community Board 6 Manhattan on 5/3/06; and

**WHEREAS**, the hours of operation would be 11 AM – 10 PM; and

**WHEREAS**, according to the Waterside Tenants' Assn (WTA), the problem in the past had been access and accessibility to the public plaza; and

**WHEREAS**, Mr. Elbaum stated to the WTA that this would not be a problem and there would be access to the plaza for all; and

**WHEREAS**, the WTA would monitor the situation to maintain access to all, and report back to B&GA; now

**THEREFORE**, be it

**RESOLVED**, that Community Board 6 Manhattan has no objection, at this time, to a Restaurant wine license for True North, 25 Waterside Plaza.

**VOTE: 37 in Favor 1 Opposed 1 Abstention 0 Not Entitled**

f. **New, On-Premises liquor license for CMS RIKI, LLC, d/b/a TBD, 250 E 52<sup>nd</sup> St., b/w 2<sup>nd</sup> & 3<sup>rd</sup> Aves.**

**WHEREAS**, Martin Mehler, Esq, and Riki Hashizume, Owner, appeared before the Business & Governmental Affairs Committee of Community Board 6 Manhattan on 5/3/06; and

**WHEREAS**, this was formerly a Japanese Restaurant and would remain one, with a capacity of 74; and

**WHEREAS**, the hours of operation would be 6 PM – 3 AM Mon – Sat, and 6 PM – 1 AM Sun; and

**WHEREAS**, the establishment is not wheelchair accessible (grandfathered); and

**WHEREAS**, there would be only background recorded music; and

**WHEREAS**, there was concern on the part of the committee that the establishment was next door to the Turtle Bay Music School; the Board office called the school and found out it is a private, non-profit community-run school, not chartered from a NYS license; therefore, the application would not fall under the SLA 200-foot hearing rule; now

**THEREFORE**, be it

**RESOLVED**, that Community Board 6 Manhattan has no objection, at this time, to a New, On-Premises liquor license for CMS RIKI, LLC, d/b/a TBD, 250 E 52<sup>nd</sup> St, b/w 2<sup>nd</sup> & 3<sup>rd</sup> Aves.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

h. **Transfer & Alteration, On-Premises liquor license for Third & 50, LLC, d/b/a Dos Caminos, 825 3<sup>rd</sup> Ave @ E 50<sup>th</sup> St.**

**WHEREAS**, Saul Victor, Esq, and Steven Hanson, Owner, appeared before the Business & Governmental Affairs Committee of Community Board 6 Manhattan on 5/3/06; and

**WHEREAS**, this is the former La Maganette; and

**WHEREAS**, this is a restaurant/bar with a cabaret license, though at this time there will be no dancing; and

**WHEREAS**, hours of operation will be 11 AM – 1 AM weekdays; 11 AM – 2 AM weekends; and

**WHEREAS**, there would be only background recorded music; and

**WHEREAS**, it has a capacity of 600; it has a Public Assembly permit and is wheelchair accessible; and

**WHEREAS**, It will have both recorded and live music; it's sound proofed; and

**WHEREAS**, windows and doors will be opened in the warmer months, but closed by 11 PM; and

**WHEREAS**, the large outdoor sidewalk café is completely within the building line; and

**WHEREAS**, this is basically in a commercial area; now

**THEREFORE**, be it

**RESOLVED**, that Community Board 6 Manhattan has no objection, at this time, to a Transfer & Alteration, On-Premises liquor license for Third & 50, LLC, d/b/a Dos Caminos, 825 3<sup>rd</sup> Ave @ E 50<sup>th</sup> St.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**



- i. **Gramercy Park Block Assn. - Street Activity Permit application for a concert on Thursday, June 8, 2006, to be held on Gramercy Park East, b/w E. 20<sup>th</sup> & E. 21<sup>st</sup> Sts., between the hrs. of 5 – 9 pm.**

**WHEREAS**, the Gramercy Park Block Assn holds this event annually without incident; and

**WHEREAS**, the applicant provides an event that is also free of charge to the community; and

**WHEREAS**, this street activity is volunteer produced, is primarily on a side street and is sponsored by an organization that is indigenous to the community; and

**WHEREAS**, the concert is simply being advertised as an “Outdoor Spring Concert”; now

**THEREFORE, be it**

**RESOLVED**, that Community Board Six supports the application by the Gramercy Park Block Assn. for a Street Activity Permit.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

- j. **Report**

Harry thanked the public and the committee members for all the hard work they did on the issue of Tonic, 411 3<sup>rd</sup> Ave.

He announced the committee is looking for a new meeting location.

6. **Land Use – Edward Rubin, Chair**

- a. **Application for a Physical Culture Establishment Special Permit at 150 East 58<sup>th</sup> Street, (Block 1312 Lot 41), Board of Standards and Appeals #78-06-BZ.**

**WHEREAS**, Sitaras Fitness LLC, has applied for a ten year (10) Special Permit for a physical culture establishment at 150 East 58th Street (Block 1312, Lot 41), on the 11th and 12th floors, for about 5,274 (approx) square feet on the south side of East 58th Street, between Second and Third Avenues, in Community Board 6, Manhattan, and

**WHEREAS**, the Department of Buildings has denied this application as not being permitted in a C5-2 zoning district and is, therefore in violation of Section 32-10 of the Zoning Resolution and

**WHEREAS**, the applicant has stated in Special Permit Application (78-06-BZ) that it conforms to the findings under Section 73-36(a) of the Zoning Resolution, which states that the proposed use shall "...not impair the essential character or the future use or development of the surrounding area..." and that it contain one set of a variety of listed

facilities, "...including facilities for personal training so as to enable individuals to pursue their unique fitness goals" in a membership on establishment, now

**Therefore be it**

**Resolved**, Community Board 6, (CB6) Manhattan, offers no objection to Special Permit Application (78-06-BZ) for the operation of a 5,740 (approx.) square foot physical culture establishment, by Sitaras Fitness LLC, at 150 East 58th Street, (Block 1312, Lot 41) on the 11th and 12th floors, between Second and Third Avenues, in Community Board 6 (CB6), Manhattan, and be it further

**Resolved**, that CB6 prefers to granting Special Permits for no longer than five (5) years, so as to afford the community oversight of the applicant.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**b. Report**

Ed reported that the Board has reached threshold review with its' 197-a Plan, which means it is now ready for community review and the Borough Presidents review. The plan can be read on the CB6 website. He has suggested that the Board reissue our 2004 resolution adopting the 197-a Plan with a cover letter that would state that Community Board 6 reaffirms its resolution of 2004.

He announced that the second scoping session for the 197-c Plan would be held on Tuesday, May 16<sup>th</sup>.

The Board has sent a letter to all 59 Community Boards urging them to reconsider testifying in support of our 197-c Plan be included in the scope of the SEIS.

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

**a. Dag Hammarskjöld Park - awarding of food concession in NYC parks**

**WHEREAS**, the Department of Parks and Recreation (after an RFP process) has decided not to renew the current concessionaire (the Patio) at Dag Hammarskjöld Park and award it to a different bidder; and

**WHEREAS**, this has caused a great uproar in the community amongst the Friends of Dag Hammarskjöld, the Turtle Bay Association and the elected officials representing the area due to the lack of response from the Parks Department to specific questions about how and why the concession is to be transferred; and

**WHEREAS**, Community Board 6 has made several requests for copies of all submissions received as well as the scoring sheets used by the committee at the Parks Department to award the new concession but has not yet received these documents; and

**WHEREAS**, the elected officials on all levels of government have had to write a letter to the Mayor because they themselves have been unable to obtain answers to the same questions as Community Board 6; and

**WHEREAS**, Community Board 6 is not endorsing any of the 4 responders to the RFP but is insisting on transparency and consistency and complete and specific answers to the questions raised by us, the elected officials, and the community;

**THEREFORE, BE IT**

**RESOLVED**, Community Board 6 insists that the contract between the Parks Department and their chosen vendor not be finalized until Community Board 6 has received and reviewed all requested documents; and

**BE IT FURTHER**

**RESOLVED**, we urge Comptroller Thompson to make a thorough review of this whole process.

**VOTE: 38 in Favor 0 Opposed 1 Abstention 0 Not Entitled**

**b. Certificate of Appropriateness for 230 EAST 18<sup>TH</sup> STREET**

**WHEREAS**, 230 East 18<sup>th</sup> Street, a residential building in the Stuyvesant Square Historic District, has applied for a Certificate of Appropriateness to change the windows on the street façade, and

**WHEREAS**, the proposal is to change the current casement windows back to the traditional and historically accurate double hung windows, and

**WHEREAS**, this application is supported by the Stuyvesant Park Neighborhood Association,

**THEREFORE, BE IT**

**RESOLVED**, Community Board 6 supports approval of the application.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**c. Mooring of New York Sun Works Educational Barge at Stuyvesant Cove Park**

**Whereas**, Applicant, New York Sun Works, proposes to moor its center for sustainable engineering educational barge off of Stuyvesant Cove Park during 2007; and

**Whereas**, Emily Waff and Dr. Theodore Caplow of New York Sun Works made a presentation to the Parks, Landmarks and Cultural Affairs Committee of Community Board Six on Tuesday, May 2, explaining the goals and operations of the Sun Works project; and

**Whereas**, Sun Works will serve as an educational resource to the community, providing information on a variety of subjects including alternative energies, hydroponic farming, renewable resources, and sustainability; and

**Whereas**, Sun Works will moor its barge at a variety of locations along the City's waterfronts providing access to citizens in as many communities as possible; and

**Whereas**, Sun Works has the support of the Friends of Stuyvesant Cove Park and Solar One, and will coordinate its activities with these and other community based organizations; and

**Therefore, be it**

**Resolved**, that Community Board Six supports the proposal by New York Sun Works to locate its barge at Stuyvesant Cove Park.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**d. Renaming the Ball Fields in Murphy Park in Honor of Timothy J. McGinn**

**Whereas**, Applicant, the Peter Stuyvesant Little League, proposes to rename the two ball fields at Murphy Park in honor of Timothy J. McGinn; and

**Whereas**, Mr. McGinn was a well-known and respected leader, having served in numerous positions on Manhattan Community Board Six, including two terms as Chair; and

**Whereas**, Mr. McGinn exemplified the role of a model citizen good family man, loving husband to his wife Mary and father to their three children, and good friend to the many people whose lives he touched; and

**Whereas**, Mr. McGinn was a dedicated professional, an attorney whose honesty and integrity were true assets; and

**Whereas**, Mr. McGinn was devoted to his faith and was an active member of Epiphany Parish; and

**Whereas**, Mr. McGinn served as a Board member of the Peter Stuyvesant Little League, which provided him with a great sense of joy and fulfillment; and

**Whereas**, Mr. McGinn served the young people of our community from T Ball through the Senior Girls' Softball Division, distinguishing himself as a sportsman and champion of fair play, providing a great and positive impact on the children who played in the leagues; in this NYC Dept of Parks & Recreation Facility, now

**Therefore, be it**

**Resolved**, that Community Board Six strongly supports the proposal by the Peter Stuyvesant Little League to rename the two ball fields at Murphy Park in honor of Timothy J. McGinn, and urges the NYC Dept. of Parks & Recreation to re-name them accordingly.

**VOTE: 39 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

**e. Report**

Gary announced that the ballfield renaming ceremony would is scheduled for Saturday, June 10<sup>th</sup> at Murphy Brothers Park on 18<sup>th</sup> Street and Ave. C.

**Old/new business**

**Second Roll Call**

**Adjournment – 10:30**