

FULL BOARD MEETING MINUTES
Wednesday, December 12, 2007
NYU MEDICAL CENTER
FIRST AVENUE

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Barrett, Buchwald, Cervera, Collins, Curtis, Dankberg, Disman, Frank, Garland, Garodnick, Goldman, Greenspan, Haile, Hollister, Imbimbo, Judge, Lilien, McGuire, McIntosh, Monterossa, Oddo, Papush, Parker, Parrish, Peveri, Reiss, Rubin, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Steinberg, Thompson, Ursillo, Weder, Williams, Winfield

Members answering second roll call:

Arcaro, Barrett, Buchwald, Cervera, Curtis, Dankberg, Disman, Frank, Garland, Garodnick, Goldman, Greenspan, Haile, Hollister, Imbimbo, Judge, Lilien, McGuire, McIntosh, Moses, Oddo, Papush, Parker, Parrish, Peveri, Reiss, Rubin, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Steinberg, Thompson, Ursillo, Weder, West, Williams, Winfield

Excused (Member excused for either one or both roll calls)

Collins, Knowles, Monterossa

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

LaBarbera, Rosa, Rosenthal, Ross, Talbot

Member attendance Present: **40** Absent: **5** Excused: **3**

Guests signed in: **Tina Olechowski**, representing Representative Carolyn Maloney; **Sara Hale-Stern**, representing Senator Liz Krueger; **Romeo Ymalay**, representing Senator Tom Duane; **Nily Rosic**, representing Assemblymember Brian Kavanagh; **Barry Klein**, representing Assemblymember Jonathan Bing; **Ethel Sussman**, representing Council Member Lappin; **Gretchen Kruesi**, representing Council Member Garodnick; **Greg Geller**, representing Council Member Rosie Mendez; **Martin Barrett**, of 40 Plus of New York; **Karen Weis**, Branch Librarian of Epiphany Library

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Meeting Called to Order

Chair Lyle Frank called the meeting to order.

Adoption of the Agenda

Agenda was adopted by a voice vote.

PUBLIC SESSION

Chair Lyle Frank called the meeting to order.

Adoption of the Agenda

Agenda was adopted by a voice vote.

PUBLIC SESSION

Tina Olechowski, representing Representative Carolyn Maloney, reported that the Congresswoman gave testimony at the December 5th Public Hearing in front of the City Planning Commission (CPC) in reference to the East River Realty Company's (ERRC) ULURP application for the First Avenue Properties. She believed that the hearing went well for the community.

The Congresswoman wishes everyone a Happy Holiday!

Sara Hale-Stern, representing Senator Liz Krueger, reported that the Senator gave testimony at both the Borough President's (BP) and CPC's Public Hearing. The Senator was pleased with the BP's recommendations, and is eagerly awaiting the Commission's. The Senate will be going back into session tomorrow, and will be looking at raises for judges, and control over operation of horse racing.

Lyle thanked Sara and Senator Krueger for her testimony, support, and hard work on the First Avenue Properties issue.

Romeo Ymalay, representing Senator Tom Duane, reported that the Senator testified at both the BP's and CPC's Public Hearing.

On Veterans' Day, Sen. Duane joined Gov. Spitzer at the VA Hospital to honor our veterans, as well as congratulate the hospital's new director.

Sen. Duane has written letters in support of the union workers of the Broadway Stagehands and workers upstate hired by Time Warner Cable. He is supporting workers of the TWJ for a fair and just contract.

The Senator wishes everyone a Happy Holiday!

Nily Rosic, representing Assemblymember Brian Kavanagh, reported that the A/M testified at both the BP's and CPC's Public Hearing.

The Assembly Member wanted to thank the chairs of the CB6 Transportation and Public Safety Committees for hosting him at their respective meetings dealing with congestion mitigation.

A/M Kavanagh wishes everyone a Happy Holiday!

Barry Klein, representing Assemblymember Jonathan Bing, reported that this would be his last month as liaison to CB6, and Keith Powers would be taking his place.

A/M Bing wishes everyone a Happy Holiday!

Ethel Sussman, representing Council Member Lappin, reported that the C/M testified at both the BP's and CPC's Public Hearing, and was appalled at the comparison of the Trump World Tower being the standard for development in the neighborhood. C/M Lappin believes there is still wide opposition of the plan despite the addition of a school.

There was a meeting with Gov. Spitzer about a statewide recall of unsafe toys, and there is a website available to check the safety of certain toys.

C/M Lappin extended an invitation to all to a holiday party being held jointly with C/M Garodnick, being held December 18th.

Gretchen Kruesi, representing Council Member Garodnick, reported that the C/M testified at both the BP's and CPC's Public Hearing, and looks forward to seeing the next round of modifications by the developer.

C/M Garodnick is sponsoring a legal help clinic for the residents of Stuyvesant Town and Peter Cooper Village tomorrow at JHS 104 from 5-8pm.

The Council Member introduced legislation on debt collectors, stating that they must be licensed by the Department of Consumer Affairs.

C/M Garodnick was recently appointed to the Infrastructure Task Force created by Speaker Quinn.

C/M Garodnick wishes everyone a Happy Holiday, and hopes that you will come to the holiday party!

Greg Geller, representing Council Member Mendez, reported that the C/M testified at the CPC's Public Hearing.

C/M Mendez introduced legislation to help keep senior citizens in their homes, which includes a right for counsel for all low-income seniors who are facing eviction or foreclosure.

The C/M also joined several of her colleagues to rally in support of illegal hotel legislation, which is a problem across Manhattan and in the CB6 area, which would increase the fines significantly.

C/M Mendez wishes everyone a Happy Holiday!

Martin Barrett, re 40 Plus of New York, reported that this organization offers employment help, including resume and interview assistance, to all over the age of 40. For more information, please visit www.fortyplus.org.

Karen Weis, Branch Librarian of Epiphany Library, thanked CB6 for the Board's continued support of the local libraries. Because of CB6's support, the NYPL is now able to offer 6 days of service to all branches.

Roll Call – Carol A. Schachter

BUSINESS SESSION

Adoption of the November 14th Full Board Minutes: Minutes were adopted by voice vote.

Chair's Report – Lyle Frank

1. Happy Holidays to All!!
2. Let's party 12/19/07
3. CB6 a hit at BP and CPC Hearings
4. Conflict of Interest booklet in packet – please review
5. Waterfront Sub-committee underway – Stuyvesant Cove Discussion in January
6. Back up to 49 members
7. January 7 Reso on Congestion Mitigation
8. Thank you to Fred and Claude for their participation at East Side Alliance meeting

District Manager's Report – Toni Carlina

Toni thanked Cullen for his assistance in arranging a meeting with an attorney from HPD for January 8th, to review Waterside's lease along with how the public plazas are used. The Waterside Tenants' Association believes some of the public plazas are being leased; however, they are not sure if these particular plazas are public. Another issue is the legality of the yearly fee being charged, that keeps being increased, to view the July 4th Fireworks, and where the money is going.

Toni thanked the Board Members who signed and sent in the letter urging the Mayor not to cut community boards' budget.

After several complaints of illegal demolition, noise, and after hours work came to the attention of the board office, a meeting was held with the developer and contractor of the property at the old East End Temple site that consists of 306, 394 and 396 E. 23rd Street. Lyle, Dan Williams, and representatives from DEP and DOB were in attendance. The contractor was informed that they could not use the empty corner lot for storage of construction equipment, it has been noted that trucks and other vehicles were jumping the sidewalk curb, placing the public at risk to enter this lot. The contractor was informed that they must obtain a DOT permits to install a pedestrian walkway and for curbside parking of construction vehicles.

At the present time asbestos removal is being done. Full demolition is expected to take place after the New Year. Planned for this site is a 210', 19 stories mixed use building that will consist of 102 condominium units. All the proper permits for the present work have been obtained. To reduce noise emanating from the genitor the contractor agreed to have it moved.

The barbed wire fence north of 23rd Street under the FDR Drive should be down within the next couple of weeks. A shorter fence and a surveillance camera will be installed in place of the barbed wire.

Treasurer's Report – Bea Disman

Bea thanked the Board members that signed the Budget letter addressed to the Mayor. Community Boards already have a tiny budget, and having funds taken away limits potential projects the Board can take on.

The \$30 check for the holiday party is not only used to fund the food and beverage for the party, but also used to tip building staff, and to let people know that we are thinking of them during their time of need.

Borough President's Report – Cullen Barrie

Cullen reported that the BP issued a “conditional disapproval” of the ULURP application for the First Avenue Properties. He thanked everyone from CB6 that came to the BP's Public Hearing and testified. The BP also submitted testimony at the CPC Public Hearing on December 5th reiterating his concern about the project.

Cullen wished everyone a Happy Holiday!

COMMITTEE REPORTS

1) Health, Seniors & Disability Issues – Sandro Sherrod, Chair **a) Report**

Sandro reported that the committee has discussed having a Town Hall meeting in January for city service providers in order to provide a dialogue for the community to ask questions and gain answers for the un-met senior needs within the community.

2) Youth & Education – Maxine McIntosh, Chair **a) Report**

Maxine reported that on December 13th board members would take a walk through tour of the Hunter College Brookdale Campus and then there would be an evening walk through of the Julia Richman Campus. Jamie Smarr of the DOE School Construction Authority (SCA) will be invited to next months meeting to give an update on the project.

3) Budget & Governmental Affairs – Dan Williams, Chair **a) Report**

Dan referred members to the committee minutes for the report.

4) By-Laws Select Committee – Marty Barrett, Chair

a) Reso: By-Laws Revision

The following items in the By-laws have been changed or amended. Significant changes are so indicated in **bold**.

General

1. The Preamble has been reworded to better reflect the Board's by-laws conforming to the City Charter and all pertinent laws.

2. Various sections have been moved around in the document for clarification.

i.e. The By-laws amended as of Dec 2005 - Section II “Election of Officers” is now section III as describing the officers and their functions should precede it and hence is the new section II and (formerly section III).

Specific changes

I. Community Board Membership

Added section - D - Members shall use no title other than “member of the Community Board” or “Community Board member” except in accordance with Section II B.

II. Board Officers

C1 – g, h, i, j, are sections which better describe what was formerly under sections III -1 - g, i, and k.

i.e. Better description of the Chairs duties in regards to developing committees and appointing members to committees

C2 Duties of Vice Chairs

Added section – d - In the Secretary’s absence, to perform, in the order elected by the Board, the duties of the Secretary

III Election of Officers

Significant change

Section III C last sentence added - **At the October meeting of the Board, members of the Board may offer additional nominees from the floor, including themselves.**

IV. Term of Office (previously section III B)

Significant changes

Section IV – B - No Board Chairperson shall serve as such for more **than three (3)** consecutive one-year terms

Section IV – C - **A Standing Committee Chairperson shall serve only during the term or terms of the Board Chairperson appointing or reappointing him/her. No Standing Committee Chairperson shall serve as such for more than five (5) consecutive one-year terms. Any person who has served as Chairperson of a Standing Committee for five (5) consecutive one-year terms shall again be eligible to serve as Chairperson of such committee only after one year of non-service**

Section IV – D - **No member of the Nominating Committee shall serve as such for more than two consecutive years.**

Section V. Executive Committee

The first sentence was changed to clarify committee membership to ...**and all Standing Committee Chairpersons.**

VI. Board Meetings and Attendance Requirements (formerly V.)

Section B -3 - the mailgram and telegram reference has been replaced with ... **be made by telephone or other rapid means of communication such as e-mail or fax sent ...**

Section B-4 – delineates what was formerly the second sentence in V. B – 2

Except with respect to the notice requirements set forth in Sections VI (B) (2) and VI (B) (3) above, special and emergency meetings shall be governed by the same procedures as a regular Board meeting.

Section C Attendance and Excused Absences

C-2 A Board member shall not be deemed present at a meeting for purposes of satisfying attendance unless such member is present for both roll calls taken at such meeting.

Significant change (addition)

C- 3 Notwithstanding the provisions of Section VI(C)(1) above, if for any reason a regular monthly meeting of the Board is rescheduled to another date, a member who is unable to attend such rescheduled regular meeting shall be deemed excused from such meeting.

VII. Board Meeting Procedures

A 4 – c the description of what the Borough President’s report should cover has been deleted.

Added

B-3 A member who is otherwise eligible to vote on a matter before the Board or a Board committee, and who casts a vote at a time when quorum and all other legal requirements are satisfied, shall have such vote recorded even if such member is late to, or departs early from, the Board or committee meeting at which such vote is cast.

C. Board meetings (and all committee meetings - ((formerly VI –C)) shall be open to the public, except that, in accordance with the New York State Open Meetings Law, if the Board (or any committee) is dealing with sensitive and/or confidential issues such as personnel matters, the Board (or such committee) may go into executive session [in which event its deliberations shall not be open to the public.

VIII Board Committees (formerly VI)

B was formerly G

C was formerly E

E was formerly A.

F was formerly B

G was formerly F

Added – to define the needs of committees’ responses during the summer months

I. Any committee (including the Executive Committee) may approve a resolution of the committee and communicate such a resolution to an external entity provided that when making such communication the committee shall explicitly state that its position (i) is being communicated for informational purposes only, (ii) is not a recommendation or position of the Board and (ii) has not received approval of the Board and is not binding upon the

Board.

IX Removal for Cause (formerly X)

Section A the last sentence was amended to ... to failure to attend meetings **of each Standing Committee.**

Section B defines removal of a public member (formerly part of VI D describing committee meetings).

X. Duties of District Manager

1 – Amended to include ... **and with the approval of the full Board**

XI. Internal Operations of Community Board (formerly IX)

XII. Amendments (formerly XI)

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

b) **Report**

Various changes were recommended for these revisions and the second vote will be done in January.

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

a) **Certificate of Appropriateness for 3 Mitchell Place**

WHEREAS, the owners of the property located at 3 Mitchell Place, an individually designated landmark at the northeast corner of First Avenue and East 49th Street, have applied to the Landmarks Preservation Commission for a Certificate of Appropriateness to install through-the-wall air conditioning units on the south side of the 4th through 19th floors and one on the corner of the north side of the 23rd floor; and

WHEREAS, the well-known structure was built as the Pan-Hellenic Tower, and later was known as the Beekman Tower Hotel, and is now being converted into a transient hotel and changes to the interior require the installation of additional air conditioning units ; and

WHEREAS, the property lies within Manhattan Community District Six and a vote on the Certificate of Appropriateness by the New York City Landmarks Preservation Commission requires a review and recommendation by Community Board Six; and

WHEREAS, the landmarks Preservation Commission previously approved some through-the-wall air conditioners on the south façade which have been installed as well as some that have not yet been installed; and

WHEREAS, the owners have also asked Community Board Six to approve the through-the-wall-air conditioning units on the 11th through 20th floors that were previously approved by the Landmarks Preservation commission but never installed; and

WHEREAS the actual air conditioners themselves will not be visible, but will be placed behind grills that will match the existing 17” by 34” louvered grills and that will only protrude slightly, matching the existing grills, which will be cleaned; and

WHEREAS the owners representatives (Kevin McGrath, Esq. and Christina Zimmer (Stonehill & Taylor Architects) have agreed to explore the possibility of reducing the size of the openings for the air conditioning units, to minimize the removal of the historic brick fabric while keeping uniform size grills for a consistent aesthetic appearance, with the intent that at some time in the future all of the grills may be replaced by smaller grills and the missing bricks replaced; and

WHEREAS the owners have asked Community Board Six for the approval to install an emergency generator on the roof of the two story portion of the low building that lies along East 49th Street between the main tower and the annex building, which will not be visible from the street, and said generator will be run only in emergencies and for routine maintenance, even though this may be a staff-level approval not requiring Community Board Six approval; and

WHEREAS the owners have asked Community Board Six to approve the rewinding of the ground floor awnings and canopies in a fabric that will be approved by the Landmarks Preservation Commission staff, even though this may be a staff-level approval not requiring Community Board Six approval; and

WHEREAS the owners have stated that they will retain the brass piping that comprises the structure of the canopies and awnings; and

WHEREAS the owners have also asked Community Board Six to approve the removal and replacement of the green marble on the ground floor façade, which has become damaged over the course of time, and will be replaced by marble that will match the existing material as closely as possible, even though this may be an staff-level approval not requiring Community Board Six approval; and

THEREFORE, BE IT

RESOLVED, that Community Board Six has no opposition to the proposed Certificate of Appropriateness.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b) Report

Gary reported that next month the full board will be presented with the Alienation & Privatization of Private Parkland resolution. In the coming months the committee will continue to review DPR procedures as they pertain to concessions and the Mayor’s 20/30 plan.

Gary announced that since the original date for the committee meeting is New Years Day, the meeting has been moved to January 8th.

Waterfront Sub-Committee – Ellen Imbimbo, Chair

a) Report

Ellen announced that the committee meeting starts at 6:30 p.m. before the Parks, Landmarks & Cultural Affairs meeting. She asks that all committee members please be in attendance for January.

6) Transportation Committee – Lou Sepersky, Chair

a) Request for the reexamination of the placement, and possible relocation of a multi-route bus stop in front of 155 East 34th Street (Warren House) at Third Avenue.

WHEREAS New York City Transit (NYCT) and the MTA Bus Company have established a bus stop in front of 155 East 34th Street (Warren House), at Third Avenue in Community Board 6, and

WHEREAS that bus stop serves 3 NYCT bus routes (M16, M34, and X51), 8 MTA Bus Co. routes (QM 10, 12, 15, 16, 17, 18, 22 and 24), and a private New Jersey ferry shuttle bus, and

WHEREAS this assembly of buses causes severe inconvenience to the residents of this building and is considered to be a cause of double parking and associated traffic congestion at this busy intersection, and

WHEREAS NYCT, MTA Bus Co. and the Manhattan Office of the New York City Department of Transportation have not, after inspection, offered a suitable alternative location(s) for the stops for the "QM" and ferry shuttle bus routes, now

THEREFORE BE IT

RESOLVED that New York City Transit, the MTA Bus Company, and the Manhattan Office of the New York City Department of Transportation revisit this location, with Community Board 6, at the earliest practical time, to seek any suitable alternative location(s) for the "QM" and ferry shuttle bus stops as may be suitable and available.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b) Report

Lou announced that at the January 7th meeting of the committee, which is going to be held jointly with the Public Safety committee, the discussion will be on Congestion Litigation. If the public has any questions or suggestions relating to traffic, please give them to Mr. Sepersky, if the questions or suggestions involve issues towards the environment, give them to Mr. Arcaro, or just e-mail them to the board office at mn06@cb.nyc.gov.

7) Land Use – Edward Rubin, Chair

a) AIA Text Amendments

WHEREAS the New York Chapter of the American Institute of Architects (“AIA”) has proposed six zoning text amendments to address various matters dealing with small lots and lot irregularity; to allow for design excellence within sound planning and urban design principles; and to encourage sustainable housing solutions; and,

WHEREAS five of the six proposals affect Medium and High Density Districts and one affects Low Density Districts; and,

WHEREAS Low Density Districts do not exist in the boundaries of Community Board Six; and,

WHEREAS the proposed AIA amendments do not increase allowable floor area; and,

WHEREAS the Board senses that the assurance that the stated floor area is to be maintained at the existing levels should be expressed explicitly as part of the proposed amendments; and,

WHEREAS certain of the drawings in the AIA package appear to mischaracterize the AIA’s intended result;

WHEREAS the fact that the proposed text amendments have not been co-sponsored by the Department of City Planning causes concern, now,

THEREFORE, BE IT

RESOLVED that Community Board Six has no objection to the five AIA zoning text amendments that affect High and Medium Density Districts;

RESOLVED that such text amendments explicitly state that the amendments will not increase allowable floor area and further

RESOLVED that the drawings for the R8B and R10A examples be clarified so as to better reflect the AIA’s intended result; and

BE IT FURTHER

RESOLVED that no opinion is expressed with respect to the changes affecting the Low Density Districts that do not exist in our Board District.

VOTE: 39 in Favor 1 Opposed 0 Abstention 0 Not Entitled

b) New York City Department of City Planning Stairwells Text Amendment

WHEREAS, the New York City Department of City Planning has proposed a text amendment regarding the regulations governing stairwells in residential buildings developed or enlarged after the date of the amendment that are greater than 125 feet in height; and

WHEREAS, the amendment refers to the recently revised New York City Building Code that requires that all stairwells in such buildings be eight (8) inches wider than previously, increasing from three (3) feet to three (3) feet and eight (8) inches width, as indicated on the attached exhibit; and

WHEREAS, the New York City Department of City Planning proposes that the additional floor area now required to be used for the wider stairwells not be counted in the “floor area” (as defined by the Zoning Resolution of the building; and

WHEREAS, this Amendment will allow for buildings to be larger than they would have been under the existing zoning regulation; and

WHEREAS, Community Board Six feels that while the increased size of the stairwells is necessary for public safety, however, it feels that the granting of additional floor area as a replacement is not appropriate and will only serve to increase the size and height of residential buildings;

THEREFORE, BE IT

RESOLVED, that Community Board Six opposes the proposed Text Amendment.

VOTE: 38 in Favor 2 Opposed 0 Abstention 0 Not Entitled

c) Report

Ed announced that Dep. Mayor Dan Doctoroff has resigned. He was our go to person when it came to issues like access to the waterfront, the ODR & the Con Ed situation.

8) Business & Governmental Affairs – Carol A Schachter, Chair

Harry Ursillo introduced the resolutions.

a) Multi-block street fair for Tudor City Assoc., Sept. 14 (Sun.), 11 am – 6 pm, on Lexington Ave. from E. 42nd St. to E. 57th St..

WHEREAS, Tudor City Assoc. holds this event annually without incident; and

WHEREAS, the applicant, in the past, has provided services to the community; and

WHEREAS, this street activity has been relocated at the request of the Police Department from 2nd Avenue to Lexington Avenue for the following reasons:

- Events on upper 2nd Avenue have a major impact on the 59th Street bridge traffic.
- This particular event takes place during the UN General Assembly, which is a traffic and security challenge for the police department to manage; and

WHEREAS, Community Board 6 suggests other street fairs be considered for this change as well considering the impact they have on the QMT, the 59th Street Bridge and the surrounding neighborhoods; now

THEREFORE, be it

RESOLVED, that Community Board 6 supports the application by Tudor City Assoc. for a multi-block street fair Sept. 14 (Sun.), 11 am – 6 pm, on Lexington Ave. from E. 42nd St. to E. 57th St.

VOTE: 39 in Favor 0 Opposed 0 Abstention 1 Not Entitled

b) New, OP liquor license for 383 3rd Ave. Corp., d/b/a Abbey Road Café Restaurant & Bar, 383 3rd Ave. btw E. 27th & E. 28th Sts.

WHEREAS, Feras Qassis, Principal, and Terry Flynn, Esq., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on December 6, 2007, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office October 31, 2007), the Applicant indicated that the business type of the establishment is a Café Restaurant/Bar, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: 8 AM – 4 AM. 7 days a week, serving breakfast, lunch, dinner & late night snacks
- Capacity: 110; Public Assembly permit: Yes

- Music on-premises: Yes. Recorded background; occasionally there will be a DJ for private parties; Sound Control: Yes
- Dancing: No; Staging area (waiting lounge): No; Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: None
- Wheelchair accessibility: Yes. Restroom accessibility: Yes; and

WHEREAS, the applicant did provide plans/drawings for the committee to consider and comment on; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but agreed to provide a copy of the Application to CB6M (with sensitive information blacked out) when it was; and

WHEREAS, the Applicant had owned the Manhattan Center Market, 514 3rd Ave. btw E. 34th & E. 35th Sts.; and

WHEREAS, the attorney said there would be a doorman on duty on weekends and they would use an age verification system to keep minors away; and

WHEREAS, there were no members of the community present to speak for/against the Application; and

WHEREAS, in its discussion of the application, the committee took into consideration

- the presentation by the Applicant
- the fact that a 500-foot SLA Hearing was required
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that CB6M has no objection to the New, OP liquor license for 383 3rd Ave. Corp., d/b/a Abbey Road Café Restaurant & Bar, 383 3rd Ave. btw E. 27th & E. 28th Sts.

VOTE: 39 in Favor 1 Opposed 0 Abstention 0 Not Entitled

d & e)

- d. **New, OP liquor license for Fusha Asian Cuisine, Inc., d/b/a Fusha Asian Cuisine, 381 3rd Ave. btw E. 28th & E. 29th Sts.**
- e. **Renewal, OP liquor license for Empire Szechuan 28, Inc., d/b/a Empire Szechuan, 381 3rd Ave. btw E. 28th & E. 29th Sts.**

WHEREAS, James Wang, of Jing Wang Professional Service, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on December 6, 2007, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office October 22, 2007), the Applicant indicated that the business type of the establishment is a Restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays, 11 am – 11 pm; Weekends 11 am – 12 am
- Capacity: 60
- Dancing: No; Staging area (waiting lounge): No; Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: None
- Wheelchair accessibility: Yes. Restroom accessibility: Yes; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but agreed to provide a copy of the Application to CB6M (with sensitive information blacked out) when it was; and

WHEREAS, the Applicant had appeared before CB6M last month and stated the problem they had was they did not have a lease, a copy of which he provided to the Committee at this meeting; and

WHEREAS, the OP license for Empire Szechuan is up for renewal and the applicant does not want it to lapse pending receiving a license for Fusha Asian Cuisine; and

WHEREAS, there were no members of the community present to speak for/against the Application; and

WHEREAS, in its discussion of the application, the committee took into consideration

- the presentation by the Applicant
- the fact that a 500-foot SLA Hearing was required
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that CB6M supports the New, OP liquor license for Fusha Asian Cuisine, Inc., d/b/a Fusha Asian Cuisine, 381 3rd Ave. btw E. 28th & E. 29th Sts., and the Renewal, OP liquor license for Empire Szechuan 28, Inc., d/b/a Empire Szechuan, 381 3rd Ave. btw E. 28th & E. 29th Sts.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

g) **New, RW liquor license for HRK Foods, d/b/a Hady’s, 1057 2nd Ave. btw E. 55th & E. 56th Sts.**

WHEREAS, Hady Kfoury, Principal, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on December 6, 2007, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office November 1, 2007), the Applicant indicated that the business type of the establishment is a Restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: 11 am – 11 pm 7 days a week
- Capacity: 40
- Music on-premises: Very low background; Sound Control: Yes
- Dancing: No; Staging area (waiting lounge): No

- Windows/doors opened/removed during warmer months: Yes
- Patron use of Outdoor Areas: None
- Wheelchair accessibility: Yes. Restroom accessibility: Yes; and

WHEREAS, the applicant did provide plans/drawings for the committee to consider and comment on; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but agreed to provide a copy of the Application to CB6M (with sensitive information blacked out) when it was; and

WHEREAS, the Applicant said this was to be a full renovation as well of a Mid to Upscale establishment to include expanding the kitchen, installing hoods and general cosmetic alterations; and

WHEREAS, there were no members of the community present to speak for/against the Application; and

WHEREAS, in its discussion of the application, the committee took into consideration

- the presentation by the Applicant
- the fact that a 500-foot SLA Hearing was required
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that CB6M supports the New, RW liquor license for HRK Foods, d/b/a Hady's, 1057 2nd Ave. btw E. 55th & E. 56th Sts.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

h) **New, OP liquor license for Casa Dona, LLC, d/b/a Mia Dona, 204 – 206 E. 58th St. btw 2nd & 3rd Aves.**

WHEREAS, Donatella Arpaia, Principal, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on December 6, 2007, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M "Liquor License Questionnaire" sent to the Applicant (and received at the Board office November 5, 2007), the Applicant indicated that the business type of the establishment is a Restaurant, and the Applicant's questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Mon – Thurs, 12 pm – 11 pm; Fri & Sat, 12 pm – 12 am; Sun 11 am – 10 pm
- Capacity: 150; Public Assembly permit: Yes
- Music on-premises: Yes. Recorded background; Sound Control: Yes
- Dancing: No; Staging area (waiting lounge): No; Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: None
- Wheelchair accessibility: No (grandfathered); agreed to provide a ramp to gain access. Restroom accessibility: Yes; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but agreed to provide a copy of the Application to CB6M (with sensitive information blacked out) when it was; and

WHEREAS, the Applicant owns/had owned the following establishments in Manhattan

- Acquapazza, Inc., 36 W. 52nd St.
- Gloco Restaurant, 133 E. 61st St.
- Bubbleworld, Inc., 48 Macdougall St. (2005-2006)
- Bellini Restaurant Corp., 208-210 E. 52nd St. (1998-2007); and

WHEREAS, there were no members of the community present to speak for/against the Application; and

WHEREAS, in its discussion of the application, the committee took into consideration

- the presentation by the Applicant
- the fact that a 500-foot SLA Hearing was required
- there were no comments from the community; now

THEREFORE, be it

RESOLVED, that CB6M supports the New, OP liquor license for Casa Dona, LLC, d/b/a Mia Dona, 204 – 206 E. 58th St. btw 2nd & 3rd Aves.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

i) **Renewal, OP liquor license for Boi Restaurant, Inc., d/b/a Boi Restaurant, 246 E. 44th St. btw 2nd & 3rd Aves.**

WHEREAS, Ty Trans, Office Mgr., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on December 6, 2007, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office November 1, 2007), the Applicant indicated that the business type of the establishment is a Restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays, 11:30 am – 3 pm/5:30 pm – 11 pm; Weekends, 5 pm – 11 pm
- Capacity: 55
- Music on-premises: Yes. Recorded background
- Dancing: No; Staging area (waiting lounge): No; Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: None
- Wheelchair accessibility: No (grandfathered); and

WHEREAS, the Applicant stated the SLA Application has been filed, and agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); and

WHEREAS, there were no members of the community present to speak for/against the Application; now

THEREFORE, be it

RESOLVED, that CB6M supports the Renewal, OP liquor license for Boi Restaurant, Inc., d/b/a Boi Restaurant, 246 E. 44th St. btw 2nd & 3rd Aves.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

j) **Renewal, OP liquor license for Fubar Partners, Inc., d/b/a Fubar, 305 E. 50th St. btw 1st & 2nd Aves.**

WHEREAS, John D. LaGreco, Esq., and John P. LaGreco, Principal, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on December 6, 2007, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office November 1, 2007), the Applicant indicated that the business type of the establishment is a bar, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: 4 pm – 4 am, 7 days a week
- Capacity: 74
- Music on-premises: Yes.
- Dancing: No; Staging area (waiting lounge): No; Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: None
- Wheelchair accessibility: Yes; and

WHEREAS, there were no members of the community present to speak for/against the Application; now

THEREFORE, be it

RESOLVED, that CB6M supports the Renewal, OP liquor license for Fubar Partners, Inc., d/b/a Fubar, 305 E. 50th St. btw 1st & 2nd Aves.

VOTE: 39 in Favor 1 Opposed 0 Abstention 0 Not Entitled

k) **Renewal, OP liquor license for J & T Animals, Inc., d/b/a Bulls Head Tavern, 295 3rd Ave. btw E. 22nd & E. 23rd Sts.**

WHEREAS, Thomas Ryan, Owner, James Hendrick, Owner, and Paul O’Connor, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on December 6, 2007, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office November 28, 2007), the Applicant indicated that the business type of the establishment is a Tavern, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: 1 pm – 4 am, 7 days a week
- Capacity: 76; Has a PA Permit.
- Music on-premises: Yes, recorded; on Thurs has live music.

- Dancing: No; Staging area (waiting lounge): No; Windows/doors opened/removed during warmer months: No
- Patron use of Outdoor Areas: None
- Wheelchair accessibility: Yes; and

WHEREAS, the Applicants owns the Black Bear Lodge, 274 3rd Ave. @ E. 22nd St.; and

WHEREAS, the establishment has been in operation 11 years; and

WHEREAS, there were no members of the community present to speak for/against the Application; now

THEREFORE, be it

RESOLVED, that CB6M supports the Renewal, OP liquor license for J & T Animals, Inc., d/b/a Bulls Head Tavern, 295 3rd Ave. btw E. 22nd & #. 23rd Sts.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

- 1) **Alteration, OP liquor license for Avo Group, Inc., d/b/a TBD, 211 E. 43rd St. btw 2nd & 3rd Aves.**

WHEREAS, Fumi Nakanishi appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on December 6, 2007, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office October 31, 2007), the Applicant indicated that the business type of the establishment is a Restaurant & Bar, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Mon - Thurs, 11:30 am – 3:00 pm/5:00 pm – 11:00 pm; Fri & Sat until 12 am
- Capacity: 98; Public Assembly permit: Yes
- Music on-premises: Yes. Recorded and karaoke
- Dancing: No; Staging area (waiting lounge): No; Windows/doors opened/removed during warmer months: No; Patron use of Outdoor Areas: N/A
- Wheelchair accessibility: Yes. Restroom accessibility: Yes; and

WHEREAS, the applicant did provide plans/drawings for the committee to consider and comment on; the changes are to the layout, not necessarily to the capacity; they will be adding a series of private dining rooms and a karaoke room; and

WHEREAS, the Applicant stated the SLA Application has not been filed, but agreed to provide a copy of the Application to CB6M (with sensitive information blacked out) when it was; and

WHEREAS, there were no members of the community present to speak for/against the Application; now

THEREFORE, be it

RESOLVED, that CB6M has no objection to the Alteration, OP liquor license for Avo Group, Inc., d/b/a TBD, 211 E. 43rd St. btw 2nd & 3rd Aves.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

m) **Report**

Harry reported that on January 11th the second step in the revocation hearing on Tonic East will take place. The board has been working on this issue for a long time. Three residents from the Chesapeake House will be testifying at this hearing. The committee will continue to monitor this issue.

9) **Public Safety, Environmental & Human Rights - Fred Arcaro, Chair**

a. **Report**

Fred Arcaro thanked David Garodnick for his work and contribution to the committee as it pertains to congestion pricing, he also thanked Lou Sepersky for agreeing to a joint committee meeting which will be held in January. He then gave the floor over to David Garodnick.

David Garodnick stated that he would prefer to call the issue congestion relief instead of congestion pricing. He states that the committee has taken a position that congestion pricing doesn't or wouldn't work, especially now that the Port Authority has decided to raise the tolls at the Midtown Tunnels. The committees have come up with some thoughts that will be discussed at the joint committee meeting in January.

10) **Housing & Homeless – Claude Winfield, Chair**

b. **East River Realty's Inclusionary Housing Plan**

Whereas, under recently revised plans, Sections 23-90 to 23-95 of New York City's Zoning Resolution, East River Realty Corporation, ERRC, asked that an "Inclusionary Housing designated area" be defined. This area would include the properties 616, 700, and 708 of the former Con Ed site, the eastside of the Proposed Development; and

Whereas, the 527,000zsf of affordable housing in the "Inclusionary Housing designated area" is only 14.8 per cent of the total zoning square footage of the Proposed Development's 3,541,399zsf; and

Whereas, the Inclusionary Housing Plan, under section 23-93, requires affordable housing be built in an R10 zone at 80% of Average Median Income, AMI, low-income; and

Whereas, the affordable housing to be built at 80% of AMI would not meet the needs of our district where residents are being displaced on a continuing and daily basis from such places as Waterside Plaza, Phipps Plaza West, Peter Cooper Village, and Stuyvesant Town; and

Whereas, tiers of affordability are needed in order to meet the incomes of Community Board Six's long term, moderate income residents (i.e., 135% to 165% of AMI) that are being displaced; and

Whereas, the properties 685 which would be excluded from the "Inclusionary Housing designated area" would not calculate into the 20% affordability being offered in the Proposed Plan; and

Whereas, the properties 685 which should produce affordable housing as a requisite to construction since they are proposed to be built within the Geographical Exclusion Area, GEA, under 421a Tax Abatement law; and

Whereas, affordable housing is not accounted for in accordance with 421a Tax Abatement law for the 685 properties; and

Whereas, Community Board Six supports a Zoning Resolution Amendment that includes the 685 properties within the *Inclusionary Housing designated area*; and

Whereas, the affordable housing generated by the *Inclusionary Housing Program* must be on-site, permanently affordable and include units of moderate to low income individuals and families; and

Now therefore be it

Resolved that Community Board Six opposes ERRC's Inclusionary Housing Plan as proposed in its amendment to the NYC's Zoning Resolution, Sections 23-90 to 23-95, and

Be it further

Resolved that Community Board Six would support a plan by the East River Realty Corporation to set aside at least 20% on site units for affordable housing for all of its locations and that the affordable housing be in keeping with the range of incomes as noted above.

VOTE: 39 in Favor 0 Opposed 1 Abstention 0 Not Entitled

c. **Report**

Claude announced that on Thursday, December 13th, the East Midtown Association would hold interviews with the homeless outreach service providers, Common Ground and the Bowery Residence Committee. This meeting is very important to us because they are the homeless service providers for our district. Unfortunately, he is unable to attend and requested a volunteer to attend this important meeting that will be held at 875 Third Ave. and begin at 8:30 a.m.

Old/new business

Second Roll Call

Adjournment: 10:30 p.m.