

FULL BOARD MEETING MINUTES
Wednesday, February 21, 2007
NYU MEDICAL CENTER
550 FIRST AVENUE

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Barrett, Bloch, Buchwald, Cervera, Curtis, Disman, Frank, Garland, Garodnick, Greenspan, Judge, Knowles, Lilien, Lynn, McGuire, McIntosh, Monterossa, Papush, Peveri, Rosenthal, Ross, Rubin, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Steinberg, Talbot, Ursillo, West, Williams, Winfield

Members answering second roll call:

Arcaro, Barrett, Bloch, Buchwald, Cervera, Curtis, Disman, Frank, Garland, Garodnick, Greenspan, Judge, Knowles, Lilien, Lynn, McGuire, McIntosh, Monterossa, Oddo, Papush, Parrish, Peveri, Reiss, Rosenthal, Ross, Rubin, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Steinberg, Talbot, Ursillo, West, Williams, Winfield.

Excused:

Collins, Russo, Thompson,

Absent:

Haile, Hollister, Imbimbo, Moses, Parker, Schoor, Tu,

Member attendance: Present: **38** Absent: **7** Excused: **3**

Guests signed in: Cg/M Caroline Maloney; Aliya Feldman representing Sen. Tom Duane; Pat McCandless representing Sen. Liz Krueger; Barry Klein representing A/M Jonathan Bing; Shannon Flahers representing A/M Dick Gottfried; A/M Brian Kavanagh; Greg Geller representing C/M Mendez; C/M Garodnick; Justine Almada, Minna Charles, Jay Charles, Betty Schwartz, Sandy Leiva-Davila.

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Meeting Called to Order

Lyle Frank, Chair, called the meeting to order.

Agenda Changes

BUSINESS AFFAIRS & STREET ACTIVITIES

Added Resolutions

8j. New, Restaurant-wine license for 51st Street Bakery LLC d/b/a Café Metro, 569 Lexington Ave. @ E.5 51st St.

8k. New, On-premises liquor license for Lao Tao, Inc d/b/a tbd, 381 Third Ave. b/w E. 27th & E. 28th Sts.

Adoption of agenda

PUBLIC SESSION

C/M Dan Garodnick announced that the subway entrance on E. 59th St. and Lexington Ave at the base of the Bloomberg Building would finally open for the first time. The station entrance which is at a critical station on an already over-burdened subway line had remained closed due to a dispute. C/M Garodnick thanked CB 6 for their involvement in this issue; the two sides have rectified the issue and now commuters on the 4, 5, 6 as well as the N, R & W lines will finally have increased access to the mid-town area.

He also thanked CB6 for joining him in the effort to reduce traffic congestion, on the east side, by addressing the issues of street fairs. He thanked Carol Schachter & Lyle Frank for being willing to start the conversation about how we can coordinate a diatribe between CB6, CB8 & CB5 on how to rectify this problem.

He reported that a private investigator was hired at Stuyvesant Town/Peter Cooper Village for the purpose of rooting out illegal sub-tenants or other tenancies that the new landlord would view as improper. His office has received many calls from tenants that have been pursued by this investigator. His office along with the Stuyvesant Town Tenants Association is sponsoring a "Know Your Rights" tenant forum to address this issue and more on Saturday, March 3rd at 1:00 p.m. in JHS 104.

He then reported that the Partnership for NYC has estimated that traffic & congestion is costing the city approximately \$13 billion dollars a year, which is why he has pledged his support for Intro 199, which would require the Dept. of Transportation to set new targets in the way they evaluate its own performance, targets like reducing commute time, reducing the number of cars coming into the busiest parts of the City, and increasing the use of mass transit. He states that breaking through the gridlock will require the City to rethink its approach to traffic management.

Additionally, he reported that he is supporting the strongest legislation to require pedicab owners and operators to carry insurance, meet licensing and road test requirements, install seatbelts and standardize their fees. He states that only through proper oversight and regulation should pedicabs continue offering services to the public.

For additional reports and information, see the Council Member's East Side Bulletin or call 212-818-0580 to obtain a copy.

Pat McCandless representing Sen. Liz Krueger reported that the Governor and the legislative leaders have agreed to an important package of ethics reform legislation. The Senator was particularly pleased that the package included a number of measures that she has sponsored, such as, closure of the "revolving door" lobbying loophole (S6467), a ban on legislators and State employees accepting honoraria (S6704), and a gift ban for legislators and their staff.

Sen. Krueger is glad that this important reform was included in the package.

Pat then announced that the Senator would host a 5th anniversary party Thursday, March 8th at All Souls Church, 1157 Lexington Ave @ 80th St. b/w 5:30 and 8:30 p.m. All are welcomed to attend.

For additional reports and information, see the Senator's Community Bulletin or call 212-490-9535 to obtain a copy

Shannon Flahers representing A/M Dick Gottfried announced that A/M Gottfried along with A/M Kavanagh would sponsor a Flatiron Nightlife Community meeting on Thursday, March 1st at Andrew Heiskell Library, 40 West 20th Street b/w 5th and 6th Aves, 6:00 to 8:00 p.m. All are invited to attend.

For additional information, call 212-807-7900 or e-mail Gottfr@assembly.state.ny.us.

Barry Klein representing A/M Jonathan Bing announced that the children's room at the Yorkville Library, 222 E. 79th Street has reopened.

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

Greg Geller representing C/M Rosie Mendez announced that C/M Mendez, CB3 and CB6 would host a Quality of Life forum Thursday, March 29th at the Comprehensive Night & Day School, 240 Second Ave b/w 14th & 15th Sts. The forum will focus on the new noise code set to take effect July 1, 2007.

For additional reports and information, see the Council Member's Community Report or call 212-677-1077 to obtain a copy.

Tom Ridley representing Waterwell a non profit theater company came before the board to inform them of their request to transform the East End Temple building into a working theater. They wanted to hear the Boards thoughts on this issue. Lyle referred him the Parks, Landmarks & Cultural Affairs committee.

Cg/M Maloney thanked the board members for all of their work they do in the community, the fact that you attend these meetings shows how much you care and your presence does make a difference.

She reported that the FAA is considering making permanent its ban on uncontrolled single-wing aircraft flights over the East River. These restrictions were imposed temporarily last October in response to that deadly small plane crash on the Upper East Side of Manhattan. The FAA's temporary restrictions have greatly enhanced the safety of those who live, work and fly along the East River. She hopes that they will consider expanding these restrictions to include commercial helicopter flights.

The Cg/M then reported that she is the new Chair of the sub-committee on Financial Institutions and one of the first things she is working on is extending TRIA, the anti terrorism insurance. It will expire at the end of 2007. The first public hearing to extend TRIA will be held March 5th, she is calling for a 16 years extension. She also hopes that the Mayor & the Governor will testify.

Additionally, On February 28th, I will be holding another hearing on the health needs of the 9/11 first responders; this has been a huge effort. It has been five-years since 9/11 and there is no money in the budget; they called them heroes, and pinned medals on them and they weren't even getting their health care. For the first time ever the White House will include \$25 million in it's fiscal budget for health treatment for the sick and/or injured 9/11 responders. She stated that the \$25 million represents a starting point, they have received a commitment from the Office of Management & Budget (OMB) that, if additional funding is needed that it will be added to the budget this year.

Cg/M Maloney announced that she was proud to hear that 200 million in federal funding has been proposed for Vital Transit Project in FY' 08 for the Second Ave. Subway project. She knows that CB6 and other boards have push for the project to come to fruition. The proposed budget also recommended that the MTA enter into a full grant agreement with the Federal Transit Administration which would direct a total \$1.3 billion in federal funding to the MTA for the first phase of the subway project. She remarked that Lou Sepersky's Transportation Committee worked hard toward this goal the Board should be proud of their efforts..

For additional reports and information, see the Congress Member's Report or call 212-860-0606 to obtain a copy.

A/M Brian Kavanagh introduced his chief of staff (NAME) and the CB6 liaison, Jesse Dixon.

He reported that the Assembly had passed a substantial piece of legislation that he hopes will be signed into law. He referred to the budget reform bill (A00092), which reforms the state budget process, to provide, upon failure by the legislature to act upon a state budget within sixty-days from the beginning of the state fiscal year, a default budget shall take effect.

He also reported that they have selected Assembly Member Thomas DiNapoli, as the new State Comptroller.

He announced that the State Assembly is responsible for allocating State "Legislative Initiative" grants for local services that benefit the community or the general public. He invites community organizations to apply for funds and asks board members for help in identifying potential recipients.

For additional reports & information, call 212-979-9696.

Roll Call – Carol Schachter

BUSINESS SESSION

Adoption of the Jan. 10th, Full Board minutes.

Minutes were adopted by voice vote.

Chair's Report – Lyle Frank

1. Substantive Issues for this Report

a. Budget Community Conversation a success! Lyle thanked all who attended.

b. Quality of Life forum with Councilmember Mendez 3/29.

It was already discussed so there was no need to reiterate.

c. SLA Meeting

He reported that the Borough President arranged a meeting with SLA representatives Josh Toas, CEO, & Thomas O'Connor, Dep. Commissioner for Government Affairs for the community boards. Carol Schachter, Toni Carlina, Scott Greenspan and I attended. After much discussion on rules and regulations, on the different ways the SLA will handle applications and renewals, it was agreed that there would some changes in how the Board writes resolutions. This was a very productive meeting.

d. Redemption Meeting

The owners have asked to meet with him and he requested that Toni Carlina, DM, Carol Schachter, committee Chair & Mark Thompson, Board VC be in attendance. He will report back to the board members on the meeting.

e. **The subway entrance at E. 59th Street and Lexington Avenue** has been reopened kudos to CB6!

A resolution was done and then an article in the NY Sun lets us know that we do make a difference. Thank you to Lou & Transportation committee.

f. East River Science Park and 28th Street ambulance access to be a reality; kudos to CB6!

The East River Science Park project is moving forward. Ed Rubin will report on this in his report. This is something that the community has worked towards for many years.

2. Procedural Issues for this report

a. Legislation not to be given out in packets.

For now any legislation pertaining to a resolution will have a link on the website. You may go to the website, download and print it out. If you don't have e-mail the Board office will provide you with a copy.

b. Web site updates

Thank you to Toni Carlina, Letty Simon, Rebecca Haile, & Sandro Sherrod for all of the work they have put into updating and reorganizing the website. We also say thank you to Tom Carlina; the board's computer consultant who has put a lot of hard work into doing the website, but due to his own work load can no longer work on the website. If anyone has any interests in working on the website speak to Letty Simon.

c. My one rule: don't embarrass the Board.

3. Good and welfare

a. Congrats to Darren

Darren Bloch has become the Vice President of External Relations for the Empire State Development Corp. We are all very proud of him. Congratulations!

b. Remembering Helen Collins.

I am sad to announce that Hellen Collins, one of our long time public members recently passed away and Michael Gottlieb former employee of the board office passed away as well. There will be a memorial for him in the spring for information see Mark Thompson.

c. Thank you, Elizabeth

Elizabeth Tu has decided not to apply for reappointment to the board. We just want to thank her for all of her work while she was Vice Chair of the Youth & Education committee.

District Manager's report – Toni Carlina

Toni reported that State Department of Transportation (NYSDOT) was to open the lawn area behind 1 Sutton Place South for public use. She stated that the property owners leased this area for over 30-years for \$1.00 a year from the Dept. Parks & Recreation (DPR); the Boards' position is that it should be opened to the public. SDOT did not open the area in fear of a law suite, stating that if theirs were the agency to open the area, they would be sued.

After much discussion between NYSDOT, DPR, State and City elected officials and after the DPR stated that NYSDOT Regional Director, Douglas Currey made a commitment to open this area in meetings with DPR Commissioner Benepe, she requested that DPR seek anything in writing between the 2 agencies. She has been informed that the legal Division of DPR is presently reviewing e-mails between the 2 agencies.

I would like to say thank you to Lyle for suggesting we send a letter of request to Cg/M Maloney's office requesting her assistance in the installation of pedestrian ramps. We received a nice response. All simple corner locations (locations without any obstacles) will be completed by the end of 2008 and complex corner locations (locations that require specific engineering designs and may involve the relocation of a street light, catch basin, or other obstacles) will be completed by the end of 2010.

Treasurer's Report – Bea Disman

Bea Disman waived her report.

Borough President's Report – Amy Martinez-Miller

Amy was unable to attend this evening due to a prior commitment.

Lyle made two announcements.

On March 3rd, the Borough President Scott Stringer and the Mitchell Lama Residents Council invite you to join the Mitchell Lama Residents, Housing Policy Advocates, Community members, state officials and agency heads to address the vital concerns of the Mitchell Lama community. A panel discussion will explore ways to protect residents and share holders, and reinforce the rules and regulations of the program.

C/M Mendez' office sent a letter addressed to Lyle informing him that her office would be giving out 50 small grants generally \$3,000 to \$5,000 to non-profit groups that provide services within the community. They are focusing on 3 categories, youth, senior and general services.

COMMITTEE REPORTS

1. **Transportation** - Lou Sepersky, Chair

a. **Report**

Lou reported that the MTA is circulating a brief summary of the BRT Concept Plan; copies of the plan are in the front for those who wish to see it.

He then announced that Ted Lynn a member of the Transportation committee marks has 30th year as a CB6 board member. Congratulations Ted!

See committee minutes for more on this and other reports.

2. **Budget & Governmental Affairs** – Dan Williams, Chair

a. **Report**

Dan reported the all the board chairs have copies of the preliminary Community Board Preliminary Budget Request Register. He has made a PDF copy of this register and will e-mail it to anyone who wishes a copy.

3. **Land Use** – Edward Rubin, Chair

a. **Report**

Ed reported the landscape architect reviewed proposed plans for The Church of Sacred Heart Jesus & Mary on E. 33rd St. b/w 1st & 2nd Aves. The church was demolished but will be merged with Our Lady of Scapular & St. Stephen Church. It is a development project proposed through the Kibel Organization, the owner of 300 E. 33rd Street. It will be a mid-rise building, and the church plans to build a 200 seat chapel at that location with a garden, kitchen and downstairs senior center on the expanded site. This will require a special permit; Ed will come back to the board after a committee review.

There was also a landscape presentation for the Con Ed development site given by James Corner. It was a very illustrious plan and well drawn. They will be asked back to give another presentation.

See committee minute for more on these and other reports.

4. **Health, Seniors & Disability Issues** – Sandro Sherrod, Chair

a. **Report**

Sandro informed the board that the presentations that were scheduled for this month committee meeting will be presented at the March committee meeting.

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

a. **Report**

Maxine announced that there will be a community meeting to discuss the issue on Julia Richmond, Thursday, March 1st at the Julia Richmond Complex, 317 E. 67th Street.

DEP will hold an Art & Poetry Contest for 5th & 6th graders, deadline for submission of applications is March 19th; you can go to their website for an application.

6. By-Laws Select committee – Darren Bloch, Chair

a. Report

Darren referred the board members to the committee minutes.

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

a. Request by Solar 1 to sell Beer and Wine

WHEREAS, Solar 1 is planning to sell beer and wine at their scheduled events from April to October 2007 at Stuyvesant Cove and is seeking a position of non-objection from Community Board 6, and

WHEREAS, Community Board 6 adopted such a resolution last year with the provisos that sale and consumption be only in their leased black top area and no one may exit that area with those items, and

WHEREAS, Community Board 6 has received no complaints regarding Solar 1’s previous events,

THEREFORE, BE IT

RESOLVED, Community Board 6 does not object to such sales based on the conditions stated in our previous resolutions of 2005 & 2006.

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

b. Report

Gary reported on the Federal level there might be a possibility of St. Stephen church gaining National Historic land-marking status, all it needs is the signature of Cardinal Egan.

He announced that at the March committee meeting they are thinking of giving a response on the issue of the proposed open spaces at the Solow site. He has invited Ed Rubin , Charles Buchwald & John West to attend next months meeting.

See committee minutes for this and other reports.

8. Housing & Homeless Services – Claude Winfield, Chair

a. A10596-in relation to limited profit housing companies in a city with a population of one million or more-Addition of Section 35-b to the Private Housing Finance Law.

WHEREAS, this legislation would protect the thousands of Mitchell-Lama tenants who live in rental apartments, and

WHEREAS, until a recent Court of Appeals ruling in 2004, tenants in the affected buildings were reasonably protected upon dissolution from the Mitchell-Lama program because they would go into rent stabilization, and

WHEREAS, the recent court ruling would allow a landlord to use the “unique and peculiar” clause in the Administrative Code to cause a steep increase in rent, and

WHEREAS, this rent increase would cause countless residents to have to leave their homes they have lived in for decades in many cases, and

WHEREAS, by making the last rent paid prior to dissolution the initial legal regulated rent and prohibiting any use of the “unique and peculiar” provision, this bill will ensure the continued affordability of the units and the opportunity for tenants to remain in their Homes; and

THEREFORE be it

RESOLVED, that Community Board Six urges the state legislature to pass and the Governor to sign in to law this legislation, A10596 (S7120), in relation to dissolution from the Mitchell-Lama program, a rental building that would be governed by rent stabilization laws is no longer subject to the unique and peculiar clause in the New York City Administrative Code [section 26-513 (a)].

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

b. 421-a Partial Real Estate Tax Exemption for 45 Park Avenue

Whereas, 45 Park Avenue Realty Associates, LLC has applied for a partial real estate tax exemption under Section 421A of the Real Estate Tax Law for 45 Park Avenue, and

Whereas, the 21 story building contains 66 one bedroom and 38 two bedroom condominium apartments, and

Whereas, the applicant submitted an incomplete application, and

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

Whereas, construction on the “affordable units” in Brooklyn has not been completed, now

Therefore be it

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

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

c. Report

Claude waived his report.

9. Business Affairs & Street Activities – Carol A. Schachter, Chair

a. Transfer of On-Premises Liquor License for Monju, Inc., d/b/a Hiyaco Restaurant, 305 E. 53 Street (Second Floor) between Second and First Avenues

WHEREAS, the applicants appeared before us and provided floor plans and a completed questionnaire form we had requested; and

WHEREAS, we were advised that the hours of operation would be from 6 p.m. to 1 a.m. seven days a week, with a capacity of 62; and

WHEREAS, we were informed that they would not be opening their windows in warmer months; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a transfer of an on-premises liquor license for the above entity at this time.

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

b. **New, On-Premises Liquor License for McAnn’s on First Avenue Inc. d/b/a McAnn’s at 948 First Avenue at E. 52nd Street.**

WHEREAS, the applicants appeared before us and provided photographs, floor plans, menus from their other establishments and a list of these establishments, together with a completed questionnaire form we had requested; and

WHEREAS, we were advised that the hours of operation would be from 11 a.m. to 2 a.m. Mondays through Saturdays and 11 a.m. to 10 p.m. on Sundays; and

WHEREAS, we were informed that they would not be opening their windows in warmer months; and

WHEREAS, they are subject to the 500 foot rule; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a transfer of an on-premises liquor license for the above entity at this time.

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

d. **New, On-Premises Liquor License for East 54th Street Management Inc. d/b/a tbd at 207 East 26 Street between Second and Third Avenues.**

WHEREAS, the applicants appeared before us to answer any concerns and provided a completed questionnaire form we had requested, and provided a map of other establishments in the neighborhood to show their location, a menu and a floor plan; and

WHEREAS, we were advised that the hours of operation would be from 11 a.m. to 11 p.m. on weekdays and 11 a.m. to 4 a.m. on weekends and would be 50% restaurant and 50% bar; and

WHEREAS, the applicants signed a change of agreement form stipulating that their one window would be closed weekdays at 10 p.m. and weekends at midnight; and

WHEREAS, they are subject to the 500 foot rule; now

THEREFORE, be it

RESOLVED, that Community Board Six does not object at this time to a new, on-premises liquor license for the above entity at this time.

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

e. **New, On-Premises Liquor License for Harbob Restaurant Enterprises Inc. d/b/a tbd at 304 East 48 Street between First and Second Avenue**

WHEREAS, the applicant appeared before us to answer any concerns and provided a completed questionnaire form we had requested; and

WHEREAS, we were advised that the hours of operation would be for lunch and dinner, dinner being between 5 p.m. and 10:30 p.m.; and

WHEREAS, the applicant owns several other fine, reputable establishments including Jackson Diner; and

WHEREAS, they are subject to the 500 foot rule; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a new, on-premises liquor license for the above entity at this time.

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

f. **New, On-Premises Liquor License for New York Milkshake Company Inc. d/b/a New York Milkshake Company at 342 East 47 Street near First Ave. in Dag Hammarskjold Plaza.**

WHEREAS, the applicant appeared before us to answer any concerns and provided photographs, floor plans and a completed questionnaire form we had requested; and

WHEREAS, we were advised that the hours of operation would be between 7 a.m. to dusk seven days a week

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a new, on-premises liquor license for the above entity at this time.

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

g. **Alteration On-Premises Liquor License for 125 East 50th Co. d/b/a Benjamin Hotel/Emery Bar (same address)**

WHEREAS, the applicant appeared before us to answer any concerns and provided a completed questionnaire form we had requested; and

WHEREAS, we were advised that the hours of operation would be between 7 a.m. to 11 p.m. seven days a week

WHEREAS, the applicant expressed that the alteration is to include the currently adjoining restaurant/bar space on street level with a Lexington Avenue entrance to be known as the Emery Bar; and

WHEREAS, this establishment is known to be reputable to the committee and there were no objections from the community; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for an alteration on-premises liquor license for the above entity at this time.

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

h. Transfer, On-Premises Liquor License for Incredi Fusion Inc. d/b/a Incredi Fusion at 363 Third Avenue between E. 26 and E. 27 Streets

WHEREAS, the applicant appeared before us to answer any concerns and provided a completed questionnaire form we had requested; and

WHEREAS, we were advised that the hours of operation would be between 11 a.m. to 11 p.m. weekdays and until 11:30 p.m. on weekends; and

WHEREAS, the applicant expressed that they are keeping the same type of establishment as ANH but with more varied food and would probably be applying for a sidewalk café with the same configuration as ANH; and

WHEREAS, there were no objections from the community; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a transfer, on-premises liquor license for the above entity at this time.

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

i. New Restaurant Wine License for 51st Street Bakery LLC d/b/a Café Metro at 569 Lexington Avenue at 51st Street

WHEREAS, the applicant appeared before us to answer any concerns and provided a completed questionnaire form we had requested; and

WHEREAS, we were advised that the hours of operation would be between 6 a.m. to 12 midnight seven days a week; and

WHEREAS, the applicant informed us that Café Metro is part of a chain of similar establishments, this one located in the Doubletree Hotel; and

WHEREAS, there were no objections from the community; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a new restaurant-wine license for the above entity at this time.

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

j. New, On-Premises Liquor License for Lao Tao, Inc. d/b/a tbd at 381 Third Avenue between E. 27 and E. 28 Streets

WHEREAS, the applicant appeared before us to answer any concerns we had; and

WHEREAS, we were advised that the hours of operation would be between 11 a.m. to 11 p.m. weekdays and 11 a.m. to midnight weekends; and

WHEREAS, the applicant informed us that this was the former Empire Szechuan Balcony and they were going to be a fine restaurant as well, with no changes except the décor, also owning Shanghai Pavilion; and

WHEREAS, there were no objections from the community; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a new on-premises liquor license for the above entity at this time.

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

k. Alteration, Hotel On-Premises Liquor License for Fitzpatrick Grand Central Hotel, 141 East 44 Street.

WHEREAS, the applicant appeared before us to answer any concerns; and

WHEREAS, we were advised that they were adding additional space to their rear dining patio which is an unenclosed back yard; and

WHEREAS, the applicant expressed that the closing of this outdoor area would be between 11 and 12 midnight nightly; and

WHEREAS, this establishment is known to be reputable to the committee and there were no objections from the community; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for an alteration, hotel on-premises liquor license for the above entity at this time.

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

m. New, On-Premises Liquor License for 56th & 3rd Corp. d/b/a tbd, 227 East 56 Street.

WHEREAS, we were advised that the hours of operation would be between 11 a.m. to 11 p.m. weekdays and from 1 p.m. to 12 midnight on weekends; and

WHEREAS, the applicant expressed that this establishment was formerly Bill Hong's and they intended to keep the same type of restaurant; and

WHEREAS, there were no objections from the community; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a new, on-premises liquor license for the above entity at this time.

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

n. **New, On-Premises Liquor License for P & B Food Corp. d/b/a Avondale Fine Foods at 155 East 52 Street.**

WHEREAS, the applicant appeared before us to answer any concerns and provided a completed questionnaire form we had requested; and

WHEREAS, we were advised that the hours of operation would be between 7 a.m. to 10 p.m. seven days a week; and

WHEREAS, the applicant expressed that this establishment was currently Avondale Fine Foods & Catering, a facility they wished to expand into a restaurant; and

WHEREAS, there were no objections from the community; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a new, on-premises liquor license for the above entity at this time.

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

o. **Renewal, On-Premises Liquor License for MTouch Management Corp. d/b/a Max Restaurant at 238 East 53 Street, Second Floor.**

WHEREAS, we were advised that the hours of operation would be between 6 p.m. to 1 a.m. weekdays and closed on weekends; and

WHEREAS, there were no objections from our committee nor the community; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a renewal, on-premises liquor license for the above entity at this time.

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

- p. **Renewal, Unenclosed Sidewalk Café with 5 Tables and 15 Seats for Regency 601 2nd Ave. Corp. d/b/a Dunkin Donuts and Baskin Robbins, 601 Second Avenue, at E. 33 Street.**

WHEREAS, the applicant appeared before us to answer any concerns and provided a complete copy of his renewal application; and

WHEREAS, we were promised that there would be no huge coffee cup installations on the awning of this establishment; and

WHEREAS, we presented mild objections from our committee about litter and the on-going concern of proliferation of their street furniture but did not have any complaints from the community; now

THEREFORE, be it

RESOLVED, that Community Board Six does not oppose the application for a renewal of an unenclosed sidewalk café for the above entity at this time.

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

- r. **Application for a Street Fair by the Friends of the 13th Precinct Community Council, for June 16, 2007, between 11 am and 6pm, on Second Avenue between E. 23 and E. 34 Streets.**

WHEREAS, the applicants appeared before us to answer any concerns and informed us that this was their usual location; and

WHEREAS, we were told that Mardi Gras Festival Productions was now handling this event and they are well known to our community board; and

WHEREAS, we reminded the applicants about the special traffic lane from East 24th Street to East 23rd Street with suggestions for monitoring this flow by police officers as well as fair booth attendants; now

THEREFORE, be it

RESOLVED, that Community Board Six supports the application for a street fair for this entity for June 16, 2007.

VOTE: 35 in Favor 0 Opposed 0 Abstention 3 Not Entitled

- s. **Report**

Carol announced that the March committee meeting they would be discussing their position on minor street fairs.

See committee minutes for the report.

10. Public Safety, Environmental & Human Rights – Fred Arcaro, Chair

b. Intro 3-A – Buildings code.

Whereas, an amendment has been proposed to the City of New York Administrative Code, (Intro. 3-A) related to demolition work without a permit by individuals, and;

Whereas, Intro. 3-A also intends to address often dangerous and unsafe conditions resulting in such illegal acts and;

Whereas, Intro. 3-A provides for additional penalties for any person who is convicted of performing demolition work without a permit will be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding five thousand dollars, or by imprisonment not exceeding six months or both; now

Therefore, be it

Resolved, that Community Board Six urges the City Council to pass Intro. 3-A as soon as possible with the following revisions:

- a. The last sentence of subsection “j” of Intro 3-A should be replaced with Any sub-contractor, site supervisor, landlord or the principal of a contracted company who engages in demolition work without a permit shall also be subject to a civil penalty of not more than five thousand dollars to be recovered in a proceeding brought in the name of the city in any court of competent jurisdiction or in a proceeding before the environmental control board.
- b. Penalties for individuals, who are convicted of such offense, should be increased to being charged as a misdemeanor with a fine not exceeding five thousand dollars and imprisonment not exceeding six months if convicted.

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

c. Intro 265 – Buildings code.

Whereas, an amendment has been proposed to the administrative code of the city of New York, in relation to the definitions of alteration and demolition in the building code; and

Whereas, Intro. 265 is intended to define different alteration projects from demolition projects; and

Whereas, Intro. 265 also intends to address often dangerous and unsafe conditions which results in abuse concerning demolitions that are not properly defined; now

Therefore, be it

Resolved, that Community Board Six urges the City Council to pass Intro 265 as soon as possible, and have the for mentioned term incorporated in the proposed new Building Code.

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

d. Intro 329 – Buildings code.

Whereas, an amendment has been proposed to the administrative code of the city of New York, that would require demolition site safety coordinators to be on demolition sites; and

Whereas, Intro. 329 is intended to address often dangerous and unsafe conditions resulting from not having a safety coordinator on the job site; and

Whereas, Intro. 329 provides that the Department of Buildings shall promulgate rules to the establishment of qualifications and the delineation of responsibilities for any demolition site safety coordinator; now

Therefore, be it

Resolved, that Community Board Six urges the City Council to pass Intro 329 as soon as possible, and have the for mentioned term be incorporated in the proposed new Building Code.

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

e. Intro. 330 – Department of Buildings.

WHEREAS, an amendment has been proposed to the administrative code of the City of New York, in relation to the licensing of demolition contractors and providing for the registration of demolition contracting businesses; and

WHEREAS, Intro. 330 is intended to address dangerous and unsafe conditions resulting from not having a competent safety coordinator on the job site; and

WHEREAS, Intro. 330 provides rules and regulations for the licensing of competent or qualified personnel to supervise demolition projects; now

THEREFORE, BE IT

RESOLVED, that Community Board Six urges the City Council to pass Intro 330 as soon as possible, and have the aforementioned term be incorporated in the proposed new Building Code.

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

f. Intro 43-A – Department of Buildings.

Whereas, an amendment has been proposed to the City of New York administrative code, related to the enforcement of stop-work orders issued by the Department of Buildings, and is intended to address demolition being done in a dangerous or unsafe manner by responsible or supervisory party doing demolition; and

Whereas, Intro. 43-A provides for enforcement of vacating, forthwith, any person or persons in and about the building or premises, if in the opinion of the commissioner determines that these people are in danger; and

Whereas, Intro 43-A provides for the arrest of the responsible person who failed to insure that said premises are vacated according to law and to seize equipment being used to engage in such criminal activity; and

Whereas, Intro. 43-A provides that the police department, upon the request of the commissioner, shall enforce such evacuation of people in danger; now

Therefore, be it

Resolved, that Community Board Six urges the City Council to pass, as soon as possible, Intro. 43-A.

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

g. Report

Fred announced that he would not be present at the March committee, Mike McGuire. Vice Chair will chair the meeting and referred members to the committee minutes.

Old/new Business

Second Roll Call

Meeting Adjourned 9:35 p.m.